General Dental Council

Code of Conduct for Council Members and Independent Governance Associates

Version: 2.0

Status	Approved	
Policy Owner	Governance	
Applicable to (tick all that apply)	☐ ELT only ☐ Staff only (not ELT) ☒ Council Members ☒ Independent Governance Associates	☐ Statutory Committee Members ☐ Associates ☐ Third Parties (state who)
Approving forum (tick all that apply)	☐ Chief Executive/Registrar/Accounting Officer ☒ Executive Management Team (ELT) ☐ Senior Leadership Team ☐ Head of Function ☐ Senior Information Risk Owner	☒ Audit & Risk Committee ☐ Finance & Performance Committee ☐ Remuneration & Nomination Committee ☐ Statutory Panellists Assurance Committee ☒ Council

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1. Purpose and scope

1.1 As a regulator, the General Dental Council (GDC) establishes standards for the conduct, performance and ethics of the dental team. Council Members must maintain similarly high standards. Whilst carrying out their duties Council Members are expected to conduct themselves in a way that adheres to the GDC's values and leadership values set out in this Code of Conduct.

1.2 This policy applies to Council Members and to Independent Governance Associates, which are defined as:

a. Members of the Statutory Panellists Assurance Committee (SPC); and

b. Independent Members of the Committees of Council – such as the Audit and Risk Committee, Finance and Performance Committee and the Remuneration and Nomination Committee.

1.3 All references to Council Members will apply equally to Independent Governance Associates, unless otherwise stated.

2. Framework – Member Responsibilities

2.1 The Dentists Act 1984 sets out that the over-arching objective of the Council in the exercise of its functions is the protection of the public. Council Members are charged with pursuing this objective by:

a. Protecting, promoting and maintaining the health, safety and wellbeing of the public.

b. Promoting and maintaining public confidence in the dental professions and

c. Promoting and maintaining proper professional standards for members of the dental professions.

2.2 In the discharge of their duties, Council Members should also have proper regard for the interests using or needing the services of dental professionals, of any differing interests between members of the dental team and of the need to promote high standards of education for dental professionals.

2.3 There are a number of criteria within the GDC's Constitution Order 2009, which set out scenarios that will disqualify individuals from appointment to the Council. The Privy Council may also remove Council Members from office if it is satisfied that their membership of the Council be liable to undermine public confidence in the regulation of registered dental professionals.

2.4 Examples of when Members may not be appointed (or may be suspended or removed from office) include if they:

a. Have been convicted of an offence involving dishonesty or deception (which is not spent).

b. Have been convicted of an offence where the final outcome was a sentence of imprisonment or detention (which is not spent).

c. Have been removed from public office.

d. Are an undischarged bankrupt.

e. Are a disqualified director.

f. Are on a barred list.

g. Have been subject to Fitness to Practise proceedings and the final outcome was suspension, erasure or conditions.

2.5 The Privy Council may also remove Members from office if it is satisfied that their level of attendance at meetings of the Council falls below an acceptable minimum level, if they have failed to satisfactorily undertake education or training requirements that apply to them or that they are no longer able to perform their duties because of adverse health.

2.6 Council Members have a responsibility under the Constitution Order 2009 to inform the Council and Privy Council that they may be about to fulfil any of the criteria for disqualification, removal or suspension from office. The Chair of Council also has the responsibility to inform the Privy Council that any Member may be about to fulfil those criteria – and will do so if satisfied that the Member will not do so immediately.

2.7 Council Members are also expected to comply with the responsibilities set out in the following documents:

a. This Code of Conduct

b. The Council Member role description – which defines the standards required of Council Members.

c. Their Member agreements – which import the responsibility to comply with GDC policies which may change from time to time. These policies are set out in the Governance Manual. The Member agreements also make clear that Council Members have a duty to act in good faith, have a duty of care to the GDC, a duty of confidentiality and a duty to act within their powers.

d. The Seven Principles of Public Life.

2.8 It is the responsibility of each Council Member to ensure that they fully comply with their letter of appointment and Member agreement, and with all aspects of this Code of Conduct. Council Members must also ensure that they comply with the policies contained in the Governance Manual, including those on managing conflicts of interests, gifts and hospitality and anti-fraud, anti-corruption and anti-bribery, and any relevant other policies.

3. Definitions

3.1 The GDC's values are:

a. Respectful – we work and build relationships based on trust, empathy and fairness.

b. Transparent – we are open, truthful and reliable in all we do, acting and speaking with integrity.

c. Inclusive – we value all differences, and the perspectives they bring.

d. Purposeful – we are clear in our public purpose and focused on effective delivery.

