

Who this policy applies to?

1. The GDC's Code of Conduct applies to Council Members, any non-Council Members serving on Committees or Working Groups, Members of the Statutory Committees, assessors and inspectors (visitors) and other office holders. Where the policy refers to Members, this should read as the Council members and office holders referred to in this paragraph, unless stated otherwise.

Why is the policy needed?

2. As a regulator, the Council establishes standards for the conduct, performance and ethics of the dental team; therefore, Members must maintain similarly high standards in their roles.
3. A Member should act in accordance with the standards expected of holders of public office (the Nolan Principles).
4. Members have a moral obligation to act in the best interest of the GDC thereby protecting the public and patients. Members have a fiduciary¹ duty, a duty of care and a duty to act within their powers. The GDC is not governed by the Companies Act 2006 but the Act does provide an interpretation of fiduciary duties and duty of care. **Annex A** provides an overview of the Nolan principles and the duties specified in the Companies Act 2006.

How is this applied?

5. Guidance on the fulfilment of these duties is provided in this Code of Conduct to ensure there are clear parameters to assist Members in applying these standards and principles.
6. A Member's behaviour must demonstrate the principles outlined in this policy; specific expectations are outlined on:
 - collective responsibility
 - confidentiality
 - equality and diversity
 - attendance at meetings
 - preparation for meetings and provision of information
 - induction and training
 - managing interests
 - fees and expenses
 - dealing with stakeholders
 - staff interaction
 - the liability of a Member
 - Exceptional governance mechanisms are also outlined: seeking independent advice, raising concerns and process for breach of the Code.

¹ Fiduciary duty means that Members must act in good faith; must not make a profit out of their membership; must not place themselves in a position where duty and interests may conflict; may not act for their own benefit or the benefit of a third person without the informed consent of Council; must not enter into any engagement in which they have, or could have, a personal interest conflicting, or which may possibly conflict, with the interests of the Council

Collective responsibility

7. Once a quorate decision is taken, all Members are collectively responsible for it even if they have voted against it, abstained from voting or were absent when the decision was taken. It follows that all Members are bound by a decision made in good faith (whether by a unanimous or majority vote) and may not obstruct the execution of that decision.

Confidentiality

8. Any matters of a confidential nature must remain so strictly outside the confines of the meeting or hearing.
9. Most information to which Council Members have access as part of their role will be in the public domain. However Members will regularly, in the course of their duties, be party to discussions or information of a confidential nature in meetings. The effective operation of the Council depends on these confidences being maintained. Members shall ensure that confidential information is kept safely and effectively protected against loss and/or unauthorised disclosure. Members must not disclose confidential information without the consent of the Chair of Council or unless the Member is required by law to do so.
10. Members are bound by the confidentiality clause contained within their contracts or Member Agreements. This remains in force after their term comes to an end and/or their contract has been terminated.
11. Members must ensure that they are aware of their duties under the Freedom of Information (FoI) Act and Data Protection Act. Members should abide by the duties set out in the information security guidance.

Equality and Diversity

12. Decisions made by Members must promote equality and diversity, in accordance with the GDC Equality and Diversity Strategy and equalities legislation.

Attending meetings

13. Council Members should endeavour to attend all Council meetings, and any meetings of committees of which they are a member. Council Members who are unable to attend a meeting should inform the Secretariat as soon as possible. Where a Council Member's inability to attend a series of meetings is likely to affect the ability of the Council to perform that Member should work with the Chair to consider any action needed; a minimum requirement of [65%²] attendance is required of Council.
14. Other office holders should endeavour to attend their scheduled meetings and inspections. Members who are unable to attend a meeting should inform the Secretariat or Hearings co-ordinator as soon as possible.
15. In accordance with the GDC (Constitution of Committees) Rules Order of Council 2009 the Appointments Committee may remove a Statutory Committee Member from office if they are satisfied the Member's level of attendance at meetings falls below a minimum level of attendance acceptable to the Appointments Committee.

Preparation for meetings and provision of information

16. Members must read their papers in preparation for meetings.
17. The Executive should be contacted if any clarification of papers is needed or if additional advice is required.
18. Members have the right to expect to be supplied with sufficient information to inform decisions. If Members are not satisfied with the information they have been supplied

² The Constitution Order stipulates that there is a provision for setting a minimum attendance level as this is a criteria for the consideration of suspension/removal

to make a decisions, they should consider whether they should adjourn for further information.

Induction and Training

19. Members will meet the standards of education and training set by the GDC.
20. Members will be required to participate in a performance review which may identify further training opportunities.
21. It is the responsibility of Members to inform the Executive if they feel that they need further guidance or training to carry out their role.

Managing interests: financial or professional interests, gifts and political activities

22. Detailed guidance for managing conflicts of interest is set out in the Managing Interest Policy. Members must adhere to the principles of the Managing Interests policy.

Fees and Expenses

23. The Council will decide on the level of fees and expenses to be paid to Members. Members will be paid expenses in line with the expenses policy.
24. Members must not receive any financial or non-financial benefit relating to their position as a Member that is not explicitly authorised in the appointment letter (i.e. fees for attending meetings/training and incurred expenses).
25. If Members are offered a payment for speaking at agreed conferences on behalf of the GDC they should notify the Chair of Council. Members are entitled to receive the GDC fee OR the fee paid by the organisation but will not be entitled to receive both sets of fees. In most cases the fee offered by the organisation should be paid to the GDC and the Member should then claim an attendance fee from the GDC.

