

The General Dental Council Standing Orders for the Conduct of Business 2011

Preamble

The Council is governed by the Dentists Act 1984 (as amended). Schedule 1 Part 1 Section 8A gives the Council the power to regulate its own procedure by Standing Orders subject to any provision of the Act or Rules made under the Act. This means that the Standing Orders must comply with the Act and the Rules.

Standing Orders are made by Council and can be amended by Council.

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1. Application, Commencement and Interpretation

- 1.1. These Standing Orders contain the procedures by which the Council conducts its business and shall come into force on 23 September 2011.
- 1.2. In these Standing Orders:
 - “Act” means the Dentists Act 1984, as amended;
 - “Chief Dental Officers” means the Chief Dental Officers for England, Wales, Scotland and Northern Ireland;
 - “Chair” means the Chair of the Council;
 - “Code of Conduct” means the Code of Conduct for Members, as amended;
 - “Constitution Order” means the General Dental Council (Constitution Order) 2009, as amended¹;
 - “Council” means the General Dental Council;
 - “Member” means a Member of Council and does not include the Chief Dental Officers;
 - “Secretary” means the Chief Executive and Registrar, subject to SO 15.1.
- 1.3. Unless otherwise stated, terms used in these Standing Orders have the same meaning as in the Act.
- 1.4. Where a dispute as to the interpretation of these Standing Orders arises, the Chair, having consulted the Chief Executive and Registrar and the Secretary, where different, and taking into account the Code of Conduct, may give a view as to the correct interpretation of these Standing Orders. The Chair’s view on this shall be final.
- 1.5. The Council may, for the purpose of any particular meeting, suspend any of these Standing Orders other than those which reflect legislative provision, by resolution carried by a vote of no fewer than two thirds of the Members present.

2. Membership of Council

- 2.1. The Council comprises 24 Members, being 12 Registrant and 12 Lay Members, appointed in accordance with the Constitution Order.
- 2.2. The Chief Dental Officers shall be invited to attend all Council meetings held in public, and, if so invited may participate in discussions at Council meetings, but may not take part in any vote of the Council or be counted towards the quorum.

3. Meetings of Council

- 3.1. The Council shall hold meetings no fewer than 4 times in each calendar year and at such other times as the Chair shall decide, subject to SO3.3 and 3.6 below.

¹ S.I. 2009/1808;

- 3.2. Except in cases of emergency or where circumstances make it impracticable to do so, a notice of a meeting, along with any accompanying papers shall be sent to Members and Chief Dental Officers five working days before the meeting.
- 3.3. A special meeting of the Council may be convened by the Secretary upon written request signed by the Chair or by any eight Members. A written request for a special meeting to be held shall include details of the business to be transacted at that meeting. A special meeting shall take place as soon as reasonably practicable after receipt by the Secretary of the written request for the meeting to be held.
- 3.4. Failure to send notice of a meeting to a single Member or a Chief Dental Officer shall not, of itself, invalidate that meeting.
- 3.5. An emergency meeting may be convened where a decision must be made by the Council before its next meeting because the Council will be unable to discharge its statutory functions or be exposed to a significant level of risk if urgent action is not taken
- 3.6. An emergency meeting may be convened by the Secretary upon written request signed by the Chair, the Chair of the Audit Committee or by any eight Members.
- 3.7. Before the emergency meeting is held, the Chair must consult with the Chief Executive and Registrar.
- 3.8. The Secretary shall make a reasonable effort to inform Members and the Chief Dental Officers, including by telephone and electronically, of the proposed emergency meeting.
- 3.9. The emergency meeting may take place by audio visual conference.

4. Order of business

- 4.1. Subject to SO4.2, no decision may be taken at a meeting on an item of business which does not appear in the agenda for that meeting.
- 4.2. The Chair or the Council may agree to the discussion of business not appearing in the agenda.
- 4.3. A Member may propose a motion for discussion at a Council meeting by giving written notice to the Chief Executive and Registrar, seconded by at least two other Members, no later than 5 working days in advance of the meeting in question. The Secretary shall notify Members and Chief Dental Officers of the terms of the motion by sending a copy of the motion as soon as possible after receipt.
- 4.4. The Chair may, with the agreement of Council, adjourn any item on the agenda to the next Council meeting.
- 4.5. Where there is insufficient business to convene a Council meeting, the Chair may, with the agreement of the Chief Executive and Registrar, cancel the Council meeting. All matters due to have been considered at that meeting will be referred to the next.
- 4.6. Reports of Council Committees and the Chief Executive and Registrar shall be presented to the Council with such frequency as the Council may determine.