3.2 The Council's leadership behaviours are:

a. Demonstrating Trust and Respect

b. Positive Leadership

c. Promoting Collaboration

d. Raising Performance

e. Clarifying the Vision

4. Confidentiality

4.1 In accordance with the principles of transparency and in line with the GDC's Standing Orders, often the work of the Council is carried out in public, but some matters have to remain private and must be kept confidential.

4.2 Council Members are bound by a duty of confidentiality which is set out in their agreement with the GDC. This duty remains in force after their term comes to an end and/or their agreement has been terminated.

4.3 Council Members must comply with their duties under information law (including the General Data Protection Regulation, the Freedom of Information and Data Protection Acts) which are set out in the information security guidance included in the Governance Manual.

4.4 Council Members will regularly, in the course of their duties, be party to discussions or information of a confidential nature. The effective operation of the Council depends on these confidences being maintained during and after their association with the GDC. Any matters of a confidential nature must strictly be kept confidential. Council Members should avoid discussing these unless it is necessary for the business of the GDC that they should do so. Any such discussions should take place in a confidential setting.

4.5 Unless required by law to do so, Council Members must not disclose confidential information to anyone who is not another Council Member or a member of the Executive without the consent of the Chair of Council, or if there is a conflict, the Chair of the Audit and Risk Committee. The Chair of Council or Chief Executive will take appropriate advice on any request for disclosure.

4.6 Unless required by law to do so, Independent Governance Associates must not disclose confidential information to anyone outside of the Committee on which they serve without the consent of the Chair of that Committee. The Chair will take appropriate advice on any request for disclosure.

4.7 Council Members must comply with the Information Security Policies.

5. Equality, Diversity and Inclusion

5.1 The GDC is committed to promoting equality, diversity and inclusion. The Equality, Diversity and Inclusion Strategy provides a clear framework for translating this commitment into action. This means actively promoting a culture that values difference and acknowledges that people from different backgrounds and experiences can bring valuable insight into the workplace.

5.2 The GDC aims to be an inclusive organisation, where equality and diversity is encouraged, respected and built upon. As an organisation, we recognise the importance of recruiting and retaining a diverse workforce that is broadly reflective of the communities we serve.

5.3 In their behaviours, interactions and decision-making, Council Members should promote the aims and objectives of the Equality, Diversity and Inclusion Strategy. Any equality, diversity and inclusion issues that arise in relation to Council or Committee business will be dealt with under the relevant procedures.

6. Induction and Development

6.1 Council Members are required to meet the standards of education and training set by the GDC, including attending and completing any reasonable training and development which the GDC requires.

6.2 Council Members will be required to participate in regular appraisals which may identify further development opportunities.

6.3 It is the responsibility of Council Members to proactively consider their development needs and ongoing professional training requirements and reflect this thinking in their discussions with the Chair of Council. Council Members should also inform a member of the Executive Management Team if they feel that they need further guidance or training to carry out their role.

7. Attending meetings

7.1 It is expected that Council Members will attend all Council meetings, and all meetings of Committees of which they are a member unless they are unable, with good reason, to do so. In addition, Council Members may also be required to attend external meetings on the Council's behalf. Council Members who are unable, with good reason, to attend a meeting should inform the Governance Team as soon as possible in advance of the meeting.

7.2 Where a Council Member's inability to attend a series of meetings is likely to affect the ability of the Council to perform its statutory functions that Member should work with the Chair of Council to consider any action needed. Section 6(g) of The General Dental Council (Constitution) Order 2009 provides that the Privy Council may remove a member whose level of attendance at meetings falls below a minimum level of attendance acceptable to it, having regard to the Council's own recommended minimum level, and whether or not there were reasonable causes for the Member's absences.

7.3 The Council generally requires a minimum of attendance at 65% of Council meetings (which, for the purposes of this paragraph, does not include Council away days and additional meetings of Council Members), though this figure may include, at the discretion of the Chair of Council, other meetings which the Member is obliged to attend (e.g. Committee meetings and Council workshops). Council Members' attendance at formal meetings of the Council are reported in the organisation's Annual Report and Accounts.

8. Preparation for meetings and provision of information

8.1 Council Members must read papers and all other relevant information in preparation for meetings and are expected to take all reasonable steps to keep themselves up to date with Council, Committee and other relevant business. A failure to do so may affect the ability of the Council to perform its statutory functions and the Member should work with the Chair of Council to consider any action needed.

9. Taking a decision

9.1 Section 1 of the Dentists Act 1984 provides that, when exercising its functions, the Council shall:

a. Have proper regard for the interests of persons using or needing the services of registered dentists or registered dental care professionals in the UK.

b. Have proper regard for any differing interests of different categories of registered dentists or dental care professionals.

c. Have a general concern to promote high standards of education at all its stages in all aspects of dentistry.