Dealing with stakeholders

26. Members must always be aware that any public statement made by the Member may be construed by the public as the opinion of the GDC.
27. Council Members must not speak on behalf of Council or express their personal views about the Council and its work without express authority from the Council to do so. Public statements will only be made by the Chief Executive and the Chair of the Council or relevant committee except where explicitly agreed otherwise.
28. If authorised to do so, any communication whether with the media, at events, at stakeholder meetings or online, about the GDC's work or policy should be discussed with the Press Office in the first instance: PressOffice@gdc-uk.org or 0207 009 2728 or 07809 657 920 (out of hours number).
29. Other office-holders shall not, in any advertising or other promotional material, make any reference to the their relationship with the Council nor use the name, logo or style of the Council on any publication or document except with the prior written consent of the Council.

Staff Interaction

30. Employees are employed by the GDC as a statutory corporation and are subject to the Council's established employment procedures. The Dentists Act sets out that the Chief Executive is responsible for the staff of the GDC.
31. There may be occasions where Council collectively or an individual Council member may want to negatively comment on staff; these comments should be channelled through the Chief Executive in confidence in recognition of his/her responsibility to manage staff and the obligations of the employer to the individual.
32. Other office holders should channel any comment on staff through to the Head of Department and in exceptional circumstances to the Chief Executive.

33. If a Member has an issue with the Chief Executive, and it is not possible to resolve the issue directly with the Chief Executive, it should be raised with the Chair of the Council.

Exceptional Governance Mechanisms: Raising concerns

34. Members are not bound by the provisions of the Public Interest Disclosure Act 1998 as they are office holders and therefore not employees of the GDC, however, guidance in the form of a whistle-blowing policy has been developed for office holders which uses the principles of this act.
35. Where Members have significant concerns about the GDC, they should raise their concerns through the routes outlined in the whistle-blowing policy.

Exceptional Governance Mechanisms: Process for breach of Code of Conduct

36. It is the responsibility of each Member to ensure that they fully comply with all aspects of the responsibilities and conduct specified in this policy, the Managing Interests Policy and the Whistle-blowing Policy.

Process for Council Members

37. All Members can confidentially raise concerns regarding potential breaches of this policy by Council Members with the Chair of Council.
38. All complaints from staff regarding Council Members should be directed to the Chief Executive.
39. Should a breach of the Code of Conduct be identified for Council Members, which cannot be resolved quickly, the Chair will act in accordance with the Procedure for dealing with complaints against Council Members under the Code of Conduct. This Procedure is included in **Appendix 1**.
40. The General Dental Council (Constitution) Order 2009 and the standing orders of the Council set out provisions for the provisional suspension and removal of Members from office. The relevant provisions are included in **Annex B**.

Process for Statutory Committee Members

41. All Members can confidentially raise concerns regarding potential breaches of this policy by Statutory Committee Members with the Chair or Secretary of the Appointments Committee.
42. All complaints from staff regarding Statutory Committee Members should be directed to the Secretary of the Appointments Committee who will notify the Chair of the Appointments Committee.
43. Should a breach of the Code of Conduct be identified for Statutory Committee Members, this will be dealt with in accordance with the Disciplinary Procedure for Statutory Committee members.
44. The General Dental Council (Constitution of Committees) Order 2009 sets out provisions for the provisional suspension and removal of statutory members from office by the Appointments Committee. The relevant provisions are included in **Annex C**.

Process for other office holders

45. All Members can confidentially raise concerns regarding potential breaches of this policy by Council Members with the Chair of Council.
46. All complaints from staff regarding Council Members should be directed to the Chief Executive who will address them appropriately.

Approved at Council: 22 September 2011

Annex A

Accountability

Holders of public offices are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Objectivity

In carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Openness

Holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or friends (i.e. connected parties).

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interests.

Leadership

Holders of public office should promote and support these principles by leadership and example.

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Figure 1: Overview of Accountabilities and Responsibilities

Nolan Principle	Companies Act: interpretation of Fiduciary Duty and Duty of Care³
<p>Leadership Support these principles by leadership and example</p>	
<p>Accountability For decisions and actions Public scrutiny</p>	<p>Duty to Act within powers⁴</p>
<p>Objectivity Make choices on merit</p>	<p>Duty to exercise independent judgement⁵ at a Council meeting</p>
<p>Openness About all decisions and actions Reasoned decisions and public information</p>	<p>Duty not to accept benefits from third parties⁶ Duty to declare interests in proposed transactions⁷</p>
<p>Honesty Declare interests Resolve conflicts</p>	
<p>Selflessness Decisions solely in terms of public interest No decisions for private gain</p>	<p>Duty to promote the success of the organisation⁸</p>
<p>Integrity No obligation to outside bodies which could influence their performance</p>	<p>Duty to avoid conflicts of interests⁹ Duty to exercise reasonable care, skill and diligence¹⁰</p>

³ The Companies Act 2006 gives a useful definition of fiduciary duty and duty of care.

⁴ Section 171 of the Companies Act 2006.

⁵ Section 173 of the Companies Act 2006.

⁶ Section 176 of the Companies Act 2006.

⁷ Section 177 of the Companies Act 2006.

⁸ Section 175 of the Companies Act 2006.

⁹ Section 173 of the Companies Act 2006.

¹⁰ Section 174 of the Companies Act 2006.