5. Public attendance at meetings

- 5.1. Subject to the remaining provisions of this Standing Order all meetings of the Council shall be open to the public. Members of the public may attend meetings of the Council but may not participate in them. The Secretary shall publish the notice of all meetings, including the agenda and accompanying papers, on the Council's website in advance of each meeting. Attendance of meetings is subject to the terms and conditions set out in the notice.
- 5.2. The Chair may decide that an agenda item be considered in private session. where to do otherwise would lead to the inappropriate disclosure of:
 - a. the personal data or sensitive personal data (within the meanings of the Data Protection Act 1998) of an individual;
 - b. information relating to an employee or office holder, former employee, or applicant for any post or office;
 - c. the terms of, or expenditure under, a tender or contract for the purchase or supply of goods or services or the acquisition or disposal of property;
 - d. legally privileged information and any issue or papers relating to legal proceedings which are being contemplated or instituted by or against Council;
 - e. action being taken to prevent or detect crime or to prosecute offenders;
 - f. information given to the Council in confidence;
 - g. any other matter, the public disclosure of which would or would be likely to prejudice the effective discharge of the Council's functions.
- 5.3. Where the Chair is considering whether an item should be considered in private, he or she should consult with the Chief Executive and Registrar.
- 5.4. Items to be discussed in private session will not be disclosed to the public or the media, and papers, documents and information relating to them will not be posted on the Council website, and may, at the Chair's discretion, remain confidential after the meeting has taken place. Where the Chair so decides, there shall be an abbreviated public minute of items considered in private session indicating, where appropriate the broad nature of the subject and the decision reached.
- 5.5. The paper supporting the item of business considered in private session will set out the rationale for the item being considered in private and, if possible and appropriate, state a date when the information will be released to the public.
- 5.6. The Chief Dental Officers may attend any meeting or part of a meeting during which an item of business is to be dealt with in private session, unless the Chair decides that their attendance would be inappropriate.
- 5.7. Members of the public shall be excluded from that meeting or part of a meeting during which an item of business is to be dealt with in private session.
- 5.8. If, during the discussion of a particular item of business it becomes apparent that there are grounds for the item to be discussed in private session, the Chair may decide to do so, or a motion to do so may be moved.
- 5.9. If a member of the public interrupts the proceedings at any meeting, including by use of any method of recording the meeting, the Chair may order that person to be removed from the meeting or may order the part of the room which is open to the public to be cleared.

6. Quorum

- 6.1. In accordance with the Constitution Order, the quorum of the Council is 13 Members.
- 6.2. If a quorum is not present within 1 hour of the time appointed for a meeting to commence, all business which should have been transacted at that meeting shall be held over until the next meeting.
- 6.3. If a meeting of the Council becomes inquorate the Chair may suspend business, postpone the consideration of an item of business or adjourn the meeting. If the meeting is adjourned, all remaining business will be adjourned to the next meeting.

7. Declaration of interests

- 7.1. Members and Chief Dental Officers shall be under a duty to declare their interests in the Register of Members' Interests and to ensure that the details of their interests set out in it are accurate and up to date.
- 7.2. A Member or a Chief Dental Officer who has an interest in any matter under consideration at a Council meeting, whether or not declared in the Register of Members' Interests, shall promptly disclose that interest to the meeting.
- 7.3. A declaration of interest relevant to an item on the agenda should be made at the start of the discussion of the item to which it relates and should be recorded in the minutes. In the event of a Member or Chief Dental Officer not appreciating at the beginning of a discussion that an interest exists, he or she should declare such an interest as soon as he or she becomes aware of it.
- 7.4. Subject to SO 7.8, in any case of doubt the Member or Chief Dental Officer should openly declare the possibility of an interest and the Chair will decide whether it is a prejudicial interest, in accordance with SO 7.7 below.
- 7.5. Subject to SO 7.8, if a Member or Chief Dental Officer believes that another Member or Chief Dental Officer present has an interest in an item for discussion and that interest has not been declared, they should inform the Chair. The Chair will establish whether or not there is an interest which should have been declared, and will if necessary make a ruling in accordance with SO 7.7 below.
- 7.6. For the purposes of this Standing Order a Member or Chief Dental Officer has a prejudicial interest where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.
- 7.7. If the Chair decides that a Member or Chief Dental Officer's interest in a matter is a prejudicial interest and that he or she needs to withdraw (the Chair's ruling on this shall be final), the Member or Chief Dental Officer shall leave the room for the duration of the discussion on that matter.
- 7.8. Where the Chair has declared an interest under SO7.2 or is believed to have an interest pursuant to SO 7.5, the Chair of the Audit Committee shall decide whether that interest is prejudicial. If the Chair of the Audit Committee decides that the interest is prejudicial and that he or she needs to withdraw (and the Chair of Audit Committee's ruling on this shall be final), the Chair shall leave the room for the duration of the discussion of that matter and a different Chair shall be appointed under SO 13 for the purposes of that discussion.