9.2 Council Members are appointed to oversee the delivery of the GDC's statutory regulatory functions. They are not representatives of any particular group and they must take decisions in accordance with paragraph 9.1 above.

10. Collective responsibility

10.1 The Council is collectively responsible for the decisions that is takes. This means that, once a quorate decision of the Council is taken, all Council Members are collectively responsible for it even if they were opposed to it, have voted against it, abstained from voting (if voting is applicable) or were absent when the decision was taken. All Council Members are bound by a decision of Council made in good faith (whether by a unanimous or by majority decision) and may not obstruct the execution of that decision. The same principle applies to decisions taken by the Committees of the Council.

11. Demitting office

11.1 Retiring Council members should normally not assume paid employment with the GDC within one year after demitting office. Except for decisions reserved to Council or delegated to SPC, the final decision regarding Council Members seeking paid employment with the GDC remains with the Chief Executive, who may shorten the restriction period where there is a strong reason to do so.

12. Relationship with registrants

12.1 The actions of Council Members can undermine public confidence in the regulation of dentists and dental care professionals and failure to act appropriately can lead to their suspension or removal.

12.2 In particular, Council Members must ensure that they do nothing to compromise themselves or the GDC by doing anything which could influence or may be perceived as influencing the GDC's fitness to practise proceedings on behalf of an individual registrant. If any other matter is raised with a Member by an individual registrant, they should bear in mind their obligations under this Code and the Managing Interests' Policy, and if necessary, should discuss the matter with the Chair of Council.

13. Managing interests and making gifts and hospitality declarations

13.1 Council Members are required to be familiar with and adhere to the GDC's policies on managing interests, gifts and hospitality and on anti-fraud, anti-corruption and anti-bribery.

13.2 Council Members must be aware that the GDC is funded by registrants' fees, and they have a duty to use the GDC's resources prudently.

13.3 Council Members must not receive any financial or non-financial benefit relating to their position as a Member that is not explicitly authorised in their appointment letter/agreement (e.g. fees for attending meetings/training and incurred expenses).

13.4 If Council Members are offered payment for speaking as agreed on behalf of the GDC they should notify the Chair of Council and turn down the fee. Council Members are able to claim expenses for attending such an engagement either from the third party or the GDC.

14. Dealing with stakeholders

14.1 Public statements made by Council Members are likely to be construed by the public as the opinion of the GDC. The term 'public statement' may cover a wide range of

circumstances, including but not limited to, speeches, media articles, press statements and postings on social media.

14.2 Council Members should not make public statements relating to the Council or the topics in the GDC's field of interest without authority from the Chair to do so. While such authority may be general (for example, for a Council Member to engage in a series of social media postings) as well as specific, it must be in place. Any request from a third party to a Council Member to make a public statement should be referred in the first instance to the GDC's Communications Team who will co-ordinate advice. Any public statement must be in keeping with relevant GDC policies, on which the Communications team can advise. The GDC will provide appropriate briefings for Council Members who are authorised to speak on its behalf.

14.3 Council Members should bear in mind paragraph 14.1 above and take care even when expressing personal views about the Council or topics in the GDC's field of interest, including in conversation with third parties.

14.4 Council Members shall not, in any advertising or other promotional material, make any reference to their relationship with the Council nor use the name, logo or style of the Council on any publication or document except with the prior written consent of the Council. The Communications Team can support Council Members with this, if written consent has been provided.

14.5 Council Members must adhere to the *Social Media Guidance for Council Members and Independent Governance Associates*, which is included as part of the Governance Manual.

15. Interaction with staff and colleagues

15.1 Council Members must treat their colleagues, staff and others they come into contact within the course of their work with the GDC with dignity and respect and in accordance with the principles set out in this Code of Conduct.

16. Raising concerns

16.1 The GDC is committed to maintaining the highest standards of honesty, openness and accountability. Council Members have an important role to play in achieving this goal and are strongly encouraged to raise any concerns that they may have.

16.2 For any concerns or complaints that relate to a Council Member's individual relationship with the GDC, those raising concerns should refer to the *Policy for Dealing with Issues of Conduct or with Complaints or Concerns about Council Members and Independent Governance Associates ('the Conduct Policy')*.

16.3 If a Council Member has a concern about wrongdoing within the GDC that is in the public interest, then they should refer to the *Whistleblowing Policy for Council Members and Independent Governance Associates*. The GDC will ensure that, if a Council Member raises a genuine concern, they will not suffer a detriment or adverse treatment as a consequence; it does not matter if there is no proof or the concern is later proved to be mistaken.

17. Complaints, concerns, or capability

17.1 The Governance Manual includes policy documents for dealing with instances where a Council Member's performance calls below the standards expected. These are the:

a. *Capability Policy* – where the issue may relate to a lack of capability and

b. *Policy for Dealing with Issues of Conduct or Complaints or Concerns about Council Members or Independent Governance Associates* – where the issue may be related to conduct.