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Annex B

Extract from the General Dental Council (Constitution) Order 2009

Disqualification from appointment as a member

5. A person is disqualified from appointment as a member of the Council if that person—

(a) has at any time been convicted of an offence involving dishonesty or deception in the United Kingdom and the conviction is not a spent conviction;

(b) has at any time been convicted of an offence in the United Kingdom, and—

(i) the final outcome of the proceedings was a sentence of imprisonment or detention, and

(ii) the conviction is not a spent conviction;

(c) has at any time been removed—

(i) from the office of charity trustee or trustee for a charity by an order made by the Charity Commissioners, the Charity Commission, the Charity Commission for Northern Ireland or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity—

(aa) for which the person was responsible or to which the person was privy, or

(bb) which the person by their conduct contributed to or facilitated, or

(ii) under—

(aa) section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990(6) (powers of Court of Session to deal with management of charities), or

(bb) section 34(5)(e) of the Charities and Trustee Investment (Scotland) Act 2005(7) (powers of the Court of Session),

from being concerned with the management or control of any body;

(d) has at any time been removed from office as the chair, or as a member, convenor or director, of any public body on the grounds, in terms, that it was not in the interests of, or conducive to the good management of, that body that the person should continue to hold that office;

(e) at any time has been adjudged bankrupt or sequestration of the person's estate has been awarded, and—

(i) the person has not been discharged, or

(ii) the person is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986(8) or Schedule 2A of the Insolvency (Northern Ireland) Order 1989(9) (which relate to bankruptcy restrictions orders and undertakings);

(f) has at any time made a composition or arrangement with, or granted a trust deed for, the person's creditors and the person has not been discharged in respect of it;

(g) is subject to—

(i) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986(10),

(ii) a disqualification order under Part 2 of the Companies (Northern Ireland) Order 1989(11) (company directors disqualification),

(iii) a disqualification order or disqualification undertaking under the Company Directors Disqualification (Northern Ireland) Order 2002(12), or

(iv) an order made under section 429(2) of the Insolvency Act 1986(13) (disabilities on revocation of a county court administration order);

(h) has been included by—

(i) the Independent Barring Board in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006(14) or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007(15)), or

(ii) the Scottish Ministers in the children's list or the adults' list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007(16));

(i) has at any time been subject to any investigation or proceedings concerning the person's fitness to practise by any licensing body, the final outcome of which was—

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- (i) the person's suspension from a register held by the licensing body, and that suspension has not been terminated,
- (ii) the erasure of the person's name from a register held by the licensing body or a decision that had the effect of preventing the person from practising the profession licensed or regulated by the licensing body, or
- (iii) a decision that had the effect of only allowing the person to practise that profession subject to conditions, and those conditions have not been lifted;
- (j) has at any time been subject to any investigation or proceedings concerning the person's fitness to practise by the Council, in the course of which or where the final outcome was that—
 - (i) the person's registration in the register was suspended (including by an interim suspension order or an order for immediate suspension) and that suspension has not been terminated,
 - (ii) the person's name was erased from the register (for a reason connected to the person's fitness to practise), or
 - (iii) the person's registration in the register was made conditional upon their compliance with any requirement (including by an order for interim conditional registration or an order for immediate conditional registration) and that requirement has not been lifted;
- (k) has at any time been subject to any investigation or proceedings relating to an allegation that the person's entry in the register was fraudulently procured, the final outcome of which was the erasure of the person's name from the register;
- (l) is or has been subject to any investigation or proceedings concerning the person's fitness to practise by—
 - (i) any licensing body, or
 - (ii) the Council,and the Privy Council is satisfied that the person's membership of the Council would be liable to undermine public confidence in the regulation of registered dentists and dental care professionals; or
- (m) has at any time been convicted of an offence elsewhere than in the United Kingdom and the Privy Council is satisfied that the person's membership of the Council would be liable to undermine public confidence in the regulation of registered dentists and dental care professionals.

Removal of members from office

6.—(1) A member shall be removed from office by the Privy Council, if—

- (a) the member resigns, which a member may do at any time by a notice in writing to the Privy Council;
- (b) in the case of—
 - (i) a registrant member, that member's registration is voluntarily terminated or otherwise lapses; or
 - (ii) a lay member, that member becomes a person who no longer satisfies the criteria for being a lay member in paragraph 1A(1)(b) of Schedule 1 to the Dentists Act 1984(17) (membership: general);
- (c) the member becomes a person of the type mentioned in article 5(a), (b) or (e) to (h) (irrespective of whether or not they subsequently cease to be a person of the type mentioned in those provisions);
- (d) the member becomes a person of the type mentioned in article 5(c) or (d);
- (e) in the case of a registrant member, the member has become the subject of any investigation or proceedings concerning the member's fitness to practise by the Council, as a result of which—
 - (i) the member's registration in the register is suspended,
 - (ii) the member's name is erased from the register, or
 - (iii) the member's registration in the register is made conditional upon the member's compliance with any requirement,and the proceedings relating to that particular sanction have reached their final outcome;
- (f) in the case of a registrant member, the member has become the subject of any investigation or proceedings relating to an allegation that the person's entry in the register was fraudulently procured or incorrectly made, the final outcome of which is the erasure of the person's name from the register;
- (g) the Privy Council is satisfied that the member's level of attendance at meetings of the Council falls below a minimum level of attendance acceptable to the Privy Council, having regard to—
 - (i) any recommended minimum levels of attendance that the Council have set in their standing orders, and

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(ii) whether or not there were reasonable causes for the member's absences;

(h) the Privy Council is satisfied that the member has failed, without reasonable cause, to undertake satisfactorily the requirements with regard to education and training for members that apply to that member and which the Council have included in their standing orders;

(i) the Privy Council is satisfied that the member is no longer able to perform their duties as a member of the Council because of adverse physical or mental health;

(j) the Privy Council is satisfied that the member's continued membership of the Council would be liable to undermine public confidence in the regulation of registered dentists and dental care professionals.

