



BARC CONSTITUTION & PROTOCOL

BARC's AIM is:

"To protect the commercial interests and professional reputation of its members through collaboration and co-operation, whilst adhering to quality standards"

1. BARC Membership

BARC members agree to:

Adhere to the principle and obligations laid out in the Associations protocol, constitution and code of best practice.

Members will:-

- 1.1 Comply with agreed service levels.
- 1.2 Be polite, courteous and punctual

2. Complaints Procedure

Members of BARC are required to respond positively and quickly to complaints from clients, examiner or third parties. The following procedure is to be followed by every Member, unless a complaints procedure has already been adopted by the Member but it is envisaged that the matter will be dealt with in the following manner:

- 2.1 Complaints received are to be acknowledged by the Chair within 21 days
- 2.2 Complaints will be logged centrally
- 2.3 Complaints are to be forwarded to the designated contact within a member company/organisation
- 2.4 The member will have 21 days to provide a response to the complainant and copy the Chair who will log the response against the central log
- 2.5 The Chair will write to the complainant following a response having been sent to enquire that they are satisfied and therefore close the complaint on the central log
- 2.6 Any complaint that is deemed to not have had a satisfactory resolution will be discussed by the executive members at the next regular meeting and a recommendation will be made to the member organisation (the above process will be followed again).

3. Amendment of Protocol

The BARC Protocol may be amended from time to time by the executive committee following full discussion.

4. Objectives

The objectives of BARC are:-

- 4.1 To provide effective representation for the interests of rehabilitation organisations at all levels of the legislative and regulatory process.
- 4.2 To establish and provide information and advice to Members as to Best Practice.
- 4.3 To provide good public relations and communications on behalf of Members to government, public and others.



- 4.4 To establish a cost effective and impartial dispute resolution service for disputes between BARC Members and the public and between BARC Members.
- 4.5 To assist in the negotiation of industry wide terms and conditions.
- 4.6 To do all such other things as may, in the opinion of the Executive Committee Members, be in the interests of BARC Members as a whole from time to time.

5. Membership

The Membership of BARC shall comprise of two categories of Members. Executive Committee Members (of which there should be a maximum of 10 at any time) and Ordinary Members.

Executive Committee Members

The initial Executive Committee Members shall comprise the following organisations which are existing Members of BARC i.e.: -

- Chartis Medical & Rehabilitation Limited. 58 Fenchurch Street, London , EC3M 4AB
 - IPRS Limited, Suffolk House, Bramford Road, Little Blakenham, Suffolk, IP8 4JU
 - TICCS Limited, The Injury Care Clinics, Carnac House, Carnac Court, Cams Estate, Fareham, Hampshire, PO16 8UZ
 - Nelson Therapy Services, Nelson Therapy Services Ltd, Millmead Business Centre, Millmead Road, London, N17 9QU
- 5.1 An Ordinary Member of BARC may apply to become an Executive Committee Member after having been an Ordinary Member for a period of not less than 12 months prior to any such application. Any such application will be referred to the Executive Committee Members and shall be determined by a vote of the Executive Committee Members (as hereinafter provided) and the decision whether or not to admit the Ordinary Member as an Executive Committee Member shall be in the absolute discretion of the Executive Committee Members. In the event that the application is rejected the Executive Committee Members shall not be required to provide any reasons for doing so.
 - 5.2 If the Executive Committee Members vote to admit the Ordinary Member as an Executive Committee Member, the Ordinary Member shall become an Executive Committee Member with immediate effect but their appointment will be valid only until the next Annual General Meeting of BARC following such decision when they shall be entitled to offer themselves for re-election.
 - 5.3 Executive Committee Members shall be appointed for a 2 year term of office and shall remain in office until the AGM next following the expiry of the 2 year term. At that AGM all Members shall be entitled to vote on the appointment of the Executive Committee Members and the existing Executive Committee Members shall be entitled to offer themselves for re-election but shall not be obliged to do so.
 - 5.4 Any person wishing to offer them self to be appointed as an Executive Committee Member at an AGM shall give notice in writing of such intention to the Chairman not less than 28 days before the AGM. In the case of any person who is not an existing Executive Committee Member offering themselves for re-election that notice shall state the full name, address and date of birth of the person applying and confirm that the applicant is a representative of a named Member of BARC and that that Member supports the application.
 - 5.5 In the event that there are more persons offering themselves for election as an Executive Committee Member than there are vacancies on the Executive Committee a vote shall be held at the AGM to determine the appointment and each Member shall be entitled to one vote. In the event of a tie the incumbent Chairman shall have a casting vote save if that vote



shall be in relation to the re-appointment of that person as Chairman in which case the casting vote shall be with the Vice-Chairman.