17.2 These procedures can also be used where a concern about conduct has come to the GDC's attention without a complaint being made. In relation to performance, the procedures are intended to be supportive and proportionate and assist the Council Member to reach the necessary standards.

17.3 For registrant Council Members, the fitness to practise process and legislative framework will take precedence over the administration of these policies and procedures.

18. Related policies and procedures

18.1 The policies that are related to this Code of Conduct are included as part of the Governance Manual. Council Members are required to adhere equally to all the policies in the Governance Manual.

19. Related legislation and other supporting information

19.1 The Dentists Act 1984, the GDC's Constitution Order and the GDC's Standing Orders.

20. Monitoring and review

20.1 The Code will be reviewed every two years. The Governance team will be responsible for reviewing the Code and recommending it for approval by the Council.

20.2 The Council Member Role Description will be reviewed ahead of any Council Member recruitment campaign by the Remuneration and Nomination Committee as part of their role to oversee the process.

21. Appendices

a. Council Members and Conflicts of Interests in FtP Matters

Council members and conflicts of interest in FTP matters

In order to help Council Members, especially registrants, who may be approached about our FTP procedures, we set out below some general rules and scenarios. If you are in any doubt, please speak to the Chief Executive or the Executive Director, Fitness to Practise.

General dos and don'ts

You should never:

- Discuss an FTP case with a member of a statutory committee (that is, the Investigating Committee, Interim Orders Committee, Professional Conduct Committee, Health Committee, Professional Performance Committee and Registration Appeals Committee).
- Make any public comment on an ongoing FTP case (including any mention in electronic media).
- Discuss an ongoing FTP case with a member of staff, save that you may refer any questions you have regarding potential conflicts of interest to the Chief Executive or relevant members of the Executive team.

You should:

- Inform the Chief Executive if there is media or other public interest in a case, so they can coordinate an appropriate GDC response.

Approaches about a current or potential FTP cases

If you are approached by a registrant (including a member of your staff) or member of the public about a current case:

- Directly or indirectly, to discuss an actual or potential FTP case
- To give advice regarding an FTP case
- To ask if an FTP case could be expedited

then you should:

- Refuse to discuss the case, and
- Explain you are unable to discuss the matter because you have a conflict of interest, and
- Direct them to their defence organisation or lawyer, and
- Consider whether the matter affects your own practice. If it does or may affect your practice you should consult the Chair as to the best course of action.

If you are approached by a member of a statutory committee about a current case, then you should:

- Report the potential breach of the code of conduct by the member to the Chief Executive and the Executive Director, Fitness to Practise, who will then consider a referral to the SPC.

If you are approached by In-House or External Legal Presentation Services to give evidence in an FTP case, then you should:

- Seek immediate advice from the Executive Director, Legal and Governance

- If you are required to give evidence, Council Members are reminded that they are not representing the Council when doing so and this should be clearly explained to the relevant panel.

Approaches about concluded FTP Cases

If you are approached by a registrant or member of the public about a concluded case, then you should:

- Refuse to discuss the outcome of a case, and
- Explain you are unable to discuss the matter because you have a conflict of interest and
- Direct them to their defence organisation or lawyer if the complaint is regarding the correctness of the decision,
- Listen to complaints about procedure only if a complaint is raised regarding the GDC's processes. In such a case, you should follow the procedure below ("Approaches and complaints about the FTP process").

If you are approached by a member of a statutory committee about a concluded case, then you should:

- Refer the member to the Chief Executive or the Executive Director, Fitness to Practise (provided that you are sure that the matter is not ongoing and concerns the GDC's FTP processes),

Approaches and complaints about the FTP process

If you are asked for information (e.g. regarding the GDC's FTP process by a registrant or member of the public) then you should:

- Invite them to contact the GDC using the online form which can be found on the website.

If you are approached by a registrant (including a member of your staff) or member of the public about an issue that may require investigation in connection with the GDC's handling of a case, then you should:

- Refuse to discuss the case, and
- Explain you are unable to discuss the matter because you have a conflict of interest, and
- Direct them to their defence organisation or lawyer, or
- If they are unrepresented tell them to contact the relevant Executive Director (provide the name and contact details if you are able) or, if that is not felt to be appropriate, the Chief Executive.

If it is a complaint about the GDC's FTP processes (e.g. the length of time a case is taking, rudeness or inefficiency of staff) then you should:

- Tell the complainant about our complaints procedure available on the GDC website.
- If the issue is regarding a current case, they should be warned that it may not be possible for the Chief Executive to deal with any complaint until the matter is at an end.

