Appendix 1.1

Matters reserved to the Council and Matters Delegated to the Chief Executive (Scheme of Delegation)

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 and business plans
- Approval of the annual report and accounts and any report required to be laid before the Parliaments
- 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 Act\(^1\) and performing other duties set out in the Act

Strategic functions
C2. Approving strategic objectives and strategy

Financial Reporting
C3. Approving reports required to be submitted to the Privy Council and the Comptroller and Auditor General and the Auditor General for Scotland prior to being laid in the Parliaments.

Financial and Business Plans
C4. Approval of the budget financial and business plans
C5. Approval of the Annual Retention Fee of the fees policy and the reserves policy and the Annual Retention Fee.

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\(^1\) Schedule 1 paragraph 8 of the Dentists Act 1984.
Appointments
C6. Provisional suspension of a Council Member’s term of office
C7. Appointment and removal of members of the Appointments Committee (working name Statutory Panellists Assurance Committee (SPC))
C8. Appointment and removal of chairs and members of non-statutory committees and task and finish groups of the Council
C9. Appointment and removal of the Chief Executive
C10. Approval of the appointment of the External Auditors only following a recommendation from the Audit and Risk Committee.

Remuneration and Remuneration Policy
C11. Approval of changes to Council and office holder fees, following a recommendation from the Remuneration Committee.
C12. Approval of the policy for remuneration of the Chief Executive and the Executive Directors Management Team, following a recommendation from the Remuneration Committee.

How the Council will ensure effective performance
Review performance
C13. Setting the organisation’s performance measures and targets and ensuring that the targets are met by the Executive Management Team
C14. Overseeing the organisation’s operations FEnsuring competent and prudent management and planning and receiving regular performance reports
C15. Ensuring that the appropriate governance, risk management and internal controls are in place*
C16. Ensuring that the Council is adequately resourced to achieve its aims, including the strategic oversight of the efficient use of human resources
C17. Reviewing reports on delegated authority used and receiving reports from the Executive and Committees of the Council, including the Appointments Committee
C18. Agreeing the Strategic Risk Register
C18-C19. Determining the GDC’s risk appetite

Corporate Governance
C19-C20. Approval of the scheme of delegation
C20-C21. Approval of the financial delegations of the GDC*
C21-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
C22-C23. Ensuring that Council and committee members are appropriately trained
C23. C24. Establishing and maintaining a system for the declaration, management and registration of members’ interests in line with the Standing Orders

C25. Reviewing the GDC’s statutory compliance e.g. with legislation the Dentists Act 1984 and regarding Data Protection, Freedom of Information, Health and Safety, Equality and Diversity, and Human Rights.*

* The Accounting Officer has a parallel, personal responsibility for ensuring effective performance in these areas.

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

C24. C26. Personal information regarding staff (including the Chief Executive). If it is necessary in order to determine reward or (in respect of the Chief Executive only) in respect of any disciplinary or performance matter, this information shall be provided to the Remuneration Committee who (having sought permission of and consulted the relevant employee) will determine whether it is necessary for any of that information to be given to the Council and if so how much and in what form

C25. C27. Details of fitness to practise cases within the remit of the statutory committees, other than those details in the public domain
Matters delegated to the Chief Executive

Preamble

The Council sets strategy and 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 regular management reports to the 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 is customarily appointed by the Privy Council to fulfil the role of Accounting Officer (by virtue of the Chief Executive appointment) and appoints a member of staff as 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 also set out. As Accounting Officer duties and powers do not derive from the Council, they are not set out in this note.

Matters delegated to the Chief Executive

E1. Carrying out the Dental Complaints Service
E2. Functions regarding education including the Council’s functions under sections 9(1) to (4) and 10(1) of the Dentists Act 1984 (delegated by a Rule of the Council dated 8 December 2011)
E3. Minor amendments to the procurement policy and credit control policy

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

E4. All staff matters save those reserved to the Remuneration Committee
E5. Carrying out the business of the GDC within the budget set by the Council
E6. 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 strategic or repercussive 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 has the following duties in relation to the Register:

1. Is keeper of the register
2. May delegate (either generally or specifically) any of his or her functions to any of the Council’s officers
Full details of the functions and duties of the Registrar, and any specific sub-delegations, are held by the Head of Governance.

As keeper of the registers, the Registrar:

1. Must register, restore and erase registrants and visiting practitioners
2. Must enter and remove details of undertakings and warnings on the register
3. Must publish the register and issue certificates of registration
4. Must notify registrants of registration decisions and may request further information for registration decisions
5. Must appoint Case Examiners
6. Must investigate complaints or investigations received and determine whether they amount to fitness to practise allegations
7. May refer an allegation to the Case Examiners, Investigating Committee and the Interim Orders Committee
8. May review previous determinations of the registrar or the Investigating Committee
9. May exercise the functions of the Investigating Committee as set out in rules:
   a. May carry out enquiries as directed by the Investigating Committee
   b. May seek representations and carry out investigations to facilitate reviews of warnings
   c. May carry out investigations relating to compliance with undertakings
10. Must, subject to information regarding a registrant’s health, publish charges against a registrant and orders of the Practice Committees
11. May extend the time allowed for certain statutory appeals in specified circumstances
12. Must disclose Fitness To Practise information to any person if in the public interest
13. Must refer an application for restoration following erasure to the Conduct Committee (if erasure was due to conduct)
14. May agree that a registration appeal can proceed without a hearing
15. Must determine the manner in which information is to be published under the rules
16. Must certify documents issued by the Council in Fitness To Practise legal proceedings

By virtue of the GDC’s Standing Orders the Secretary’s duties include:

1. Custody of the register of all records and 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 and reporting sealings to the Council

The Secretary’s duties are delegated under the Standing Orders

Reviewed and amended by the Council of the GDC on [13 December 2017]-5 October 2016