

# HCSA GOVERNING DOCUMENT



**November 2024**

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## Name

1. Until 1/8/2025, the name of the organization shall be "The Hospital Consultants and Specialists Association (HCSA)", after which and henceforth it shall be "The Hospital Doctors' Union" (hereinafter called "the Union").

## Objects

2. The principal Objects of the union are:
  - a) to organise hospital doctors collectively within the workplace and across all jurisdictions within which the Union operates, to raise their voices collectively on the issues which affect them, their colleagues, their patients and their profession.
  - b) to provide Members with the information and skills necessary to understand their employment terms and conditions, employment law, self-employed contractual and Equalities Act 2010 (or equivalent legislation) rights and obligations (as well as the means to engage effectively with management and colleagues to ensure compliance with the same) so as to enable Members themselves to individually and / or collectively address issues concerning the profession of hospital doctors.
  - c) to provide Members with the information and skills necessary to secure their own wellbeing and thereby enable Members to manage their lives so that they can continue to work effectively and safely for their patients and themselves in the face of mounting work-related pressures impacting on the profession of hospital doctors and thereby maintain their own standards of conduct and competence.
  - d) to provide Members with information concerning current and likely future hospital health care (both NHS and independent sectors) issues that impact on the profession of hospital doctors so that they have the knowledge to take the individual and / or collective action necessary to deliver the Objects set out below and comply with the professional obligations imposed upon them by the General Medical Executive Committee for the benefit of their patients.
  - e) to promote equality in accordance with the Equalities Act 2010 (or equivalent legislation) for all working in or using hospitals through collective bargaining, publicity material and campaigning, representation, union organisation and structures, education training, organising and recruitment, the provision of all other services and benefits and all other activities as well as the Union's own employment practices.
  - f) to oppose actively all forms of bullying and harassment as well as discrimination contrary to the Equalities Act 2010 (or equivalent legislation) for those working in or using hospitals.

- g) To represent, promote, protect and advance the interests of Members in their relationship with Employing Authorities, and to represent Members in the negotiation of Terms and Conditions of Employment.
- h) to regulate relations between Members and their employers or those who contract them (including Private Medical Insurers).
- i) to obtain adequate representation of the views of Members in the formulation of decisions on health policy.
- j) to promote co-operation and material assistance between members.
- k) to promote and encourage the settlement of disputes within the NHS, or its equivalent in relevant Crown Dependencies, and the private medical sector by negotiation, arbitration, or failing arbitration by other lawful means, and to act as or nominate arbitrators and umpires on such terms and in such cases as may seem expedient.
- l) to encourage and support the improvement and progress of medical practice professional standards; and to promote and do all such things as may be considered desirable in order to provide the general public the most efficient service.
- m) to investigate managerial administrative problems arising in the NHS to ensure the efficient application of resources towards achieving the optimum welfare and wellbeing of the patient.
- n) to act as part of the wider trade union movement, building solidarity with other trade union members within and beyond the health sector.

In furtherance of, but without prejudice to, the generality of its principal objects the Union shall have the following ancillary Objects:

- o) to enter into agreements on behalf of or otherwise for the benefit of Members with, and to represent the interests of Members in any discussions with, whether or not involving (any formulation or implementation of policy by), any person or body (whether incorporated or unincorporated) and in particular any Government Department, Ministry, or local, national or international authority, and any company, trade union, organization or Union in any way representative of employers or employees in the NHS, the Independent Sector, or in any industry or branch of industry whether or not situated in the United Kingdom.
- p) to promote or support any legislation which may be considered to be in the interests of Members or the NHS, or its equivalent in relevant Crown Dependencies, and to oppose any legislation which may be considered to be contrary to such interests.
- q) to collect information and to circulate statistics and other non-confidential information relating to the NHS, or its equivalent in relevant Crown Dependencies, and to found, manage, support, print, publish, issue, circulate and distribute, whether gratis or otherwise, papers, magazines, circulars, periodicals and any other publications for any purpose.
- r) to purchase, take on lease or hire, or otherwise acquire any real or personal property and rights or privileges over or options to acquire the same, and to

- sell, lease, mortgage, exchange, partition or otherwise deal in and dispose of any of the real or personal property, rights and privileges of the Union.
- s) to construct, alter or maintain any buildings required for the purpose of the Union and to provide the same and any buildings or rooms in the occupation of the Union with all proper and necessary fixtures, fittings, furniture, apparatus, appliances, and conveniences.
  - t) to borrow or raise money for the purpose of the Union on such terms and on such security as may be thought fit and to take such steps by personal or written appeals, public meetings or otherwise as may from time to time be deemed expedient for the purpose of procuring contributions to the funds of the Union in the shape of donations, annual subscriptions or otherwise.
  - u) to invest the moneys of the Union not immediately required for its purposes in or upon such investments, securities or property as may be thought fit, subject nevertheless to such conditions (if any) as may be for the time being imposed or required by law.
  - v) to promote, or assist in the promotion, administration or management of all kinds of schemes for the provision of benefits of all kinds for or for the benefit of Members and in particular (but without prejudice to the generality of the foregoing) schemes for the provision of pay during sickness, pensions, life assurance, death benefits, loans and other welfare and like benefits for or for the benefit of the Members and for any of the aforesaid purposes to carry on any kind of insurance or re-insurance business.
  - w) to establish and support and to aid in the establishment and support of institutions, organizations, trusts and funds of any kind.
  - x) to do all other such lawful objects and things as may be incidental or conducive to the attainment of the principal Objects of the Union.

## Membership

3. There shall be the following classes of Members:

- a) Ordinary Members
- b) Retired Members
- c) Fellows
- d) Student Associates
- e) Honorary Members

## Ordinary Membership

4. Ordinary Membership shall be open to all doctors and dentists engaged in any medical practice, whether for the NHS, independently (private) or any other employer, but excluding those whose contract is within general practice (medical or dental).

