

**Statutory Panellists Assurance Committee (SPC)  
(formerly Appointments Committee)  
Annual Report to Council 2019**

<b>Purpose of paper</b>	To report on the work undertaken by the Statutory Panellists Assurance Committee (SPC) throughout 2019 and the planned work for 2020.
<b>Status</b>	Public session
<b>Action</b>	For noting
<b>Recommendations</b>	The Council is asked to <b>note</b> the report.
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<b>Appendices</b>	<b>Appendix 1.</b> SPC Terms of Reference

**1. Introduction and background**

- 1.1. The key purposes of the Committee as defined in its Terms of Reference (Appendix 1) are:

*To assist the Council in connection with the exercise of any function relating to the appointment of SPC members, including the recruitment, selection, appraisal and disciplining of Statutory Committee Members or particular Statutory Committee Members (for example, the Chair), legal, medical and professional advisors.*

- 1.2. In accordance with the GDC's Standing Orders for the Appointments Committee 2016, the Committee shall...:

*... report annually to the Council outlining any decisions taken under delegated authority and any recommendations to the Council and detailing its expenditure, its progress made against the work programme for that year and its planned work programme for the following year. In particular, the annual report should cover any significant issues up to the date of preparing the report. The report will summarise the Committee's activity for the year and bring to the Council's attention any pertinent issues concerning the recruitment, selection, appraisal and disciplining of Statutory Committee members.*

- 1.3. The membership of the Committee is Rosie Varley (Chair and lay member), Nigel Fisher (registrant member), Martyn Green (registrant member) and Tim Skelton (lay member). In 2019 the Committee held three meetings on: 27 February, 30 April, 6

November. A meeting planned for 4 September was cancelled to accommodate an urgent Council meeting.

- 1.4. At its meeting on 13 December 2018, Council agreed to re-appoint Rosie Varley, as Chair, and Martyn Green, as member, both for a second term of four years ending on 31 December 2022. Nigel Fisher was reappointed for a second term of two years ending on 31 December 2020.

## 2. Chief Executive's Report

- 2.1. At each meeting, the Committee received reports and briefings from the Chief Executive. These included progress updates on the Department of Health's plans to reform the regulatory framework via joint thematic "section 60" orders, the new GDC corporate strategy; the Estates strategy including updates on the introduction of the hearings rooms in Wimpole Street, the risks of the effect of EU Exit on registration, and the loss of the PSA standards on FTP timeliness and information. On the latter point, the Committee heard that the FTP team were confident that the timeliness standard could be regained in 2019.
- 2.2. In February, the Committee also noted that, following Council's recognition that, in future, the administration of the adjudications function could be separated from the organisation, preliminary work had begun and would proceed as a corporate project. The Chair confirmed that the main driver for the potential change in policy amongst Council members was the perception of fairness. It was also known that the government long term position was that a panel independent from the regulator was to be preferred. A further update on this matter was received and discussed by the Committee in November.

## 3. Appointments

- 3.1. During the year, the Committee considered the appointments process for, and the appointment of, the following:
- 3.2. **Appointment of Fitness to Practise (FtP) Panel Chairs**

At its meeting in February, the SPC reviewed the appointment process for statutory panel chairs. The Committee supported the approach to developing chairs from amongst panel members and noted that the chairs' selection day would benefit from senior HR input. The Committee approved the process.
- 3.3. At the subsequent meeting in April, three FtP Panel Chairs were appointed.
- 3.4. It was noted that there was a shortage of DCP chairs, most likely due to their clinical role not exposing them to as much meeting experience as other dental professionals. The SPC asked that the GDC focus on building the confidence of DCP panel members so that they might take on the role of chair in due course.
- 3.5. **Legal Advisor appointments**

At its meeting in February, the Committee reviewed and approved the appointments process for a number of legal advisors whose appointments were due to end during 2019. The Committee suggested that those eligible for reappointment should be asked to complete a reflective survey so as to ensure they were aware of the terms of their appointments, and to identify any training needs.
- 3.6. At the meeting in November, the Committee approved the reappointment of 53 legal advisers.
- 3.7. **Medical Advisors appointments**

At its November meeting, the SPC approved a proposal to allow the reappointment of a small bank of specialist medical advisers if they continue to meet the appointment criteria and were able to continue in the role.
- 3.8. No other Medical Advisors were appointed or reappointed by the SPC during 2019.
- 3.9. **Panellists reappointments**

No panellists were appointed or reappointed by the SPC during 2019.

