

Matters reserved to the Council and Matters Delegated to the Chief Executive

Matters reserved to the Council

Preamble

The Council's role is to set the direction of the GDC in line with its mission and purpose; to ensure systems are in place to enable it to monitor performance and to hold the Executive to account; and to ensure probity. The Council has determined that it can most effectively carry out its functions by delegating certain matters to subsidiary bodies or the Executive. Those delegations are contained in a Scheme of Delegation. It will not delegate:

- Approval of strategy
- Statutory rule making
- Approval of the annual business plan and budget
- Approval of the annual report and accounts and any report required to be laid before parliament
- Holding the Executive to account for its management of the organisation, through reports and monitoring

This statement sets out what the Council reserves to itself in more detail.

Decisions reserved to the Council

Statutory functions

C1. Making rules, regulations and standing orders under powers conferred by the Dentists Act which set out how the GDC will carry out its functions contained in the Dentists Act¹ and performing other duties set out in the Act:

Example

- Refer award giving bodies to the Privy Council to remove their powers to give awards

Strategic functions

C2. Approving strategic objectives and strategy

Examples

- Approving the Executive's proposals regarding the extension of the GDC's activities or any decisions to cease operation of all or any material part of the GDC's functions by amendment of the Dentists Act by any Order under s60 of the Health Act.
- Approval of the stakeholder engagement strategy.
- Approval of corporate strategies, such as the Equality and Diversity Strategy and Health and Safety Strategy.
- Setting the risk appetite for the organisation.

Financial Reporting

C3. Approving reports required to be submitted to the Privy Council and the Comptroller General prior to being laid in Parliament.

¹ Schedule 1 paragraph 8 of the Dentist Act 1984.

Examples

- Approval of the annual report and accounts, including the governance statements, statements of internal control, remuneration report and statistical report on arrangements in place to protect the public in accordance with the Government timetable.

Financial and Business Plans

- C4. Approval of the financial and business plan
- C5. Approval of the Annual Retention Fee and the reserve policy

Examples

- Changes to the reserve policy, with regard to recommendations from the Financial and Business Advisory Committee and the Executive
- Approval of major changes to the budget outside the normal budgeting exercise
- Approval of accommodation strategy

Appointments

- C6. Election and removal of the Chair of Council
- C7. Provisional suspension of a Council Member's term of office
- C8. Appointment and removal members of the Appointments Committee
- C9. Appointment and removal of members of non-statutory committees and task and finish groups of Council
- C10. Appointment and removal of the Chief Executive
- C11. Approval of the appointment of the External Auditors following a recommendation from the Audit Committee,.

Remuneration and Remuneration Policy

- C12. Approval of changes to Council and office holder fees, following a recommendation from the Remuneration Committee.
- C13. Approval of the policy for remuneration of the Chief Executive and the Executive Management Team, following a recommendation from the Remuneration Committee.

How Council will ensure effective performance

Review performance

- C14. Setting the organisation's performance measures and targets and ensuring that the targets are met by Executive Management
- C15. Overseeing the organisation's operations ensuring competent and prudent management and planning and receiving regular performance reports
- C16. Ensuring that the appropriate governance, risk management and internal controls are in place
- C17. Ensuring that the Council is adequately resourced to achieve its aims, including the strategic oversight of the efficient use of human resources

- C18. Reviewing reports on delegated authority used and receiving reports from the Executive and Committees of Council, including the Appointments Committee
- C19. Agreeing the Strategic Risk Register

Corporate Governance

- C20. Approval of the scheme of delegation
- C21. Approval of the financial delegations of the GDC
- C22. Undertaking a formal and rigorous annual review of its own performance and in line with the Council Member Appraisal process a review of its committees and individual members against its objectives
- C23. Ensuring that Council and committee members are appropriately trained
- C24. Establishing and maintaining a system for the declaration and registration of members' interests
- C25. Reviewing the GDC's statutory compliance e.g. with legislation regarding Data Protection, Freedom of Information, Health and Safety

Matters to which Council is not entitled by reason of Data Protection legislation

- C26. Personal information regarding staff (including the Chief Executive), insofar as that information is necessary to be provided in order to determine reward or in respect of any disciplinary or performance matter regarding the Chief Executive, shall be provided to the Remuneration Committee who will determine whether it is necessary for any of that information to be given to Council and if so how much and in what form
- C27. Details of fitness to practice cases within the remit of the statutory committees, other than those in the public domain

Matters delegated to the Chief Executive

Preamble

The Council sets policy, and determines the outcomes and outputs of the GDC in support of its purpose and values. The means by which those outcomes and outputs are achieved is a matter for the Chief Executive and staff. The Chief Executive is accountable to the Council for this.

The Council sets out in detail its requirements of the Chief Executive in the contract of employment and role profile. The process by which the Council holds the Chief Executive accountable is that:

1. The Chief Executive will provide management reports to Council, and will ensure that appropriate reports are provided to committees regarding matters within their remits
2. The Council may question the Chief Executive on any matter which he or she undertakes on behalf of the GDC.

The Chief Executive is the Registrar and the Accounting Officer, and is Secretary to the Council. This document sets out the delegations to the Chief Executive. For completeness, the Chief Executive's statutory and other functions as Registrar, and as Secretary, are set out in Annex 1.

Matters delegated to the Chief Executive

E1. Carrying out the Dental Complaints Service

E2. Minor amendments to the procurement policy and credit control policy

Matters for which the Chief Executive is responsible without reference to Council

E3. All staff matters save those reserved to the Remuneration Committee

E4. Carrying out the business of the GDC within the budget set by Council

E5. For the avoidance of doubt, other than in an emergency, the Chief Executive will consult the Council or the relevant committee whenever the Chief Executive's actions have a major impact on matters within the Council or the committee's remit. In an emergency the Chief Executive will seek to consult the Chair of the Council and the chair of any appropriate committee, and will in any event report to the Council and/or the committee as soon as possible.

Functions of the Chief Executive as Registrar and Secretary

The Council appoints the Chief Executive as Registrar under section 14 Dentists Act 1984.
The Registrar

1. Is keeper of the register
2. May delegate his or her functions to any of the Council's officers

As keeper of the register, the Registrar:

1. Must register, restore and erase registrants
2. Must publish the register
3. Must notify registrants of registration decisions

4. May refer an allegation to the Investigating Committee and the Interim Orders Committee
5. May extend the time allowed for certain statutory appeals in specified circumstances
6. Must disclose Fitness To Practise information to any person if in the public interest
7. Must refer an application for restoration following erasure to the Conduct Committee (if erasure was due to conduct)
8. May agree that a registration appeal can proceed without a hearing
9. Must determine the manner in which information is to be published under the rules
10. Must certify documents issued by the Council in Fitness To Practise legal proceedings

By virtue of the GDC's Rules and Standing Orders the Secretary's duties include:

1. Custody of the register of all records and other documents
2. Responsibility for the conduct of business of the Council in accordance with the provisions of the Act and of the Standing Orders, including the taking and keeping of minutes of the Council and committee meetings
3. Custody of the corporate seal
4. Witness to the sealing of documents
5. Keeping a record of the seal & reporting sealings to the Council

Approved by the Council of the GDC

20 May 2011