5. Doctors and dentists eligible for Ordinary Membership include the following grades and/or such other grades as the Executive Committee shall from time to time determine:
  - i) Consultants
  - ii) Specialty and Specialist Doctors (SAS)
  - iii) All medical and dental training grades or as may be redefined as their successors
  - iv) Trust Grades, Clinical Fellows, or equivalent non-career grades (Locally Employed Doctors)
  - v) Other Career Grade Doctors as may be redefined by the Executive Committee from time to time
6. Every person wishing to become an Ordinary Member of the Union shall complete an application by a prescribed method of joining and ensure their details are submitted to the principal office of the Union (hereinafter “the Office”). An applicant shall become a member after their application has been accepted and their name and address entered on the Union’s central register of members.
7. The Executive Committee may reject any application for membership if in its opinion the activities of the applicant are or have been either incompatible with the Union’s declared aims and Objects as set out in these Rules, or such activities could bring the Union into disrepute.
8. No Member shall be excluded from Membership by way of any arbitrary or unreasonable discrimination.

## Retired Membership

9. If an Ordinary Member shall cease to be in any form of active remunerated medical practice he/she may thereupon cease to be an Ordinary Member but shall be eligible for Retired Membership.
10. Retired Members shall be defined as those who are no longer in medical practice of any form and who had previously been an Ordinary Member and who request Retired Membership status formally via the Office. Retired Membership status will begin at their next annual renewal.

## Fellows

11. Fellowships shall be proposed as a mark of esteem, be nominated by Executive Committee and awarded, by vote, at the AGM.
12. The title of Fellow shall be conferred for life.

13. Each President standing down on completion of his/her term of office shall with Annual General Meeting consent assume the role of Fellow of the Union.
14. If an Ordinary or Retired Member is elected to Fellowship, their rights and obligations will be unaffected so long as they still qualify for and maintain their subscription payments as an Ordinary or Retired Member.
15. Fellows of the Union shall be entitled with the agreement of the Executive Officers to attend, speak at, take part in but not vote at meetings of the Executive Committee.
16. The Fellows do not have an Executive role, and do not by right sit on Executive, Finance or any other standing committee of the Union. This ensures their independence from day-to-day issues, and allows them free rein to advise the President and Executive Committee without any suggestion of conflict of interests.
17. However, they will receive agreed minutes from the Executive Committee and such other Sub-Committees as the Executive Committee determines, and they may be seconded onto any committee of the Union, at the discretion of the relevant committee Chair.

## Student Associates

18. Student Associate Membership is open to medical students enrolled at a government-recognised UK medical school who do not have a contract of employment or regular paid engagement in a medical role.
19. Student Associates will be charged a special subscription rate as advertised at the time of joining. Should this amount change they will be notified electronically in advance of any alteration.
20. Student Associates can participate in the day-to-day activities of the Union, receive regular information from the Union, and access member offers which may be available at any given time, but they will not be entitled to stand for any elected position within the Union or hold voting rights.
21. At the discretion of the Union, Student Associates may be able to access employment advice (defined under paragraph 34 of these Rules) when on placements within a hospital setting and prior to taking up a contracted post. They may, on an exceptional case-by-case basis assessed by the Executive, be able to access legal assistance.
22. If a Student Associate member is no longer enrolled as a medical student at a government recognised UK medical school then:



- a) If they have graduated they will be invited to convert into full membership and shall receive up to 6 months' grace in order to secure an employed post. Longer grace periods may be granted at the discretion of the Union Executive.
  - b) If they have ceased to study then they must inform the Union and their Student Affiliate status will lapse immediately.
  - c) If they are taking a break from their studies and expect to return then they must inform the Union at the earliest opportunity.
23. Student Associates are expected to uphold the same standards and good conduct and are bound by the same obligations as any other category of Member.
24. Student Associates may resign their membership at any time in writing.
25. They shall have no other rights under these rules aside from those detailed in this section ("Student Associates").

## Honorary Members

26. Honorary Members may be elected by the Executive Committee and shall be persons who have not been Ordinary or Retired Members but who by their services have furthered or are furthering the objects of the Union.
27. Honorary Members may at the discretion of the Executive Committee in each year:
- a) receive the literature of the Union
  - b) receive notice of General Meetings of the Union
  - c) attend, but not vote at, General Meetings of the Union
  - d) act in such other capacity (if any) in connection with the affairs of the Union as the Executive Committee shall from time to time prescribe provided that they shall in no circumstances be eligible for election to or hold any office in the Union or in any Constituency of the Union or to vote in any election or any ballot of Members of the Union or any Constituency of the Union.

## Register of Members

28. The Union shall maintain at The Office a Register containing the names and addresses of all the Members for the time being of the Union.
29. All Members shall supply the Union with such information as the Union may from time to time require in order to keep the said Register accurate.

30. The said Register shall be open at all reasonable times to inspection by all Members of the Union, subject to the provisions of relevant data protection legislation that, may from time to time, be in force.

