

To consider

Amendments to the Governance Handbook

Issue

1. Following the recent approval of a revised governance model and ways of working, amendments need to be made to update the Governance Handbook to reflect the agreed changes.

Recommendations

2. Council is asked to:
 - a. Consider the proposed amendments to the Governance Handbook.
 - b. Approve the revised Governance Handbook.

Issue

3. Following Council's agreement, in February 2013, to a revised governance model, changes have been made to elements of the governance framework and ways of working.

4. As a consequence, the Governance Handbook needs to be amended to reflect the new model and working arrangements, including to remove references which are now obsolete in the light of the re-constitution of Council and the previous governance structure.

Proposed amendments

5. The revised draft Governance Handbook for consideration is at Annex A. This includes a Change Log which tracks amendments which Council has approved since the Governance Handbook was originally approved in October 2009. It also includes a summary of the key changes proposed to each chapter or annex, including a list of those that have been removed from the Handbook because of the changes to the governance model, for example where the changes have rendered some Boards and Committees and references to other work formerly undertaken by Council members obsolete. A version with the amendments showing in tracked changes is at Annex B.

6. Amendments are also proposed to reflect changes in the external environment and in updated guidance such as it impacts on the role and responsibilities of Council members, for example revision of the *Good Governance Code for the Voluntary and Community Sector*, and the Committee on Standards in Public Life's report, *Standards Matter*.

7. The Role of each Component of the Governance Framework (Chapter 4) has been updated to reflect changes in executive governance and external engagement channels, as part of the governance model agreed by Council in February 2013. We have included reference to the UK Advisory Fora will be established in Scotland, Wales and Northern Ireland. However, we have reflected on the arrangements for England and propose that further work is undertaken to develop alternative plans for engagement with the English regions, which will be brought back to Council for approval.

8. The Schedule of Authority (Chapter 9) has been reviewed to incorporate amendments to legislation, amendments to the governance model, and changes following the re-organisation of the executive in November 2012.

9. The section on Member induction, appraisal and training (Annex C2) may require further amendment following a review of the appraisal process which is planned for discussion by Council at its awayday in June 2013, with any proposed amendments to be considered by Council at its meeting in September 2013.

10. The section relating to the Medical Practitioners Tribunal Service (Annex B4d) may require further amendment as the governance arrangements for the MPTS Committee are currently under review. Any proposed amendments will be

considered by the Committee and GMC/MPTS Liaison Group in Q2 2013, with any proposed amendments to be considered by Council at its meeting in September 2013.

11. Council is asked to consider the proposed amendments. If agreed, the proposed amendments will be incorporated and an updated version of the Governance Handbook will be published and circulated to members.

Governance Handbook Review - Supporting Information

How this issue relates to the corporate strategy and business plan

12. Strategic Aim Seven of the Business Plan 2013 states that we will continue to use resources efficiently and effectively, changing our governance framework, decision-making processes and ways of working to ensure effective transition to the reconstituted smaller Council.

13. The proposed amendments aim to complete actions arising from the transition and to support effective implementation.

**If you have any questions about this paper please contact:
Christine Payne, Head of Governance, cpayne@gmc-uk.org,
020 7189 5422.**

Annex A

Governance Handbook

Contents

| | Page |
|--|-------------|
| Chapter 1: Role of GMC and Relevant Legislation | 3 |
| Chapter 2: Principles of Regulation, Governance and Delegation | 6 |
| Chapter 3: The Role of Council | 9 |
| Chapter 4: Role of each Component of the Governance Framework | 11 |
| Chapter 5: Role of the Chair of Council..... | 15 |
| Chapter 6: Role of Council Members..... | 19 |
| Chapter 7: Members' Code of Conduct | 21 |
| Chapter 8: The Role of the Executive | 26 |
| Chapter 9: Schedule of Authority | 27 |
| Chapter 10: GMC Financial Regulations | 63 |
| Chapter 11: Decision Making Framework | 72 |

Handbook Annex: Standing Orders/Working Procedures

| | Page |
|--|-------------|
| Annex A: Council: working arrangements | 75 |
| Annex A1: Working Arrangements | 75 |
| Annex A2: Corporate Seal..... | 81 |
| Annex B: Committees: working arrangements..... | 82 |
| Annex B1: Arrangements for the Appointment of Council Members to Committees..... | 82 |
| Annex B2: Working Requirements for Committees | 84 |
| Annex B3: Role Description for Committee Chairs | 86 |
| Annex B4a: Statement of Purpose of the Audit and Risk Committee | 88 |
| Annex B4b: Statement of Purpose of the Remuneration Committee | 92 |
| Annex B4c: Statement of Purpose of the Trustees of the GMC Staff Superannuation Scheme | 94 |
| Annex B4d: Statement of Purpose of the Medical Practitioners Tribunal Service | 96 |
| Annex B4e: Statement of Purpose of the GMC/MPTS Liaison Group..... | 99 |
| Annex C: Matters relating to members | 102 |
| Annex C1: Members' Information | 102 |
| Annex C2: Member Induction, Appraisal, Education and Training | 104 |
| Annex C3: Guidance on the Register of Interests and Conflicts of Interest..... | 107 |
| Table of Handbook changes approval by Council..... | 110 |
| Change Log | 112 |

Chapter 1: Role of GMC and Relevant Legislation

1. The GMC is the regulatory body for the medical profession in the UK, and was first established under the Medical Act 1858. Our current powers and duties are contained in the Medical Act 1983 (as amended) and in statutory rules and regulations. The GMC is a body corporate, and is registered as a charity with the Charity Commission and the Office of the Scottish Charity Regulator.

2. Our purpose is to protect, promote and maintain the health and safety of the public by ensuring proper standards in the practice of medicine. We have four main statutory functions:

- a. Keeping up-to-date registers of qualified doctors.
- b. Fostering good medical practice.
- c. Promoting high standards of medical education.
- d. Dealing firmly and fairly with doctors whose fitness to practise is in doubt.

3. Council is the governing body of the GMC. It comprises 12 members, 6 of whom are medical members and 6 of whom are lay members. Members of Council, including the Chair, are appointed by the Privy Council through a process which follows the Professional Standards Authority's guidance for making appointments to healthcare regulatory bodies. This guidance incorporates principles based on those identified by the Commissioner for Public Appointments.

4. We work with the Professional Standards Authority, the independent body accountable to Parliament which scrutinises and oversees the work of the nine health and care professional regulatory bodies in the UK.

5. We collaborate closely with other health and social care regulators throughout the UK and internationally, and have a range of memoranda of understanding in place with relevant organisations. (http://www.gmc-uk.org/about/partners_index.asp)

UK primary legislation

6. The Medical Act 1983 (as amended) covers our statutory purpose, our governance, and our responsibilities in relation to the medical education and registration of doctors and to guidance to doctors on professional conduct, performance and ethics. The Act sets out our powers and responsibilities for dealing with doctors whose fitness to practise is or may be impaired.

7. Some detail is set out in statutory rules and regulations. This includes rules governing the fitness to practise procedures, how fitness to practise panels are constituted, how the registration fees regime operates, and how appeals against registration decisions are handled.

8. We have a Chief Executive who is accountable to Council for the operation of the GMC. The Chief Executive is also the Registrar, in which role s/he has various functions specifically assigned in legislation.

European legislation

9. We also have to comply with relevant European law. The principal European legislation is Directive 2005/36/EC on the recognition of professional qualifications. This sets out our obligations for recognising the medical qualifications held by doctors from within the European Economic Area (EEA).

Governance

10. The 1983 Act sets out our basic governance framework. This includes:

- a. The way in which we are accountable to Parliament and our duty to report on the work that we undertake and are planning to undertake.
- b. The composition of Council.
- c. The arrangements for the appointment of members.
- d. The registration of members' interests.
- e. Information about and the powers, duties and proceedings of Council and the different committees through which Council carries out much of its work.

11. Although the 1983 Act provides the basic framework, much of the detail is described in separate statutory instruments in the form of rules and regulations. Like the 1983 Act, they have the force of law.

12. Our Constitution Order deals with the size and composition of Council and the terms of office of Council members. The General Medical Council (Constitution) (Amendment) Order 2012 sets out the current arrangements.

Standing Orders and Schedule of Authority

13. The 1983 Act provides that Council may make provision by standing orders for meetings and proceedings and the discharge of functions by Council and any committees, and for the functions of officers of Council.

Chapter 2: Principles of Regulation, Governance and Delegation

Regulation

1. The Better Regulation Executive has defined five principles of good regulation, which state that any regulation should be:
 - a. Transparent.
 - b. Accountable.
 - c. Proportionate.
 - d. Consistent.
 - e. Targeted.
2. We apply these principles in making regulatory policy and in discharging our regulatory functions.

Governance

3. The *Good Governance Code for the Voluntary and Community Sector* was first jointly published in 2005 by a group of voluntary sector support organisations: Charity Trustee Networks, the Association of Chief Executives of Voluntary Organisations, the Institute of Chartered Secretaries and Administrators, and the National Council for Voluntary Organisations, along with the Charity Commission. The Good Governance Code was updated in 2010.
4. The *Good Governance Code* is focused on organisations which, like the GMC, act in the public interest and have charitable status. It is closely modelled, with appropriate modifications, on the principles which underpin corporate governance in the private sector, as importantly stated in the UK by Cadbury's 1992 report *Financial Aspects of Corporate Governance* and most recently formulated by the Financial Reporting Council's *Combined Code on Corporate Governance* (June 2008).

5. The *Good Governance Code's* principles are:¹:
- a. *Principle 1:* An effective board will provide good governance and leadership by understanding their role.
 - b. *Principle 2:* An effective board will provide good governance and leadership by ensuring delivery of organisational purpose.
 - c. *Principle 3:* An effective board will provide good governance and leadership by working effectively both as individuals and as a team.
 - d. *Principle 4:* An effective board will provide good governance and leadership by exercising effective control.
 - e. *Principle 5:* An effective board will provide good governance and leadership by behaving with integrity.
 - f. *Principle 6:* An effective board will provide good governance and leadership by being open and accountable.

6. We also take account of the principles articulated in the *Good Governance Standard for Public Services* produced by the Independent Commission on Good Governance in Public Services (Office of Public Management and the Chartered Institute of Public Finance and Accountancy, 2004), which include clarity of purpose and a focus on outcomes; effective performance in clearly defined functions and roles; promoting values across the whole organisation; taking informed, transparent decisions and managing risk; developing the capability and capacity of the governing body to be effective; and engaging stakeholders and making accountability real.

Delegation

7. Council should set out the functions of each component of the governance structure, the Chief Executive, and other staff in clear delegated authorities, and should monitor their performance.

8. The supporting principles are:

- a. Clarity of roles: The roles and responsibilities of the Chair, Chief Executive, and of each component of the governance structure should be defined.
- b. Effective delegation: Council should ensure that delegations are clear and appropriate, with explicit limits relating to budgetary and other matters, and should satisfy itself that appropriate training and quality assurance mechanisms are in place.

¹ References to 'Board' in this Code relate to our Council.

- c. Purpose statements: Council should clearly state the purpose, and the expected duties and activities, for Committees.
- d. Monitoring: The Audit and Risk Committee should review all delegated authorities no less frequently than once in every four-year term of Council.

Chapter 3: The Role of Council

Purpose

1. The Council is the governing body of the GMC. Members are the Trustees of the charity and have the duties and responsibilities that accompany that role. Council is responsible for the overall control of the organisation. It ensures that the GMC is properly managed by the Chief Executive and his or her team and that the organisation fulfils its statutory and charitable purposes. The Council:
 - a. Exercises strategic leadership and strategic decision-making, including setting the GMC's overall goals and high-level policies, defining its mission and values, and shaping a positive organisational culture.
 - b. Holds the Chief Executive and his/her team to account, ensuring that the GMC fulfils its statutory duties and charitable purpose. This includes making sure that it has effective governance systems in place, setting appropriate schemes of delegation, and ensuring probity in all its activities.
 - c. Ensures that the GMC maintains effective relations with key interests and that processes are in place for meeting its obligations to other organisations.
 - d. Sustains and monitors its own performance, overseeing the recruitment of members, and develops the capacity to work effectively.
2. Council fulfils its role by:
 - a. Setting a strategy that fulfils the statutory and charitable purposes of the GMC.
 - b. Setting the GMC's strategic aims on issues of equality and diversity and ensuring that fairness is promoted in all the organisation's work.

- c. Ensuring that the organisation has effective engagement with all interest groups which promotes confidence in its activities, and that its policies are suited to the context in all four parts of the UK.
 - d. Approving the annual business plans and budget and ensuring that appropriate systems are in place to monitor and account for progress against the business plan, expenditure against the budget, and the management of risk within the organisation.
 - e. Setting and maintaining a framework of delegation and internal control.
 - f. Ensuring that appropriate audit and monitoring systems are in place, and holding the Chief Executive and his/her team to account for the organisation's operation and performance, including compliance with all relevant laws and regulations.
 - g. Ensuring that we report openly and fully on our performance, accounting to Parliament, the Charity Commission and the Office of the Scottish Charity Regulator, in accordance with the reporting requirements of the Medical Act 1983, Charities Act 2011, and the Charities and Trustee Investment (Scotland) Act 2005; and co-operating with the Professional Standards Authority in accordance with section 27(1) NHS Reform and Health Care Professions Act 2002.
 - h. Appointing (and, if necessary, dismissing) the Chief Executive and Registrar.
 - i. Ensuring that the GMC as a body corporate is a responsible employer, with employment policies in place that reflect best practice.
3. Council determines the GMC's strategy and priorities. It may do this through a Corporate Strategy for such period as it may decide and through a business plan and budget which is submitted to Council for approval by the executive team.
4. Council is responsible for approving the Annual Report and Accounts, and, members as Trustees of the charity must ensure that these comply with the Charities (Accounts and Reports) Regulations 2008 and the Statement of Recommended Practice for Accounting and Reporting by Charities, and the Charities Accounts (Scotland) Regulations 2006. Council has overall responsibility for financial management. Arrangements for detailed financial management are set out in our Financial Regulations.

Chapter 4: Role of each Component of the Governance Framework

Council

1. The role of Council is as described in Chapter 3 of this Governance Handbook.
2. The Council has agreed that there will be other components of our governance framework and these are set out below.