- 7.9. Members who have a prejudicial interest in relation to a particular item of business shall not count towards the quorum for the meeting whilst that item is under consideration and shall not, even if permitted to remain and speak, vote on the particular item.

8. Decision Making and voting

- 8.1. The Council shall take account of relevant equality and diversity issues in all of its decision making.
- 8.2. A vote at a meeting shall be decided by a simple majority of the Members present subject to where otherwise provided in these Standing Orders.
- 8.3. Where the number of Members present at a Council meeting falls below 15 all matters shall be decided by a three quarters majority of the Members present.
- 8.4. Decisions will be reached by vote on the following occasions:
- (a) when the Chair determines that no clear consensus has emerged;
 - (b) when a Member present at the meeting requests a vote to be taken and this is supported by at least one other Member;
 - (c) when a Member or Chief Dental Officer or member of staff has a prejudicial interest in the matter under discussion;
 - (d) in any other circumstance where the Chair concludes that a vote should be taken.
- 8.5. If an equality of votes occurs there will be further debate and a second vote shall be taken. If, following a second vote, there remains an equality of votes, the Chair shall have the casting vote.
- 8.6. The minutes of the meeting shall record the results of voting. A Member may, in advance of a vote being taken, request that the names of those who vote for and against the proposal, and the names of those who abstain from voting, if any, are recorded in the minutes of the meeting.

9. Rules of debate

- 9.1. A ruling by the Chair on any question of order, whether or not provided for by the Standing Orders, shall be final unless the ruling concerns the Chair in which case Council shall make the ruling.
- 9.2. If, in the opinion of the Chair, a Member or Chief Dental Officer has persistently disregarded a ruling of the Chair or has behaved in a manner which is obstructing the business of the meeting, the Chair may order that Member to withdraw from the whole or part of the remainder of the meeting.
- 9.3. In the event of a disturbance which, in the opinion of the Chair, prevents the orderly conduct of business, the Chair may adjourn the meeting for such period as the Chair considers appropriate.

10 Minutes

- 10.1 The Secretary shall be responsible for the production of a minute which shall include a record of the Members and the Chief Dental Officers present at that meeting. When read in conjunction with the papers presented to the meeting, the minute shall provide an accurate and authoritative record of the meeting and shall be sufficiently detailed to provide an audit trail of issues discussed by Council, and the decisions taken.
- 10.2 At the next meeting of Council after the minutes have been sent to Members and the Chief Dental Officers, the Chair shall move that those minutes be approved as a correct record. No discussion shall take place except upon accuracy of the record. When the minutes have been approved they shall be confirmed by the signature of the Chair.
- 10.3 Electronic recording of Council meetings without prior permission from the Chair is prohibited.

11 The Chair

Election of the Chair

- 11.1 In this Standing Order: -

“single transferable vote procedure” means the single transferable vote procedure as set out in “How to conduct an election by the single transferable vote” by Robert A. Newland MSc FIMA & Frank S. Britton MBE (MILY)²;

“agent” or “appointed agent” refers to the Electoral Reform Services (ERS);

“confirmation ballot” refers to a ballot which will be conducted to allow Members to approve the appointment of the candidate nominated under this Standing Order; and

“nomination period” means the period agreed by the Council during which nomination forms can be submitted.