## Rights and Obligations of Members

31. Every Member and Honorary Member of the Union shall be and remain bound by and shall at all times observe and comply with the provisions of these Rules and the terms of all agreements entered into by the Union.
32. Members shall pay to the Union subscriptions and/or contributions of such amounts (if any) and at such respective times (if any) as the Executive Committee may in its absolute discretion determine.
33. Every Ordinary and Retired Member shall enjoy such rights and privileges as may be determined from time to time by the Executive Committee including:
- a) the right to receive such publications as the Union shall make available at such rates (if any) as the Executive Committee shall from time to time prescribe.
  - b) the benefit of collective action by the Union to safeguard Members' interests within and without the NHS including those:
    - i) with outside bodies including the Government
    - ii) under existing and proposed legislation.
34. Every Ordinary Member, and Retired Members in relation to an issue which arose while they were a fully paid up Ordinary Member, shall have the right to advice and representation as follows:
- a) A Member shall be entitled to professional or employment advice or assistance provided that before the difficulty has arisen he/she has paid, or has entered into a commitment to pay, her/his full subscription for the current year.
  - b) The Executive shall at all times have discretion to withhold such advice or assistance for good or urgent cause.
  - c) The Union does not deal with those professional or clinical matters which fall within the remit of medico-legal defence organisations.
  - d) The Union will not assist applicants with pre-existing issues unless authorised by the General Secretary.
  - e) Membership of the Union provides representation at employer disciplinary / grievance / appeal hearings only by members of the Union staff. Union Membership does not entitle representation by a solicitor or barrister at such proceedings.
  - f) Representational / advisory services are provided by the Union on a discretionary basis having regard to the circumstances of each case. In

addition, where the cost of representation is for example disproportionate to anticipated outcomes or where a member is not prepared to accept the advice provided, support and representation will also be refused. In such case an appeal mechanism exists by application to the Executive Committee.

- g) The Union will not usually provide representation/advice when members have commenced proceedings/attended any formal meetings without Union involvement, or have been represented by another organisation.
- h) The Union will not provide legal assistance or representation where the member has already obtained or is receiving such legal assistance from an alternative legal firm not commissioned by the Union.

35. Subject as hereinafter provided every Ordinary Member shall have the following rights:

- a) to vote in any election for any such office or in any applicable ballot of Members of the Union or of any Constituency of the Union as defined by these Rules.
- b) to attend, vote and take part in all General Meetings and all Constituency Meetings of the Union in such Member's Constituency.
- c) to attend, with prior approval of the Executive Committee, speak at, take part in but not vote at meetings of the Executive Committee and to sit on Sub-Committees of the Union.

36. Subject as hereinafter provided every Retired Member shall have the following rights:

- a) to vote in any applicable election for any such office or in any applicable ballot of Members of the Union or of any Constituency of the Union as defined by these Rules, but they may not stand for office
- b) to attend and take part in a non-voting capacity all General Meetings and all Constituency Meetings of the Union in such Member's Constituency
- c) to attend, with prior approval of the Executive Committee, speak at, take part in but not vote at meetings of the Executive Committee and to sit on Sub-Committees of the Union.

## Subscriptions

37. The Executive Committee shall have power:

- a) from time to time in its absolute discretion to set, and if and when thought fit, increase or reduce the amount and the mode of payment of the annual subscription and other subscriptions (if any) to be paid to the Union by the respective classes of Members of the Union.

- b) to exempt any Member or Members individually or any class or classes of Members from the payment of all or any of the subscriptions which, but for such exemption, would be payable by such Member or Members or such class or classes of Members.
38. Any Ordinary Member who is not fulfilling a role which gained them eligibility for Ordinary Membership under Rule 4 for more than three calendar months may apply to The Office for a pause to be put on their subscription renewal date, up to a maximum of 12 months. The Office will assess the request and approve where reasonable. Any queries will be referred to the next meeting of the Executive Committee for a decision. They will be obliged to inform The Office of their return to eligibility for Ordinary Membership and their subscription will recommence from the date that eligibility returns. Any subscriptions incurred by the member from the date of recommencement will be the responsibility of the member and if unpaid will result in removal of membership from the date of the delayed subscription due date.
39. Members shall pay to the Union such annual subscription as may be determined by Executive Committee.
40. No annual or other subscription shall be payable by any Fellow or Honorary Member unless they qualify for Ordinary Membership or qualify for and wish to exercise the rights granted under a paid Retired Membership.
41. Each annual subscription payable by Members shall be in respect of a 12-month period and shall be payable in each year. The Executive Committee shall, from time to time, determine the discount for members joining partway through the year.
42. No alteration by Executive Committee in the amount of the annual or other subscription to be paid by Members generally or by any Member or class of Member shall affect any annual or other subscription which shall have already become actually due and payable in respect of any period preceding the date when such alteration is made by Executive Committee.
43. Any Member whose annual subscription or other subscription after application in writing by the Office for payment thereof, is in arrears for three months after the due date for payment thereof may be excluded from Membership of the Union and shall forthwith cease to be a Member of the Union and forfeit all privileges of Membership, but the arrears shall remain a debt due to and recoverable by the Union. For the purpose of this Rule a Member's annual or other subscription shall be deemed to include all sums payable by him/her to the Union.

## Cessation of Membership

44. Any Member may resign her/his membership and cease to be a member and to be eligible for any benefits of membership by sending her/his resignation in writing to the Office. Unless the member specifically requests an earlier date, the resignation will take effect from the end of the current subscription year. The full subscription for the year of resignation will still be payable and the member will not be entitled to the refund of any part of such subscription. Should the member specify an earlier date, any sums due and owing to the Union from any such Member at the date of resignation by way of subscription or otherwise shall remain a debt due to and recoverable by the Union.
45. Where, in the opinion of the Executive Committee, the activities of an existing member are incompatible with the Union's declared aims and objects as set out in these rules, or such activities could bring the Union into disrepute, they will be dealt with in accordance with the disciplinary policy attached as an appendix to these rules.
46. Any Member expelled under these Rules shall not be entitled to receive back any part of his/her subscription in respect of the period from the date of such expulsion or cessation of Membership to the end of the current subscription year, nor to a return of any other money paid to the Union by way of subscription or otherwise by such a Member.
47. Any Member expelled under these Rules or otherwise ceasing to be a Member from any cause shall thereupon forfeit all rights of whatsoever nature which he/she may have against the Union or its property except to such extent as may be otherwise resolved by the Executive Committee as prohibited by law.
48. Any Member expelled under these Rules or otherwise ceasing to be a Member from any cause shall thereupon vacate:
  - a) any office which he/she holds in the Union or any Constituency of the Union, and
  - b) his/her Membership (if any) of the Executive Committee or any Committee or Sub-Committee of the Union or any Constituency of the Union, and
  - c) any office or position to which he/she has been appointed by the Union and/or which he/she is a representative or delegate of the Union.

