

The General Dental Council Standing Orders for the Appointments Committee 2020

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.

Index

Part 1 – General Application

1. Application, Commencement and Interpretation
2. Appointments Committee
3. Committee Chair
4. Secretary
5. Attendees
6. Arrangements for Committee meetings
7. Declarations of interest by Appointment Committee members
8. Urgent actions or decisions between Committee meetings
9. Reporting and Expenditure of Committee
10. Publication of Committee agendas and papers
11. Absence of Committee Chair
12. Committee Decisions
13. Minutes of Committee meetings

Annex 1 – Remit of Appointments Committee

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 30 July 2020.
- 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 2009¹;
- “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;
- “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.

¹ General Dental Council (Constitution of Committees) Rules Order of Council 2009

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 audiovisual 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

Chair's Action

- 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.

Decisions via correspondence

- 8.4 The Chair of the Committee may decide as an alternative to holding an additional meeting or taking a Chair's Action, to seek a decision by correspondence. When deciding whether to use this procedure, the Chair will consult with the Chief Executive and Registrar or their nominated deputy.
- 8.5 A decision via correspondence shall be supported by a paper on the matter, prepared and approved in the usual way.
- 8.6 In order for a decision to be taken under this procedure, a decision via correspondence must be considered and consented to by a simple majority of Committee members as if it had been proposed at a meeting duly convened and held for that purpose.
- 8.7 For a decision to be validly taken under this procedure, a quorate number of Committee members must indicate whether they consent to the proposed recommendation, object to it, or wish to abstain. They must convey their decision to the Head of Governance, or their nominated deputy, by email.
- 8.8 Decisions taken using this procedure will be reported to the next Committee meeting and will be recorded in the minutes of that 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.

14 Revocation

- 14.1 The General Dental Council Standing Orders for the Appointments Committee 2016 are hereby revoked.

Terms of Reference: **Appointments Committee (Statutory Panellists Assurance Committee) ('SPC')**

Key purpose

Ap1. To **provide assurance** to the Council by carrying out the following functions on its behalf:

1. Scrutinising the process for the **appointment** of Statutory Committee members² and of the legal, medical and professional advisers to the Statutory Committees. This will include the processes used for recruitment and selection.
2. Scrutinising the process for the **oversight of performance** of Statutory Committee members and providing advice on the oversight of performance of the legal, medical and professional advisers to the Statutory Committees. This will include their appraisal and discipline processes and the oversight of the delivery of their training.

Ap2. To **provide advice** to the Executive in respect of the following areas:

1. The design parameters of an independent tribunal function.
2. The relevant performance metrics of a high performing panel, including behaviours of panel members.
3. Best practice in hearings case management.

Composition and Quorum

Ap3. The Committee shall be appointed by the Council and shall consist of not more than eight persons (including a Chair) and shall include both registrants and lay persons. Persons appointed to the Committee shall be neither Council Members nor employees of the Council.³

Ap4. The quorum of the Committee shall be three members.

Delegated Powers

Ap5. Obtain external legal or other professional advice via the Executive, as necessary and in line with the Terms of Reference of the Committee.

The Council formally delegates its decision-making powers in relation to the following areas:

Appointments

Ap6. To appoint, or re-appoint, persons to serve as members of the Statutory Committees and appoint, or re-appoint, the legal, medical and professional advisers to those members.

² Defined in Section 2 of the General Dental Council (Constitution of Committees) Rules 2009 ('the 2009 Rules') as including both lay and registrant members of the following Committees: the Investigating Committee, the Interim Orders Committee, the Professional Conduct Committee, the Health Committee, the Professional Performance Committee and the Registration Appeals Committee. This definition also includes the Chairs of those Committees.

³ Section 3(2)-(4) of the 2009 Rules.

- Ap7.** To determine the duration of the term of office of Statutory Committee members on their appointment or re-appointment.⁴
- Ap8.** To appoint, from amongst the Statutory Committee members, persons to act as Chairs of the Statutory Committees ('panel Chairs').⁵

Oversight of Performance

- Ap9.** To scrutinise and approve an appraisal process for Statutory Committee Members and provide assurance to the Council as to its implementation.
- Ap10.** To administer the disciplinary policy and procedure in respect of conduct and performance issues of Statutory Committee members, including in respect of the dismissal of panellists and of the termination of panel chair appointments.⁶
- Ap 11.** To suspend or remove Statutory Committee members from office in line with the appropriate processes.⁷
- Ap12.** To scrutinise and approve a training plan for Statutory Committee members, informed by reports on the quality of Statutory Committee decision-making, and provide assurance as to its implementation.

Functions and Duties

In carrying out its functions, the Committee will:

Appointments

- Ap13.** Scrutinise and provide assurance to the Council on the process for appointing Statutory Committee Members.

Oversight of Performance

- Ap14.** Scrutinise and provide assurance to the Council on the process for conducting performance appraisals for Statutory Committee members and their legal, medical and professional advisers.
- Ap15.** Scrutinise and provide assurance to Council in respect of the process for the discipline of Statutory Committee members.
- Ap16.** Monitor and provide assurance to Council on the handling of disciplinary and performance issues in respect legal, medical and professional advisers.
- Ap17.** Provide assurance as to the implementation of training programmes for Statutory Committee members and advice on the oversight of the performance of their legal, medical and professional advisers.

Guidance and Advice

- Ap18.** At the request of the Executive, the Committee may provide advice in respect of key strategic areas of focus, including:
- best practice in hearings case management,
 - the design parameters of an independent tribunal function, and

⁴ Section 4(4) of the 2009 Rules.

⁵ Section 5(1) of the 2009 Rules.

⁶ Section 5(3) of the 2009 Rules

⁷ Sections 6-8 of the 2009 Rules

- the relevant performance metrics of a high performing panel, including behaviours of panel members.