### 3.10. **Standing down panellists**

At its meeting in April 2019, the SPC noted that a panellist had been removed from office following a disciplinary hearing, and that subsequently the individual had been referred to the Registrar. The SPC recognised that this was the first time they had undertaken the process and noted that the information, including legal advice, was robust and helpful. However, the Committee asked that the process be reviewed.

- 3.11. At the following meeting in November, the SPC considered a paper setting out additional guidance for panels when dealing with complaints about associates or panellists.

## **4. Training**

- 4.1. The Committee received regular updates on FtP Panellists' training.
- 4.2. Committee members attended training events for panellists throughout the year which provided an invaluable opportunity for engagement with panellists, and provided members with assurance that the quality of the training is of a very high standard.
- 4.3. During its discussions on various topics, the SPC had highlighted the value of sharing learning from FtP casework. The Committee was pleased to see that points of learning were being promoted in the GDC newsletter in recent months. The Committee noted that this was an important mechanism for encouraging registrants to think about their own practice, helping to raise standards of professionalism.

## **5. Case Examiner Feedback and Legal Adviser Feedback**

- 5.1. The Committee received Investigating Committee feedback reports by exception and received assurance from the Head of Adjudications that any issues identified had been addressed.
- 5.2. During the year SPC were given an overview of feedback received from Committee secretaries and other hearing participants about the performance of Legal Advisors (LAs) on FtP Panels.
- 5.3. This feedback focused on the role of the Legal Advisor in the Panel's deliberations.

## **6. Quality Assurance Group (QAG)**

- 6.1. The Quality Assurance Group (QAG), which oversees decision-making within FtP, continued to provide assurance to the SPC that the Statutory Committee Members had the correct skills to undertake their work. QAG reported at each meeting, which gave the Committee the opportunity to view and challenge the work of the group and raise any concerns.
- 6.2. The Committee noted that the QAG had been refocused to enable organisation wide learning, and that a facilitation team had been established to follow up on actions and disseminate knowledge. The Committee noted that the process had helped to identify gaps in the policy framework and FtP enforcement, such as, how traffic offences should be taken into account. Another example was that QAG should be invited to scrutinise how, where a prosecution recommendation and the panel outcome differed, the case was processed and presented.
- 6.3. The Committee also noted that while there was no formal referral mechanism for referring cases to the PSA, where the GDC considered that the outcome of a case did not adequately protect the public, such cases were highlighted to the PSA.

## **7. Decision Scrutiny Group (DSG)**

- 7.1. The Committee also received a regular report of the Decision Scrutiny Group, which was established in 2018 to conduct a random sampling of FTP decisions. At its meeting in April, the Committee suggested that it may be helpful to hear directly from the chair of the DSG about the activity of the first year or so of the DSG and what had been learned.

## **8. End to End Review**

- 8.1. The Committee received regular updates on the End to End Review. In February, the Committee took part in a conference call which allowed members to hear about the progress and findings of the review. In April, the Committee noted the evaluation framework which was to be overseen by the Finance and Performance Committee. A paper reporting on the outcome of Phase 2 of the End to End Review was circulated to the Committee following its November meeting.

## **9. Fitness to Practise panel development review programme**

- 9.1. In April, the SPC considered what the expectations should be for registrants serving on panels to have up to date knowledge and skills, while acknowledging that many panellists were retired and any requirement for evidence of continued practice development would likely narrow the field available. SPC noted that the legislative framework required a mix of lay and registrant members, and did not impose further requirements in relation to practice.

## **10. Associates' Project**

- 10.1. In February, the Committee were presented with an update on the associates project, which had been overseen by the Remuneration Committee. The Committee noted that the term 'associates' was used to cover individuals who were appointed to a wide variety of functions for the GDC, and that the SPC had responsibility for roughly 44% of the associates covered by the project.
- 10.2. The Committee suggested that, for those associates overseen by SPC, it may be helpful to give feedback to the Remuneration Committee about remuneration package. For example, the Committee noted that some panellists had informally reported that they would not apply for the role of chair as there was no additional remuneration for the additional work required.