## Constitution

49. The General Meeting is the supreme authority of the Union.

50. The affairs of the Union shall be managed by an Executive Committee which shall consist of the Executive Officers and 11 other members elected in accordance with these Rules.
51. The Executive Committee is responsible for the governance, management and control of the Union in accordance with these rules. In seeking to promote the interests of the Union or any of its members, the Executive may do such things that are consistent with the Rules, Objects and policy of the Union agreed by the General Meeting.
52. The functions of governance undertaken by the Executive should be:
- a) Agreeing the mission and values
  - b) Setting the strategic vision and overall direction of strategy and policy
  - c) Developing policy for the Union, within the terms set by the General Meeting
  - d) Stewardship – ensuring that statutory obligations are undertaken (such as returns/ annual accounts) and overseeing that resources are appropriately deployed
  - e) Scrutiny
  - f) Ensuring that the strategic plan is implemented
  - g) Target setting and appraisal of the General Secretary
  - h) Overseeing the work of the General Secretary and staff
  - i) Continual self-review
53. The management responsibilities undertaken by the professional staff include:
- a) Implementing the strategic vision agreed by the Executive Committee
  - b) Identifying the strategic issues and proposing options to the Executive Committee
  - c) Developing and implementing the strategic and operational plans based on the strategic options chosen by the Executive Committee, subject to its regular oversight
  - d) Operational management of the organisation including resource management
  - e) Developing specific policy responses in line with the policy and strategic direction set by the Executive Committee.

## Regional and Local Structures

54. The Executive shall establish and maintain such regional and local structures of member organisation as it may consider necessary to further the objects of the Union, including local democratic and bargaining structures based on employers or groups of employers (hereinafter called “Branches”) and democratic structures based on English Regions and Devolved Administrations (hereinafter called

“Districts”). Any change made by the Executive to Branch and District structures is subject to ratification by a General Meeting before taking effect.

55. The Union shall consist of such geographical Districts as are set out in the relevant appendix to these rules.
56. Each District of the Union shall elect one representative to Executive Committee by a full ballot of eligible members.
57. Within each District, an annual meeting of the Union shall be convened, in person or online. This meeting shall elect a chair, vice-chair and between two and 10 ordinary committee members to serve as a committee for the District. The Executive member elected to serve the District shall also serve on this committee. The role of the committee shall be to co-ordinate Union activity across the District, including but not limited to, the establishment of networks for specific groups within the District and supporting the activities of Branches within the District.
58. Within each District, there shall be established networks for specific groups of members to share good practice and raise the profile of specific issues within the Union. These networks shall include in each District a network for LNC Reps and such other networks as the committee may decide (e.g. a women’s network, a Black members network etc).
59. Within each District, members shall be grouped into branches based on workplace or geography, as set out in the relevant appendix to these rules. Each branch shall hold at least three meetings a year (including an AGM) and as many additional meetings as its committee shall determine. These may be held in person or online. The role of the branch shall be to further the aims and Objects of the union, to promote and support collective bargaining over subjects including but not limited to the pay, terms and conditions of Members, and to play a full role in the democratic structures of the Union, as set out in these rules.

## The Executive Committee

60. The Executive Committee shall consist of:
  - a) one member elected from each constituted District of the Union (9 District Executive Committee Members)
  - b) one Specialty and Specialist Doctor (SAS) member (1 SAS Executive Committee Member)
  - c) one Resident Doctor member (1 Resident Doctor Executive Committee Member)
  - d) the President, Vice-President and Past President of the Union (3 Executive Officers)

61. Executive Committee Members are expected to:
- a) Attend all meetings of the Executive Committee, except where exceptional circumstances prevent them. A register of attendance will be kept. Any member of Executive Committee may be required to relinquish his/her office in the event of a failure to attend three consecutive meetings of Executive Committee without adequate reason.
  - b) Consult with members within their electoral district in order to ascertain and represent their views at meetings of the Executive Committee.
  - c) Conduct their work with due regard to the corporate responsibility of the Executive Committee as a whole for its decisions and its work.
  - d) Attend and support the work of the District Committee in their electoral District.
62. Executive Committee Members shall hold office for 2 years and shall be eligible for re-election at the end of their term of office.
63. Each new Executive Committee following an election shall agree a set of Standing Orders for the conduct of Executive Committee Meetings and a standard agenda for such meetings.
64. Each new Executive Committee following an election shall elect one from amongst its number to serve as Honorary Treasurer of the Union. The Honorary Treasurer shall Chair the Finance Sub-Committee and formally present the Accounts of the Union to the Annual General Meeting. Beyond this, they have the same rights and responsibilities of any Executive Committee Member.
65. Sub-Committees of the Executive shall be governed by the following rules:
- a) The Executive Committee shall establish a Finance Sub-Committee and such other Sub-Committees as it sees fit.
  - b) The Chair of each of these Sub-Committees shall be elected by the Executive Committee from amongst its membership, except for the Finance Sub-Committee, which shall be chaired by the Honorary Treasurer.
  - c) The Executive Committee shall elect to Sub-Committees such Executive Committee Members as it shall determine.
  - d) Sub-Committees may co-opt additional members from amongst the Ordinary Members, Retired Members and Fellows of the Union, subject to ratification by the Executive Committee.
  - e) Sub-Committees report to, and are subordinate in all functions to, the Executive Committee.
66. Any casual vacancy in the position of National Executive Member will be filled by by-election unless there is 6 months or less until the next scheduled election, in which case the vacancy shall remain unfilled.