(2) A member who becomes, or may be about to become, a person to whom paragraph (1)(b) to (f) applies must notify the Privy Council and the Council in writing of that fact as soon as the member becomes aware of it.

(3) Any member or employee of the Council may notify the Privy Council if they are of the view that the Privy Council may need to exercise its functions under paragraph (1).

(4) The chair shall notify the Privy Council if the chair is aware that—

(a) a member has become, or may be about to become, a person to whom paragraph (1)(b) to (f) applies; and

(b) that member has not notified the Privy Council in writing of that fact and the chair is not satisfied that the member will do so immediately.

Suspension of members from office

7.—(1) The Privy Council may suspend a member from office by a notice in writing served on the member—

(a) if the Privy Council has reasonable grounds for suspecting that the member has become a person to whom article 6(1)(b)(ii) to (d) applies, for the purposes of determining whether or not the member has become such a person;

(b) while the Privy Council is considering whether or not it is satisfied as to the matters set out in article 6(1)(g) to (j);

(c) if the member is subject to any investigation or proceedings concerning the member's fitness to practise by—

(i) any licensing body, or

(ii) the Council,

and the Privy Council is satisfied that it would not be appropriate for the member to continue to participate in proceedings of the Council while the investigation or proceedings concerning the member's fitness to practise is or are ongoing;

(d) if the member is subject to any investigation or proceedings concerning whether the member's entry in the register was fraudulently procured or incorrectly made and the Privy Council is satisfied that it would not be appropriate for the member to continue to participate in proceedings of the Council while the investigation or proceedings concerning the member's entry in the register is or are ongoing; or

(e) if the member is subject to any investigation or proceedings in the United Kingdom relating to a criminal offence, or elsewhere than in the United Kingdom relating to an offence which, if committed in any part of the United Kingdom, would constitute a criminal offence, and—

(i) either—

(aa) the investigation or proceedings relate to an offence involving dishonesty or deception, or

(bb) the final outcome of the investigation or proceedings may be that the person is sentenced to a term of imprisonment (whether suspended or not), and

(ii) the Privy Council is satisfied that it would not be appropriate for the member to continue to participate in proceedings of the Council while the investigation or proceedings is or are ongoing.

(2) The Privy Council shall suspend a registrant member from office by a notice in writing served on the member if the member is the subject of an interim order.

(3) The notice in writing under paragraph (1) or (2) shall set out the reasons for the suspension and the duration of the period of suspension, which shall (in the first instance) not be for more than 6 months.

(4) The Privy Council may stay its consideration under paragraph (1) of whether or not to suspend a member while the Council considers whether or not to suspend the member provisionally under standing orders of the Council.

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(5) If a member has been suspended provisionally under standing orders of the Council—

(a) the Council shall notify the Privy Council in writing of the provisional suspension as soon as is reasonably practicable; and

(b) the Privy Council shall consider the matter with a view to determining whether or not to suspend the member under paragraph (1) or to remove the member under article 6(1).

(6) If after considering the matter under paragraph (5)(b), the Privy Council decides not to suspend the member, and not to remove the member from office, the Council must terminate their provisional suspension of the member under their standing orders.

(7) The Privy Council—

(a) may at any time review a suspension of a member by it; and

(b) shall review any suspension of a member by it after 3 months from the start of the period of suspension, if requested to do so by the suspended member.

(8) Following a review, the Privy Council may—

(a) terminate the suspension;

(b) if that review is within 3 months of the end of a period of suspension, extend the suspension for a further period of up to 6 months from the date on which the suspension would otherwise come to an end.

(9) The Privy Council shall notify the suspended member in writing of the outcome of any review and that notice shall include the reasons for any decision taken.

Annex C

**Extract from the General Dental Council (Constitution of Committees) Rules
Order of Council 2009**

Disqualification from appointment as a member

6. A person is disqualified from appointment as a member if that person—

(a) has at any time been convicted of an offence involving dishonesty or deception in the United Kingdom and the conviction is not a spent conviction;

(b) has at any time been convicted of an offence in the United Kingdom, and—

(i) the final outcome of the proceedings was a sentence of imprisonment or detention, and

(ii) the conviction is not a spent conviction;

(c) has at any time been removed—

(i) from the office of charity trustee or trustee for a charity by an order made by the Charity Commissioners, the Charity Commission, the Charity Commission for Northern Ireland or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity—

(aa) for which the person was responsible or to which the person was privy, or

(bb) which the person by their conduct contributed to or facilitated, or

(ii) under—

(aa) section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990⁽⁵⁾ (powers of Court of Session to deal with management of charities), or

(bb) section 34(5)(e) of the Charities and Trustee Investment (Scotland) Act 2005⁽⁶⁾ (powers of the Court of Session),

from being concerned with the management or control of any body;

(d) has at any time been removed from office as the chair, member, convenor or director of any public body on the grounds, in terms, that it was not in the interests of, or conducive to the good management of, that body that the person should continue to hold that office;

(e) at any time has been adjudged bankrupt or sequestration of the person's estate has been awarded, and—

(i) the person has not been discharged, or

(ii) the person is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986⁽⁷⁾ or Schedule 2A to the Insolvency (Northern Ireland) Order 1989⁽⁸⁾ (which relate to bankruptcy restrictions orders and undertakings);

(f) has at any time made a composition or arrangement with, or granted a trust deed for, the person's creditors and the person has not been discharged in respect of it;