- 11.2 In accordance with Article 8 (1) and (2) of the Constitution Order the Council shall appoint as their Chair the Member they elect from among their number to be Chair for a period that is no longer than the period between the Chair’s date of appointment as Chair and the date on which the Chair’s term of office as a member is due to expire (irrespective of whether or not they are thereafter reappointed as a Member).
- 11.3 The Chair may resign the office of Chair at any time by giving notice in writing addressed to the Council.
- 11.4 The Chief Executive and Registrar shall act as Returning Officer and shall appoint an agent to conduct the election.

Nominations

² published in London by The Electoral Reform Society 1997 Third Edition ISBN 0 903291 18 5 Dewey 324.2

- 11.5 A Member who wishes to be nominated as a candidate for election as Chair shall self-nominate and shall do so in writing or by email to the appointed agent within the nomination period. Nominations may be accompanied by an optional supporting statement of not more than 500 words.
- 11.6 If only one candidate has been nominated, the Returning Officer shall carry out a confirmation ballot.
- 11.7 If after the nomination period has closed there are two or more candidates nominated, hustings will be arranged on a date to be agreed by the Council. The hustings shall consist of candidate presentations which will be held in public followed by a private question and answer session. Candidates for election shall not be present at the presentations of the other candidates.

Ballot

- 11.8 If, after the nomination period has closed there are two or more candidates nominated, the Returning Officer shall conduct an election by ballot according to the method of the single transferable vote and in accordance with the single transferable vote procedure.
- 11.9 Each Member of the Council shall be entitled to one vote in accordance with the process set out below.
- 11.10 The ballot conducted under SO 11.5 or 11.7 above shall be a secret ballot held on a specified polling day. If a Member is not able to attend on the day on which the ballot is held the Member will be entitled to request a ballot paper by email from the appointed agent. Such request must be received no later than 5pm on a working day leaving a minimum of two intervening working days before the date of the ballot. The Member's vote shall only be counted in the ballot if that vote is received by the appointed agent by email before midnight on the day before the ballot is held.

Declaration

- 11.11 If it appears to the Returning Officer that an election has been conducted substantially in compliance with these Standing Orders and the single transferable vote, and the Returning Officer is satisfied that the result of any non-compliance did not affect the return of any candidate at the election, then the Returning Officer shall announce the result as soon as practical following the count. The Returning Officer shall declare the number of votes cast for each candidate.
- 11.12 The Returning Officer shall publish the detailed results on the Council website following their announcement.
- 11.13 A candidate for election may challenge the process by writing to the Returning Officer within one week of the declaration of the result. Any challenge will be considered by the Council at its next meeting. Any decision of the Council shall be final.

12 Role of the Chair

- 12.1 The Chair, when chairing a meeting, shall:
- (a) at the end of each item of business, state the decision that has been made;

- (b) preserve order and ensure that Members and Chief Dental Officers have sufficient opportunity to express their views on all matters under discussion;
- (c) determine in which order Members and Chief Dental Officers should speak;
- (d) determine if the existence of a prejudicial interest requires a Member or Chief Dental Officer to withdraw from the room during discussion of an agenda item;
- (e) seek the advice of the Chief Executive and Registrar or other officers of the Council where necessary.

13 Temporary and Deputy Chair

13.1 Without prejudice to SO 13.2, if the Chair is absent from some or all of a meeting, by reason of SO 7.8 or otherwise, the Members present shall nominate one of their number to serve as a temporary chair during his or her absence at that meeting.

13.2 If, for any reason -

(a) the Council is on notice that the Chair is likely

(i) to be absent for more than one meeting of the Council, or

(ii) to be unavailable to perform the duties of a chair for more than one month;
or

(b) the office of chair is vacant,

the Council may nominate a Deputy Chair, in accordance with article 10 of the Constitution Order, to serve as chair during the absence or unavailability of the chair or the vacancy

13.3 The process under this Standing Order for nominating and electing a temporary chair or a Deputy Chair shall be:

- (a) the Chief Executive and Registrar shall act as chair at the beginning of the meeting or the Chair's absence and invite nominations ;
- (b) a Member may nominate him or herself or any other Member present;
- (c) if no more than one Member is nominated, that Member shall be elected chair for the period of the Chair's absence ;
- (d) if more than one Member is nominated, the Chief Executive and Registrar shall ask the Members present at the meeting, if electing a temporary chair, or all Members if electing a Deputy Chair, to elect by vote one of the Members nominated;
- (e) in the event of an equal number of votes being cast there shall be a further vote or votes if necessary until a member is elected as chair with a simple majority;

- (f) an election may be suspended at any stage if the Members nominated can between themselves reach agreement on which one of them shall act as chair;
- (g) if it is known to the Chief Executive and Registrar before the date of the meeting that the Chair will not be attending or be absent for some part of the meeting, she or he may, in advance of the meeting, invite nominations to chair.