67. Where a casual vacancy has been filled via by-election under Rule 66, the National Executive Member concerned will be required to resign their seat and stand again at the next scheduled National Executive elections.

## Executive Officers

68. The Executive Officers of the Union shall be as follows:

- a) the President
- b) the Vice-President
- c) the Past President

69. Executive Officers shall serve according to the following presidential cycle:

- a) Every two years, in line with Executive Committee elections, two Vice-Presidents shall be elected, one for the current year (the Vice-President) and one to serve the following year (the Vice-President Elect).
- b) Each Vice-President, upon completion of one year's service, shall become President of the Union.
- c) Each President, upon completion of one year's service, shall become Past President of the Union.
- d) Each Past President, upon completion of one year's service, shall step down, their term of office being complete.

70. In 2025 only, one President shall be elected as outlined in Rule 84 in order to allow the transition to the new presidential cycle.

71. The Executive Officers of the Union shall serve as members of the Executive Committee, with the full rights and responsibilities of Executive Committee members, except that they cannot be required to relinquish their post under rule 61.a).

72. Any casual vacancy in the position of Past President may be filled at the discretion of the Executive Committee by the co-option of a member of the Executive Committee to such office pending the next change of the presidential cycle.

73. Any casual vacancy in the position of President shall be filled by the Vice-President, who shall then serve an extended term as President, completing their scheduled presidential term.

74. Any casual vacancy in the position of Vice-President (including one arising under rule 73) shall be filled by the Vice-President Elect, who shall then serve an extended term as Vice-President, completing their scheduled presidential term.

75. Prior to assuming the role of Vice-President, the Vice-President Elect shall be entitled to attend the Executive Committee as an observer.

## The Trustees

76. Role and duties of the Trustees:

- a) The Trustees for the time being of the Union shall number three and shall be appointed by, and may at any time be removed from office by, the Executive Committee acting in its absolute discretion.
- b) Trustees must be members of the Union.
- c) All of the real and personal estate belonging to the Union shall be vested in the Trustees.
- d) It shall be the duty of the Trustees to execute and do all such deeds, documents and things as may be requisite for giving effect to any decision relating to any of the real or personal estate belonging to the Union, made in accordance with these Rules by the Executive Committee or by any Executive Officer of the Union and every person ceasing to be such a Trustee shall be bound to execute, and do and to concur in executing and doing all such deeds, documents and things (if any) as may be requisite for transferring any such real or personal estate to the Trustees for the time being.
- e) Trustees may not sit on Executive Committee or any of its sub committees. Trustees may be invited to attend Executive Committee for the purpose of discussion about their duties or matters arising from their duties. Trustees may not take part in any vote in those committees.
- f) The Trusteeship of any person holding the office shall be terminated with immediate effect if she/he becomes bankrupt or insolvent or if she/he has allowed her/his membership of the Union to lapse.

## General Secretary

77. The General Secretary shall have responsibility for leading and managing the professional staff of the Union and for the implementation of the strategic vision agreed by the Executive Committee.

78. The General Secretary shall:

- a) be responsible to the Executive Committee.
- b) have authority to engage, dismiss, and apportion duties of the salaried staff of the Union.
- c) be responsible for the administration of the affairs of the Union, including:
  - i) convening meetings and implementing the decisions of the Executive and its committees

- ii) conducting correspondence on behalf of the Union
  - iii) maintaining the accounts and records of the Union.
- 
- d) exercise such other functions and responsibilities as may from time to time be assigned to him/her by the Executive Committee.
  - e) The General Secretary shall be entitled ex-officio to attend any meeting of the Executive Committee and its Sub-Committees. He/she shall not be entitled to vote nor to be taken into account in calculating a quorum at any meeting.
  - f) The General Secretary shall be elected by a ballot as consistent with trade union law of all members eligible under these rules.

## National Elections

- 79. National elections of the union shall be conducted by a ballot as consistent with trade union law of the relevant electoral constituency, using an independent scrutineer.
- 80. Only eligible candidates who have been duly nominated shall appear on the ballot paper.
- 81. Unless expressly stated elsewhere within these Rules, all national elections for which there are more than two candidates will use the single transferable vote preferential system and will be conducted and counted in accordance with the Electoral Reform Society 1997 publication “How to conduct an election by the Single Transferable Vote”.
- 82. Information on nomination and elections and candidate guidelines are attached as an appendix to these rules.
- 83. For the election of the General Secretary:
  - a) To be eligible for nomination as a candidate in the election of General Secretary, an individual must be a member or staff member of the Union, or of any other trade union operating in the health sector.
  - b) Nomination for the position of General Secretary shall be by properly constituted Branch meetings in at least three Districts, or by a form signed by no fewer than two Ordinary or Retired Members (not including the nominee) from at least three Districts, or by a decision of the Executive Committee.
  - c) The Executive Committee and each branch of the Union may make only one nomination for the position of General Secretary.
  - d) The electoral constituency for the election of General Secretary shall be all Ordinary and Retired members of the Union.

84. For the election of President in 2025 only:

- a) To be eligible for nomination as a candidate in the election of President, an individual must be an Ordinary Member of the Union.
- b) Nomination for the position of President shall be by a form signed by no fewer than two Ordinary or Retired Members (not including the nominee).
- c) Each Branch of the Union may make only one nomination for the position of President.
- d) The electoral constituency for the election of President shall be all Ordinary and Retired members of the Union.