Governance Committees

3. The Governance Committees are the:
 - a. Audit and Risk Committee.
 - b. Remuneration Committee.

Trustees of the GMC Staff Superannuation Scheme

4. The GMC's Staff Superannuation Scheme is managed and administered by a Board of Trustees, in accordance with the Scheme's Trust Deed and Rules.

Medical Practitioners Tribunal Service

5. The Medical Practitioners Tribunal Service (MPTS) has responsibility for the day to day adjudication function including the Adjudication Section and Panel Development Team. The MPTS is led by the Chair of the MPTS who is supported by the MPTS Committee which includes two other appointed members, one medical and one lay.
6. The MPTS has been established to provide an efficient and effective hearings service to all parties to hearings which is clearly separate from the investigatory and case presentation roles of the Fitness to Practise Directorate within the GMC.
7. The MPTS is also responsible for managing panel decision-makers which includes the recruitment, training, and performance management of panellists, case managers and legal assessors.

8. The GMC/MPTS Liaison Group is chaired by the Chair of Council and is made up of the Chair and Clerk of the MPTS, the MPTS Committee members, the Chief Executive and Chief Operating Officer and other Directors of the GMC as required. It acts to oversee the working relationship between the MPTS and the functions of the GMC with which it interacts. The Group supports the delivery of the hearings service provided by the MPTS, ensuring that working arrangements are established and operate effectively.

Executive Governance

9. The Strategy and Policy Board is an advisory forum for the Chief Executive, providing advice and recommendations on areas including:

- a. Supporting Council in strategy development.
- b. Policy development priorities and significant changes to existing policy.
- c. External engagement in the organisation's strategy and policy development.
- d. Information and research to support strategy and policy development.
- e. Linkage between policy development and legislation.

10. The Performance and Resources Board is an advisory forum for the Chief Operating Officer, providing advice and recommendations on areas including:

- a. Business and operational planning.
- b. Performance management and reporting, including financial due diligence.
- c. Resource management (including budget, staff, infrastructure).
- d. Risk management and related controls.
- e. Quality assurance, efficiency and continuous improvement.

External engagement channels

UK Advisory Forums

11. An advisory forum will be convened in each of the three parts of the UK with devolved administrations to provide a structured forum for us to engage in long-range discussions on priorities with key interest groups.

Education and Training Advisory Board

12. An Education and Training Advisory Board will be convened to provide advice on matters related to medical education and training, in light of Council's statutory purpose to protect, promote and maintain the health and safety of the public by ensuring proper standards in the practice of medicine.

Revalidation Implementation Advisory Board

13. A Revalidation Implementation Advisory Board will be convened to provide insight and advice on issues relating to the implementation and evaluation of revalidation, and whether it is being delivered as envisaged.

Liaison Groups

14. The Strategy and Policy Board may advise the Chief Executive on establishing liaison groups and other forms of engagement with other organisations or interests on matters of policy and related operational issues. These may formalise a day-to-day relationships with a particular organisation or may bring together different perspectives as a sounding board on a particular issue or subject.

Task and Finish Groups

15. The Strategy and Policy Board may advise the Chief Executive on the commissioning of Task and Finish Groups to provide time limited, focused input on a particular topic or issue. Typically, these will enable specific expertise or experience to be applied to achieve an agreed outcome, or for a range of relevant perspectives to be brought together quickly.

External Input to Programme or Project Boards

16. The Performance and Resources Board may advise the Chief Operating Officer on the commissioning of time limited programme or project boards to be accountable for specific outcomes or outputs that require the participation of external interests for delivery.

Approach to Equality and Diversity

17. Council agrees our strategic aims on issues of equality and diversity and then holds the executive accountable for their delivery.

18. The Chief Operating Officer as senior sponsor will lead on articulating our commitment on equality and diversity issues and raising their profile with staff and interest groups, as well as providing assurance to Council on behalf of the Chief Executive.

19. The Strategy and Policy Board will develop the E&D strategy, and monitor progress at a high-level. The Performance & Resources Board will ensure that E&D is

integrated into the GMC's core activities and is responsible for considering the equality duty and monitoring actions.

20. An E&D Liaison Group with external members will be established to act as a sounding board to inform the development of the E&D strategy and GMC activities.

Chapter 5: Role of the Chair of Council

1. The General Medical Council (Constitution) (Amendment) Order 2012 provides that the Privy Council must, as one of its functions relating to the appointment of members of the General Medical Council, appoint the Chair of Council.
2. The Chair's term of office is determined by the Privy Council on appointment, and can be for no longer than the date on which the person's term of office as a member is due to expire (irrespective of whether or not he/she is thereafter reappointed as a member).
3. The main components of the role are listed below. The Chair may, as appropriate, delegate responsibility for some elements of the role to be undertaken by other Council members.

Leadership

4. The Chair's role is to:
 - a. Provide strong non-executive leadership.
 - b. Ensure that Council's strategic direction is set.
 - c. Encourage openness, transparency and accountability in all that Council does.
 - d. Ensure that Council works collectively, and that each member puts the interests of the GMC above their own.
 - e. Chair Council meetings effectively, ensuring that required decisions are taken, and ensuring an annual programme of Council meetings with agendas appropriate to the business of Council.
 - f. Make proposals to Council for chairs and members of Boards and Committees.

- g. Communicate effectively with Council members between meetings to ensure that business is taken forward, and effective contributions made by members.
- h. Provide feedback and guidance to Council members as part of the process for signing off their appraisals.
- i. Play the part required of him/her in handling any complaints or concerns about Council members in line with agreed procedures.
- j. Establish and maintains a close working relationship with the Chief Executive, to provide overall leadership for the GMC.
- k. Hold the Chief Executive responsible for all aspects of the GMC's performance.
- l. Establish good working relationships with the Chief Operating Officer, directors and other staff, as appropriate.

Governance

- 5. The Chair's role is to:
 - a. Ensure that Council monitors our performance in line with legal and regulatory compliance requirements.
 - b. Promote and uphold the public interest in all that we undertake.
 - c. Ensure that Council focuses on governance rather than management.
 - d. Ensure that the GMC's Code of Conduct and other relevant provisions are adhered to by all Council members.

External relationships

- 6. The Chair's role is to:
 - a. Represent the GMC at meetings with Ministers and with Assembly and Parliament members throughout the UK.
 - b. Account for the GMC's performance, when called upon to do so, to Parliamentary Committees or to public inquiries.
 - c. Represent the GMC in meetings with leaders of patient and consumer organisations, leaders of the medical profession, educational leaders and employers, senior figures in other regulatory and public authorities, and other interest groups.
 - d. Engage with the media on Council's behalf.

- e. Develop partnership working with the Chair of the Professional Standards Authority and chairs of other healthcare professional regulators.
- f. Represent the GMC with regulatory authorities in other countries, including the International Association of Medical Regulatory Authorities.

Internal relationships

- 7. The Chair's role is to:
 - a. Act as an internal ambassador for Council, to staff and to GMC associates.
 - b. Work closely with the Chief Executive, Chief Operating Officer, and directors; and provide a sounding board for discussion of emerging issues.
 - c. Manage the performance of the Chief Executive and advise the Remuneration Committee on levels and forms of remuneration for the Chief Executive.
 - d. Manage the performance of the Chair of the Medical Practitioners Tribunal Service (MPTS).
 - e. Handle appropriately any appeals against a decision by the Chair of the MPTS to remove a member of the MPTS Committee from office. The Chair of Council will review the matter based on the papers. The decision of the Chair of Council will be final.

Working practices

- 8. The role requires extensive day-to-day communication with members, the Chief Executive and staff, particularly by email.
- 9. Much of the Chair's work is in London, but there are meetings and other commitments throughout the UK. There are occasional invitations to international conferences.

Term of office and cessation of office of the Chair

- 10. The Constitution Order contains provisions for the appointment, term of office and cessation of office of the Chair. The term of office 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. A member serving as Chair ceases to be Chair on ceasing to be a member, on resigning as Chair, on being suspended as a member, or if the Privy Council decides to terminate the Chair's appointment as Chair.

Deputising arrangements for the Chair

11. The Constitution Order also provides that if the Chair is absent from a meeting, then those members present nominate one of their number to serve as chair for that meeting. If it is known that the Chair will be absent for more than one meeting, or unavailable for more than a month, the Chair may nominate a deputy chair to serve as chair in the interim. If the role becomes vacant, Council may nominate one of its number to act as Chair until a new appointment is made.

Chapter 6: Role of Council Members

1. Council members must be committed to the public interest and to our statutory purpose.
2. The role of Council members is to:
 - a. Provide strategic direction for the GMC by setting the framework for policy and operational performance, including agreeing the Corporate Strategy and overall ambition of the organisation
 - b. Ensure that in developing policy there is widespread and effective engagement, with a focus on initiating and taking high level policy decisions which support the strategic plan, and ensuring that policy development is aligned with the GMC strategic direction.
 - c. Ensure and review the effectiveness of the GMC in fulfilling our statutory purpose by:
 - i. Promoting the work of the GMC externally, promoting public and professional confidence and support for us and our work.
 - ii. Evaluating the effectiveness of the Council in fulfilling its statutory purpose.
 - d. Exercise oversight of our activities by ensuring that they are aligned with the strategic direction by:
 - i. Holding the executive to account for the management of our day-to-day operations, ensuring that resources are used properly.
 - ii. Ensuring that decisions are made in accordance with our charitable purpose and members' duties as trustees.
3. In order to do this effectively Council members:

- a. Subscribe to the Nolan principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership; and adhere to the GMC Members' Code of Conduct at Chapter 7 of this Governance Handbook.
- b. Subscribe to and uphold the principles of corporate responsibility and majority decision-making.
- c. Understand our functions and its statutory framework.
- d. Understand who our key interests are and what their priorities are.
- e. Understand the nature and objectives of independent professional regulation.
- f. Make themselves available for the required amount of time.
- g. Take an active part in Council and other meetings; and work effectively with the executive.
- h. Participate as necessary in induction, training and appraisal procedures.

Chapter 7: Members' Code of Conduct

1. For us to command the confidence of all of our key interests, it is necessary that Council as the governing body should adopt and comply with appropriate standards of conduct. Upon appointment, all Council members are required to confirm their commitment to the Members' Code of Conduct.

Principles

2. In performing their duties, members uphold the seven principles first identified by the Nolan Committee in its first report on standards in public life in May 1995 (the Nolan principles), and updated by the Committee on Standards in Public Life in its report of January 2013, *Standards Matter*:

- a. Selflessness: holders of public office should act solely in terms of the public interest.
- b. Integrity: holders of public office must not place themselves under any obligation to people or organisations that might try inappropriately influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.
- c. Objectivity: Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- d. Accountability: holders of public office are accountable for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- e. Openness: holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- f. Honesty: holders of public office should be truthful.

- g. Leadership: holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Corporate responsibilities

3. We are the regulator for doctors in the UK, with responsibility for protecting, promoting and maintaining the health and safety of the public by ensuring proper standards in the practice of medicine, as set out in the Medical Act 1983 as amended. Council members have a duty to ensure that our functions are effectively discharged in the interests of public protection.
4. Members, as trustees of a corporate body employing staff, also have a duty to ensure that the GMC complies with relevant employment, equalities, human rights, health and safety, data protection and freedom of information legislation.
5. Members have corporate responsibility for ensuring that Council complies with any statutory or administrative requirements for the use of its funds.
6. As trustees of a charity registered in England and Wales and in Scotland, members have corporate responsibility for ensuring that Council complies with charity law and the requirements of the Charity Commission and the Office of the Scottish Charity Regulator.
7. The Council is accountable to the public through Parliament and the Privy Council.

Duties of individuals

8. Members have a duty to make themselves available for service on the Council and those of its Boards and Committees to which they may be appointed.
9. Members have a duty to ensure that they have a clear understanding of their responsibilities as trustees of a registered charity and that they meet the legal requirements for eligibility to serve as a charity trustee as specified in section 72 of the Charities Act 1993.
10. Members have a duty to notify the Privy Council and the Chief Executive if, following appointment, they become or may be about to become liable to be removed from office in any of the circumstances provided in paragraph 6 of the GMC Constitution Order 2008 (as amended).
11. Members have a duty to ensure that all their decisions and actions as trustees are taken in the best interests of the charity and the public interest, putting its interests before any personal or professional interests, and that they:
 - a. Contribute to our objective to protect the public.

b. Are within our obligations under the Medical Act 1983 as amended and other legislation.

c. Take into account the views and needs of key interest groups.

12. Members have a duty to ensure that they have a clear understanding of the scope of the schedule of authority and, having given that authority, ensure that it is not undermined.

13. Members accept collective responsibility for enabling Council to achieve its objectives and for decisions taken by Council. Members are expected to contribute to discussion and debate freely to enable a robust decision to be made. Once Council has taken a decision, members must support the communication and implementation of that decision

14. Members have a duty to be as open as possible with key interests about the decisions and actions of the GMC, restricting information only when the principles of confidentiality or the law require it.

15. Members have a duty to distinguish clearly, when speaking or writing, between views held by themselves personally or based on any other organisational affiliations they may have and those of the GMC. Any communication with the media about our work, including publication of views via the internet or by other means, should be discussed with the Strategy and Communication Directorate before a statement is published. In communicating with the media or making any statement, members do so on the basis of collective responsibility and in support of our purpose and policies.

16. Members may be approached by individuals or organisations that wish to lobby them on our work, including policy matters and operational decisions on particular cases. Members may take account of the views of others and undertake to make them known to the GMC if appropriate, but should avoid taking any action or making any commitment which might indicate their acceptance of the lobbyist's position. Any queries or correspondence about operational decisions involving cases of individual doctors are to be referred to the executive for any response.

17. Members have a duty to lead by example, always demonstrating respect and dignity for others (http://www.gmc-uk.org/Dignity_at_work_policy.pdf_37469315.pdf); valuing diversity and conducting themselves in a non-discriminatory manner at all times. Working together effectively means, for Council members and staff, observing the following working principles:

a. Trust between colleagues - being honest and open; acting with integrity and respect for each other.

b. Good communication - sharing information and listening to others.

c. Ideas and creativity - offering ideas and being open to ideas proposed by others.