Removal of an Executive Committee Member

- 5.3 An Executive Committee Member may be removed upon a resolution to that effect being proposed by an Executive Committee Member and seconded by another Executive Committee Member. Such resolution should be the subject of a vote at the next meeting of the Executive Committee Members to take place not less than 14 days after written notice of the intention to seek such a resolution shall have been given in writing by the Chairman or the Vice Chairman to all Executive Committee Members. The resolution should be the subject of a vote at which all Executive Committee Members, including the Executive Committee Member who is the subject of the proposed resolution, shall be entitled to vote.

Ordinary Members

- 5.4 Any organisation which has as its principal (or one of his principal) functions the provision of medical reporting services may apply for Ordinary Membership of BARC. BARC will from time to time set out the requirements for Ordinary Membership and in particular will provide a prescribed form of application and shall be entitled to request such other information as it considers appropriate as it may from time to time require to enable it to consider any such application. Applicants for Ordinary Membership will be required to complete a declaration confirming that they will abide by the Constitution of BARC from time to time in force and will also comply with any Code of Practice of BARC from time to time in force.
- 5.5 An application for Ordinary Membership will be considered at the next meeting of the Executive Committee Members held after the application in the prescribed form and with such other information as may have been requested by BARC has been received. The Executive Committee Members shall be entitled in their absolute discretion to accept or reject any such Application and shall not be obliged to provide any reason for their decision. The decision of the Executive Committee Members will be communicated to the applicant within 14 days of the meeting or as soon as reasonably practicable thereafter.
- 5.6 In the event that the application for Ordinary Membership is successful the applicant shall pay to BARC such annual Membership fee as may be prescribed from time to time. Payment shall be made within 14 days of the notification of acceptance (time to be of the essence), failure to make payment within that period shall mean that the application will be deemed to have been withdrawn and the organisation will not be admitted as a Member.

6. Meetings and Appointment of Officers

- 6.1 Meetings of the Executive Committee Members will be held from time to time throughout the year in London. Each Executive Committee Member shall be entitled to appoint one delegate to attend at each such meeting to act and vote on its behalf.
- 6.2 The business of the meetings of Executive Committee Members shall be determined by the Chairman and in the event that a vote is required on any matter each Executive Committee Member shall be entitled to one vote to be exercised by its delegate. All votes shall be determined by a simple majority. In the event of a tie the Chairman shall have the casting vote. Any Executive Committee Member which is unable to provide a delegate to attend at a meeting may nevertheless exercise a proxy vote on any subject which will form part of the business at a meeting provided that that proxy vote is given in writing to the Chairman not less than 3 working days before the intended date of the meeting.



- 6.3 At any meeting of the Executive Committee Members a quorum of not less than 50% of the Executive Committee Members from time to time of BARC shall be required to conduct any business. For this purpose only those Executive Committee Members actually attending the meeting by delegate will be counted as a quorum.
- 6.4 BARC shall hold an Annual General Meeting annually at which all Members, both Executive and Ordinary shall be entitled to a vote on any resolution proposed. In the event of a tie the Chairman shall have the casting vote. The Annual General Meeting shall take place at such time and at such place as the Executive Committee Members shall from time to time determine provided always that not less than 28 days notice of the AGM shall be given to Members. The Executive Committee Members shall determine the business to be conducted at the AGM and may from time to time issue rules regarding how and when notice of any proposed resolution is to be given.

7. Executive Officers

The Executive Committee Members shall appoint a Chairman, Vice-Chairman and Treasurer (“the Executive Officers”). The Executive Committee Members may from time to time determine that there should either be more or less Executive Officers and determine their roles.

7.1 The Chair

The Chair will:-

- 7.1.1 Run the Committee Meetings;
- 7.1.2 Produce and circulate Executive Committee Meetings and Agendas;
- 7.1.3 Arrange for minutes of the meetings to be recorded;
- 7.1.4 Either to circulate the minutes or a summary thereof to Ordinary Members;
- 7.1.5 Enhance the standing of BARC with the outside world;
- 7.1.6 Communicate with stakeholders the strategic focus and objectives of BARC;
- 7.1.7 Receive information and recommendations from stakeholders and ensure that they are properly represented to the Executive Committee Members Meetings;
- 7.1.8 Ensure that the industry wide agreement for Medical Reporting Organisations is reviewed regularly;
- 7.1.9 Maintain Membership lists and contact details;
- 7.1.10 Make arrangements for the AGM to be held annually;
- 7.1.11 To carry out all such other functions as the Chair may reasonably consider necessary to promote the objectives of BARC.
- 7.1.12 The Chairman shall, unless otherwise agreed by the Executive Committee Members, utilise the resources of his own organisation for the general administration of BARC and shall only be reimbursed such expenses as may from time to time be authorised by the Executive Committee Members in that regard.