If you, as a Council Member, have queries about the appropriateness or efficiency of the GDC's processes generally (not those of an individual case) then you should

- Raise them with the Chief Executive.

- If after that you are still concerned, you should raise your concerns with the Chair of Council and the Chair of the Audit and Risk Committee.

STATUTORY INSTRUMENTS

2009 No. 1808

HEALTH CARE AND ASSOCIATED PROFESSIONS

DENTISTS

PROFESSIONS COMPLEMENTARY TO DENTISTRY

The General Dental Council (Constitution) Order 2009

Made - - - - *6th July 2009*

Laid before Parliament *9th July 2009*

Coming into force in accordance with article 1(1)

At the Council Chamber, Whitehall, the 6th day of July 2009

By the Lords of Her Majesty's Most Honourable Privy Council

Their Lordships make the following Order in exercise of the powers conferred by section 1(2A) of, and paragraph 1B of Schedule 1 to, the Dentists Act 1984(**a**) and article 7(2) of the Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009(**b**).

PART 1

Introductory

Citation, commencement and interpretation

1.—(1) This Order may be cited as the General Dental Council (Constitution) Order 2009 and—

(a) apart from article 5(h), comes into force on 1st October 2009;

(b) article 5(h) comes into force on the coming into force of section 44(1) of the Safeguarding Vulnerable Groups Act 2006(**c**) (registers: power to apply for vetting information).

(2) In this Order—

"chair" means the chair of the Council;

"final outcome", in relation to any proceedings where there are rights of appeal, means the outcome of the proceedings—

(a) 1984 c.24; section 1(2A) was inserted by S.I. 2001/3926 and substituted by S.I. 2005/2011, and paragraph 1B of Schedule 1 was inserted by S.I. 2009/1182.
(b) S.I. 2009/1182.
(c) 2006 c.47.

(a) once the period for bringing an appeal has expired without an appeal being brought; or

(b) if an appeal is brought in accordance with those rights, once those rights have been exhausted;

"licensing body" means any body, other than the Council, anywhere in the world that licenses or regulates any profession;

"member", unless the context otherwise requires, means a registrant member or a lay member and includes the chair; and

"spent conviction" means—

(a) in relation to a conviction by a court in Great Britain, a conviction that is a spent conviction for the purposes of the Rehabilitation of Offenders Act 1974(**a**); or

(b) in relation to a conviction by a court in Northern Ireland, a conviction that is a spent conviction for the purposes of the Rehabilitation of Offenders (Northern Ireland) Order 1978(**b**).

PART 2

Membership of the Council

Composition of the Council

2. The Council shall consist of 12 registrant members and 12 lay members.

Terms of office of members

3.—(1) The duration of the term of office of each member of the Council is to be determined by the Privy Council, on appointment.

(2) No member of the Council may hold office as a member of the Council for more than an aggregate of 8 years during any period of 20 years.

(3) For the purposes of the computation of years under paragraph (2), service as a member of the Council before 1st October 2005 is to be discounted.

Education and training of members

4. The Council shall make provision in standing orders with respect to the requirements with regard to education and training of members of the Council.

Disqualification from appointment as a member

5. A person is disqualified from appointment as a member of the Council if that person—

(a) has at any time been convicted of an offence involving dishonesty or deception in the United Kingdom and the conviction is not a spent conviction;

(b) has at any time been convicted of an offence in the United Kingdom, and—

(i) the final outcome of the proceedings was a sentence of imprisonment or detention, and

(ii) the conviction is not a spent conviction;

(c) has at any time been removed—

(i) from the office of charity trustee or trustee for a charity by an order made by the Charity Commissioners, the Charity Commission, the Charity Commission for

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(a) 1974 c. 53.
(b) S.I. 1978/1908 (N.I. 27).

Northern Ireland or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity—

(aa) for which the person was responsible or to which the person was privy, or

(bb) which the person by their conduct contributed to or facilitated, or

(ii) under—

(aa) section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990(**a**) (powers of Court of Session to deal with management of charities), or

(bb) section 34(5)(e) of the Charities and Trustee Investment (Scotland) Act 2005(**b**) (powers of the Court of Session),

from being concerned with the management or control of any body;

(d) has at any time been removed from office as the chair, or as a member, convenor or director, of any public body on the grounds, in terms, that it was not in the interests of, or conducive to the good management of, that body that the person should continue to hold that office;

(e) at any time has been adjudged bankrupt or sequestration of the person's estate has been awarded, and—

(i) the person has not been discharged, or

(ii) the person is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986(**c**) or Schedule 2A of the Insolvency (Northern Ireland) Order 1989(**d**) (which relate to bankruptcy restrictions orders and undertakings);