- d. Individual responsibility - accepting responsibility for achieving goals and for the quality of our work.
 - e. Problem solving, finding solutions - working to find creative solutions to problems.
 - f. Openness to learning and feedback - seeking to improve ourselves and how we work.
 - g. Collaboration with others - working constructively with colleagues to a common purpose.
18. Members have a duty to lead by example in upholding the values of the GMC (<http://www.gmc-uk.org/about/11564.asp>).
19. Members have a duty to be committed to the continuing demonstration of the competences required for the effective performance of their role on Council and on any of its Boards and Committees.
20. Members have a duty to participate in the appraisal process and actively commit to achieving any personal development objectives identified during the appraisal process.
21. Members have a duty to complete and maintain their entry in the Council Members' Register of Interests, declaring any professional, business, or personal interests which may, or might be perceived to, conflict with their responsibilities as Council members in accordance with Council's guidance.
22. Members have a duty to avoid placing themselves under obligation to any individual or organisation which might affect their ability to act impartially and objectively as Council members. This includes observing our guidance on conflicts of interest and on gifts, hospitality and fees for speaking engagements and making any declarations as required by this guidance.
23. Members have a duty to raise any concerns about possible wrongdoing within the GMC, as set out in our Public Information Disclosure Policy, with the Chief Executive if it concerns a member of staff, with the Chair of Council if it concerns the Chief Executive or another member, or with the Chairs of the Audit and Risk, and Remuneration Committees if it concerns the Chair of Council.
24. Members have a duty to raise any concerns about compliance with this code with the Chair of Council and the Chief Executive at the earliest opportunity.
25. Members have a duty to raise any concerns about compliance with charity or other legislation with the Chair of Council and the Chief Executive at the earliest opportunity. In the event that concerns still remain, members should report the matter to the Chair of the Audit and Risk Committee, who will report to the Audit and Risk Committee which may refer the matter to Council if required and, if

appropriate, to the Charity Commission and the Office of the Scottish Charity Regulator.

Chapter 8: The Role of the Executive

1. The executive takes forward the operational work of the organisation in line with our statutory purpose, and according to the strategic aims, business plan, policies and schedule of delegated authority agreed by Council.
2. The executive team is led by the Chief Executive and comprises the Chief Operating Officer/ Deputy Chief Executive and the Directors. The Directors and the Tribunal Clerk of the Medical Practitioners Tribunal Service are accountable and report to the Chief Operating Officer, who reports to the Chief Executive.
3. The Chief Executive is responsible for the performance of the executive and is accountable to Council for it, making regular reports to Council. The Chief Operating Officer is responsible to the Chief Executive for the operational management of the organisation, including the performance of each Director and their directorates, and the MPTS.
4. On a day-to-day basis the Chief Executive is in regular contact with the Chair of Council, working in partnership with him/her to ensure the effective conduct of business.
5. The Chief Executive is responsible for our overall operation, organisation and management, for the budgeting and management of our financial resources, and for ensuring that proper systems of staff appointment, training, allocation of work, delegation of duties and accountability, performance, appraisal, remuneration and discipline are in place.
6. The Chief Executive is also responsible for ensuring that policy development and implementation are properly carried out by the executive, with clear, impartial and well-founded advice and recommendations being offered to Council as required.
7. The Chief Executive chairs the Strategy and Policy Board, and the Chief Operating Officer chairs the Performance and Resources Board. Each board, as part of our formal executive governance arrangements, acts as an advisory forum to support decision making and reporting to Council by the Chief Executive and Chief Operating Officer.

Chapter 9: Schedule of Authority

Purpose

1. The purpose of this document is to set out in an accessible format the principal functions and powers of the GMC in a Schedule of Authority ('the Schedule'), including:
 - a. Authorities assigned to and retained by Council under the Act, regulations or rules.
 - b. Authorities assigned to Council and delegated (and if delegated, to whom).
 - c. Authorities assigned to, and retained by, the Registrar under the Act, regulations or rules.
 - d. Authorities assigned to the Registrar and delegated (and if delegated, to whom).
 - e. Authorities not referred to in legislation (e.g. relating to the ordinary operation of the organisation), and to whom these are delegated.
2. Because the legislation specifically uses the term 'Registrar', it has been used in this Schedule where the corresponding legislation does so, in relation to matters identified under 1(a)-(d) above. In relation to matters identified under 1(e), the term 'Chief Executive' is used. Powers assigned or delegated to the Registrar / Chief Executive may be further delegated to staff within the GMC.

Scope

3. The key provisions of the Act, regulations or rules applicable to each function and power are identified in the Schedule and shown in italics. As the Schedule endeavours to set out the functions and powers in an accessible format, it does not describe the complexities of the Act, regulations and rules in detail. If such detail is

required, the Schedule must be read in conjunction with the detailed provisions of the Act, regulations or rules (as applicable).

Glossary

4. Unless expressly stated otherwise statutory provisions referred to in the Schedule are those set out in the Act and are denoted as, for example, “s1” for Section 1 and “Sch 1” for Schedule 1;

5. The following defined terms are used throughout the Schedule of Authority.

| Term | Definition |
|--|---|
| Act | Medical Act 1983 (as amended) |
| Address Inquiry | An inquiry by the Registrar requesting confirmation of a change to the RMP's registered address |
| AGPSR Regs 2010 | General Medical Council (Applications for General Practice and Specialist Registration) Regulations 2010 (as amended) |
| APS | Approved practice setting |
| AR | Assistant Registrar |
| ARF | Annual retention fee |
| Award of Certificate Rules 2010 | General Medical Council (Award of Certificate) Rules 2010 |
| CCT | Certificate of Completion of Training |
| CEs | Case Examiners |
| Certification Fees Regs 2011 | General Medical Council Certification Fees Regulations 2011 |
| Constitution of Panels Rules 2004 | General Medical Council (Constitution of Panels and Investigation Committee) Rules 2004 (as amended) |
| Disqualifying Regs 2004 | General Medical Council (Fitness to Practise) (Disqualifying Decisions and Determinations by Regulatory Bodies) Procedure Rules 2004 (as amended) |
| DR | Deputy Registrar |
| FCR Regs 2010 | General Medical Council (Form and Content of the Registers) Regulations No 2 2010 |
| FTP | Fitness to Practise |
| FTPP | Fitness to Practise Panel |
| FTP Rules | General Medical Council (Fitness to Practise) Rules 2004 (as amended) |
| GMCC Order 2008 | General Medical Council (Constitution) Order 2008 (as amended) |
| IC | Investigation Committee |
| Investigated RMP | A registered medical practitioner whose Fitness to Practise |

| Term | Definition |
|------------------------------------|---|
| | is being investigated |
| IO | Interim Order |
| IOP | Interim Orders Panel |
| LA Regs 2004 | General Medical Council (Legal Assessors) Rules 2004 (as amended) |
| LTP Regs 2012 | General Medical Council (Licence to Practise and Revalidation) Regulations Order 2012 |
| MGPR Regs 2010 | General Medical Council (Marking of the GP Register) Regulations 2010 |
| MPTS | Medical Practitioners Tribunal Service |
| Qualifications Directive | Directive 2005/36/EC of the European Parliament and Council on the recognition of professional qualifications |
| RAE Regs 2004 | General Medical Council (Restoration following Administrative Erasure) Regulations 2004 (as amended) |
| RAP | Registration Appeals Panel |
| RAP Rules 2010 | General Medical Council (Registration Appeals Panels Procedure) Rules 2010 |
| RD Rules | Registrations Decisions Arrangement of Procedures |
| Register | The Register of RMPs |
| Registers | The Register, the GP Register and the Specialist Register |
| Registration Fees Regs 2012 | General Medical Council Registration Fees Regulations 2012 |
| RMP | Registered medical practitioner |
| RP | Registration Panel |
| SR Scheme | Specialist Register: Scheme for Existing Specialists |
| VE | Voluntary erasure |
| VE Regs | General Medical Council (Voluntary Erasure and Restoration following Voluntary Erasure) Regulations 2004 (as amended) |

Schedule of Authority

| Function | Description of Function | Function assigned to? | Function delegated to? |
|--|---|--|--|
| GOVERNANCE FUNCTIONS | | | |
| Register of members' interests | To maintain a system for the declaration, registration and publication of members' private interests | Council – <i>Sch 1 Part 1 para 1C</i> | Registrar |
| Performance of functions | To do such things and enter into such transactions as are incidental or conducive to the performance of its functions, including the borrowing of money | Council – <i>Sch 1 Pt 1 para 9</i> | Chief Executive |
| Provision and publication of information | To publish/provide information to RMPs and the public about Council and the exercise of functions | Council – <i>Sch 1 Pt 1 para 9B</i> | Registrar |
| Requesting information | To request relevant information from RMPs for the purposes of compiling statistics regarding medical practice and practitioners | Council – <i>Sch 1 Pt 1 para 10</i> | Registrar |
| Provision of facilities for testing knowledge of English | To provide facilities for testing the knowledge of English of applicants for registration under s21B and s21C | Council – <i>Sch 1 Pt 1 para 11</i> | Registrar |
| Standing Orders | To make standing orders re: meetings, proceedings, and the discharge of the functions of Council and its committees; the composition of its committees and the functions of its officers; the appointment | Council – <i>Sch 1 Pt 1 paras 15 and 16(1A)</i> | Not applicable other than in relation to provisional suspension of members from office which is delegated to the Chair of the Remuneration |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|--|---|--|--|
| | of a Treasurer; and the provisional suspension of members from office pending decisions on suspension/removal by the Privy Council | | Committee or Chair of the Audit and Risk Committee in the event of a complaint against the Chair of the Remuneration Committee or against the Chair of Council |
| Appointment of Registrar and deputy/assistant registrars and delegation of functions | a. To appoint (i) a Registrar and direct/delegate functions to him/her; and (ii) deputy/assistant registrars b. To authorise deputy/assistant registrars to act for the Registrar in any matter | a.(i) Council – <i>Sch 1 Pt 1 paras 16(3) and (4)</i> | a (ii) and b Registrar |
| Remuneration and expenses | a. To decide remuneration, terms of service and expenses policy for Council members; b. To decide remuneration, benefits and terms of service for the Chair of the MPTS and members of the MPTS Committee; c. To decide remuneration and expenses policy for other non member appointments. | Council – <i>Sch 1 Pt 1 – paras 17 and 25(5)</i> | a. Not applicable. The Remuneration Committee advises Council; b. Remuneration Committee; c. Chief Executive. The Performance and Resources Board provides advice to the Chief Executive on the associates expenses policy |
| Accounts and appointment of auditors | a. To keep and publish accounts; b. to appoint auditors; and c. to publish and send a copy of the accounts and auditor's report to the Privy Council | Council – <i>Sch 1 Pt 1 para 18</i> | a and c. Registrar b. Chair of the Audit and Risk Committee in relation to appointment (and dismissal) of the external provider of internal audit services. The Audit and |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|------------------------------|---|---|--|
| | | | <p>Risk Committee's Purpose Statement allows for this to be referred to the Chair of Council in the event of any unresolved disagreement between the Chief Executive and the Chair of the Audit and Risk Committee.</p> <p>Audit and Risk Committee to make recommendations for Council in relation to the appointment, and dismissal of external auditors</p> |
| Committees | To constitute committees of the General Council and delegate functions to the committees | Council – <i>Sch 1 Pt 1 para 25</i> | Not applicable |
| Branch Councils ² | To decide on the constitution and delegation of functions to Branch Councils; to furnish sums to Branch Council for expenses and to approve such expenses; and to decide remuneration and expenses of their members | Council – <i>Sch 1 Pt 1 – paras 26(3), 27 and 29</i> | Not applicable |

² The practice of having Branch Councils has been discontinued. We have advised DH(E) that we would like to remove this from the Act through a future section 60 Order