7.2 The Vice-Chair

- 7.2.1 The Vice-Chairman shall:-
- 7.2.2 Assist the Chairman in the performance of his duties;
- 7.2.3 Deputise for the Chairman at any time when he is unavailable.

7.3 The Treasurer

- 7.3.1 The Treasurer shall have overall responsibility of the finances of BARC which include:-
- 7.3.2 Preparing budgets;
- 7.3.3 Overseeing all financial transactions;
- 7.3.4 Pay approved bills;



- 7.3.5 Keep accurate records of all income and expenditure of BARC;
- 7.3.6 Prepare and distribute regular financial statements of Executive Committee Members and as appropriate to the Ordinary Members;
- 7.3.7 Organise the preparation of BARC's annual accounts;
- 7.3.8 Present the annual account to the Annual General Meeting.

8. Subscriptions, Income and Expenditure

- 8.1 Every Member shall pay to BARC an annual subscription at such times and according to such scales as from time to time shall be determined by the Executive Committee Members.
- 8.2 The Executive Committee Members may also require a special levy on Members from time to time as may be in the reasonable opinion of the Executive Committee Members required.
- 8.3 In the event that a Member shall fail to pay its subscription or any special levy within 21 days of the same becoming due, an Executive Committee Member or Executive Officer may give notice in writing to the Member requiring payment within 14 days. If the payment is not received within that period the Member shall forfeit its Membership and be removed from the role of Members forthwith.
- 8.4 Any Member removed from the role of Members in accordance with clause 5.3 may apply for re-admission but shall only be entitled to re-admission to Membership upon payment of all arrears and also re-admissions shall be in the absolute discretion of the Executive Committee Members.
- 8.5 The Executive Committee Members may, in their absolute discretion, appoint:-
 - 8.5.1 Auditors, accountants, solicitors and other professional advisors as they shall deem necessary or desirable on such terms as they may, in their absolute discretion, approve;
 - 8.5.2 Such other person or persons as the Executive Committee Members may, in their absolute discretion, think appropriate to assist the Executive Officers in the performance of their duties upon such terms and conditions as the Executive Committee Members may in their absolute discretion think fit.
- 8.6 The Treasurer shall keep an account of all monies paid and received. A bank account shall be held in the name of BARC and withdrawals shall only be made on the signature of Executive Officers in accordance with the mandate from time to time agreed by the Executive Officers.

9. Conduct of BARC Members

Executive Committee Members may from time to time issue guidelines prescribing how an BARC Member shall conduct itself and its business in order to comply with the objectives and standards required by BARC. The Executive Committee Members may also issue a Complaints Procedure to enable any person dealing with a BARC Member to complain to BARC in the event that that person is dissatisfied with the service or conduct of the BARC Member. The Complaints Procedure may empower BARC to make a non-binding recommendation to the BARC Member as to the resolution of any such complaint.

10. Expulsion of Members

The Executive Committee Members may by majority vote at any time resolve to terminate the Membership of any Member in their absolute discretion if the continued Membership of that Member shall be detrimental or prejudicial to the interests of BARC or where any BARC Member fails to comply with any code of conduct published from time to time by BARC or fails to comply with a recommendation made by BARC for the resolution of a complaint under any Complaints Procedure from time to time. Prior to any such vote being taken the Member concerned shall be given not less than 14 days notice in writing of the intention of the Executive Committee Members



to consider such a resolution and if the Member wishes to make representations before the Executive Committee Members vote on such resolution the Executive Committee Members shall decide in their absolute discretion whether to permit those representations to be made orally or in writing in their absence.

11. Use of Logo and Name

All Members of BARC shall be entitled to use on their stationery any logo adopted by BARC from time to time and may indicate on their stationery that they are Members of BARC. Any other use or confirmation of BARC Membership shall require the prior written consent of the Executive Committee.

12. Costs

Any costs of and incidental to preparation and execution of this Constitution and any other documents necessary to carry it into effect shall be paid out of the subscription monies and joining fees.

13. No Liability and Indemnity

By applying to become a Member of BARC each Member agrees that neither the Executive Committee Members nor their representatives nor any Executive Officer shall incur any liability whatsoever to the other Members or applicants for Membership arising out of or in connection with their role as Members or Officers (as the case may be) of BARC and by applying for Membership each applicant shall agree to keep the Executive Committee Members, their representatives and the Executive Officers fully indemnified from and against all claims, costs liability and expenses whatsoever arising out any such claim made by them.