85. For the election of the Vice-President (and Vice-President Elect):

- a) To be eligible for nomination as a candidate in the election of Vice-President, an individual must be an Ordinary Member of the Union.
- b) Nomination for the position of Vice-President shall be by a properly constituted Branch meeting, or by a form signed by no fewer than two Ordinary or Retired Members (not including the nominee).
- c) Each Branch of the Union may make only one nomination for the position of Vice-President.
- d) The electoral constituency for the election of Vice-President shall be all Ordinary and Retired members of the Union.
- e) The first-placed candidate shall assume the role of Vice-President.
- f) The second-placed candidate shall assume the role of Vice-President Elect

86. For the election of the District Executive Committee Member:

- a) To be eligible for nomination as a candidate in the election of District Executive Committee Member for a specific District, an individual must be an Ordinary Member of the Union.
- b) Nomination for the position of District Executive Committee Member shall be by a properly constituted Branch meeting in the relevant District, or by a form signed by no fewer than two Ordinary or Retired Members (not including the nominee) who are members of the relevant District.
- c) Each Branch of the Union may make only one nomination for the position of District Executive Committee Member.
- d) The electoral constituency for the election of District Executive Committee Member shall be all Ordinary and Retired members of the Union in the relevant District, as defined by the place of employment recorded on the HCSA Membership Register, or in the absence of employment information by the postal address recorded. The Executive Committee decision regarding a member's District is final.

87. For the election of the SAS Doctor Executive Committee Member:

- a) To be eligible for nomination as a candidate in the election of SAS Doctor Executive Committee Member, an individual must be an Ordinary Member of the Union in the following category: Specialty and Specialist Doctors (SAS).
- b) Nomination for the position of SAS Doctor Executive Committee Member shall be by a properly constituted Branch meeting, or by a form signed by no fewer than two Ordinary or Retired Members (not including the nominee).
- c) Each Branch of the Union may make only one nomination for the position of SAS Doctor Executive Member.
- d) The electoral constituency for the election of SAS Doctor Executive Committee Member shall be all Ordinary Members of the Union in the following category: Specialty and Specialist Doctors (SAS).

88. For the election of the Resident Doctor Executive Committee Member:

- a) To be eligible for nomination as a candidate in the election of Resident Doctor Executive Committee Member, an individual must be an Ordinary Member of the Union in the following category: Resident Doctors.
- b) Nomination for the position of Resident Doctor Executive Committee Member shall be by a properly constituted Branch meeting, or by a form signed by no fewer than two Ordinary or Retired Members (not including the nominee).
- c) Each Branch of the Union may make only one nomination for the position of Resident Doctor Executive Committee Member.
- d) The electoral constituency for the election of Resident Doctor Executive Committee Member shall be all Ordinary Members of the Union in the following category: Resident Doctors.

## General Meetings

89. The Union shall hold an Annual General Meeting in every year at such time and place as may be determined by the Executive Committee (in person or online) and shall specify the meeting as such in the notices calling it.

90. The quorum of the General Meeting shall be 12 members. The business of the Annual General Meeting shall be:

- a) to receive the Accounts and Balance Sheet for the preceding financial year.
- b) to deal with alterations to the Rules of the Union.
- c) to consider motions on general policy matters.
- d) to award the status of Fellow upon Members of the union, or to award any other Honorary Appointment as set out in these rules.
- e) to transact any other business which may properly be transacted at a General Meeting of the Union.

91. All General Meetings other than Annual General Meetings shall be called Extraordinary General Meetings.
92. The Executive Committee shall convene an Extraordinary General Meeting:
  - a) whenever they think fit
  - b) at the written request of any 100 Members
93. An Extraordinary General Meeting may transact any business which could be transacted at an Annual General Meeting other than the receipt of Accounts and Balance Sheet.
94. Each General Meeting shall, at its commencement, adopt Standing Orders for the conduct of its business. The Standing Orders currently in force (including timetables for the submission of business) are included in the relevant appendix to these rules.

## Accounts and Audit

95. The Executive Committee shall cause to be kept proper books of account and accounting records with respect to the Union's transactions, its income and expenditure and its assets and liabilities.
96. The Finance Sub-Committee shall be responsible for the control and supervision of the Union's accounting records and in particular shall ensure that processes are in place to ensure proper records are kept of all receipts and remittances of the Union and of its cash holdings.
97. Auditors shall be appointed and may at any time be removed from office in either case by a resolution passed at any General Meeting of the Union. The Auditor's duties shall be regulated in accordance with any statutory provisions for the time being in force relating thereto. Once at least in every year the accounts of the Union shall be examined and the correctness of the income and expenditure account and balance sheets ascertained by the Auditors.
98. At the Annual General Meeting in every year the Treasurer shall lay before the Union a proper income and expenditure account for the period since the last preceding account made up to date not more than twelve months before such Meeting, together with a proper balance sheet made up as at the same date together with such other accounts (if any) as may be required by law. Every such balance sheet shall be accompanied by proper reports of the Auditors and the Executive Committee.
99. Copies of such accounts, balance sheet and reports (all of which shall be prepared and framed in accordance with any statutory requirements for the time being in

force and relating thereto) and of any other documents required by law to be annexed or attached thereto or to accompany the same will be presented to the Annual General Meeting.

100. Notice of the presentation of these accounts shall be given not fewer than 21 days before the date of the Meeting:
  - a) to the auditors and to all other persons entitled to receive notices of General Meetings, and
  - b) will be published in an Union journal or on its website which is available to all Members
101. The books of account and accounting records of the Union shall be open at all reasonable times to inspection by every person having an interest in the funds of the Union.

## Annual Report

102. The Union shall every year publish a report relating to its activities either:
  - a) by supplying a copy of it free of charge to all Members, or
  - b) by including it in a Union Journal which is available to all Members, or
  - c) by publishing it on the members only section of the Union website

## Instructions for Industrial Action

103. The Executive Committee may at any time give instructions to Members for industrial action by a resolution passed by a majority of the votes (or as subsequently modified by any statute in England or the devolved nations where the Union has members) of the Members of the Union in a ballot as consistent with current trade union law. Voting papers which shall contain a question or questions to be answered by "yes" or "no" shall be sent to all Members, who may be called upon to take action, not more than four weeks before that proposed action is due to commence. Any such action must comply with the law on industrial action as defined in Sections 219-246 of the Trades Union and Labour Relations (Consolidation) Act 1992 or its successors.
104. The passing of such a resolution shall confer authority on the Executive Committee and each individual member thereof to give such instructions to Members as they may think fit in order to implement the resolution of the Members.
105. The Executive Committee may at any time revoke a resolution passed under Rule 103 and the provisions of Rule 103 shall govern the passing of any such revoking resolutions.