| Function | Description of Function | Function assigned to? | Function delegated to? |
|--|--|--|---|
| Brokering membership of, Governance Committees | Determining proposed membership and chairpersonship of Governance, Committees, including re-appointment. | Council | Chair of Council |
| Appointments to Governance Committees | To approve the proposed membership and chairpersonship of Governance Committees, and including re-appointment | Council | Not applicable |
| Co-option of members to the Audit and Risk Committee | | Council | Audit and Risk Committee makes recommendations |
| Appointing auditors for the Pension Scheme | Appoint an independent firm of auditors | Council | Board of Trustees of the Staff Pension Scheme |
| Dealing with complaints about the Chair of the Council | To assume the Chair's responsibilities under the procedure for dealing with complaints against members when the complaint is about the Chair | Council | Chair of the Audit and Risk Committee |
| Notification to Privy Council of members' non attendance and issue of possible removal from office | | Any Council member or GMC staff [Paragraph 6(1) of Constitution Order provides that any Council member or GMC staff may notify the Privy Council that it may need to exercise its functions in relation to removal of members from office] | Chair of Council, or Chair of the Audit and Risk Committee in the event of an issue in relation to the Chair of Council |
| Minutes of | To approve Minutes of Council meetings | Council | Not applicable |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|---|---|-----------------------|---|
| Council meetings | | | |
| Urgent decisions required between Council meetings (and including in the event of declaration of an emergency under the Civil Contingencies Act 2004) | To authorise the Chair, having consulted the Chief Executive and other members wherever possible, to authorise on behalf of the Council urgent action of a kind which would normally be dealt with at a meeting. Any action taken will be reported at the next Council meeting and recorded in the minutes. | Council | Chair of Council |
| Trustees Annual Report and Accounts | a. Signing the letter of representation and b. signing the trustees report on behalf of the trustees following approval by Council | Council | a and b. Chair of Council |
| Affixing the Corporate Seal | Affixing the Corporate Seal to instruments, documents and deeds as required. | Council | <p>a. The Chief Executive is authorised to affix the Corporate Seal to instruments in connection with the investments of the Council and to documents relating to the acquisition or disposal of premises as required in execution of his/her duties.</p> <p>b. The Chair of Council and the Chief Executive, or any other Council member to whom Council has delegated authority</p> |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|--|---|------------------------------|---|
| | | | in relation to witnessing and affixing the Corporate Seal to any other instruments, documents and deeds. |
| Communication decisions | To make decisions on handling media and other communications issues | Chief Executive | Not applicable |
| Appointment, suspension and dismissal of staff | Appointment and dismissal of staff Level 1 and below | Chief Executive | Not applicable |
| Appointment, suspension and dismissal of the Chief Executive | To decide on the appointment, suspension and dismissal of the Chief Executive | Council | <p>Appointment: Chair of Council, in conjunction with a panel comprising Chair of the Remuneration Committee, another Council member appointed by the Chair of Council, and an independent assessor.</p> <p>Suspension and dismissal: Chair of Council in consultation with the chair of the Remuneration Committee</p> <p>Appeal against suspension and dismissal: Chair of the Audit and Risk Committee</p> |
| Litigation against and initiated by the GMC | Decisions on how to handle legal claims against or initiated by the GMC | Chief Executive | |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|--|---|------------------------------|--|
| Corporate complaints | Decisions on management of corporate complaints against the GMC | Chief Executive | |
| Establishing and maintaining Memorandum of Understanding | Decisions on establishing and maintaining Memoranda of Understanding with other organisations, including any changes to terms | Chief Executive | |
| Appointments to external bodies | Decisions on making appointments to external bodies upon a nomination being requested | Chief Executive | |
| Responsibility for the management of the GMC's funds and authority to authorise expenditure against financial limits | Decisions on the management of GMC funds and expenditure | Chief Executive | Authorisation of expenditure according to the following limits: Chief Executive and Chief Operating Officer: no limit within the constraints of the annual budget and business plan approved by Council. Directors and the Chair of the MPTS: up to £100,000. Assistant Directors and the Tribunal Clerk of the MPTS: up to £50,000. Heads of Section: up to £30,000. Other designated members of staff: up to £10,000. |
| Sanctions | Decisions on the representations before a fitness to practise panel on sanction | Chief Executive | |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|---|---|---|---|
| Professional Standards Authority referrals to the High Court under section 29 | To decide on the instructions to be given to solicitors for any case relating to a fitness to practise panel direction which is referred by PSA | Chief Executive | |
| Education and training | To make provision in standing orders for the education and training of members of Council. | Council – Art 4 GMCC Order 2008 | Not applicable |
| Termination of appointment of Chair of the Council | To remove the Chair of the Council from holding that position by majority vote. | Council – Art 8 GMCC Order 2008 | Not applicable (other than the Privy Council's power to remove from office as a member under Art 6) |
| Appointment and removal of the Chair of the MPTS | To decide on the appointment, terms of service and removal of the Chair of the MPTS | Appointment and removal process, and terms of service determined by the Remuneration Committee. | Appointment: Chair of Council, in conjunction with a panel, the composition of which is determined by the Remuneration Committee. Removal: Chair of Council. Appeal against removal: Chair of Remuneration Committee. |
| Appointment and removal of the members of the MPTS | To decide on the appointment, terms of service and removal of the members of the MPTS Committee. | Appointment and removal: Chair of the MPTS. Terms of service: Remuneration Committee | Appeal against removal: Chair of Council. |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|-----------|-------------------------|-----------------------|------------------------|
| Committee | | | |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|---|--|--|------------------------|
| REGISTRATION AND CERTIFICATION FUNCTIONS | | | |
| To keep and maintain the Registers | To keep the Registers, including causing the Registers to be published from time to time and issuing proof of registration. | Registrar – <i>s2, s34, s34C (in respect of the GP Register), s34D (in respect of the Specialist Register)</i> | |
| | To make regulations governing the: i. form and keeping of the Registers; ii. charging of fees in connection with entries in the Register. | Council i. <i>s31 (subject to approval of the Privy Council)</i> ii. <i>s32(1)</i> | Not applicable |
| | To: i. maintain and amend the Registers, including charging and collection of fees; ii. amend the register to reflect decisions taken by the FTTP. | Registrar i. <i>s30 and 30A, Sch 3 paragraph 6 and 7, FCR Regs 2010, MGPR Regs 2010, Registration Fees Regs 2012, Certification Fees Regs 2011</i> ii. <i>Sch 4 para 12</i> | |
| | To issue certificates of registration | Registrar – <i>Sch 3 paragraph 5</i> | |
| | To carry out functions specified in the Qualifications Directive which include: • issuing certificates relating to RMPs; • receiving or providing information to | Council – <i>s49B and Sch 4A</i> | |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|---|---|---|------------------------|
| | <p>other competent authorities;</p> <ul style="list-style-type: none"> obtaining confirmation and verifying validity of qualifications. | | |
| | To consider registration of qualifications obtained or held by a RMP while registered. | Registrar – <i>s16 and s26.</i> | |
| | | | |
| Erasure of names from the Register | <p>To make regulations:</p> <ul style="list-style-type: none"> providing for VE of RMPs from the Registers; authorising the Registrar to remove from the Register RMPs who fail to pay the ARF; for information to be provided for the purpose of deciding whether a person's FTP is impaired (save for persons visiting from relevant European States). | <p>Council</p> <ul style="list-style-type: none"> <i>s31A (subject to approval of the Privy Council)</i> <i>s32(2)</i> <i>S44B(2) (subject to approval of the Privy Council). Note: as no regulations have been made under section 44B(2)(a) this power is in effect not exercised.</i> | Not applicable |
| | <p>To erase the name of a RMP from the Register:</p> <ul style="list-style-type: none"> for non payment of the ARF; for failing to respond to an Address | <p>Registrar</p> <ul style="list-style-type: none"> <i>Reg 8(4) Registration Fees Regs 2012</i> <i>s30(5)</i> | |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|----------|--|--|------------------------|
| | <p>Inquiry;</p> <p>iii. on receipt of an application from a RMP for VE;</p> <p>iv. where an entry has been fraudulently procured or incorrectly made;</p> <p>v. where a RMP was subject to a disqualifying decision at the time of registration which remains in force;</p> <p>vi. where it is shown that the RMP's FTP was impaired on the grounds of physical or mental health at the time of registration and he had not informed the registrar;</p> <p>vii. where a person has failed to provide information for determining whether a person's FTP is impaired.</p> | <p>iii. <i>VE Regs 2004</i></p> <p>iv. <i>S39</i></p> <p>v. <i>S44(3) (save where referred to a pursuant to the Disqualifying Regs 2004)</i></p> <p>vi. <i>S44B(1)</i></p> <p>vii. <i>S44B(4)(b)</i></p> | |
| | To determine applications for VE where FTP concerns arise or where the applicant is an Investigated RMP. | CEs - <i>VE Regs 2004</i> | |
| | To determine applications for VE where FTP concerns arise or where the applicant is an Investigated RMP and CEs fail to agree as to the disposal of that application. | IC - <i>VE Regs 2004</i> | |
| | Notification of a decision to erase a | Registrar - <i>s39(2), Sch 3A</i> | |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|---|--|--|------------------------|
| | person's name for fraud or error. | <i>para 3</i> | |
| Restoration of names to the medical register | To make regulations authorising the Registrar to restore to the Register a RMP who: i. failed to pay the ARF; ii. failed to respond to an Address Inquiry; iii. voluntarily removed their name from the Register. | Council i. <i>s31(8) (subject to approval of the Privy Council)</i> ii. <i>s31(8) (subject to approval of the Privy Council)</i> iii. <i>s31A (subject to approval of the Privy Council)</i> | Not applicable |
| | To restore to the Register RMPs who: i. failed to pay the ARF; ii. failed to respond to an Address Inquiry; iii. voluntarily removed their name from the Register. | Registrar i. <i>RAE Regs 2004</i> ii. <i>RAE Regs 2004</i> iii. <i>VE Regs 2004</i> | |
| | To determine applications for restoration following VE where FTP concerns arise. | CEs - VE Regs 2004 | Not applicable |
| | To determine applications for VE where FTP concerns arise and CEs fail to agree as to the disposal of that application. | IC – VE Regs 2004 | Not applicable |
| Arrangements for granting registration to | The arrangements for dealing with Applications for registration can be considered under two broad categories: | | |
| | i. Where on satisfying the criteria set out | Registrar (see Description of | |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|------------------------------|---|---|------------------------|
| medical practitioners | in the relevant section of the Act the Registrar is required to admit such persons to the register (s3, s 14A, s15, s15A, s18 and Sch2A, and s19A). | Function) <ul style="list-style-type: none"> • For provisional registration of UK medical graduates and those who are EEA nationals or are entitled to be treated as such with qualifications from European States - <i>s15, s15A;</i> • For full registration of UK medical graduates and those who are EEA nationals or are entitled to be treated as such with qualifications from European States - <i>s3, s14A;</i> • For full registration of EEA nationals or those entitled to be treated as such with an international qualification accepted by a relevant European State - <i>s19A;</i> • For visiting medical practitioners from relevant European States – <i>S18 and Sch 2A.</i> | |
| | ii. Where on satisfying the Registrar on | Council and Registrar (see | |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|----------|--|--|------------------------|
| | <p>the detailed criteria set out in the Act the Council has a discretion as to whether to register such persons (s19, s21, s21B(1), s21C, s27A, s27B). The Council's discretion in this respect has been delegated to the Registrar in relation to individual applications for registration.</p> | <p>Description of Function)</p> <ul style="list-style-type: none"> • To determine applications for full registration by virtue of an acceptable overseas qualification – <i>s19 and s21B(1)</i>; • To determine applications for provisional registration by virtue of an acceptable overseas qualification - <i>s21 and s21C</i>; • To consider the temporary registration: <ul style="list-style-type: none"> ○ in the event of an emergency - <i>s18A</i>. (<u>Note</u>: this function is assigned to the Registrar only); ○ of a visiting eminent specialist - <i>s27A</i>; ○ for the purposes of providing medical services exclusively to persons who are not UK nationals - <i>s27B</i>. <p><i>[To note: The</i></p> | |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|----------|--|---|------------------------|
| | | <p><i>Professional and Linguistic Assessments Board, which is accountable to the Director of Registration and Revalidation conducts tests to inform the Registrar's decision as to whether doctors who qualified overseas have the necessary knowledge and skills, and (through the international English language testing scheme or IELTS) the knowledge of English to be admitted to the medical register and thus entitled to practise medicine in the UK]</i></p> | |
| | <p>To refuse to register applicants failing to supply information about their FTP.</p> | <p>Registrar – s44B(4)(a) – <u>Note:</u> as no regulations have been made under section 44B(2)(a) this power is in effect not exercised.</p> | |
| | <p>To determine what constitutes an acceptable overseas qualification</p> | <p>Council – s21B(2)</p> | <p>Registrar</p> |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|--|---|--|--|
| Registration and Training Appeals | To hear appeals of appealable registration and training decisions. | RAP - <i>s34B(1), Sch 3A, RAP Rules 2010</i> | Not applicable |
| | To make regulations with respect to charging fees in connection with Registration and Training Appeals. | Council – <i>s34B(2)</i> | |
| | To make rules governing the procedure and rules of evidence applicable to proceedings before a RAP. | Council - <i>Sch 3B (subject to approval of the Privy Council)</i> | Not applicable |
| | To hear appeals where the Registrar determines that he is not satisfied that an applicant is entitled to a qualification claimed. | Council – <i>Sch 3 para 4</i> | Registration Appeals Panel (RAP) |
| Approved Practice Settings | To consider whether to waive the requirement to work in an APS. | Registrar <i>S44D(1) and (2)</i> | |
| | To determine what constitutes an APS, monitor compliance with the requirement to practice in an APS and publish guidance. | Council - <i>s44D(3)-(11) (Regulations made pursuant to s44D(8) are subject to approval of the Privy Council)</i> | Registrar for the decision as to whether those criteria are met. Council retains the power to determine the criteria for an APS. |
| Admission and removal of names from the GP and Specialist | To make regulations as to the procedure for application for admission to the GP Register or Specialist Register. | Council – <i>s34E (subject to approval of the Privy Council)</i> | Not applicable. |
| | To: <ul style="list-style-type: none"> consider, grant or refuse applications | Registrar – <i>AGPSR Regs 2010</i> | |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|------------------|---|--|------------------------|
| Registers | <p>for admission to the GP or Specialist Register;</p> <ul style="list-style-type: none"> • provide applicants with statements of eligibility or ineligibility; • require information or advice while considering an application; • notify applicants of a determination to grant or refuse an application. | | |
| | <p>To remove entries from the GP Register or the Specialist Register where such:</p> <ol style="list-style-type: none"> i. persons are no longer RMPs; ii. persons cease to fall within the categories specified by the Privy Council as persons entitled to be named on the GP or Specialist Register; iii. entries were fraudulently procured or incorrectly made. | <ol style="list-style-type: none"> i. Registrar – <i>s34F(1)</i> ii. Registrar – <i>s34F(2)</i> iii. Registrar - <i>s39(1)</i> | |
| | <p>To restore to the GP or Specialist Register a person removed for ceasing to be a RMP who subsequently becomes a RMP again.</p> | Registrar – <i>s34F(3)</i> | |
| | <p>To notify a person of removal or restoration of their name from the GP or Specialist Register.</p> | Registrar – <i>s34F(5)</i> | |
| | <p>To publish a scheme for inclusion in the Specialist Register of existing specialists.</p> | Council – <i>s34D(6), SR Scheme</i> | |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|------------------|---|---|------------------------|
| | To make rules as to the procedure for requesting recognition of acquired rights to practise as a GP. | Council – <i>s34G(3)</i> | Not applicable. |
