



The Board of Trustees is pleased to present proposed amendments to the Byelaws:

Resolution 1 – Bye Laws – Section IX - Termination of Membership of or Association with the College, Termination of Office, Disciplinary Action, Reinstatement, and Complaints Procedure changes

In exercise of the power set out in Article 13 of the Supplemental Charter dated 30 April 1971 (as amended by Order in Council in 2014) and any other powers (if any):

- to make, revoke and amend the current Bye-laws of the College (being the Byelaws adopted at Annual General Meeting on 11 July 2023 as approved by Order of the Privy Council dated 22 February 2024) in the manner set out in tracked changes and yellow highlighting in the Byelaws at Appendix 1 presented to the General Meeting subject to the following;
- that the Board of Trustees may resolve to make non-substantive alterations to the Byelaws, revocations and amendments to the Bye-laws set out in Appendix 1 on behalf of the College (which shall not require confirmation by the College in General or Special Meeting);
- that the Privy Council may require changes to the Byelaws, revocations and amendments to the Byelaws which may be approved by the Board of Trustees on behalf of the College (which shall not require confirmation by the College in General or Special Meeting); and
- that such Byelaws, revocations and amendments to the Byelaws shall take effect with effect from the date when approved by the Privy Council.

Background

The General Medical Council (GMC) may suspend College members for misconduct, incompetence, or criminal conviction, and such suspension prevents the individual from practising as a psychiatrist for the duration of the sanction. Under the College's Bye Laws, Section IX requires the Board, upon receiving notice of a GMC suspension, to direct that a notice of appearance be served and that the member attend a Disciplinary and Complaints Committee (DCC) hearing. The DCC is responsible for ensuring a fair and balanced process, informing the member of their rights to call and cross-examine witnesses, and determining an appropriate outcome, which may range from taking no action to

issuing a censure, suspending or removing the member from the College register, or removing them from College office.

In practice, the GMC provides quarterly updates and approximately ten members are suspended at any given time, creating a substantial operational burden because the Bye Laws require a hearing for each case. This volume of hearings has raised concerns that the current disciplinary process is disproportionate, potentially inconsistent with the College’s commitment to fairness, and unnecessary given that the GMC’s suspension already protects the public. Delays in notification can also result in hearings occurring after a member’s GMC suspension has ended, further undermining the process.

Further to legal advice, conducting a benchmarking exercise of similar organisations, and seeking support from the Council, the Board made an informed decision to make amendments to the whole of Section IX of the Bye Laws, to ensure compliance and clearly vesting delegated authority in the Registrar and the DCC Committee.

Key proposed amendments to Section IX of the Bye Laws are as follows (also shown as track changes in Appendix 1):

1. Erased from medical register

| Current Practice | Proposed change |
|--|---|
| <p>Members cease to be members if erased from a medical register except where erasure is due to retirement.</p> <p>No explicit provision exists for retaining membership after ill health.</p> | <p>Members cease to be members if erased from a medical register except where the erasure is due to retirement or ill health.</p> <p>The Registrar will consider, on a case-by-case basis, whether such members should remain in Office, if they currently hold a College office position.</p> |

2. Suspension or Conditions by GMC / Equivalent

| Current Practice | Proposed change |
|--|---|
| <p>No structured process for GMC conditions or undertakings.</p> | <p><i>Added:</i> Mandatory declaration of Good Standing within 14 days; Registrar determines next steps.</p> <p>Possible outcomes expanded to include:</p> <ul style="list-style-type: none"> • No action • Suspension from membership and Office • Suspension from membership and removal from Office • Removal from membership and Office |

3. Appearance Hearing Panel

| Current Practice | Proposed change |
|--|--|
| Mandatory for every suspension. Panel composition not explicitly defined. | <p><i>Registrar and DCC decide if Appearance hearing Panel needed.</i></p> <p><i>Added: Panel comprises:</i></p> <ul style="list-style-type: none"> <i>• Registrar</i> <i>• Honorary Officer</i> <i>• Lay Trustee (member of DCC)</i> <p><i>Added: President or Chief Executive may initiate process if Registrar is subject to the case.</i></p> |

4. Members Charged with Criminal Offences

| Current Practice | Proposed change |
|--|---|
| Typically waited for outcome of criminal prosecution or GMC. | <p><i>Added:</i></p> <ul style="list-style-type: none"> <i>• Appearance Notice may be issued before prosecution concludes</i> <i>• Officer may be suspended pending investigation</i> |

5. Reinstatement for College membership and office

| Current Practice | Proposed change |
|---|---|
| Reinstatement possible but process unclear. | <p><i>Clarified:</i></p> <ul style="list-style-type: none"> <i>• Reinstatement after regaining qualification or completed conditions</i> |