## The Seal

106. The seal of the Union shall not be affixed to any instrument except by the authority of a resolution of the Executive Committee, and in the presence of at least two Members of the Executive Committee and the said Members shall sign every instrument to which the seal shall be so affixed in their presence and in favour of any purchaser or person bona fide dealing with the Union such signatures shall be conclusive evidence of the fact that the seal has been properly affixed.

## Notices

107. Any notice, if sent by post, shall be deemed to have been sent at the time when the envelope containing the notice would have been delivered in the ordinary course of the postal service. It will be deemed sufficient to prove this if the envelope containing the notice was properly addressed and put into the post as a pre-paid letter. Similarly, if such communications are distributed electronically by email, they shall be deemed to have been sent according to the dates recorded thereon.
108. When voting papers sent to the home address of a member eligible to vote (or to such other address as the member has indicated in writing shall be the address for the purpose of the election) are subsequently returned unopened they may be forwarded to the workplace last notified by that member to the union.

## Indemnity

109. Except in cases where the provisions of this Rule may be void, the Executive Officers for the time being of the Union, Members of the Executive Committee, and their executors and administrators, shall be indemnified and secured harmless out of the assets of the Union from and against all actions, costs, charges, losses, damages and expenses which they or any of them shall or may incur or sustain by or by reason of any act done, concurred in or omitted in or about the execution of their duty, or supposed duty in their respective offices, and none of them shall be answerable for the acts, receipts, neglects or defaults of the other or others of them.

## Dissolution

110. The Union may by a resolution passed by a majority of not less than three quarters of the votes cast thereon at a General Meeting duly convened of which notice in writing has been given setting forth the proposed resolution resolve that the Union



be dissolved. In the event of such a resolution being passed, the Union shall be dissolved at the expiration of six months after the passing of the same.

111. In the event of a dissolution of the Union, any surplus assets belonging to the Union and remaining after the payment and discharge of all the lawful debts and liabilities of the Union and of the costs and expenses of such dissolution shall be distributed equally amongst the Members.

## Interpretation of Rules

112. In the event of any dispute concerning issues in which these rules appear silent or unclear, the Executive shall interpret them and their ruling shall be conclusive and binding on all members of the Union.
113. All such interpretations and rulings shall be reported to the next General Meeting for approval.

## Alteration of Rules

114. The Union may in any way amend, add to or rescind any of these Rules by a Resolution passed by a majority of not less than two-thirds of the votes cast thereon at a General Meeting duly convened of which notice in writing has been given setting forth the proposed resolution.
115. In any event, these rules should be reviewed at a General Meeting duly convened of which notice in writing has been given setting forth the proposed resolution, at least every 10 years.

## Copies of Rules

116. Copies of Rules of the Union shall be made available to all Members via the Union's website. A Member may be supplied with a copy of these Rules on payment by him/her to the Union of a sum required by the Executive Committee.

# Appendix A – Districts and Branches of the Union

## Districts

1. The Union shall be comprised of the following Districts:

- London (East) and Eastern
- London (West) and Central
- Midlands
- North Eastern
- North Western
- Northern Ireland
- Scotland
- South Western and Southern
- Wales

## Branches

2. Each District shall be comprised of Branches established in line with objectives that reflect the Executive Committee's strategic vision.

Upon establishment, a current register of Branches shall be listed here.

## Appendix B – Disciplinary Procedure

### Disciplinary Offences

1. A member of the Union commits a disciplinary offence if that member:
  - a. acts contrary to the Rules of the Union;
  - b. refuses to comply with a lawful instruction of the Union;
  - c. is knowingly involved in any fraud on the Union or misappropriation of Union funds or property;
  - d. misuses protected data contrary to the Data Protection Act;
  - e. frustrates any decision or penalty of the National Disciplinary Committee or National Appeals Committee; or
  - f. in any other way engages in conduct which brings injury or discredit to the Union.

### National Disciplinary Committee

2.
  - a. A complaint made by a member of the Union against a member of the Union, which may consist of one or more alleged disciplinary offences, will be heard by a National Disciplinary Committee consisting of three members drawn from the Executive Committee (not including Executive Officers).
  - b. A complaint may be formulated by the Executive Officers of the Union under paragraph 1 to be pursued by an employee of the Union. In such case, the procedure to be followed shall be as set out in paragraph 6.
3. A National Disciplinary Committee shall choose its own Chairperson.
4. A complaint under these proceedings may be made by a member of the Union or by an Executive Officer of the Union acting on behalf of the Executive Officers of the Union. If the complaint is formulated by an Executive Officer of the Union then the Executive Officers of the Union may suspend that member or members from membership of the Union pending the hearing of the disciplinary proceedings. The General Secretary of the Union shall notify the relevant District and Branch of any such suspension.
5. A complaint made by a member of the Union calling for a matter to be considered by a National Disciplinary Committee must be made in writing to the General Secretary specifying matters which come within one or more of the disciplinary offences referred to above at paragraph 1. The complaint will not be considered unless made within six months of the circumstances giving rise to the complaint unless the National Disciplinary Committee find exceptional reasons for doing so.

6. This paragraph applies where the Executive Officers of the Union become aware of a matter within the scope of paragraph 2 b. which in the opinion of the Executive Officers requires further investigation in order that the proper functioning of the Union and standards of behaviour are maintained. In these circumstances the Executive Officers shall request the General Secretary to appoint an investigating officer who shall investigate the circumstances of the case. If in the opinion of the Executive Officers it is appropriate, the Executive Officers of the Union may suspend the relevant member. The investigating officer's report shall be presented to the Executive Officers of the Union who shall determine whether a complaint should proceed.

