



## **Mental Health Tribunal Members' Association Constitution**

***As amended 19 October 2023***

### **1. Name**

1.1 The Association is known as the "Mental Health Tribunal Members' Association" (MHTMA), hereinafter referred to as the Association and is a not-for profit organisation.

### **2. Membership**

2.1 Membership of the Association is open to all fee paid Members of the Mental Health Tribunal (MHT) in England.

2.2 Associate membership is open to all retired members previously appointed to the MHT in England.

2.3 Affiliate membership is open to all members of MHTs in parts of the UK and Channel Islands other than England.

### **3. Aims**

3.1 Communicate with its members and represent their collective views;

3.2 Effect liaison and co-operation with the MHT judiciary and MHT administration;

3.3 Promote the efficiency and effectiveness of our tribunal service

3.4 Promote the advancement and dissemination of knowledge about MHTs amongst our members.

### **4. Terms of Membership**

4.1 Members shall pay an annual subscription fee of such sum as the Executive Committee (EXEC) shall determine annually but which shall not exceed ten per cent (10%) of a one-full-day Tribunal fee as at the first day of May each year, rounded up to the nearest pound. Any change in the subscription fee will be reviewed annually by the EXEC and subject to approval by the members at the AGM.

4.2 Retired Associate members will pay a lifetime subscription fee of £25 or such sum as EXEC shall determine annually.

4.3 Affiliate members will pay an annual fee determined annually by the Executive Committee. Any change in the Affiliate subscription fee will be reviewed annually by the Executive Committee and subject to approval by members at the AGM.

4.4 For members who joined before 1 January 2015, a fee is due on 31 March. For members who joined on or after 1 January 2015, membership runs for a full calendar year from the date the Administrator confirms acceptance of the application, following receipt of the relevant membership fee, and a renewal fee will be due on each anniversary. Renewal is in all cases subject to paragraphs 4.6 and 4.7 below. Reminders for the renewal of membership will be

sent 14 days, seven days and one day before the due date for renewal. Membership will cease and the account will be blocked if payment is not made within 14 days of the due date for renewal.

4.5 The financial year of the Association shall begin on the first day of April and end on the last day of March.

4.6 Members who have their appointments terminated by the Lord Chancellor, for any reason other than retirement, shall cease to be a member of the Association effective from the same date. The termination date will be deferred to include the whole of the period during which appeals are conducted and concluded.

4.7 Members who retire through age or choose for other reasons to relinquish their role as a MHT member will cease to be members on the date they relinquish their role unless they choose to become associate members.

4.8 Retired members who become Associate members will have no voting rights.

4.9 Affiliate members will have no voting rights.

## **5. Management of the Association**

5.1 An EXEC duly elected at the AGM by and from fully paid up Members shall manage the affairs of the Association within the parameters set by the constitution and by any resolution passed at the AGM.

5.2 The EXEC shall comprise not more than twelve members –

Chair, Vice-Chair, Secretary and Treasurer and up to eight others

5.3 The EXEC shall appoint from within the Committee the Association's representatives to other relevant organisations.

5.4 The EXEC shall be empowered to fill any vacancy on the committee for the remainder of the year to the AGM.

5.5 The EXEC shall have the power to co-opt any member for a period to undertake specific tasks, without voting rights on the EXEC.

5.6 Membership of the EXEC in any capacity shall be for a term of three years (subject to the right to stand down) limited by re-election to a maximum of two terms, followed by a break of two years before any re-election.

5.7 In the event that the EXEC is not represented by one member from each category of membership, the EXEC will co-opt a member from the missing constituency of interests.

5.8 The EXEC shall arrange a conference annually and set the fee payable by members for attending, unless constraints beyond the control of the EXEC make this unfeasible. As organisers, no fee is payable by the EXEC. No fee shall be payable by any member who attends the AGM only.

## **6. Officers**

6.1

a. *Chair*: Shall manage the conduct and business of the Association in any regular meeting, the AGM, any extraordinary General Meeting and the EXEC. They shall have a second (casting) vote in the event of a tied vote.

b. *Vice-chair*: Shall act in the absence of the Chair and generally assist in the management of the Association. Shall be the main point of contact regarding website matters which are outside the role of the Administrator.

c. *Secretary*: In liaison with the Administrator shall keep a record of all Association business, minutes/records of the EXEC, AGM's, (Extraordinary General Meetings) EGM's, and deal with all correspondence, and arrange for the distribution of material to members.

d. *Treasurer*: Shall be responsible for keeping proper income/expenditure accounts, any insurance matters, adding/removing bank signatories, adding/ removing access to online banking and making any payments due from the Association. They will be responsible for the collection of membership fees and will report on the financial affairs of the Association to each EXEC meeting, and prepare an annual statement of accounts to be presented to the AGM, after approval by the independent examiner .

6.2 Should it be the preference of the committee members, 'job shares' should be permitted for the officer roles between two committee members, within the total number of twelve.

6.3 The EXEC shall exercise all the powers of the Association save for those powers reserved to the members of the MHTMA by its constitution.

6.4 Contact names and email addresses of the officers and members of the EXEC will be circulated to all members, made known to the MHT judiciary and MHT administration.