(f) has at any time made a composition or arrangement with, or granted a trust deed for, the person's creditors and the person has not been discharged in respect of it;

(g) is subject to—

(i) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986(**e**),

(ii) a disqualification order under Part 2 of the Companies (Northern Ireland) Order 1989(**f**) (company directors disqualification),

(iii) a disqualification order or disqualification undertaking under the Company Directors Disqualification (Northern Ireland) Order 2002(**g**), or

(iv) an order made under section 429(2) of the Insolvency Act 1986(**h**) (disabilities on revocation of a county court administration order);

(h) has been included by—

(i) the Independent Barring Board in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006(**i**) or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007(**j**)), or

(ii) the Scottish Ministers in the children's list or the adults' list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007(**k**));

(i) has at any time been subject to any investigation or proceedings concerning the person's fitness to practise by any licensing body, the final outcome of which was—

(a) 1990 c.40; section 7 was repealed by the Charities and Trustee Investment (Scotland) Act 2005 (asp 10), Schedule 4, paragraph 7(b).
(b) 2005 asp 10.
(c) 1986 c.45; Schedule 4A was inserted by section 257 of, and Schedule 20 to, the Enterprise Act 2002 (c.40).
(d) S.I. 1989/2405 (N.I. 19); Schedule 2A was inserted by S.I. 2005/1455 (N.I. 10).
(e) 1986 c.46.
(f) S.I. 1989/2404 (N.I. 18).
(g) S.I. 2002/3150 (N.I. 4); relevant amendments were made by S.I. 2005/1454 (N.I. 9).
(h) Section 429(2) was amended by the Enterprise Act 2002 (c.40), Schedule 23, paragraph 15.
(i) 2006 c.47.
(j) S.I. 2007/1351 (N.I. 11).
(k) 2007 asp 14.

(i) the person's suspension from a register held by the licensing body, and that suspension has not been terminated,

(ii) the erasure of the person's name from a register held by the licensing body or a decision that had the effect of preventing the person from practising the profession licensed or regulated by the licensing body, or

(iii) a decision that had the effect of only allowing the person to practise that profession subject to conditions, and those conditions have not been lifted;

(j) has at any time been subject to any investigation or proceedings concerning the person's fitness to practise by the Council, in the course of which or where the final outcome was that—

(i) the person's registration in the register was suspended (including by an interim suspension order or an order for immediate suspension) and that suspension has not been terminated,

(ii) the person's name was erased from the register (for a reason connected to the person's fitness to practise), or

(iii) the person's registration in the register was made conditional upon their compliance with any requirement (including by an order for interim conditional registration or an order for immediate conditional registration) and that requirement has not been lifted;

(k) has at any time been subject to any investigation or proceedings relating to an allegation that the person's entry in the register was fraudulently procured, the final outcome of which was the erasure of the person's name from the register;

(l) is or has been subject to any investigation or proceedings concerning the person's fitness to practise by—

(i) any licensing body, or

(ii) the Council,

and the Privy Council is satisfied that the person's membership of the Council would be liable to undermine public confidence in the regulation of registered dentists and dental care professionals; or

(m) has at any time been convicted of an offence elsewhere than in the United Kingdom and the Privy Council is satisfied that the person's membership of the Council would be liable to undermine public confidence in the regulation of registered dentists and dental care professionals.

Removal of members from office

6.—(1) A member shall be removed from office by the Privy Council, if—

(a) the member resigns, which a member may do at any time by a notice in writing to the Privy Council;

(b) in the case of—

(i) a registrant member, that member's registration is voluntarily terminated or otherwise lapses; or

(ii) a lay member, that member becomes a person who no longer satisfies the criteria for being a lay member in paragraph 1A(1)(b) of Schedule 1 to the Dentists Act 1984(**a**) (membership: general);

(c) the member becomes a person of the type mentioned in article 5(a), (b) or (e) to (h) (irrespective of whether or not they subsequently cease to be a person of the type mentioned in those provisions);

(d) the member becomes a person of the type mentioned in article 5(c) or (d);

(**a**) Paragraph 1A was inserted by S.I. 2009/1182.

(e) in the case of a registrant member, the member has become the subject of any investigation or proceedings concerning the member's fitness to practise by the Council, as a result of which—

(i) the member's registration in the register is suspended,

(ii) the member' name is erased from the register, or

(iii) the member's registration in the register is made conditional upon the member's compliance with any requirement,

and the proceedings relating to that particular sanction have reached their final outcome;

(f) in the case of a registrant member, the member has become the subject of any investigation or proceedings relating to an allegation that the person's entry in the register was fraudulently procured or incorrectly made, the final outcome of which is the erasure of the person's name from the register;

(g) the Privy Council is satisfied that the member's level of attendance at meetings of the Council falls below a minimum level of attendance acceptable to the Privy Council, having regard to—

(i) any recommended minimum levels of attendance that the Council have set in their standing orders, and

(ii) whether or not there were reasonable causes for the member's absences;

(h) the Privy Council is satisfied that the member has failed, without reasonable cause, to undertake satisfactorily the requirements with regard to education and training for members that apply to that member and which the Council have included in their standing orders;

(i) the Privy Council is satisfied that the member is no longer able to perform their duties as a member of the Council because of adverse physical or mental health;

(j) the Privy Council is satisfied that the member's continued membership of the Council would be liable to undermine public confidence in the regulation of registered dentists and dental care professionals.