(g) is subject to—

(h) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986⁽⁹⁾,

(i) a disqualification order under Part 2 of the Companies (Northern Ireland) Order 1989⁽¹⁰⁾ (company directors disqualification),

(ii) a disqualification order or disqualification undertaking under the Company Directors Disqualification (Northern Ireland) Order 2002⁽¹¹⁾, or

(iii) an order made under section 429(2) of the Insolvency Act 1986⁽¹²⁾ (disabilities on revocation of a county court administration order);

(i) has been included by—

(i) the Independent Barring Board in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006⁽¹³⁾ or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007⁽¹⁴⁾), or

(ii) the Scottish Ministers in the children's list or the adults' list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007⁽¹⁵⁾);

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(j) has at any time been subject to any investigation or proceedings concerning the person's fitness to practise by any licensing body, the final outcome of which was—

(i) the person's suspension from a register held by the licensing body, and that suspension has not been terminated,

(ii) the person's erasure from a register held by the licensing body or a decision that had the effect of preventing the person from practising the profession licensed or regulated by the licensing body, or

(iii) a decision that had the effect of only allowing the person to practise that profession subject to conditions, and those conditions have not been lifted;

(k) has at any time been subject to any investigation or proceedings concerning the person's fitness to practise by the Council, in the course of which or where the final outcome was that—

(i) the person's registration in the register was suspended (including by an interim suspension order or an order for immediate suspension) and that suspension has not been terminated,

(ii) the person was erased from the register (for a reason connected to the person's fitness to practise), or

(iii) the person's registration in the register was made conditional upon their compliance with any requirement (including by an order for interim conditional registration or an order for immediate conditional registration) and that requirement has not been lifted;

(l) has at any time been subject to any investigation or proceedings relating to an allegation that the person's entry in the register was fraudulently procured, the final outcome of which was the erasure of the person from the register;

(m) is or has been subject to any investigation or proceedings concerning the person's fitness to practise by—

(i) any licensing body, or

(ii) the Council,

and the Appointments Committee is satisfied that the person's membership of the Committee would be liable to undermine public confidence in the regulation of registrants; or

(n) has at any time been convicted of an offence elsewhere than in the United Kingdom and the Appointments Committee is satisfied that the person's membership of the Committee would be liable to undermine public confidence in the regulation of registrants.

Removal of members from office

7.—(1) A member shall be removed from office by the Appointments Committee, if—

(a) the member resigns, which a member may do at any time by a notice in writing to the chair of the Appointments Committee;

(b) in the case of—

(i) a member appointed in part because they were a registrant, that member's registration is voluntarily terminated or otherwise lapses, or

(ii) a member appointed in part because they were a lay person, that member ceases to be a lay person;

(c) the member becomes a person of the type mentioned in rule 6(a), (b) or (e) to (h) (irrespective of whether or not they subsequently cease to be a person of the type mentioned in those provisions);

(d) the member becomes a person of the type mentioned in rule 6(c) or (d);

(e) in the case of a registrant member, the member has become the subject of any investigation or proceedings concerning the member's fitness to practise by the Council, as a result of which—

(i) the member's registration in the register is suspended,

(ii) the member's name is erased from the register, or

(iii) the member's registration in the register is made conditional upon the member's compliance with any requirement,

and the proceedings relating to that particular sanction have reached their final outcome;

(f) in the case of a registrant member, the member has become the subject of any investigation or proceedings relating to an allegation that the person's entry in the register was fraudulently procured or incorrectly made, the final outcome of which is the removal of the person's entry in the register;

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(g) the Appointments Committee is satisfied that the member's level of attendance at meetings of the Committee falls below a minimum level of attendance acceptable to the Appointments Committee, having regard to—

(h) any recommended minimum levels of attendance that the Council have set in their standing orders, and

(i) whether or not there were reasonable causes for the member's absences;

(j) the Appointments Committee is satisfied that the member has failed, without reasonable cause, to undertake satisfactorily the requirements with regard to education and training for members that apply to that member and which the Council have included in their standing orders;

(k) the Appointments Committee is satisfied that the member is no longer able to perform their duties as a member of the Committee because of adverse physical or mental health;

(l) the Appointments Committee is satisfied that the member's continued membership of the Committee would be liable to undermine public confidence in the regulation of registrants.

(2) A member who becomes, or may be about to become, a person to whom paragraph (1)(b) to (f) applies must notify the Appointments Committee in writing of that fact as soon as the person becomes aware of it.

(3) Any member and any employee or member of the Council may notify the Appointments Committee if they are of the view that the Appointments Committee may need to exercise its functions under paragraph (1).

Suspension of members from office

8.—(1) The Appointments Committee may suspend a member from office by a notice in writing served on the member—

(a) if the Appointments Committee has reasonable grounds for suspecting that the member has become a person to whom rule 7(1)(b)(ii) to (d) applies, for the purposes of determining whether or not the member has become such a person;

(b) while the Appointments Committee is considering whether or not it is satisfied as to the matters set out in rule 7(1)(g) to (j);

(c) if the member is subject to any investigation or proceedings concerning the member's fitness to practise by—

(i) any licensing body, or

(ii) the Council,

and the Appointments Committee is satisfied that it would not be appropriate for the member to continue to participate in proceedings of the Committee while the investigation or proceedings concerning the member's fitness to practise is or are ongoing;

(d) if the member is subject to any investigation or proceedings concerning whether the member's entry in the register was fraudulently procured or incorrectly made and the Appointments Committee is satisfied that it would not be appropriate for the member to continue to participate in proceedings of the Committee while the investigation or proceedings is or are ongoing; or

(e) if the member is subject to any investigation or proceedings in the United Kingdom relating to a criminal offence, or elsewhere than in the United Kingdom relating to an offence which, if committed in any part of the United Kingdom, would constitute a criminal offence, and—

(i) either—

(aa) the investigation or proceedings relate to an offence involving dishonesty or deception, or

(bb) the final outcome of the investigation or proceedings may be that the person is sentenced to a term of imprisonment (whether suspended or not), and

(ii) the Appointments Committee is satisfied that it would not be appropriate for the member to continue to participate in proceedings of the Committee while the investigation or proceedings is or are ongoing.