| | To: <ul style="list-style-type: none"> • consider, grant or refuse applications for recognition of acquired rights to practise as a GP; • require information or advice while considering an application; • notify applicants of a determination to grant or refuse an application. | Registrar – <i>Award of Certificate Rules 2010</i> | |
| | To issue certificates recognising acquired rights to practise as a GP and to withdraw such a certificate where fraudulently procured or incorrectly awarded. | Registrar – <i>s34G(2) and (4)</i> | |
| | To make regulations for the charging of fees in connection with: <ul style="list-style-type: none"> • requests to the Registrar for written statements that a person is eligible for entry on the GP or Specialist Register; • applications for inclusion in or restoration to the GP or Specialist Register; • requests for certificates recognising acquired rights to practise as a GP. | Council – <i>S340</i> | Not applicable. |
| Award and | To award a CCT in general practice or a | Registrar – <i>s34L(1) and (2)</i> | |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|--|---|---|------------------------|
| withdrawal of CCT | recognised specialty. | | |
| | To makes rules as to the procedure for application for a CCT. | Council – s34L(5) | Not applicable. |
| | To: <ul style="list-style-type: none"> • consider, grant or refuse applications for a CCT; • require information or advice while considering an application; • notify applicants of a determination to grant or refuse an application; • award CCTs. | Registrar – Award of Certificate Rules 2010 | |
| | To withdraw a CCT fraudulently procured or incorrectly awarded. | Registrar – s34L(7) | |
| | To make regulations for the charging of fees in connection with applications for CCTs. | Council – S340 | Not applicable. |
| LICENSING AND REVALIDATION FUNCTIONS | | | |
| Grant, refusal, withdrawal and restoration of a licence to practise | To make regulations in respect of licences to practise to include provisions regarding: <ul style="list-style-type: none"> • grant, refusal, withdrawal and restoration of a licence to practise; • the charging of a fee for consideration of an application for restoration of a licence to practise. | Council – ss29A(2) (subject to Privy Council approval) | Not applicable. |
| | To grant a licence to a medical | Registrar – Reg 3(1) LTP | |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|----------|--|--|------------------------|
| | practitioner: <ul style="list-style-type: none"> • who held registration at the time the LTP Regs 2009 came into force; • who is registered pursuant to s18 (visiting practitioners from relevant European States), s18A (temporary emergency registration) or s27B (special purpose registration); • whose registration is restored or suspension comes to an end, unless the practitioner requests otherwise. | <i>Regs 2012</i> | |
| | To consider and to grant or refuse applications for a licence and to carry out investigations relevant to the consideration of an application. | Registrar – <i>Regs 3(5) and 3(8) LTP Regs 2012</i> | |
| | To withdraw a licence to practise: <ol style="list-style-type: none"> i. at the request of the relevant RMP; ii. where a licence has been fraudulently procured or incorrectly granted; iii. where the RMP fails to comply with any requirement made of him/her under the LTP Regs 2009. iv. where a RMP's name is erased or suspended from the Register or where his/her temporary or special purpose registration is revoked or expires. | Registrar <i>Reg 4(1) LTP Regs 2012</i> <i>Reg 4(1) LTP Regs 2012</i> <i>Reg 4(3) LTP Regs 2012</i> <i>Reg 4(2) LTP Regs 2012</i> | |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|---|---|---|------------------------|
| | To consider and grant or refuse applications for restoration of a licence and to carry out investigations relevant to the consideration of an application. | Registrar – <i>Reg 4(5) and 4(7) LTP Regs 2012</i> | |
| | To give notice to a medical practitioner of a licensing authority's decision to refuse, withdraw or refuse to restore a licence to practise. | Registrar – <i>s29B(4), s29D(3)</i> | |
| Licensing Appeals | To hear appeals of appealable licensing authority decisions. | RAP – <i>s29F(1), Sch 3B, RAP Rules 2010</i> | |
| | To make rules governing the procedure and rules of evidence applicable to proceedings before a RAP. | Council - <i>Sch 3B (subject to approval of the Privy Council)</i> | Not applicable |
| Publishing guidance | To publish guidance for medical practitioners on the information to be provided and requirements to be satisfied for securing grant or restoration of a licence to practise and for the purposes of revalidation. | Council – <i>s29G</i> | Registrar |
| EDUCATION FUNCTIONS | | | |
| To promote high standards of medical education | To maintain and amend, as required, a list of bodies and combinations of bodies entitled to hold examinations for the purpose of granting one or more primary UK qualifications. | Council - <i>s4</i> | Not applicable. |
| | To promote high standards of medical education and coordinate all stages of | Council - <i>s5</i> | Registrar |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|--|--|---------------------------------|------------------------|
| | medical education including: <ul style="list-style-type: none"> i. to determine the extent of knowledge and skill required for the granting of a primary UK qualification; ii. to ensure that the instruction given is sufficient to meet that standard. | | |
| | To monitor and require information from bodies granting primary UK qualifications and to appoint inspectors and visitors to report on the sufficiency of instruction and examination. | Council - s6 and s7 | Registrar |
| | To determine what constitutes an acceptable programme for provisionally registered doctors and whether or not to recognise such programmes. | Council - s10A | Registrar |
| | To direct that alternative educational experience is sufficient in certain cases as an equivalent to an acceptable programme for provisionally registered RMPs. | Council – s14 | Not applicable. |
| To establish standards of postgraduate medical education and training | To establish standards and requirements relating to postgraduate medical education and training, to secure the maintenance of such standards and to develop and promote postgraduate medical education and training. | Council – s34H | Registrar |
| | To secure the maintenance of standards by approving, approving with conditions, | Council – s34I, 34J, 34K | Registrar |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|----------|---|-----------------------------|------------------------|
| | refusing to approve or withdrawing approval of: <ul style="list-style-type: none"> • courses and programmes; • training posts (including GPs); • examinations, assessments and other tests of competence; • postgraduate medical education and training outside the UK. | | |
| | To publish a list specifying any course, programme, training post, GP, examination, assessment or other test of competence the Council has approved or in respect of which has withdrawn its approval. | Registrar – S34I(7) | |
| | To appoint persons to visit any body or person under whose direction or management postgraduate medical education or training is proposed to be given. | Council – S34M | Registrar |
| | To require information from any body or person under whose direction or management postgraduate medical education or training is proposed to be given. | Registrar – S34(N) | Registrar |
| | To approve or de-commission subspecialties | Council – S34D 10(a) | Registrar |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|---|---|------------------------------|--|
| | <p>To make regulations for the charging of fees in connection with:</p> <ul style="list-style-type: none"> • applications for approvals of any course, programme, training post, GP, examination, assessment or other test of competence; • visits made to any body or person under whose direction or management postgraduate medical education or training is proposed to be given. | Council – <i>S340</i> | Not applicable. |
| STANDARDS FUNCTIONS | | | |
| To foster good medical practice | <p>To provide advice to members of the medical profession on:</p> <ul style="list-style-type: none"> • standards of professional conduct • standards of professional performance • medical ethics | Council - <i>s35</i> | Registrar |
| FITNESS TO PRACTISE FUNCTIONS | | | |
| Establishing a framework for investigation of FTP concerns | <p>To investigate allegations of impaired FTP and decide whether:</p> <ul style="list-style-type: none"> • the allegations should be considered by a FTTP; • a warning should be imposed; • a referral to an IOP is appropriate. | IC – <i>S35C</i> | <p>Registrar</p> <p>The FTP Rules (made by Council pursuant to the function considered below) effectively delegate these functions to the Registrar. The FTP Rules do, however, assign certain functions to the IC and</p> |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|-----------------------------------|---|--|-----------------------------|
| | | | these are considered below. |
| | To make Rules delegating the powers of the IC to the Registrar or any other officer. | Council – <i>S35CC and Sch 4 Paragraph 1 (subject to approval of the Privy Council)</i> | Not applicable |
| | To make Rules: <ul style="list-style-type: none"> • regarding the reference of cases to the IC, IOP and FTPP; • the procedure to be followed and rules of evidence to be observed. | Council – <i>S43 and Sch 4 paragraph 1 (subject to approval of the Privy Council)</i> | Not applicable |
| | To make rules: <ul style="list-style-type: none"> • authorising the giving of directions by the IC, FTPP and such other specified persons requiring an assessment of the standard of a RMP's professional performance; • specifying circumstances in which an assessment maybe carried out; • regarding the constitution and procedure of the Assessment Team. | Council – <i>Sch 4 paragraph 5A</i> | Not applicable |
| Investigating FTP concerns | To: <ol style="list-style-type: none"> i. triage allegations to assess whether they amount to FTP concerns under s35C(2); ii. consider referral to an IOP; iii. carry out investigations; | Registrar <ol style="list-style-type: none"> i. <i>FTP Rule 4</i> ii. <i>FTP Rule 6</i> iii. <i>FTP Rules 4, 7 and 13A</i> | |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|----------|---|--|------------------------------------|
| | iv. direct assessments of an Investigated RMP's performance or health; v. consider failure to submit to or comply with an assessment. | iv. <i>FTP Rules 7, 13A and Sch 1 and 2</i> v. <i>FTP Rule 7</i> | |
| | To consider and refer: i. an allegation of a conviction resulting in the imposition of a custodial sentence; ii. save where delegated to CEs, an allegation of a conviction not included above, caution or determination. | Registrar – <i>FTP Rule 5</i> | |
| | To consider and dispose of allegations as they see fit by: i. no further action ii. issuing a warning iii. referral to IC (where requested by an RMP or if CEs consider it appropriate) iv. referral to a FTP panel v. agreeing undertakings | CEs i. <i>FTP Rule 8</i> ii. <i>FTP Rule 8 and 11</i> iii. <i>FTP Rule 8 and 11(3)</i> iv. <i>FTP Rule 8</i> v. <i>FTP Rule 8 and 10</i> | Not applicable |
| | Where the CEs fail to agree on the disposal of the case the IC may consider and dispose of allegation as they see fit by: <ul style="list-style-type: none"> • no further action; • issuing a warning; | IC – <i>FTP Rule 9</i> | Not applicable |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|-----------------------|--|---|------------------------|
| | <ul style="list-style-type: none"> refer for an oral hearing; referral to a FTP panel; agreeing undertakings. | | |
| | <p>To consider an allegation at an oral hearing and :</p> <ul style="list-style-type: none"> take no further action; issue a warning; refer to a FTTP. | IC – <i>FTP Rule 11(6)</i> | Not applicable |
| | To review investigation stage decisions. | Registrar – <i>FTP Rule 12</i> | |
| | On receipt of a restoration application, to carry out investigations and obtain information and/or direct the applicant to undergo a performance or health assessment. | Registrar – <i>FTP Rule 23</i> | |
| | <p>To consider applications for:</p> <ol style="list-style-type: none"> cancellation of a hearing postponement or adjournment prior to the commencement of the hearing | <p>IC –</p> <ol style="list-style-type: none"> <i>FTP Rule 28</i> <i>FTP Rule 29</i> | Case examiners |
| Interim Orders | To: | | |
| | <ol style="list-style-type: none"> consider whether an IO is necessary for protection of the public, in the public interest or in the interests of the RMP; | <ol style="list-style-type: none"> IOP and FTTP – <i>s41A</i> | Not applicable |
| | <ol style="list-style-type: none"> impose, review and/or revoke an order of conditions or suspension as | <ol style="list-style-type: none"> IOP and FTTP – <i>s41A</i> | Not applicable |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|--|---|---------------------------------------|------------------------|
| | they see fit; | | |
| | iii. apply to the relevant court for an extension of an IO. | iii. Council – <i>s41A</i> | iii.Registrar |
| Determining Fitness to Practise | To make findings in relation to an Investigated RMP's FTP at new and review hearings and, if the FTTP think fit, to impose an appropriate sanction (including, in new cases, an immediate sanction). | FTPP – <i>S35D and S38</i> | Not applicable |
| | To consider whether to order an assessment of an RMP's health or professional performance. | FTPP – <i>FTP Rule 17(4)</i> | Not applicable |
| | To consider whether to restore a former RMP's name to the Register in circumstances where that person's name was erased for FTP reasons. | FTPP – <i>S41</i> | Not applicable |
| | To consider applications for VE made in the course of a hearing before the FTTP. | FTPP – <i>VE Regs 2004</i> | Not applicable |
| | To determine applications for restoration following VE where the matter is referred to a FTTP by CEs or the IC. | IC – <i>VE Regs 2004</i> | Not applicable |
| Post Determination | To consider directions made by a FTTP and to: <ul style="list-style-type: none"> • obtain such reports as are required; • invite the RMP to undergo an assessment of their performance or health. | Registrar – <i>FTP Rule 19</i> | |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|--|---|--|--|
| | To refer a case for early review by a FTPP. | Registrar – <i>FTP Rule 21</i> | |
| | In cases where undertakings were agreed by a FTPP: <ul style="list-style-type: none"> to carry out investigations and obtain reports or direct an assessment of the RMP's performance or health; to consider whether undertakings should be varied or cease to apply; to refer the case to a FTPP for a review. | Registrar – <i>FTP Rule 37A</i> | |
| Procedure | Service of notification of decisions of the IC, FTPP and IOP. | Registrar - <i>S35C(5), (7), (8), 35E(1), s39(2), s41(10) and s41A(5)</i> | |
| | To consider applications to extend the time for bringing a s40 appeal in relation to a: <ol style="list-style-type: none"> decision of the FTPP under s35E(1); decision to erase a person's name for fraud or error under s39(2). | Registrar – <i>Sch 4 paragraph 9</i> | |
| Disclosure and publication of information | To require: <ol style="list-style-type: none"> disclosure of information from third parties; employers details from the Investigated RMP; to obtain court orders to require disclosure of information from third | <ol style="list-style-type: none"> Persons authorised by Council – <i>s35A(1)</i> Council - <i>S35A(2)</i> Council – <i>S35A(6A)</i> | <ol style="list-style-type: none"> Registrar Registrar Registrar |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|--|---|---------------------------------------|-------------------------------|
| | parties. | | |
| | To notify specified public bodies and employers (including those with whom an Investigated RMP has arrangements to provide services) of an investigation into the Investigated RMP's FTP. | Council – S35B(1) | Registrar |
| | To publish or disclose, if considered in the public interest, information regarding the FTP of one or more RMPs. | Council – S35B(2) | Registrar |
| | To publish specified decisions of the FTP and IOP, warnings imposed by the FTP and IC and undertakings agreed by the IC (confidential health information may be excluded). | Council – s35B(4) | Registrar |
| Panels, assessors, advisers and case managers | To appoint panels of: <ul style="list-style-type: none"> • medical and lay performance assessors for the purpose of carrying out performance assessments; • medical examiners for the purpose of carrying out health assessments; • specialist health advisers to advise on issues relating to an RMP's health; • specialist performance advisers to advise on issues relating to an RMP's performance. | Registrar – FTP Rules 3 and 14 | |
| | To: | The Assessment Team – Sch | Not applicable |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|----------|---|--|---|
| | <ul style="list-style-type: none"> carry out assessments of an RMP's professional performance; require the production of any records arising out of or relating to the RMP's practice. | <i>4 Para 5A</i> | |
| | <p>To:</p> <ul style="list-style-type: none"> i. appoint and pay legal assessors for the purposes of advising the IC, IOP, FTTP or RAP; ii. make Rules as to the function of legal assessors. | <p>Council</p> <ul style="list-style-type: none"> i. <i>Sch 4 paragraph 7, Sch 3A para 4(7)</i> ii. <i>Sch 4 paragraph 7 (subject to approval of the Privy Council), GMC(LA) Rules 2004</i> | <p>MPTS for the IOP and FTTP Registrar for the IC and RAP</p> <p>Not applicable</p> |
| | <p>To make rules constituting:</p> <ul style="list-style-type: none"> i. IOPs; ii. RPs; iii. RAPs; iv. ICs; v. FTTPs. | <p>Council <i>(subject to approval of the Privy Council)</i></p> <ul style="list-style-type: none"> i. <i>Sch 1 para 19A</i> ii. <i>Sch 1 para 19B</i> iii. <i>Sch 1 para 19C</i> iv. <i>Sch 1 para 19D</i> v. <i>Sch 1 para 19E</i> | Not applicable |
| | <p>To appoint and maintain a list of panellists and chairmen for IOPs, RPs, RAPs, ICs and FTTPs. Also responsibility for dealing with concerns that arise, including panellists' eligibility or suitability to continue to sit on</p> | <p>Council – i. <i>Constitution of Panels Rules</i></p> | MPTS |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|----------|--|--------------------------------|------------------------|
| | panels, and termination of appointment. | | |
| | To appoint case managers to perform case management functions. | Registrar – FTP Rule 16 | |