13.4 Where a temporary chair or Deputy Chair chairs some or all of a Council meeting, all references to the Chair in these Standing Orders shall apply to that Member as if he or she were the Chair.

14 The Chief Executive and Registrar

14.1 Subject to SO 15.1, the Chief Executive and Registrar shall be the Chief Executive, Secretary and the Accounting Officer of the Council.

14.2 The Chief Executive and Registrar shall hold office for the period determined by the Council.

14.3 The Chief Executive and Registrar may delegate to staff members the power to perform such of the Chief Executive and Registrar's functions, as the Chief Executive and Registrar may from time to time think fit.

14.4 Reference in these Standing Orders to the Chief Executive and Registrar shall, where powers or duties have been delegated to another staff member to act in his or absence, be deemed to be a reference to that staff member.

14.5 The Chief Executive and Registrar shall be entitled to attend and speak at all meetings of the Council unless the Chief Executive and Registrar has a prejudicial interest in a matter under consideration, in which case SO 7 shall apply as if the Chief Executive and Registrar were a Member.

15 Secretary and advisors

15.1 The Chief Executive and Registrar may appoint the Head of Secretariat or in the Head of Secretariat's absence another member of staff, as appropriate, to act as Secretary.

15.2 The Chair, or the Council, may invite any person to speak at a meeting, to give advice to the Council and answer questions through the Chair.

16 Common seal

16.1 The Common Seal of the Council shall be kept in safe custody by the Chief Executive and Registrar or a person appointed by the Chief Executive and Registrar.

16.2 Where the Common Seal is affixed to a document, that document shall also be signed by the Chair and by the Chief Executive and Registrar or a person appointed by the Chief Executive and Registrar or by the Chair.

16.3 A report on the use of the Common Seal will be presented to the next meeting of the Council.

17 Members' education and training

- 17.1 The Council shall establish standards of education and training for Members and shall direct that the Secretary arrange for Members to undergo training to assist them in the performance of their duties.
- 17.2 The Council shall establish standards of attendance and performance of Members, including a system of regular performance appraisal.
- 17.3 Members shall comply with the standards established by the Council under this Standing Order.

18 Conduct

- 18.1 Members shall comply with the policies and procedures provided to them governing their conduct which are approved by the Council from time to time.
- 18.2 The Chair's ruling on any question of conduct raised at a meeting shall be final unless the ruling concerns the Chair in which case Council shall make the ruling. Rulings shall be made in accordance with the provisions of the Constitution Order, these Standing Orders and the policies and procedures provided to members governing their conduct.

19 Provisional suspension of members

- 19.1 The Constitution Order sets out the mechanisms for appointment, removal and suspension of Members and the Chair.
- 19.2 The Council may resolve that a Member be provisionally suspended from office until such time as the Privy Council has reached a decision on whether to suspend or remove the Member under the Constitution Order.
- 19.3 If a Member has been provisionally suspended the Council shall notify the Privy Council in writing of the provisional suspension as soon as is reasonably practicable.
- 19.4 Where the Privy Council decides not to suspend a Member or to remove them from office, the Council must terminate the provisional suspension.
- 19.5 A Member who is provisionally suspended shall not be entitled to attend or otherwise participate in meetings of the Council or to exercise any other function of a Member.

20 Revocation

- 20.1 The General Dental Council Standing Orders for the Conduct of Business 2009 are hereby revoked.
- 20.2 The General Dental Council (Amendment) Standing Orders for the Conduct of Business 2009 are hereby revoked.
- 20.3 The General Dental Council (Amendment) Standing Orders for the Conduct of Business 2010 are hereby revoked

- 20.4 The General Dental Council (Amendment No 2) Standing Orders for the Conduct of Business 2010 are hereby revoked
- 20.5 The Standing Orders for the Election of the Chair of Council 2009 are hereby revoked.