## **11. Committee effectiveness**

- 11.1. No formal Committee effectiveness review was carried out in 2019 due to the prospective changes to the Committee's remit. However, the Chair invited members to review the quality of the papers and the nature of the discussion at the end of each meeting.

## **12. Risk**

- 12.1. The Committee received assurance at its meetings that risks in relation to Statutory Committee Members were being adequately managed throughout the GDC.

## **13. Expenditure**

- 13.1. In addition to the members' annual fee, the only costs associated with the Committee in 2019 were the travel and subsistence of members for attendance at meetings.

## **14. Looking to the Future**

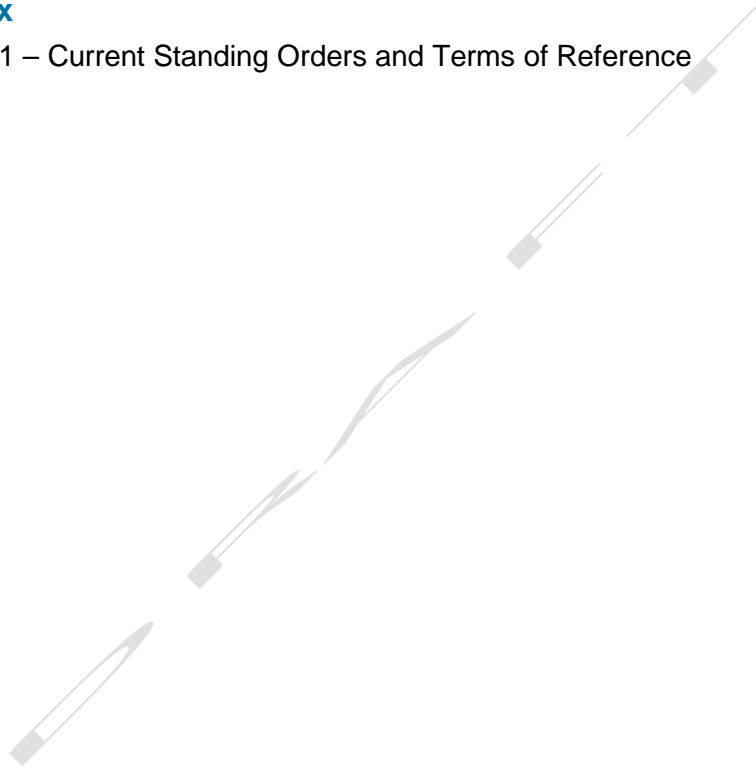
- 14.1. The Committee considered an outline workplan for 2020 at its November meeting, but were conscious that the ongoing review of Council effectiveness and the adjudications project were likely to have a significant impact on the SPC's Terms of Reference, and its ways of working. At the time of writing the Committee is aware that the Council is to consider the outcome of the Adjudications function at its December meeting. This will inevitably impact on the role and terms of reference of SPC. The Committee will work with Council to ensure that any changes are properly embedded and that the Committee delivers its functions effectively and economically.
- 14.2. A substantial matter for the Committee in 2020 will be the oversight of the recruitment of a substantial number of panellists. The Committee considered the

recruitment process at its meeting in November 2019, and will consider further updates and actions through the course of the year. The Committee is aware that this is a very different recruitment method to that employed by the SPC's predecessor, the Appointments Committee, and the Committee wants to assure itself that the process is as robust and effective as possible.

- 14.3. Two members of the SPC, Tim Skelton and Nigel Fisher, will come to the end of their current terms on 31 December 2020. An appointments process will be devised by Council in due course.

## **15. Appendix**

- 15.1. Appendix 1 – Current Standing Orders and Terms of Reference



## **The General Dental Council Standing Orders for the Appointments Committee 2016**

### **Preamble**

The Council is governed by the Dentists Act 1984. 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 any rules.

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

On 27 July 2016 the Council agreed that the Appointments Committee should be known as the Statutory Panellists Assurance Committee and these Standing Orders apply to that Committee.