## **7. Meetings of the Executive Committee**

7.1 The EXEC shall meet not less than twice each year.

7.2 A quorum shall be four EXEC members including two or more officers.

7.3 Failure to attend two consecutive EXEC meetings without good cause shall automatically cause EXEC membership to lapse.

7.4 EXEC meetings are for the purpose of planning, managing and generally developing the interests of the Association, taking into account the wishes of the members.

7.5 The EXEC will aim to meet with the MHT judiciary and MHT administration at least twice during the year, and more frequently as deemed necessary by EXEC members or co-opted members to pursue the interest of members and/or respond to invitations from the MHT judiciary and MHT administration.

## **8. Finances**

8.1 The Treasurer shall open a bank account in the name of the Association.

8.2 All payments are online. Where the value is less than £100 it may be approved and actioned by the Treasurer alone or, in the absence of the Treasurer, by one of the other officers who are authorised signatories; payments above £100 may be approved by the Treasurer plus one other Exec member or, in the absence of the Treasurer, by the Chair and

one of the officers who are authorised signatories. Any payment of any sum due to the Treasurer must be approved by the Chair and another member of the EXEC.

8.3 The Treasurer is responsible for the good management of the Association's finances and will report to the EXEC on a regular basis. At least two other members of the EXEC will review the online account prior to any committee meetings to confirm the balance and the transactions as reported to the committee by the Treasurer are accurate.

8.4 Reasonable expenses incurred by the EXEC members on Association business shall be properly documented, approved by the Treasurer, and reimbursed from Association funds.

8.5 The Treasurer is required to submit income/expenditure accounts to the independent examiner and present an annual financial report to the AGM after approval by the independent examiner.

8.6 The EXEC is required to conduct the financial affairs of the Association in a responsible manner and seek to maintain reserves at a level to meet current and foreseeable needs. This will include a reserve fund to cover the excess on any insurance policy.

## **9. Meetings of the Association**

9.1 An AGM, open to all members will take place before the end of October each year, and will:- elect the committee who will subsequently elect the officers in committee; appoint an independent examiner approve the independently examined accounts; receive reports from the EXEC; consider any business already notified, including changes to this constitution;

9.2 One calendar month's notice of the AGM will be given to members, together with a draft agenda and independently examined accounts.

9.3 Motions for the AGM and amendments to the Constitution must be sought by the secretary at least one month before the AGM and received no later than two weeks prior to the AGM date. Notwithstanding the above, the Chair shall have discretion to allow items to be raised by email no later than 48 hours before the day of the AGM.

9.4 Motions put to the AGM or an EGM will be passed by a simple majority of those present and proxy votes, other than amendments to the Constitution, for which a majority of two thirds of those present and proxy votes is required.

9.5 The EXEC shall report on the affairs of the Association during the previous year.

9.6 An Extraordinary General Meeting (EGM) can be called by no fewer than 15% of the fully paid up members in writing, notification to be received by the secretary, giving full details of any motions to be considered at the EGM. The date, venue and details of the business of the meeting will be communicated directly to members giving not less than four weeks notice. An EGM called in this way will be held within six weeks of receipt of the written request.

9.7 A quorum at an AGM/EGM shall be no fewer than 10% of full members.

9.8 AGMs and EGMs will usually be held in person, but if this is not practicable, they will be held virtually.

## **10. Elections**

10.1 Nominations for EXEC places shall be invited by the Association by email with notice of the AGM and agenda not later than four weeks prior to the AGM. Nominees must indicate their willingness to stand.

10.2 Nominations for the EXEC must be received by the Association at least two weeks before the AGM.

10.3 If there are insufficient nominations submitted prior to the AGM then nominations will be sought at the AGM.

10.4 Members of the Association at the AGM, or by proxy shall elect the EXEC individually or, if agreed, en bloc. In the event of there being more nominees than vacancies, there shall be a vote by show of voting cards and the nominees getting the greatest number of votes shall be elected.

10.5 All retiring members of the EXEC shall be eligible for re-election once and thereafter only after a gap of two years.

10.6 An independent examiner shall be elected at the AGM to undertake the annual independent examination of accounts and to monitor the accounts during the course of the year, as necessary.

10.7 An EXEC member elected at the AGM shall take office immediately following the closure of the meeting.

## **11. Communications with members and others**

11.1 The membership list will be accessed and used by the Association's Administrator and duly authorised members of EXEC for the purposes of direct contact with the members. The contractor employed by EXEC to maintain the security and functioning of the website will also have access to the membership list to the extent necessary to maintain the website regularly. The agreement with the contractor will clearly state the contractor has responsibility for maintaining the security of all members' personal data. No other copies will be made or stored elsewhere.

11.2 A membership directory can be accessed on the website by current members so that they can communicate with each other. Inclusion in this directory will require members to positively indicate how much personal information they want to be included in this directory.

## **12. Winding up and disbandment of the Association**

12.1 A decision to dissolve the Association may only be made at an EGM called for that express purpose under the procedures required by paragraph 9.5 of this Constitution. The motion to dissolve the Association must be carried by two-thirds of the members voting.

12.2 On dissolution of the Association, any assets remaining after settlement of all outstanding liabilities shall be split and donated to more than one mental health charity as members at an EGM shall decide.

12.3 The EGM may instead remit the matter of the distribution of any remaining assets to the EXEC who may decide this matter and, in that event, shall incur no personal liability for their actions, provided the same are reasonable.