Chapter 10: GMC Financial Regulations

Section A - Introduction

Section B - Financial Management

Section C - Financial Planning

Section D - Risk Management and Control of Resources

Section E - Financial Systems and Procedures

Section F - External Arrangements

Section A – Introduction

Purpose

1. To ensure that high standards of financial integrity are maintained at all times.
2. The regulations are part of our corporate governance arrangements and are supported by a range of detailed and periodically updated policies, procedures and instructions on specific financial issues. Where any instances of conflict or ambiguity arise, the Financial Regulations take precedence.
3. It is not possible to cover every eventuality within these regulations. Where a particular circumstance is not specifically referred to and there is any doubt as to the correct course of action, guidance should be sought from the Assistant Director, Finance and Procurement.
4. In exceptional circumstances, it may be necessary to waive the requirements of Financial Regulations temporarily. This can be done only by the Chief Operating Officer or the Chief Executive, in consultation with the Chair of Council.
5. Financial Regulations apply to all staff, members and associates of the GMC, which includes the Medical Practitioners Tribunal Service (MPTS). Failure to comply with Financial Regulations, or instructions issued under them, may result in disciplinary action. It is the responsibility of senior managers (Chief Executive, Chief Operating Officer, Directors, Assistant Directors, Heads of Section, the Chair of the MPTS and the Clerk of the MPTS) to ensure that staff are aware of their responsibilities under these regulations, that they receive appropriate training and that they comply with them.

Section B - Financial Management

6. The GMC is a registered charity and is subject to the financial reporting requirements set out in the Charities Act 2011, the Charities (Accounts and Reports) Regulations 2008, the Statement of Recommended Practice for Accounting and Reporting by Charities, the Charities and Trustee Investment (Scotland) Act 2005 and the Charities Accounts (Scotland) Regulations 2006.

Council and committees

7. The powers and duties of the GMC are laid out in the Medical Act 1983 as amended. The Council (as the Trustees of the GMC) has overall responsibility for the financial management of the GMC. A comprehensive description of the role of Council and its committees is set out in the Governance Handbook.
8. The Council has established an Audit and Risk Committee, responsible for ensuring the integrity of the financial statements, reviewing the organisation's system of internal control, governance and risk management systems and to appoint, monitor and review both the internal and external audit services.

Executive

9. Council has established a Performance and Resources Board. Its purpose is to review operational performance and organisational capacity, as part of the GMC's executive governance arrangements. Full details are set out in the Statement of Purpose of the Performance and Resources Board. The executive lead and the Chair of the Board is the Chief Operating Officer. The Chief Operating Officer, like all other staff, works under the delegated authority of the Chief Executive. The Performance and Resources Board reports to Council through the Chief Operating Officer. All matters being reported to Council will be discussed with the Chief Executive.

10. One or both of the Director of Resources and Quality Assurance and the Assistant Director, Finance and Procurement must be a member of one of the six CCAB bodies, or another body of accountants established in the UK and approved by the Secretary of State.

Section C - Financial Planning

Medium Term Financial Forecast

11. The medium term financial forecast should be prepared annually, cover a three year period and forecast the likely expenditure, income and reserves over that period.

Budgeting

12. The annual budget sets out overall income, revenue and capital expenditure, allocations to directorates and projects, proposed fee levels and the impact on reserves..

13. Budget managers should prepare draft plans and estimated costs for the activities of their directorates. It is the responsibility of senior managers to ensure that their draft budgets reflect the aims and objectives set out in the annual business plan. Draft budget proposals are scrutinised by the Performance and Resources Board, the Chief Operating Officer and the Chief Executive.

14. The annual budget comes into effect only when approved by Council.

Budget monitoring and control

15. Financial information to enable budget managers to monitor and control their expenditure effectively should be provided monthly.

16. Budget managers are responsible for controlling income and expenditure against their budget and for monitoring service delivery and performance against targets. Forecasts of income, expenditure and headcount should be prepared on a quarterly basis.

17. Budget managers should take any remedial action necessary to avoid actual expenditure exceeding budget.

18. Regular reports of budgetary performance and variances should be provided to the Performance and Resources Board, and to Council as part of the Chief Operating Officer's Report.

19. The Chief Operating Officer may seek Council's agreement to an additional budget allocation within the year, if this is deemed appropriate by the Chief Executive.

Budget virement

20. The transfer of budgets between directorates can only be made with the approval of the Chief Operating Officer. Transfers between budget heads within the same directorate can be made with the approval of the Director of Resources and Quality Assurance.

Maintenance of reserves

21. The Director of Registration and Resources should advise the Performance and Resources Board on the appropriate levels of reserves. Council should approve the reserves policy annually.

Investment policy

22. The Director of Resources and Quality Assurance should advise the Performance and Resources Board on investment management. Council should approve an investment policy annually.

23. All funds held by the GMC are controlled by the Director of Resources and Quality Assurance, who will oversee all borrowing, investment or financing and report to the Performance and Resources Board at regular intervals.

Section D - Risk Management and Control of Resources

Risk management

24. Overall responsibility for risk management resides with Council.

25. Responsibility for overseeing risk management arrangements is delegated to the Audit and Risk Committee. The Committee reviews the risk management framework and obtains assurance from the internal auditors that the arrangements in place are effective.

26. The responsibilities of managers and staff are set out in the Risk Management Framework.

Internal control

27. Council is responsible for setting and maintaining a framework of delegation and internal control.
28. The Audit and Risk Committee is responsible for reviewing internal control and systems.
29. The Head of Consultancy and Review Service (the head of internal audit) is responsible for reviewing the effectiveness of the systems of internal control and risk management, providing assurance to Council through the Audit and Risk Committee.
30. It is the responsibility of management to establish effective systems of internal control and risk management. These arrangements need to ensure compliance with all relevant statutes and regulations, and other relevant statements of best practice. They should ensure that GMC funds are properly safeguarded and used economically, efficiently and effectively.
31. The Performance and Resources Board monitors operational performance, resource management, risk management and related controls, quality assurance, efficiency and continuous improvement.

Audit requirements

32. The Audit and Risk Committee makes recommendations to Council on the appointment, reappointment and removal of the external auditors.
33. External auditors and internal auditors have authority to:
 - a. Access all assets, records, documents and correspondence relating to any financial and other transactions.
 - b. Require and receive such explanations as are necessary concerning any matter under examination.
 - c. Access records belonging to third parties, such as contractors when required.

Fraud and corruption

34. The Director of Resources and Quality Assurance is responsible for the development and maintenance of an anti-fraud policy.
35. Staff should report any suspected fraud in accordance with the GMC's Anti-Fraud Policy and, if appropriate, the Public Information Disclosure (whistle-blowing) Policy.

Declaration of interests

36. Guidance for members on the disclosure of interests is set out in the Governance Handbook.

37. Staff should disclose immediately to the Director of Resources and Quality Assurance any personal interest in, or benefit arising from, a transaction or financial arrangement involving the GMC, including any interest in a business trading with the GMC. Declarations will be recorded and retained by the Director of Resources and Quality Assurance.

Asset management

38. The Director of Resources and Quality Assurance is responsible for maintaining a fixed asset register.

39. Senior managers should ensure that records and assets within their areas of responsibility are properly maintained and securely held. The Director of Resources and Quality Assurance is responsible for ensuring that contingency plans for the security of assets and the continuity of business in the event of disaster or system failure are in place. Disposal of assets should be in accordance with procedures laid down by the Director of Resources and Quality Assurance.

Remuneration

40. The Remuneration Committee is responsible for advising Council on the remuneration, terms of service and the expenses policy for Council members including the Chair; and for determining the remuneration, benefits and terms of service for the Chair of the MPTS and members of the MPTS Committee. The Remuneration Committee is also responsible for setting the remuneration, benefits and terms of service for the Chief Executive, Chief Operating Officer/Deputy Chief Executive and Directors.

41. The Chief Executive and the Chief Operating Officer are responsible for determining policy on the remuneration, benefits and terms of service of all other GMC staff. Senior managers, in consultation with the Assistant Director – Human Resources, are responsible for setting and approving changes to staff salaries within the constraints of the overall policy.

Staffing

42. The Chief Operating Officer is responsible for ensuring that proper systems of staff appointment, training, allocation of work, delegation of duties and accountability, performance, appraisal, remuneration and discipline are in place.

43. Budget managers are responsible for controlling staff numbers by developing budget proposals that are sufficient to cover estimated staffing levels in the year, and adjusting staffing as necessary to a level that can be funded within the approved budget.

44. Budget managers may only recruit temporary staff during the year where the costs can be absorbed within directorate budgets approved by Council.
45. Recruitment of permanent staff over and above those included in the annual budget must be approved by the Chief Operating Officer.

Section E - Financial Systems and Procedures

General

46. The Director of Resources and Quality Assurance is responsible for selecting appropriate accounting policies and for ensuring that systems are applied consistently, and for determining the accounting procedures to be followed and the accounting records to be maintained.
47. The Director of Resources and Quality Assurance is responsible for ensuring that the annual statement of accounts is prepared in accordance with the Medical Act 1983, the Charities Act 2011, the Charities (Accounts and Reports) Regulations 2008, the Statement of Recommended Practice for Accounting and Reporting by Charities, the Charities Accounts (Scotland) Regulations 2006 and the Charities and Trustee Investment (Scotland) Act 2005. Council is responsible for approving the annual report and accounts.
48. The Director of Resources and Quality Assurance is responsible for providing financial training to all relevant staff.
49. Senior managers are responsible for the proper operation of financial procedures within their areas.
50. Where key members of staff with financial responsibilities are absent, senior managers must ensure that named deputies are identified so that financial procedures continue to operate securely and effectively.
51. Arrangements relating to the procurement of goods and services are set out in the GMC's Procurement Policy and Procurement Manual.

Income and expenditure

52. The Chief Executive and the Chief Operating Officer may authorise expenditure within the constraints of the annual budget approved by Council. Directors and staff may authorise expenditure within the limits set out in the Schedule of Authority, within the constraints of approved directorate budgets.
53. The Director of Resources and Quality Assurance is responsible for maintaining a scheme of financial delegation that identifies staff authorised to act on the GMC's behalf in respect of raising orders, making payments, and collecting income, together with the limits of their authority. The Director of Resources and Quality Assurance will determine arrangements for the collection, banking and recording of income, and for payments to suppliers and other third parties.

54. Senior managers are responsible for ensuring that the scheme of financial delegation is operating effectively in their area.

55. The Chief Operating Officer will approve the bank mandate authorising bank signatories and their limits.

56. Outstanding debts can only be written off in exceptional circumstances. Individual debts up to £25k can only be written off by the Director of Resources and Quality Assurance, who will provide a periodic summary to the Performance and Resources Board. Individual debt write offs of more than £25k will be referred to the Performance and Resources Board and be subject to approval by the Chief Operating Officer.

Staff, members and associates

57. The Director of Resources and Quality Assurance is responsible for all payments of salaries, allowances and expenses to staff, members and associates.

Taxation

58. The Director of Resources and Quality Assurance is responsible for ensuring the GMC complies with the relevant guidance and legislation on all matters relating to taxation.

59. The Director of Resources and Quality Assurance is responsible for maintaining the GMC's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

Trading

60. No company or commercial enterprise that exploits any activity carried out by, or exploits any rights belonging to the GMC may be established by staff, Council members or associates without the prior written approval of the Chair of Council and the Chief Operating Officer in consultation with the Chief Executive.

61. No trading units can be established without the approval of Council.

Section F - External Arrangements

Partnerships and joint projects

62. No partnerships or joint projects which create material financial risk can be entered into without the approval of Council.

63. Any partnerships or joint projects should be subject to the same high standards of conduct and financial administration that apply to all other GMC activities.

64. The Director of Resources and Quality Assurance should ensure that the accounting arrangements to be adopted for partnerships and joint projects are satisfactory, and that the financial risks have been fully appraised before agreements are entered into.

65. Partnerships and joint projects should be subject to the same level of audit review as other GMC activities.

External funding

66. The Director of Resources and Quality Assurance is responsible for ensuring that all funding is received and properly recorded in the GMC's accounts.

Work for third parties

67. Any proposals to undertake work for third parties should be considered by the Performance and Resources Board and must be consistent with the GMC's charitable purpose and the Medical Act 1983. Contractual arrangements should be approved by the Chief Operating Officer.

Chapter 11: Decision Making Framework

Introduction

1. The GMC is a statutory corporation created under the Medical Act 1983 and is registered as a charity with the Charity Commission for England and Wales and with the Office of the Scottish Charity Regulator. These characteristics mean that various matters must be taken into account when decisions are made. In particular the GMC is bound to act in accordance with its duties as a public body discharging statutory functions in accordance with the Medical Act 1983, and as a registered charity in accordance with the Charities Act 2011.
2. The purpose of this document is to set out a general decision-making framework. This framework will act as a reminder to those working on behalf of the GMC of the correct approach by the GMC when decisions are made.
3. This framework does not purport to be comprehensive, and does not set out what are the relevant facts or matters which may have to be considered in relation to any particular case. It is no replacement for taking detailed advice, where appropriate, in relation to specific decisions.
4. Decision makers will need to take into account relevant legal, tax, regulatory and commercial considerations which apply to any particular decision.
5. This framework will apply and will be particularly relevant to decisions which are not expressly provided for under the Medical Act 1983 (as amended) (the "Act"). The Act and the regulations made under it set out certain requirements for certain decisions which decision makers must follow.