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### ***PART 1 – GENERAL APPLICATION***

#### **1. Application, Commencement and Interpretation**

- 1.1. These Standing Orders contain the **procedures** by which the Appointments Committee carries out its functions and shall come into force on 05 October 2016.
- 1.2. In these Standing Orders:
  - “Act” means the Dentists Act 1984;
  - “Chair” means the Chair of the Appointments Committee unless otherwise stated;
  - “Committee” means the Appointments Committee established pursuant to Rule 3 of the Constitution of Committees Order 2009<sup>1</sup>;
  - “Constitution of Committees Order” means the General Dental Council (Constitution of Committees) Rules Order of Council 2009;
  - “Delegated authority” means the authority to make decisions as defined by the Council;

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<sup>1</sup> 1 General Dental Council (Constitution of Committees) Rules Order of Council 2009

“Legal adviser” “medical adviser” and “professional adviser” have the same meanings as in Schedule 4C of the Act;

“External Member” means a member of a Committee who is not a member of the Council;

“Registrar” means the Chief Executive and Registrar;

“Secretary” means the Secretary to the Appointments Committee;

“Statutory Committees” means all those Committees of the Council mentioned in section 2 of the Act, namely the Investigating Committee, the Interim Orders Committee, the Professional Conduct Committee, the Health Committee, the Professional Performance Committee and the Registration Appeals Committee. Statutory Committee member is to be understood accordingly;

“Vote” means a formal expression of opinion or choice, either positive or negative, made by a member of the Committee when a question is put in accordance with these Standing Orders. It does not include abstentions. Voting is to be understood accordingly.

- 1.3. Unless otherwise stated, terms used in the Standing Orders have the same meaning as in the Act.
- 1.4. The Chair, having consulted the Secretary, may give a view as to the interpretation of these Standing Orders. The Chair’s view on this shall be final.

## **2. Appointments Committee**

- 2.1. The Appointments Committee shall be appointed by the Council pursuant to the Constitution of Committees Order.
- 2.2. It shall be the general function of the Appointments Committee to assist the Council in connection with the exercise of any function relating to the appointment of members of the Statutory Committees, including the recruitment, selection, appraisal and disciplining of Statutory Committee members or particular Statutory Committee members (for example, the chair) legal, medical and professional advisers.
- 2.3. The quorum of the Appointments Committee shall be three members.
- 2.4. The terms of reference of the Appointments Committee is set out at Annex 1.

## **3. Committee Chair**

- 3.1. The Chair will be appointed by the Council in accordance with the Constitution of Committees Order.

## **4. Secretary**

- 4.1. The Registrar shall appoint a member of staff to act as Secretary to the Appointments Committee.

## **5. Attendees**

- 5.1. The Chair may invite Council members and individuals from outside the Committee to attend Committee meetings. Such individuals will have the right to receive relevant Committee papers. They may take part in the discussion, including giving advice, but may not make decisions or vote.
- 5.2. The Chair of the Council is not a member of the Appointments Committee and may only normally attend meetings of the Committee at the invitation of the Committee Chair.

## **6. Arrangements for Committee meetings**

- 6.1. Meetings will only be held when the Chair is satisfied that the amount of business or the urgency of business justifies a meeting, and, where the Chair so

determines, a meeting shall be called.

- 6.2. The Secretary shall, except where circumstances make it impracticable to do so, notify the members of the relevant Committee, in writing, of the time, date and place of a meeting at least 5 working days in advance of the date of the meeting.
- 6.3. The Secretary shall, except where circumstances make it impracticable to do so, send an agenda and papers setting out the business to be discussed at a meeting to the members at least 5 working days in advance of the meeting.
- 6.4. Following discussion with the Lead Director, Partner Director and the Chair the Secretary of the Committee shall, by agreement, determine the content of the agenda, taking account of competing priorities.
- 6.5. If necessary, the Committee may meet and take decisions under delegated authority by telephone or audio-visual conference with the agreement of the Chair.

