

Code of Conduct for Council Members

Owner	Governance
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Approved by Council	
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1. Policy Statement

- 1.1. The General Dental Council (GDC) is committed to providing a high-quality service and our Council members are vital to achieving this objective. 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 section 2 below.
- 1.2. Council members must treat others with respect and comply with the seven principles of public life. These are set out in Annex 2 of the Managing Interests Policy for Council members and Associates, which is included within the GDC's Governance Manual.
- 1.3. Council members have a duty to act in good faith, a duty of care to the GDC, a duty of confidentiality and a duty to act within their powers.
- 1.4. It is the responsibility of each Council member to ensure that they fully comply with their letter of appointment/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 and anti-bribery, and any other policies which Council from time to time approves.

2. Definitions

- 2.1 The GDC's values are:
 - Fairness – we will treat everyone we deal with fairly.
 - Respect – we treat dental professionals, our registrants and our employees with respect.
 - Responsiveness – we can adapt to changing circumstances
 - Transparency – we are open about how we work and how we reach decision
- 2.2 The Council's leadership behaviours are:
 - Demonstrating Trust and Respect
 - Positive Leadership
 - Promoting Collaboration
 - Raising Performance
 - Clarifying the Vision

3. Purpose

- 3.1 As a regulator, the GDC establishes standards for the conduct, performance and ethics of the dental team. Council members must maintain similarly high standards.
- 3.2 The Code of Conduct and role descriptions define the standards required of Council members. The Council member role description is attached at Annex 2.

4. Scope

- 4.1 This policy applies to Council members and to the following Committee members:
 - 4.1.1 members of the Statutory Panellist Assurance Committee;
 - 4.1.2 external or independent members of Council committees as defined in the Standing Orders of Council.
referred to in this policy as “Relevant Committee Members”.

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5. Confidentiality

- 5.1 In accordance with the principles of transparency and the Standing Orders, where possible the work of the Council is carried out in public, but some matters are private and kept confidential.
- 5.2 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.
- 5.3 Council members must comply with their duties under the Freedom of Information Act 2000 and Data Protection Act 2018 which are set out in the information security guidance set out in the Governance Manual.
- 5.4 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 remain so outside the confines of the meeting or hearing in which they arise, and 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.
- 5.5 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.
- 5.6 Unless required by law to do so, Relevant Committee Members must not disclose confidential information to anyone outside 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.
- 5.7 Council members must comply with the Information Security Policies.

6. Equality and Diversity

- 6.1 The GDC is committed to promoting equality and diversity. The Equality and Diversity Policy 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.
- 6.2 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.

- 6.3 Council members should comply with the Equality and Diversity Policy. Any equality and diversity issues will be dealt with under the relevant procedures.

7. Induction and development

- 7.1 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.
- 7.2 Council members will be required to participate in regular appraisals which may identify further training opportunities.
- 7.3 It is the responsibility of Council members to inform a member of the Executive Management Team if they feel that they need further guidance or training to carry out their role.

8. Attending meetings

- 8.1 It is expected that Council members will attend all Council meetings, and all meetings of committees of which they are a member unless 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.
- 8.2 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. 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 Chair of Council's discretion, other meetings which the member is obliged to attend (e.g. committee meetings).

9. Preparation for meetings and provision of information

- 9.1 Council members must read their papers in preparation for meetings, hearings etc. and are expected to take all reasonable steps to keep themselves up to date with Council, committee and other relevant business.

10. Taking a decision

- 10.1 Section 1 of the Dentists Act 1984 as amended provides that when exercising their functions the Council shall:
- Have proper regard for the interests of persons using or needing the services of registered dentists or registered dental care professionals in the UK;
 - Have proper regard for any differing interests of different categories of registered dentists or dental care professionals;

- Have a general concern to promote high standards of education at all its stages in all aspects of dentistry;
- Have a general concern to promote high standards of professional conduct, performance and practice among persons registered under the Act.

10.2 Council members are appointed to carry out the GDC's statutory regulatory functions. They are not representatives and they must take decisions in accordance with paragraph 10.1 above.

11. Collective responsibility

11.1 Once a quorate decision of the Council is taken, all Council members are collectively responsible for it even if they have voted against it, abstained from voting 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 majority vote) and may not obstruct the execution of that decision. The same principle applies to committees of the Council.

12. Demitting office

12.1 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, final appointment decisions remain with the Chief Executive Officer, who may shorten the restriction period where there is a strong reason to do so

13. Relationship with registrants

13.1 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. 13.2 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.

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14. Declaration of and managing interests and gifts and hospitality

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

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14.2 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.

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14.3 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).

14.4 If Council members are offered a payment for speaking as agreed on behalf of the GDC they should notify the Chair of Council. The fee offered by the organisation should be paid to the GDC and the Council member should then claim an attendance fee from the GDC where appropriate.

15. Dealing with stakeholders

15.1 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. 15.2 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, which the team communications can advise on. The GDC will provide whatever briefing is necessary to a Council member when they are authorised to speak on its behalf.

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15.3 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 conversation with third parties.

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15.4 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, once written consent has been authorised.

16. Interaction with staff and colleagues

16.1 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.

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17. Raising concerns

17.1 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.

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17.2 For any concerns or complaints that relate to a Council member's individual relationship with the GDC, then they should refer to the policy for individual concerns or complaints by Council members.