The Framework

6. Any decision made by the GMC must be made in the performance of its statutory functions, such as but not limited to, registration, education, standards and fitness to practice under the Act.

7. In exercising its functions the GMC must have regard to its main statutory objective, which is to protect, promote and maintain the health and safety of the public. Decisions made by, or on behalf of, the GMC must further one or more of these objectives.

8. The GMC is also a charity. Decision makers must check that any decision falls within the GMC's charitable purposes. If the decision is furthering one or more of the GMC's statutory objectives then such a decision is likely to fall within the GMC's charitable purposes.

9. The GMC must be able lawfully to do what is proposed. Any decisions which it makes or actions which it takes must be:

a. Pursuant to an express power set out in the Act or other relevant applicable legislation or regulations; or

b. Something that it, in the opinion of the GMC, incidental or conducive to the performance of its functions under the Act.

10. "*Incidental*" and "*conducive*" each have a wide meaning, although in certain situations there may be restrictions upon what the GMC can lawfully do as a statutory corporation.

11. The GMC must comply with the Charities Act 2011 and should follow Charity Commission guidance or authorisation. Regard must be had to the duties of "Charity Trustees" and the requirement that a charity must act for the public benefit.

12. The decision must be reached:

a. In good faith;

b. Reasonably, meaning rationally;

c. Having:

i. considered relevant facts and matters, including having proper regard to matters required under the Act;

ii. disregarding irrelevant facts and matters; and

d. After the decision makers have adequately informed themselves and where necessary made further enquiries and where appropriate taken professional advice and considered it.

13. In reaching decisions relevant governance procedures in the Governance Handbook should have been followed correctly: for example, the meeting must have been properly convened, quorate, and in accordance with any requirements of the GMC under the Act or any applicable legislation.

14. In exercising its charitable functions the GMC must comply with its duty of reasonable care under charity law and in particular its requirement for the proper stewardship of charitable funds. Charitable funds must be spent prudently, and in a manner appropriate to the GMC's statutory and charitable purposes.

15. The minutes of the relevant meeting or other record of consideration of the relevant issues and the reasons why a decision has been reached should reflect this decision-making process.

Additional guidance will be published from time to time to supplement this framework.

Annex A1: Working Arrangements

Meetings

1. Council meets as necessary for the transaction of its business, according to a schedule agreed by Council, but also as may be required as set out in paragraphs 2 and 3.
2. A special meeting may be called at the request of the Chair of Council (the Chair). 14 days notice is normally given of such a meeting.
3. A special meeting must be called within 21 days if three members so request in writing to the Chief Executive.

Principles relating to the conduct of Council business

4. The following principles apply to the conduct of Council business:
 - a. The default assumption should be that all Council business is conducted in public.
 - b. Some business may be more appropriately conducted in 'closed' session (i.e. GMC only, including staff). The reason for proposing that an item of business should be dealt with in closed session should be explained in the paper covering that item.
 - c. Exceptionally, matters may arise which need to be taken 'in private' normally including the Chief Executive/Registrar, Chief Operating Officer, Directors, and the Council Secretary (with the exception of any member of that group to whom the matter relates).
 - d. Once a year, members may wish to meet without staff present, for example to discuss their own performance as a Board. The reason for meeting in private should be made explicit in the agenda and by the Chair at the meeting.

- e. 'Briefings' for members on particular issues, e.g. updating them on developments in education or fitness to practise, should continue in the usual way and should not be regarded as part of the formal conduct of Council business.
 - f. With the exception of Briefings, minutes should be taken for all Council sessions. Where matters are discussed in closed or private session, however, the minutes will not be expected to give a detailed account of the substance of the discussion.
5. More detailed criteria for identifying items which should be taken in 'closed' and 'private' sessions (which broadly equate to different forms of 'seminar' mode) are set out below.
6. 'Closed' sessions are for the discussion of business which:
- a. Relates to any personal matter concerning a present or former registrant or applicant for registration.
 - b. Relates to any matter which is commercially sensitive.
 - c. Relates to any matter which is subject to legal professional privilege.
 - d. Relates to any matter relevant to the prevention or detection of crime or the prosecution of offenders.
 - e. Identifies any information given to the organisation in confidence.
 - f. Relates to risks, for example of a financial or political nature, to the GMC or others where there is a danger that the risk would be exacerbated by discussion in public.
 - g. Relates to early stages in developing policy or consultations.
 - h. Relates to any other matter deemed by the Chief Executive and Chair, subject to the agreement of Council, to require discussion in closed session.
7. 'Private' sessions are for the discussion of:
- a. Any personal matter relating to an employee or Council member, or a former employee or Council member (if the employee or Council member would otherwise be present, he or she will be required to leave the part of the meeting during which such a matter is under consideration).
 - b. Any other matter deemed by the Chief Executive and Chair, subject to the agreement of Council, to require discussion in private session
8. 'Private' sessions with no staff (including the Chief Executive/Registrar) present may be required, for example, where:

a. Council is discussing its own performance or matters concerned with members or the Chair.

b. The Chief Executive/Registrar is him/herself under discussion.

9. There might be occasions when, in the public part of the meeting, although an item would be tabled on the public agenda, the supporting papers would be available only to Council members and staff (and would be made publicly available at a later date).

10. If any matter arises of a confidential nature during the transaction of non-confidential business the Chair may require members of the public to withdraw while the matter is dealt with.

11. In the event of disorder at a meeting of Council, the Chair may require members of the public to leave. If disorder continues, the Chair may seek assistance from building security and/or the police to restore order.

Quorum and attendance

12. The quorum for any Council meeting is defined in the General Medical Council (Constitution) Order 2008 (as amended), and is 7 members.

13. The GMC Constitution Order 2008 (as amended) provides for a member to be removed from office by the Privy Council if that member's level of attendance at Council meetings falls below minimum levels of attendance set in Standing Orders, and whether or not there were reasonable causes for the member's absences.

14. Council members have a duty to attend meetings of Council and of any other GMC Board, Committee or group to which they have been appointed.

15. In the event that any member is unable to attend a Council meeting they have a duty to notify the Council Secretariat, and confirm the reason for their non-attendance.

16. Members' commitment to the work of the GMC is demonstrated in a variety of ways not restricted to attendance at formal meetings. However, a member who fails to attend, without good cause, three consecutive meetings of the Council and 75% of the total of all of his/her commitments to Boards and Committees in any one period of twelve months may be regarded as having made an insufficient contribution to the work of Council. In these circumstances, the Chair may decide to notify the Privy Council, which determines the question of the member's removal from office. Good cause in such circumstances is determined by the Chair of Council.

17. The Chair may invite any person to attend the whole or part of a Council meeting to present a report or to give advice.

Agendas

18. The Chair and Chief Executive prepare and agree the agenda for each Council meeting.
19. The Council Secretariat maintains a schedule of the proposed forward agenda planning programme, which will be made available upon request.
20. Notice confirming the agenda for a Council meeting is sent to members not less than three weeks before the meeting to which it relates.
21. Any member wishing to raise a matter, other than a matter appearing on the agenda, at a Council meeting is required to notify the Chair and Chief Executive not less than 14 days before the meeting.
22. No business other than that which has been included in the agenda, or of which notice is given under paragraphs 3 or 21, is discussed at any Council meeting, with the exception of urgent business, which may be discussed with the consent of the Chair.
23. The agenda and supporting papers for Council meetings are sent to members not less than seven days before the meeting. Papers are circulated within seven days before the meeting only if they:
 - a. Relate to a special meeting.
 - b. Relate to urgent business.
 - c. Contain information that was not reasonably available at the time of first circulation.
24. Agendas, papers and minutes of Council meetings are published on our website no fewer than two days before the meeting.

Rules of debate

25. Any member wishing to speak indicates this to the Chair and waits to be called by the Chair. All contributions are directed to the Chair. Members give way to the Chair on request.

Amendments

26. Any amendments to a recommendation are in one of the following forms:
 - a. To add words.
 - b. To delete words.
 - c. To delete words and substitute others.

27. All amendments are to be proposed and seconded.

Decision making and voting

28. Members have a duty to support all Council decisions on the basis of collective responsibility.

29. In discussion of agenda items the intention is to reach agreement by consensus. If a general consensus emerges, then the Chair may curtail discussion and seek agreement to the proposal. Where a consensus decision is reached the Chair asks Council to confirm this orally and this is minuted.

30. Voting occurs only when consensual agreement cannot be reached.

31. Voting at Council meetings is by show of hands. The Medical Act 1983 as amended provides that if the votes are equal the person who chairs the meeting has a casting vote in addition to his/her vote as a member of the Council.

32. The Chief Executive declares the numbers of votes and any abstentions, which are recorded in the minutes of the meeting.

Points of order

33. The decision of the Chair on any point of order or question of procedure is conclusive for all purposes.

Minutes

34. Minutes of Council meetings are taken and are retained as a record of members' attendance, key points made, decisions taken and any declared conflicts of interest. On an exceptional basis, any member who dissents from a decision is entitled to require such dissent to be formally recorded in the minutes of the meeting. Draft minutes of Council meetings are produced, approved by the Chair and then circulated to members normally within 14 days of a meeting taking place. Minutes are laid before Council at the next meeting for final approval. The Chair signs the minutes of each meeting once they have been approved. In addition to the minutes, the Council Secretariat maintains a list of action points and monitors their completion.

35. Recordings or transcripts made by third parties are not permitted at Council meetings unless specifically authorised by Council.

36. The GMC is a public body for the purposes of the Freedom of Information Act 2000. This provides a general right of access to information, subject to specified exemptions.

Urgent action between meetings

37. The Chair may, having consulted the Chief Executive and other members wherever possible, between meetings authorise on behalf of the Council urgent action of a kind which would normally be dealt with at a meeting. Any action thus taken is reported at the next Council meeting and recorded in the minutes.

Governance Handbook and working arrangements

38. Any part of this Governance Handbook may be amended or revoked by Council at any time. The working arrangements for Council may be suspended if required for the effective conduct of business. Such suspension should be proposed and seconded, and approved by a majority of those present at a meeting.

Annex A2: Corporate Seal

1. The corporate seal is kept in the secure custody of the Chief Executive, or another employee designated on his/her behalf.
2. The Chief Executive is authorised to affix the seal to instruments in connection with the investments of the Council and to documents relating to the acquisition or disposal of premises.
3. Except as provided in paragraph 2 above, the seal may be affixed only as directed by order, or under the authority, of Council. The seal must be affixed in the presence of, and witnessed by, the Chief Executive and the Council member to whom Council has delegated authority.
4. Any order for affixing the seal states why it is being used, and is recorded in the minutes of Council.
5. The Council Secretariat shall keep a record of the affixing of the Corporate Seal.

Annex B1: Arrangements for the Appointment of Council Members to Committees

1. Members are asked to express interest in becoming members and/or chairs of Committees. Having taken account of these expressions of preference, the Chair of Council makes proposals for chair and members which are circulated in advance for approval at a meeting of Council.
2. The Chair of Council is *ex officio* a member of each Committee, except the Audit and Risk Committee, and if present forms one of the quorum.
3. Membership, including chairpersonship, of all of the Committees is reviewed twice in each four year term of office, at the beginning and at the mid-way point. Members are asked to express their preferences for bodies they wish to join or leave, and whether they wish to be a chair. The Chair of Council uses this information to inform proposals about chairs and membership which are presented as proposals to Council for approval.
4. The appointment of members following any casual vacancies that may occur is undertaken in line with the procedure outlined in paragraph 1.

Appointment of external members

5. The Audit and Risk Committee will nominate two people to serve as co-opted members on the Committee for any period not exceeding four years, and will seek Council's approval to the appointments.
6. Co-opted members of the Audit and Risk Committee will receive meeting papers and take part in the discussion. In the event that a vote needs to be taken, only Council members of the Committee will be entitled to vote. In the case of papers, the executive will advise on any particular papers, or parts of papers, which need to be treated in confidence.
7. The terms of office of co-opted members may be renewed for any further period of up to four years, provided that no co-opted member will serve for more than a total of eight years in any period of twenty years.

Observers

8. The chairs of each of the Committees may invite individuals from external organisations to attend meetings as observers.
9. People invited to attend as observers may receive meeting papers. They may also take part in the discussion but will not vote on decisions. They are bound by the same duty of confidentiality as other members of the group.

Annex B2: Working Requirements for Committees

Chairing in the absence of the chair

1. When the appointed chair of a Committee is absent from a meeting, or has had to withdraw owing to a conflict of interest, the meeting is chaired by another Council member of the Committee appointed by agreement of the Committee in question.

Minutes and notes

2. Minutes are taken of Committee meetings. As soon as the Committee chair has agreed the draft minutes of a meeting, they are circulated to all Committee members for comment. They are tabled for formal approval at the next meeting. The secretaries of the Committees also keep a list of action points and monitor their completion.

Reporting

3. Each Committee reports annually to Council on a 'to consider' basis, except the Audit and Risk Committee which reports twice a year. The report should be presented by the chair of the Committee in question, or, in the event that the chair is unavoidably absent, by a member of the Committee who has been asked to present by the chair of the Committee or by the Chair of Council. As part of the Audit and Risk Committee's reporting cycle, the Corporate Risk Register is presented to Council in closed session (see Annex A1 paragraph 4b).

Working arrangements

4. Each Committee is invited to consider and agree its own working arrangements, taking into account good governance practice and what is required to achieve its purpose.

Decision making and voting

5. In discussion of agenda items the intention is to reach agreement by consensus. If a general consensus emerges, then the chair may curtail discussion and seek agreement to the proposal. Where a consensus decision is reached the chair asks the Committee to confirm this orally and this is minuted.
6. It is expected that Committees will conduct their business on the basis of seeking consensual agreement in all but the rarest of cases.
7. In the event that such agreement cannot be reached, and that it is necessary for a particular matter (for example in relation to a power delegated to a Committee by Council) to result in a specific decision, voting is used. Voting at meetings is by show of hands. If the votes are equal the person who chairs the meeting has a casting vote in addition to his/her vote as a member of the committee.
8. The secretary to the meeting declares the numbers of votes and any abstentions, which are recorded in the minutes of the meeting.