## **7. Declarations of interest by Appointments Committee members**

- 7.1. A Member who has an interest in any matter under consideration at a Committee meeting, whether or not declared in the Register of Members' Interests, shall promptly disclose that interest to the meeting.
- 7.2. A declaration of interest relevant to items 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 not appreciating at the beginning of a discussion that an interest exists, the member should declare such an interest as soon as he or she becomes aware of it.
- 7.3. In any case of doubt the member should openly declare the possibility of an interest and the Chair will decide whether it is a prejudicial interest, in accordance with SO7.5 below.
- 7.4. If a member believes that another member present has an interest in an item for discussion and that interest has not been declared, he or she should inform the Chair. The Chair will establish whether or not there is an interest which should have been declared in accordance with SO7.5 below, and will if necessary make a ruling in accordance with SO7.6.
- 7.5. For the purposes of this Standing Order a member 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.
- 7.6. If the Chair decides that a member's interest in a matter is a prejudicial interest and that he or she needs to withdraw (and the Chair's ruling on this shall be final), the member shall leave the room for the duration of the discussion on that matter.
- 7.7. 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.
- 7.8. Where the Chair of the Committee has declared an interest under SO7.1 or is believed to have an interest as defined in SO7.5, the members of the Committee shall decide whether that interest is prejudicial. If the members of the Committee decide that the interest is prejudicial and that the Chair needs to withdraw the Chair shall leave the room for the duration of the discussion of that matter and a different Chair shall be appointed under SO11.1 for the purposes of that discussion.

## **8. Urgent actions or decisions between Committee meetings**

- 8.1. In the event that a decision or action is required urgently on a matter that would normally be considered at a meeting, and it is not practical to convene an emergency meeting, the Chair may take a decision or action on behalf of the Committee between meetings.



- 8.2. In such circumstances, the Chair having first consulted the Chief Executive and Registrar, should use best endeavours to obtain the support of a majority of Committee members by email. Where the Chief Executive and Registrar has a conflict of interest the Chair should consult the Chair of Council. If the Chair of the Council also has a conflict of interest the Chair should consult the Chair of the Audit and Risk Committee.
- 8.3. Where urgent decisions or action needs to be taken between meetings the Governance team will assist the Chair and Chief Executive and Registrar by keeping a record of all emails in order to establish an audit trail. Any such decisions or actions will be notified to members by email and reported at the next Committee meeting.

## **9. Reporting and Expenditure of Committee**

- 9.1. The Appointments Committee is directly accountable to the Council.
- 9.2. The Appointments Committee may not carry out any activity requiring expenditure beyond that which has already been approved by the Council.
- 9.3. The Appointments Committee will periodically review its own effectiveness and report the results to the Council.
- 9.4. The Appointments Committee shall report annually to the Council outlining any decisions taken under delegated authority and any recommendations to the Council and detailing its expenditure, its progress made against the work programme for that year and its planned work programme for the following year. In particular, the annual report should cover any significant issues up to the date of preparing the report. The report will summarise the Committee's activity for the year and bring to the Council's attention any pertinent issues concerning the recruitment, selection, appraisal and disciplining of Statutory Committee members.
- 9.5. The Chair of the Appointments Committee will meet with the Chair of the Council and produce a report to the Council as agreed by the Chair of the Council and the Chair of the Appointments Committee.

## **10. Publication of Committee agendas and papers**

- 10.1. Subject to the remaining provisions of this Standing Order, all Committee agendas and accompanying papers shall be published on the electronic device provided to Committee members by the GDC in advance of each meeting.
- 10.2. The Chair, having consulted the Secretary and also the Registrar if so advised, may decide that all or any part of the agenda and/or accompanying papers shall not be disclosed to the public where publication would lead to the inappropriate disclosure of:
  - a) personal data or sensitive personal data (within the meanings of the Data Protection Act 1998);
  - 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 or any issue or papers relating to legal proceedings which are being contemplated or instituted by or against the Council;
  - e) action being taken to prevent or detect crime or to prosecute offenders;
  - f) information given to the Council in confidence; and/or
  - g) any other matter, the public disclosure of which would or would be likely to prejudice the effective discharge of the Council's functions.

## **11. Absence of the Committee Chair**

- 11.1. If the Chair of the Committee is absent from, or otherwise unable to preside at all or part of a meeting, including when s/he has a prejudicial interest, the members present shall choose one of their number to serve as chair at that meeting.