(2) A member who becomes, or may be about to become, a person to whom paragraph (1)(b) to (f) applies must notify the Privy Council and the Council in writing of that fact as soon as the member becomes aware of it.

(3) Any member or employee of the Council may notify the Privy Council if they are of the view that the Privy Council may need to exercise its functions under paragraph (1).

(4) The chair shall notify the Privy Council if the chair is aware that—

(a) a member has become, or may be about to become, a person to whom paragraph (1)(b) to (f) applies; and

(b) that member has not notified the Privy Council in writing of that fact and the chair is not satisfied that the member will do so immediately.

Suspension of members from office

7.—(1) The Privy Council may suspend a member from office by a notice in writing served on the member—

(a) if the Privy Council has reasonable grounds for suspecting that the member has become a person to whom article 6(1)(b)(ii) to (d) applies, for the purposes of determining whether or not the member has become such a person;

(b) while the Privy Council is considering whether or not it is satisfied as to the matters set out in article 6(1)(g) to (j);

(c) if the member is subject to any investigation or proceedings concerning the member's fitness to practise by—

(i) any licensing body, or

(ii) the Council,

and the Privy Council is satisfied that it would not be appropriate for the member to continue to participate in proceedings of the Council while the investigation or proceedings concerning the member's fitness to practise is or are ongoing;

(d) if the member is subject to any investigation or proceedings concerning whether the member's entry in the register was fraudulently procured or incorrectly made and the Privy Council is satisfied that it would not be appropriate for the member to continue to participate in proceedings of the Council while the investigation or proceedings concerning the member's entry in the register is or are ongoing; or

(e) if the member is subject to any investigation or proceedings in the United Kingdom relating to a criminal offence, or elsewhere than in the United Kingdom relating to an offence which, if committed in any part of the United Kingdom, would constitute a criminal offence, and—

(i) either—

(aa) the investigation or proceedings relate to an offence involving dishonesty or deception, or

(bb) the final outcome of the investigation or proceedings may be that the person is sentenced to a term of imprisonment (whether suspended or not), and

(ii) the Privy Council is satisfied that it would not be appropriate for the member to continue to participate in proceedings of the Council while the investigation or proceedings is or are ongoing.

(2) The Privy Council shall suspend a registrant member from office by a notice in writing served on the member if the member is the subject of an interim order.

(3) The notice in writing under paragraph (1) or (2) shall set out the reasons for the suspension and the duration of the period of suspension, which shall (in the first instance) not be for more than 6 months.

(4) The Privy Council may stay its consideration under paragraph (1) of whether or not to suspend a member while the Council considers whether or not to suspend the member provisionally under standing orders of the Council.

(5) If a member has been suspended provisionally under standing orders of the Council—

(a) the Council shall notify the Privy Council in writing of the provisional suspension as soon as is reasonably practicable; and

(b) the Privy Council shall consider the matter with a view to determining whether or not to suspend the member under paragraph (1) or to remove the member under article 6(1).

(6) If after considering the matter under paragraph (5)(b), the Privy Council decides not to suspend the member, and not to remove the member from office, the Council must terminate their provisional suspension of the member under their standing orders.

(7) The Privy Council—

(a) may at any time review a suspension of a member by it; and

(b) shall review any suspension of a member by it after 3 months from the start of the period of suspension, if requested to do so by the suspended member.

(8) Following a review, the Privy Council may—

(a) terminate the suspension;

(b) if that review is within 3 months of the end of a period of suspension, extend the suspension for a further period of up to 6 months from the date on which the suspension would otherwise come to an end.

(9) The Privy Council shall notify the suspended member in writing of the outcome of any review and that notice shall include the reasons for any decision taken.

PART 3

Chair of the Council

Appointment, term of office and cessation of office of the chair

8.—(1) The Council shall appoint as their chair the member they elect from among their number to be chair.

(2) The term of office of a chair is to be determined by the Council on appointment, but it shall be 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).