(2) The Appointments Committee shall suspend a registrant member from office by a notice in writing served on the member if the member is the subject of an interim suspension order or an order for interim conditional registration.

(3) The notice in writing under paragraph (1) or (2) shall set out the reasons for the suspension and the duration of the period of suspension, which shall (in the first instance) not be for more than 6 months.

(4) The Appointments Committee—

(a) may at any time review a suspension of a member by it; and

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(b) shall review any suspension of a member by it after 3 months from the start of the period of suspension, if requested to do so by the suspended member.

(5) Following a review, the Appointments Committee may—

(a) terminate the suspension;

(b) if that review is within 3 months of the end of a period of suspension, extend the suspension for a further period of up to 6 months from the date on which the suspension would otherwise come to an end.

(6) The Appointments Committee shall notify the suspended member in writing of the outcome of any review and that notice shall include the reasons for any decision taken.

Appendix 1

**PROCEDURE FOR DEALING WITH COMPLAINTS
AGAINST COUNCIL MEMBERS
UNDER THE CODE OF CONDUCT**

Introduction

1. This document sets out the procedure to be followed in dealing with alleged breaches of the Code of Conduct (“the Code”). It applies to allegations in respect of Council members only.
2. Separate procedures apply to complaints against non-Council members appointed to Committees and Task and Finish Groups, assessors and inspectors, and to chairs and members of Statutory Committees (the Investigating Committee, the Interim Orders Committee, the Health Committee the Professional Conduct Committee and the Registration Appeals Committee).
3. The procedures in this document should be adhered to as far as possible in the interests of achieving a fair, consistent and proportionate procedure complying with the principles of natural justice, but non-compliance with any particular requirement shall not invalidate the overall outcome, unless it can be shown that the member has been prejudiced as a result.
4. The Annexes to this document are for information only.
 - a. Annex 1 sets out the provisions for the suspension and removal of Council members
 - b. Annex 2 sets out an indicative flowchart

Purpose

5. The purpose of this procedure is to maintain ethical standards by ensuring compliance with the Code of Conduct.

Scope of the procedure

6. This procedure does **not** deal with removal of members from office under other provisions of Article 6(1) of the General Dental Council (Constitution) Order 2009, (“the Order”) such as for poor attendance at meetings, or with complaints relating to the professional conduct of members or the actions to be taken following a fitness to practise investigation.
7. If criminal proceedings or a criminal investigation or (in the case of a registrant member) a fitness to practise investigation concerning the member arises or comes to light during the course of the procedure, then the matter becomes an issue of

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possible suspension by the Privy Council and (for a registrant member) an expedited fitness to practise investigation, as the case may be, and the procedure will be halted pending the resolution of those other proceedings.

8. All complaints compliant with paragraph 10 below will be investigated under the procedure. If a complaint is received from a member of staff, a copy will be passed to the Chief Executive. If the Chief Executive receives the complaint he or she will notify the Chair. In all cases the Chief Executive will discuss with the Chair and decide whether, in order to protect the complainant, the Chief Executive will take the matter forward in his or her name (rather than that of the complainant), and inform the complainant of the decision.

Role of the Chair

9. If the Chair of the Council is the subject of the complaint, this procedure will apply, but references in this procedure to the "Chair" (which normally means the Chair of the Council) shall be to the Chair of the Audit Committee.

Where the Chair is required to act under this procedure, in the event of a vacancy in the office of Chair, or the Chair's inability to act as specified in the Constitution Order 2009, the deputising arrangements in Article 10 of the Order will be applied and references to "the Chair" will be interpreted accordingly. If the Chair of Council is conflicted, the Chair of the Audit Committee will act. If the complaint is against the Chair of Council and the office of Chair of the Audit Committee is vacant, the acting Chair of the Committee will act.

Initial receipt and review of complaints

10. Complaints must be in writing or emailed, setting out full details of the complaint. Anonymous complaints will not be accepted. Complaints should be addressed to the Chair, but if addressed to anyone else, such as the Chief Executive, they should be referred to the Chair immediately.
11. The Chief Executive will keep a record of all complaints received.
12. The Chair will determine conclusively whether the complaint falls within the scope of this procedure; if not, the complaint will be dismissed and the complainant will be so informed.
13. The Chair may conclude that more details of the complaint are needed for it to be dealt with, and in that event the complainant will be contacted and asked to give further information.

Summary dismissal of the complaint

14. The Chair may dismiss summarily any complaint which is in his or her opinion trivial or vexatious, and a record to that effect will be signed by the Chair. Any such summary dismissal of a complaint will be final.

Copy of complaint to the member

15. Following the initial review of the complaint, if it is decided to proceed, a copy of it will be sent to the member, who will be invited to submit a written response within 14 days. The member will, at the same time, be sent a copy of this procedure.