## **12. Committee decisions**

- 12.1. 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 requests a vote to be taken and this is supported by at least one other member;
  - c) in any other circumstance where the Chair concludes that a vote should be taken.
- 12.2. Voting will be by simple majority of members present and voting and will be conducted by a show of hands.
- 12.3. If an equality of votes occurs the Chair shall have a second, casting vote.
- 12.4. The minutes of the meeting will record the results of voting and show the numbers for and against the proposal and the number of abstentions, if any.

## **13. Minutes of Committee meetings**

- 13.1. The Secretary shall be responsible for the preparation of minutes of each meeting which, when read in conjunction with the papers presented to the meeting, provide an accurate and authoritative record of the meeting and be sufficiently detailed to provide an audit trail of issues, and of any decisions taken.
- 13.2. The minutes shall record the attendance of members.
- 13.3. At each meeting the Committee shall approve the minutes of the preceding meeting as a correct record. When the minutes have been approved they shall be marked as confirmed by the Secretary.

## **Annex 1**

### **Terms of Reference: Appointments Committee**

#### **Key purpose**

Ap1. To assist the Council in connection with the exercise of any function relating to the appointment of Statutory Committee members, including the recruitment, selection, appraisal and disciplining of Statutory Committee members or particular Statutory Committee members (for example, the chair), legal, medical and professional advisers.<sup>2</sup>

#### **Delegated powers**

- Ap2. To appoint (or re-appoint) persons to serve on the Statutory Committees.
- Ap3. To determine the duration of the term of office of Statutory Committee members on their appointment or reappointment<sup>3</sup>.
- Ap4. To appoint, from amongst the Statutory Committee members, persons to act as chairs of the Statutory Committees ("panel chairs")<sup>4</sup>.
- Ap5. To approve a learning and development plan for Statutory Committee members and receive assurances from the Executive that the plan is being implemented effectively.
- Ap6. To approve an appraisal process for Statutory Committee members and receive assurances from the Executive that the process is being implemented effectively.
- Ap7. To deal with issues relating to the conduct and performance of Statutory Committee members in accordance with the Disciplinary Procedure.

- Ap8. To suspend or remove Statutory Committee members from office in accordance with the General Dental Council (Constitution of Committees) Rules Order of Council 2009.
- Ap9. To obtain external legal or other professional advice as necessary via the Executive.
- Ap10. On the request of the Council, to assist with the recruitment and selection of candidates to any other office.

### **Discharge of functions**

Ap11 In carrying out its functions the Appointments Committee will:

- a. Approve (but not design) the process for appointing Statutory Committee Members of the Investigating Committee and Fitness to Practise panels;
- b. Appoint Statutory Committee Members following recommendation at the end of the process;
- c. Approve (but not design) the process for appointing legal, medical and professional advisers;
- d. Appoint legal, medical and professional advisers following recommendation at the end of the process;
- e. Approve (but not design) the appraisal system for Statutory Committee Members on assurance of embedding of training;
- f. Approve (but not design) the appraisal system for legal, medical and professional advisers;
- i. Ensure that a fit for purpose and effective training programme was provided for Statutory Committee Members;
- j. Ensure that the Council provides an adequate training programme for legal, medical and professional advisers;
- k. Deal with disciplinary and performance issues relating to Statutory Committee Members where this is within the remit of the Appointments Committee by reason of the Disciplinary Procedure, and dismiss Statutory Committee Members if necessary;
- l. Receive reports regarding the discipline, performance issues and dismissal of legal, medical and professional advisers, and advise and report to the Council as appropriate.
- m. Scrutinise the quality and efficiency of the Statutory Committees' decision making by receiving regular reports of the performance and quality of decision making of the committees and panels. To include monitoring of the Fitness to Practise PSA standards action plan in relation to the work of the Statutory Committees;
- n. Build and maintain a body of intelligence for the Council through learning points and trends that emerge from the Committee's oversight of the work of the Statutory Committee members;
- o. Report to Council on the work of the Appointments Committee and the performance of the Statutory Committees.

Approved by the Council on 05 October 2016 and came into effect from that date.  
Given under the official seal of the General Dental Council on 05 October 2016.