17.3 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 Associates and associated guidance. 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.

18. Complaints, concerns, or capability

18.1 The policies for dealing with complaints or concerns about Council members set out the procedure to be followed in dealing with a complaint against or a concern about a Council member where it is alleged or appears that the conduct of the Council member has fallen below the standards expected. The policies apply equally in circumstances where a concern about conduct has come to the GDC's attention without a complaint being made.

18.2 The capability policies for Council members and Associates set out the procedure to be followed in dealing with a situation where concerns have been raised that the performance of a Council member has fallen below the standards expected. The policies are intended to be supportive and proportionate and assist the Council member to reach the necessary standards.

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18.3 If the Council member is a registrant dentist or dental care professional, the following legislation and policy framework will take precedent as necessary over the policies:

GDC Standing Order for Conduct of Business 2015

GDC (Constitution) Order 2009 (as amended)

Guidance on registrant Council Members and FTP Processes

19. Council members and conflicts of interest in fitness to practise (FTP) matters

19.1 In order to help Council members, especially registrants, who may be approached about the GDC's FTP procedures, the Executive has drafted some general rules (taken from the Code of Conduct) and scenarios have been drafted. If you are in any doubt, please speak to the Chief Executive or the Head of Governance. This guidance is available at Annex 1.

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19.2 For more information about conflicts of interest, both in relation to FTP and other matters, the managing interests' policy is included in the governance manual.

20. Review

20.1 This document will be reviewed every two years. The Head of Governance will be responsible for the review.

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20.2 Amendments will be approved by the Council.

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21. Related Policies

21.1 Managing Interests Policy for Council members and Associates

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21.2 Policy on Gifts and Hospitality for Council members and Associates

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21.3 Anti-Fraud and Anti-Bribery Policy for Council members and Associates

21.4 Policy for Individual Concerns or Complaints by Council members and Associates

21.5 Whistleblowing Policy for Council members and Associates

21.6 Policy for Dealing with Complaints or Concerns about Council members and Associates

21.7 Capability Policy for Council members and Associates

21.8 Guidance on registrant Council members and FTP processes

21.9 Information Security Policies for Council members and Associates

22 Annexes

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22.1 Annex 1 - Council members and conflicts of interest in FTP matters

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22.2 Annex 2 - Council member role description and person specification

Annex 1 - 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 (taken from the code of conduct) and scenarios. If you are in any doubt, please speak to the Chief Executive or the Director of 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 the Director of Governance and HR/Director of Fitness to Practise

You should:

- Tell the Chief Executive if there is media or other public interest in a case, so he/she can arrange 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 Director of Fitness to Practise, who will refer it to the Chair of the Appointments Committee.

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 Director of 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:

- Direct them to the relevant member of staff. For registration, fitness to practise and hearings matters this will be the Director of Registration and Operational Excellence/ Director of Fitness to Practise as appropriate.

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 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, which states that they should raise this in the first instance with the relevant director and, if they are not satisfied, with the Chief Executive.
- 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.

Annex 2 - Council member role description and person specification

Key Responsibilities

Council members collectively are responsible for:

- 1. Setting the strategic direction of the GDC within its statutory framework**
 - Taking responsibility for corporate strategy, business plans and budgets and the development of the framework for reviewing policy and operational performance;
 - Ensuring that the GDC focuses on its statutory duties of patient safety and public confidence in dental services;
 - Evaluating the effectiveness of the Council in fulfilling its statutory purpose;
 - Overseeing the development of policy and taking major policy decisions.
- 2. Ensuring that the public and stakeholders have confidence in the GDC in conjunction with the Accounting Officer**
 - Ensuring that the GDC has measures in place to engage with stakeholders and with other relevant organisations and government agencies in the four countries of the UK;
 - When appropriate, acting personally to support and promote the interests of the GDC.
- 3. Providing challenge and scrutiny of the GDC's operations, ensuring that they are aligned with the organisation's strategic direction**
 - Holding the executive to account for the management of day to day operations;
 - Holding the executive to account for ensuring that the GDC's operations are organised in ways which facilitate the delivery of core functions to best effect, and that this is kept under review as circumstances change.
- 4. Setting a positive tone, behaviour and culture for the organisation**
 - Ensuring that the Council models the principles of public life and the GDC's leadership behaviours;
 - Providing constructive and effective challenge.

Council members must be committed to patient safety and public confidence in dental services, which is the primary statutory purpose of the GDC. They must

have the confidence to speak out and challenge, working effectively with fellow members, the executive and stakeholders.

Essential Criteria

Council members must be able to demonstrate:

1. A commitment to patient protection and a proven understanding and experience of supporting confidence in public services and a commitment to patient protection;
2. Experience of contributing to an organisation operating within a statutory framework, in an environment that is impacted by and impacts upon government policy;
3. The ability to work effectively with the executive to challenge, support and hold the executive to account for the delivery of the corporate strategy;
4. The capacity to understand the organisational and business issues facing the GDC, and the skills required to analyse, interrogate and scrutinise performance data;
5. The ability to contribute constructively to collective decision-making processes, respecting and listening to others and earning the respect of colleagues; and
6. A personal commitment to good governance, and of upholding the recognised principles of public life, and a commitment to equality, diversity and inclusion.