Where it appears to the Executive Officers of the Union that the matter can be resolved by training or other process outside the scope of the disciplinary procedure, that route shall be pursued with the member. The time limits for pursuit of a complaint shall not run whilst such alternative process is in train. Should the member refuse such resolution or if it is unsuccessful, the complaint may be pursued further. For the avoidance of doubt the Executive Officers of the Union may instead determine that the matter should proceed immediately to a disciplinary panel.

7. The conduct of National Disciplinary Committee proceedings shall be in accordance with the rules of natural justice. The member making the complaint and the member being complained about have the right to a fair hearing, without bias, conducted with reasonable promptness consistent with fair opportunity to present their respective cases before a National Disciplinary Committee. The parties may call witnesses of relevance to the matters in dispute.
8. The decisions of a National Disciplinary Committee or a National Disciplinary Committee Chairperson acting on behalf of the Committee are final subject only to the right of appeal to the National Appeals Committee.
9. Following consideration of the complaint a National Disciplinary Committee may either dismiss the complaint or find the complaint justified. If the National Disciplinary Committee find the complaint justified they may impose one or more of the following penalties:
  - a. reprimand and warning as to future conduct;
  - b. severe reprimand and censure;
  - c. suspension from the Union for a fixed period;
  - d. removal from office or accreditation held by the member either indefinitely or for a specified period;
  - e. disqualification from holding office or role in the Union either indefinitely or for a specified period;
  - f. exclusion from the Union.
10. When it comes to deliberate on the penalty the National Disciplinary Committee will have before it and will take into account any previous decisions of a National

Disciplinary Committee or National Appeals Committee relating to the member who has been complained about.

11. The decision of the National Disciplinary Committee with reasons shall be sent to the parties to the dispute. The decision will inform the parties of the rights of appeal to the National Appeals Committee.

## National Appeals Committee

12. An appeal from a decision of a National Disciplinary Committee will be heard by a National Appeals Committee consisting of three members drawn from the Executive Committee (not including Executive Officers). The Panel members who form the National Appeals Committee shall not in any way have been involved in the decision made by the National Disciplinary Committee.
13. A National Appeals Committee shall choose its own Chairperson.
14. When a National Disciplinary Committee complaint has been found to be justified the member complained about, now called the appellant, has a right of appeal in respect of the finding and the penalty provided that the appeal is submitted to the General Secretary within 14 days of notification of the original decision. The appeal must be in writing and set out the grounds for the appeal.
15. When a National Disciplinary Committee complaint has been found not to be justified the member who has made the complaint, now called the appellant, has a right of appeal limited to the process or procedures by which the decision was made and not relating to the substance or merit of the decision provided that the appeal is submitted to the General Secretary within 14 days of notification of the original decision. The appeal must be in writing and set out the grounds for the appeal.
16. Operation of the penalty of the National Disciplinary Committee shall remain suspended pending the decision of the National Appeals Committee which shall be final.
17. The conduct of National Appeals Committee proceedings shall be in accordance with the rules of natural justice. The parties involved in the appeal have the right to a fair hearing, without bias, conducted with reasonable promptness consistent with fair opportunity to present their respective cases.
18. The National Appeals Committee has full powers to remove any penalty imposed by the National Disciplinary Committee or to replace any penalty imposed by the National Disciplinary Committee with an alternative penalty or penalties as allowed by these Rules save that the National Appeals Committee may not impose a more severe penalty than the penalty imposed by the National Disciplinary Committee.

## Confidentiality

19. The proceedings of the National Disciplinary Committee and of the National Appeals Committee shall be confidential save that the outcomes of each Committee shall be communicated to the Executive and to the parties to the dispute.

## Appendix C – Elections and Nominations

### Elections and by-elections

1. Elections and by-elections for any relevant vacancy encompassed by trade union electoral law shall be formed of:
  - a. A nomination process, and
  - b. A formal election compliant with trade union law should any vacancy be contested by more than one valid nominee
2. The relevant positions and their nomination requirements and constituencies are detailed in the [National Elections](#) section of the Union's Rules.

### Nomination Process

3. The nomination process shall be overseen and carried out by an independent scrutineer.
4. The timeframe of the nomination window shall be circulated to members at least one week prior to its opening.
5. An outline of the duties and responsibilities of the role(s) which are vacant shall be made available to members at the start of the nomination window.
6. The nomination window shall be open for no fewer than three calendar weeks.
7. Those wishing to stand for a vacant position shall be required to submit a photograph and an election statement of no more than 250 words which outlines their motivation and suitability for the post they wish to apply for.

### Formal Election Process

8. Where a formal election is required for any vacancy the process shall be overseen and carried out by an independent scrutineer in line with legislation governing trade union elections.
9. The window for the election process shall be circulated to members at least three calendar weeks prior to its opening.
10. The election window shall be open for no fewer than three calendar weeks.

11. Results shall be announced to the full membership as soon as is practicable following the closure of the ballot(s).

## Candidates elected to more than one vacancy

12. Where a candidate is successful in securing more than one Executive Committee role via the electoral process, they shall fill whichever role appears highest on the following list:

- President
- Vice-President / Vice-President Elect
- SAS / Resident Doctor Executive Committee Member
- District Executive Committee Member

13. Any other role to which they have been elected shall then be filled by the candidate placed second or, if there is no other candidate, shall be filled through a by-election.

14. Subject to paragraph 13 above, the Vice-President Elect shall sit as a member of their District Committee prior to assuming the role of Vice-President and have the right to attend Executive Committee meetings as an observer under Rule 75.



## Appendix D – General Meeting Standing Orders

These will be presented to the next General Meeting for approval.