Copy of response to complainant

16. When the member has provided a response to the complaint, a copy of the response will be sent to the complainant.

Informal resolution of the complaint

17. The Chair may, following initial consideration of the complaint or at any time before the matter is referred to a Panel under paragraph 20 below suggest informal resolution of the complaint, such as by mediation. Both the complainant and the member would need to agree to the form of such an informal procedure, as would the Chair, and either party could withdraw their agreement at any time prior to its conclusion. Any informal procedure should be completed within 28 days or such other period as the Chair deems reasonable of the decision to follow informal resolution. Any costs of informal resolution will be borne by the GDC.
18. If any mediation or other informal resolution process fails to reach an outcome acceptable to both the complainant and the member within 28 days or such other period as the Chair deems reasonable, the formal procedure will immediately resume. Any admissions or statements made during the course of the informal process will remain confidential to that process and will not be admissible at the formal Investigation Panel hearing save with the agreement of both the complainant and the member (see below).
19. If a complaint is resolved informally, the matter will remain confidential and no report will be made to the Council. The papers relating to the complaint, including details of the informal resolution, will be placed on the member's file and may be considered in the event of a subsequent complaint.

Triggering a full investigation

20. In the event that –
 - (1) The Chair considers that the complaint cannot be resolved by an informal process;
 - (2) Either the complainant or the member does not agree to take part in such an informal process; or
 - (3) An informal resolution process has failed to produce an outcome acceptable to both the member and the complainant;

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the complaint will proceed to a full investigation, and an Investigation Panel (“the Panel”) will be constituted. The Chair will notify the member and the complainant within 5 working days of an Investigation Panel being constituted.

The Investigation Panel

21. The Panel will consist of three Council members appointed by the Chair. Each Panel shall contain at least one registrant member and at least one lay member. The Panel Chair shall be appointed by the Chair from the members of the Panel.
22. The task of the Panel is to investigate the complaint on behalf of the Council, and to determine whether on the balance of probabilities a breach of the Code has occurred, advising the Council accordingly. The Panel has no power to decide on the sanction if it determines that a breach of the Code has occurred, but may make a recommendation in this respect if it thinks fit.
23. The Panel will have a legal adviser who may be a GDC staff member and a secretary, who will be a GDC staff member. The functions of the secretary are, under the directions of the Panel Chair, to carry out all preliminary work connected with the inquiry, including seeking evidence and contacting potential witnesses, to make administrative arrangements for and to attend both the preliminary meeting and the hearing, to make a note of the proceedings and to draft the report of the Panel for consideration by the Chair.

Preliminary meeting of the Panel

24. A preliminary meeting of the Panel (which may be held by telephone conference) should take place within five working days after it has been constituted. This will be a private meeting in the absence of the parties. The purpose of the meeting will be to decide the lines the investigation should take, whether witnesses should be invited to give oral or written evidence, the date of and arrangements for the hearing of the complaint, other timetable issues and any other procedural issues that may arise.

Witnesses

25. The Panel will consider at the preliminary meeting from whom, if anyone it wishes to seek written or witness evidence, including from members of Council and members of GDC staff. If the Panel considers witness evidence to be necessary for the proper investigation of the complaint, the secretary shall write to the relevant witnesses inviting them to attend the hearing. Where witness evidence is taken, the member shall be entitled to ask questions of the witness.
26. The Panel shall have the power to seek any information it requires from any member or employee and all members and employees are directed to co-operate with any request made by the Panel.
27. If the member wishes to call any witnesses, the member shall notify the Panel in advance and the Panel Chair shall decide, after discussion with the member against

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whom the complaint is made, whether the witnesses are necessary for the proper investigation of the complaint. The Panel Chair's decision shall be final.

Arrangements for the hearing

28. Once the hearing date has been decided by the Panel (taking into account the reasonable requests of the member), this will be notified to the member, and the complainant will also be informed. The Panel will not normally grant an adjournment.
29. If the member wishes he or she may submit a written response which must be received no later than 14 days before the hearing (subject to the Panel using its discretion pursuant to paragraph 34 below).
30. The member may attend the hearing, accompanied by a representative (who may be a lawyer). The member (but not the representative) may question the witnesses and address the Panel. When the member is notified of the date of the hearing, he or she will be asked whether he or she wishes to attend and, if so, whether he or she will be accompanied by a representative. Alternatively, if the Panel agrees, the member may take part by telephone conference.
31. If the member chooses to be legally represented, the member shall be responsible for his or her own legal costs. A member may ask the Council to agree to pay all or part of the member's legal costs and may make a submission to Council to that effect. In such a case the Council will reach a decision at its next meeting and will take into consideration whether legal representation was reasonable and whether the costs were proportionate to the issue.
32. If the member does not wish to attend the hearing or (where invited to do so by the Panel) take part by telephone conference, the complaint will be dealt with on the papers.

Timetable leading up to the hearing

33. Subject to any special directions by the Panel in the light of the circumstances, the timetable leading up to the hearing date will be –
 - **Not less than 28 days before the hearing date** the member must be notified of the hearing;
 - **Not less than 14 days before the hearing date** the member must submit any written response to the complaint, although the Panel may in its discretion permit the response, or any supplementary representations, later than this deadline;
 - **Not less than seven days before the date** the members of the Panel and the member must be sent the papers for the hearing.

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Papers sent to the member

34. The papers sent to the member will comprise all the materials to be considered by the Panel (but excluding any legal advice tendered to the Panel).