(3) A member serving as chair shall cease to be chair—

(a) on ceasing to be a member;

(b) if the member resigns as chair, which the member may do at any time by a notice in writing to the Council;

(c) if the member's membership of the Council suspended by the Privy Council; or

(d) if a majority of the Council, excluding the chair (but not simply a majority at a quorate meeting), votes to terminate the member's appointment as chair.

Transitional arrangements

9.—(1) Notwithstanding article 2, if paragraph (3) applies, the Council shall consist of 13 registrant and 12 lay members until the end of 31st December 2009.

(2) Notwithstanding article 8(1) and (2), if paragraph (3) applies, the person who was president of the Council on 30th September 2009 shall be appointed by the Privy Council to serve as the chair of the Council as constituted on 1st October 2009 until the end of 31st December 2009.

(3) This paragraph applies if the person who was president of the Council on 30th September 2009—

(a) is a registered dentist or registered dental care professional; and

(b) is reappointed to serve as a member of the Council from 1st October 2009 until the end of 31st December 2009.

Deputising arrangements in respect of the chair

10.—(1) Subject to paragraph (2), if, for any reason, the chair is absent from a meeting of the Council, the members who are present at that meeting shall nominate one of their number to serve as chair at that meeting.

(2) If, for any reason—

(a) the Council is on notice that their 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 member ("deputy chair") to serve as chair during the absence or unavailability of the chair or the vacancy.

(3) A member serving as deputy chair shall cease to be deputy chair—

(a) in the case of—

(i) the absence or unavailability of the chair, on the date which the chair notifies the General Council in writing is the date on which they are able to resume their duties, or

(ii) the office of chair being vacant, once the vacancy is filled;

(b) if the member ceases to be a member;

(c) if the member resigns as deputy chair, which the member may do at any time by a notice in writing to the Council;

(d) if the member's membership of the Council is provisionally suspended by the Council or suspended by the Privy Council; or

(e) if the Council votes (by a majority at a quorate meeting) to terminate the member's appointment as deputy chair.

PART 4

Proceedings of the Council

Quorum of the Council

11. The quorum of the Council shall be 13.

Effect of vacancies etc. on the validity of proceedings

12.—(1) The validity of any proceedings of the Council shall not be affected by—

(a) any vacancy among the members of the Council;

(b) any defect in the appointment of a member of the Council;

(c) a member whom the Privy Council must remove from the Council under article 6(1)(b) to (f) participating in the proceedings;

(d) a member whom the Privy Council has removed under article 6(1) having participated in the proceedings; or

(e) a member who has been provisionally suspended by the Council under its standing orders or suspended by the Privy Council under article 7(1) or (2) having participated in the proceedings.

(2) Notwithstanding paragraph (1)(c), a member whom the Privy Council must remove from the Council under article 6(1)(b) to (f) is not entitled to participate in proceedings of the Council, pending the member's removal from the Council by the Privy Council.

Judith Simpson
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision with regard to the constitution of the General Dental Council ("the GDC"). The GDC is to consist of 12 registrant members, who are dentists or dental care professionals registered with the GDC, and 12 lay members (article 2). Their terms of office will be determined by the Privy Council – or if directed by the Privy Council to do so, the Appointments Commission – on appointment. There are limitations on the period for which members may serve on the GDC (article 3). The GDC is to make provision with regard to the education and training of its members in standing orders (article 4).

Certain categories of people, for example people who have been convicted of certain types of offences where the conviction is not spent, are disqualified from being members of the GDC, and once members have been appointed, there are certain circumstances in which they may be removed from office (articles 5 and 6). In some circumstances, a member may also be suspended from office, and there are provisions relating to the provisional suspension by the GDC itself, pending the taking of a decision by the Privy Council (or, in its place, the Appointments Commission) to suspend or remove that member (article 7).

There are also provisions relating to the appointment of the chair, who is to be elected from among the members of the GDC, but who will cease to be chair if that person is suspended as a member of the GDC or loses a vote of no confidence. The last president of the GDC before it was newly constituted by virtue of this Order will, if reappointed to the GDC as a temporary member, serve as the first chair of the newly constituted GDC for three months (articles 8 and 9). There are provisions relating to the deputising arrangements for the chair, and the GDC will have powers to appoint a deputy chair to serve during an absence of a chair that is likely to be for more than one month or one meeting, or if the position of chair is vacant (article 10).

There are also provisions relating to the proceedings of the GDC. Its quorum is 13, and there are special provisions to prevent the GDC's proceedings being invalidated by matters such as a vacancy or a defect in the appointment of a member (articles 11 and 12).

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STATUTORY INSTRUMENTS

2009 No. 1808

HEALTH CARE AND ASSOCIATED PROFESSIONS

DENTISTS

PROFESSIONS COMPLEMENTARY TO DENTISTRY

The General Dental Council (Constitution) Order 2009

£5.50

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