Confidentiality

35. All the stages in this procedure, and the hearing, will be dealt with confidentially, and any disclosure will only be to the extent necessary to –
- (1) Carry out the investigation, for example, by making enquiries of possible witnesses or obtaining professional advice; and
 - (2) To members of GDC staff on a need to know basis, for example to ensure that GDC media spokespeople are sufficiently briefed to respond in case any details of the complaint do become known outside the GDC.

Sequence of events at the hearing (if member present or taking part by telephone conference)

36. The Panel Chair is responsible for the smooth running of the hearing and may, at his/her absolute discretion, vary the procedure at paragraph 38 below, having taken into account any submissions from the member and/or the Panel.
37. The sequence of events at the hearing will be –
- The Panel Chair states that the hearing will be conducted according to these procedures (as varied by the Panel Chair), and the member will be asked to indicate any objections to them, whereupon the Panel will rule on the objections.
 - The Panel Chair checks that all members of the Panel and the member have copies of all the papers that have been circulated.
 - The member presents his or her response to the complaint and the Panel is taken through any relevant documents
 - Panel members ask questions of the member
 - Oral evidence may be given by one or more witnesses approved by the panel under paragraphs 25-27
 - Members of the Panel ask questions of the witness(es) in turn
 - The member asks questions of the witness(es) in turn
 - The Panel may ask supplementary questions if they wish

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- The member addresses the Panel
- Closing remarks by the Panel Chair
- The member and any representative retire
- The Panel deliberates and reaches a conclusion based on the evidence.

Report

38. The report of the Panel will be drafted by the secretary, under the direction of the Chair for approval by the Panel. The report will summarise the evidence received, set out the Panel's conclusion and give sufficient reasons to explain the Panel's decision. A copy of the report will be sent to the member (but not the complainant).
39. If the report finds the complaint against the member not to be substantiated, the matter will not be referred to the Council.
40. The member may, within 5 days of the date the report is sent to him/her, bring to the Panel's attention, any factual inaccuracies contained therein. The Panel shall consider the member's comments (if any) and may amend its report in the light of these.
41. Where the Panel has found the complaint to be substantiated, its report will be referred to Council to be considered by the Council at the next scheduled Council meeting, or one specially convened for the purpose by the Chair, when the Council will decide what, if any, sanction to apply under paragraph 47 below.
42. Members of the Panel will be entitled to attend the Council meeting but will be disqualified from taking part in any discussion of the Panel's findings at the Council meeting, but (unless the Panel recommended a specific sanction) will not be disqualified from the discussion on the penalty to be applied.
43. At the Council meeting which considers the report, the requirements of standing orders will be observed and the member, having an interest, shall be excluded from proceedings save as agreed by the Council.
44. The member may make submissions to the Council (orally or in writing as the Council shall decide) on the question of sanction only.
45. The complainant has no right to be present unless the Council is meeting in public, but will be informed of the Council's determination in writing by the Chair of Council within 5 working days of the Council meeting.

Sanctions

46. The Council will decide, in relation to a complaint against a Council member –

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- (1) Whether to recommend to the Privy Council that a Council member be removed from office under Article 6(1)(j) of the Order;
- (2) Whether a Council member should be provisionally suspended, pending the outcome of Privy Council consideration of whether he or she should be removed from office;
- (3) Whether a Council member should be suspended as a penalty;
- (4) Whether a Council member should be formally censured; or
- (5) Whether some other course of action short of a recommendation to the Privy Council should be taken, such as requiring the member to undergo further training

Annex 1: Suspension or removal of Council members

The Privy Council may remove a Council member from office under Article 6(1)(j) of the General Dental Council (Constitution) Order 2009 if it –

“is satisfied that the member’s continued membership of the Council would be liable to undermine public confidence in the regulation of registered dentists and dental care professionals.”

A serious breach of the Code would be the basis for a recommendation by the Council to the Privy Council that the member be removed under Article 6(1)(j).

Standing Orders provide that the Council may –

- (1) Suspend a member as a penalty; and
- (2) Suspend a member provisionally while the Privy Council is itself considering whether to suspend the member, pending a decision on whether to remove under various powers, including Article 6(1)(j).

Annex 2: Table of actions

Para	Event	Action	Time	Comment
10	Complaint received	Referred to Chair of Council	Immediate	If from staff, Chair tells CE and they discuss (para 8)
11		CE keeps record		
12		Chair determines whether complaint in scope		If insufficient information, Chair will ask for more (para 13)

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14		Chair may dismiss complaint as trivial or vexatious		Complainant to be informed at all stages
15	Complaint sent to member, with copy of procedure	Response requested	14 days	
16	Member's response received	Sent to complainant		
17		Chair considers informal resolution See paras 17-19	28 days to complete an informal procedure or such other period as Chair deems reasonable	If complaint resolved informally, no report to Council. Papers placed on member's file (paragraph 19)
20	Chair determines to proceed to full investigation	Chair chooses 3 Council members for panel – paras 21-23		
24	Preliminary meeting of panel	Private meeting, may be by phone	Within 5 working days of set up	To determine line of investigation including documents/evidence required
24	Hearing date selected	Member notified, complainant informed		
25	Panel requests written/oral evidence or other information		At preliminary meeting	
30	Member submits written response to complaint		14 days before hearing	
34	Panel and member sent papers		7 days before hearing	
37	Hearing			See paras 37-38 for procedure
39	Secretary drafts report under director of Panel Chair	Panel approves report		Sent to member
39	Member sent a copy of Panel report	Member comments on factual inaccuracies in Panel report only		
41	Panel considers member's comments	Panel amends report if necessary.		
42	Report considered by Council	Council determines penalty (para 47)	Next Council meeting/special Council meeting	Complainant told outcome