Quorum and attendance

9. The quorum for meetings of the Audit and Risk Committee and the Remuneration Committee is two members.
10. Council and co-opted members are expected to attend meetings of any Committee to which they have been appointed or nominated.
11. In the event that any member is unable to attend a Committee meeting that person has a duty to notify the relevant Secretariat, and advise the reason for their non attendance.

Publication of papers

12. The Committees' reports to Council will be available on the external website. The GMC is a public body for the purposes of the Freedom of Information Act 2000. This provides a general right of access to information, subject to specified exemptions.

Annex B3: Role Description for Committee Chairs

1. The core role of the chair of a Committee is to ensure that the Committee remains focused on its business, acts within its terms of reference, and properly accounts for the conduct of its business in line with its purpose and duties.
2. The chair's role is to:
 - a. Provide non-executive leadership to the work of the Committee.
 - b. Ensure that the Committee fulfils the purpose set for it and is responsive to direction from Council.
 - c. Ensure that the Committee works collectively.
 - d. Work with the Chair of Council to ensure that business is handled effectively, with appropriate levels of consultation and input.
 - e. Establish and maintain an effective working relationship with the Chief Executive, Chief Operating Officer, directors, executive leads, secretariat, and other staff, as appropriate, taking forward business as required between meetings and liaising as required with other Committee members to ensure this.
 - f. Chair Committee meetings effectively, ensuring that required decisions are taken.
 - g. Approve draft minutes for circulation to the Committee.
 - h. Jointly with the executive leads, ensure, in the light of Council's priorities, and in liaison with the secretariat, an annual work programme for the Committee, including formal meetings as appropriate.
 - i. Ensure that the work and activities of the Committee are regularly reported to Council as required.

3. As good governance practice, all chairs of Committees have an explicit right of access to the Chair of Council and to the Chief Executive.

4. There may be occasions on which, within the powers delegated by Council to the Committee, decisions need to be taken outside a meeting of the Committee. If so, the chair reports the decision to the Committee at the earliest opportunity and the agreed decision is formally reported at the next Committee meeting.

Annex B4a: Statement of Purpose of the Audit and Risk Committee

Purpose

1. The Audit and Risk Committee is responsible for ensuring the integrity of our financial statements. It reviews the organisation's systems of internal control, governance and risk management; and appoints, monitors and reviews both the internal and external audit services.
2. The Committee is specifically authorised by Council to:
 - a. Investigate any activity within its terms of reference. Any investigation will normally be initiated in consultation with the Chief Executive.
 - b. Seek any information it may reasonably require from any member, employee or associate. All members, employees and associates are directed to co operate with any reasonable request made by the Committee.
 - c. Obtain outside legal or other independent professional advice and to secure the attendance of people with relevant experience and expertise if it considers this necessary. The Committee may not incur direct expenditure in this respect in excess of its allocated budget without prior approval of the Chair of Council, in consultation with the Chief Executive.

Duties and activities

Financial Reporting

3. Review the annual financial statements taking into account advice from the external auditors and ensure they are a fair and accurate reflection of the activities of the GMC. If necessary, this should involve challenging the actions and judgements behind the preparation of the annual financial statements and related documents, before submission to and approval by Council.
4. Review the organisation's accounting policies.

5. Consider any other topics, as directed by Council.

Internal Control and Risk Management

6. Monitor the integrity of internal controls. In particular, review management and the internal audit reports on the effectiveness of the system of internal control.
7. Assess the scope and effectiveness of the systems designed to identify, assess, manage and monitor significant risks.
8. Review statements in the annual report and accounts relating to audit and risk management.
9. Ensure appropriate arrangements for staff to raise concerns about possible improprieties.
10. Review all delegated authorities at least once in every four-year Council term.

Internal Audit

11. The appointment or dismissal of the head of internal audit and the external provider of internal audit services is the responsibility of the Chief Operating Officer in consultation with the Chief Executive, but should be ratified by the chair of the Audit and Risk Committee. In the event of any unresolved disagreement between the Chief Executive and the chair of the Committee, the matter will be referred to the Chair of Council.
12. Ensure that the head of internal audit has direct access to the Chair of Council and the Committee and is accountable to the Committee.
13. Review the internal audit programme and ensure that the function is adequately resourced and has appropriate standing within the organisation.
14. Consider and monitor the organisation's response to any major internal audit recommendations.
15. Monitor and assess the role and effectiveness of the internal audit function.
16. Ensure the provision of any non-audit services does not impair the internal auditors' independence or objectivity.

External Audit

17. Consider and make recommendations to Council on the appointment, reappointment and removal of the external auditors.
18. Approve the terms of engagement and fee to be paid to the external auditor in respect of audit services provided.

19. Assess the qualification, expertise, resources, effectiveness and independence of the external auditors annually.
20. Discuss in advance with the external auditor the nature and scope of the audit.
21. Review with the external auditors their findings, the content of the management letter and management's responses and the audit representation letter.
22. Ensure the provision of any non-audit services does not impair the external auditors' independence or objectivity.

Working arrangements

23. Meetings will be held at least four times a year. At the discretion of the chair of the Committee, additional meetings can be convened.
24. The Committee should review its statement of purpose at least once a year and suggest any necessary amendments to Council.
25. The external auditors or internal auditors may request a meeting of the Committee.
26. At least once a year the Audit and Risk Committee should meet the external auditors and internal auditors without management.
27. Members of the Committee (including the co-opted members) may meet alone at any time. Normally, senior staff will be in attendance including the Chief Executive, the Chief Operating Officer, the Director of Resources and Quality Assurance, the Assistant Director Finance and Procurement, and the Head of Consultancy and Review Service (head of internal audit). Others may attend meetings at the invitation of the Committee.
28. Draft minutes should be cleared by the chair and circulated to members for comment within two weeks of the meeting. Minutes are circulated to all Council members.
29. Where the Committee is not satisfied with any aspects of the organisation's performance in relation to audit and risk or other systems of internal control it will report its views to Council.
30. The Committee prepares a report, for inclusion in the annual report and accounts, on its role and responsibilities and the actions it has taken to discharge those responsibilities. The report includes any unresolved disagreements between Council and the Committee.

31. The chair or another designated member of the Committee, if the chair is not available, presents a report and answers questions on the Committee's activities for Council at least twice a year.

Annex B4b: Statement of Purpose of the Remuneration Committee

Purpose

1. The Remuneration Committee advises Council on remuneration, terms of service, and the expenses policy for Council members including the Chair.
2. The Remuneration Committee will determine:
 - a. The appointment process for the Chief Executive.
 - b. Remuneration, benefits, and terms of service for the Chief Executive, Chief Operating Officer/Deputy Chief Executive, and Directors.
 - c. The appointment process for the Chair of the Medical Practitioners Tribunal Service (MPTS).
 - d. Remuneration, benefits and terms of service for the Chair and members of the MPTS Committee.

Duties and activities

3. The Committee is responsible for reviewing and advising Council on the remuneration arrangements and levels (including expenses policy) for Council members, including the Chair.
4. The Committee sets all aspects of salary or honoraria, the provision of any other benefits, and any other arrangements or contractual terms and offers advice in respect of the following roles:
 - a. The Chief Executive.
 - b. The Chief Operating Officer/Deputy Chief Executive.
 - c. Directors.

- d. The Chair and members of the MPTS Committee.
- e. Any other such staff and posts as may be required.

5. In respect of the appointments of the Chief Executive and the Chair of the MPTS, the Committee is responsible for designing the recruitment processes and for conducting them in accordance with Council's agreed delegation.

Working Arrangements

- 6. The Committee may commission appropriate external advice where required.
- 7. Meetings are held twice a year. At the discretion of the Chair of the Committee, additional meetings can be convened.
- 8. The Committee should review its statement of purpose at least once a year and suggest any necessary amendments to Council.
- 9. Papers for each meeting will be sent electronically to Committee members at least seven days in advance of meetings.
- 10. Draft minutes, recording conclusions of the issues discussed, should be cleared by the chair and circulated to members for comment within two weeks of the meeting. The Committee approves minutes at its next meeting.
- 11. The Chair of the Committee presents a report on its activities to Council at least annually.

Annex B4c: Statement of Purpose of the Trustees of the GMC Staff Superannuation Scheme

Purpose

1. The purpose of the Trustees of the GMC Staff Superannuation Scheme is set out in the Scheme's Trust Deed and Rules.
2. Trustees manage and administer the GMC Staff Superannuation Scheme. This includes:
 - a. Appointing an administrator of the Scheme.
 - b. Ensuring that members are paid the benefits they are due.
 - c. Ensuring that appropriate accounts and records for all Scheme administration are maintained.
 - d. Appointing an auditor to the Scheme.
 - e. Appointing a Scheme actuary.
 - f. Commissioning reports on the financial position of the Scheme.
 - g. Managing the investments of the Scheme.
 - h. Ensuring that the Scheme meets the relevant regulatory requirements.
 - i. Responding to any complaints or queries that require a decision.
 - j. Ensuring that key documents, reports and background information are accessible to scheme members.
 - k. Oversee the effective communication of the benefits, rules and Scheme funding position to Scheme members as well as promoting the benefits of membership of the Scheme.

Duties and activities

3. The Trustees have specific duties set out in legislation and the Trust Deed and are required to consult with the employer on changes to the Scheme and key policy statements, including:

- a. The statement of funding principles.
- b. The investment strategy.
- c. The employer covenant.

Working arrangements

4. The Trustees are required by the Deed to meet at least once a year, but normally meet more frequently. Professional advisers attend the relevant parts of each meeting.

5. The Trustees work closely with the Performance and Resources Board as the representative body of the Scheme sponsor. Any significant decisions for the Scheme sponsor are escalated to Council as quickly as possible via the Chief Operating Officer's report.

6. Sub-groups of the Board of Trustees are agreed from time to time to work on specific issues, such as meeting advisers and fund managers, or reviewing communications with Scheme members.

7. Papers for each meeting are normally sent electronically to Trustees at least seven days in advance of meetings. Copy papers are posted to Trustees requiring a hard copy.

8. Meetings regularly contain an element of training.

9. Minutes are circulated to Trustees for comment within two weeks of the meeting. The Trustees approve the minutes at their next meeting. Minutes record the conclusions of the issues considered.

Annex B4d: Statement of Purpose of the Medical Practitioners Tribunal Service

Purpose

1. The purpose of the Medical Practitioners Tribunal Service (MPTS) is to ensure that:
 - a. The MPTS provides a hearings service to the GMC that is efficient, effective and clearly separate from the investigatory role of the Fitness to Practise Directorate within the General Medical Council.
 - b. The MPTS provides effective leadership to decision-makers, which includes the recruitment, training, continuous professional development of panellists, case managers and legal assessors.

Duties and activities

2. The MPTS is responsible for:
 - a. High quality standards of decision-making by fitness to practise panels.
 - b. High quality standards of decision-making by interim orders panels.
 - c. High quality standards of case management by case managers.
 - d. Ensuring that the MPTS applies the equality and diversity strategy and policies of the GMC.
 - e. Providing a hearings service that demonstrates efficiency, effectiveness and value for money.
 - f. Ensuring that fitness to practise and interim orders panels are conducted in a way that is fair, just and transparent.

- g. Providing and maintaining a hearings service that is separate from the functions of the General Medical Council, which investigate and bring proceedings on fitness to practise cases.
- h. Ensuring that appropriate systems for the appointment, training, assessment and, where required, the removal of panellists and case managers are in place.
- i. Ensuring that appropriate systems for the appointment of specialist advisers and the appointment, training and assessment of legal assessors are in place.
- j. Liaising effectively with all users of the hearings service provided by the MPTS. This will include attending Liaison Group meetings with the other parts of the GMC.
- k. Representing the MPTS at appropriate external engagements.
- l. Keeping MPTS performance statistics under review.
- m. Discussing and advising on operational guidance for MPTS staff, panellists, case managers, and legal assessors as required.

Working arrangements

3. The membership of the MPTS Committee is the Chair of the MPTS and two other MPTS members, one medical and one lay. The MPTS is chaired by the Chair of the MPTS.
4. The MPTS Committee meets at least four times a year. At the discretion of the Chair of the MPTS, additional meetings can be convened, if required.
5. The quorum for meetings of the MPTS Committee is two.
6. Formal decision-making is supported by papers setting out options and recommendations. Papers for each meeting are normally sent electronically to MPTS Committee members at least seven days in advance of meetings.
7. In discussion of agenda items the intention is to reach agreement by consensus. Voting occurs only when consensual agreement cannot be reached: voting is by show of hands.
8. The numbers of votes are recorded in the minutes of the meeting.
9. The MPTS Committee may also choose to progress work electronically outside of the meetings including the use of teleconference and videoconference facilities.

10. The MPTS Committee Secretary minutes each meeting and aims to circulate the minutes, as cleared by the Chair of the MPTS, to members for comments within two weeks of the meeting. The MPTS Committee approves minutes at the next Committee meeting. Minutes record the conclusions of the MPTS Committee on the issues considered.

11. Where matters are being discussed outside a face-to-face meeting, for example by exchange of emails or teleconference calls or videoconferences, the MPTS Committee Secretary will liaise with the Chair of the MPTS to agree the most appropriate mechanism for seeking views depending on the issue.

12. The MPTS Committee reports on its activities to the GMC Council at least twice yearly.

Annex B4e: Statement of Purpose of the GMC/MPTS Liaison Group

Purpose

1. The purpose of the Liaison Group is to establish an effective working relationship between the MPTS and the functions of the GMC with which it will interact. The Liaison Group supports the delivery of the hearings service provided by the MPTS and ensures that working arrangements are established and operate effectively.

Duties and activities

2. To provide assurance to Council that the MPTS is delivering against its objectives through the report from the Chair of the MPTS to Council.
3. To work collaboratively to manage corporate risks and issues.
4. To resolve any policy or operational issues that may arise.
5. To provide an effective feedback mechanism between the GMC and the MPTS.
6. To have regard to the annual operational plan and budget for the MPTS.

Working arrangements

Membership

7. The membership of the Liaison Group is as follows:
 - a. Chair of Council.
 - b. Chief Executive.
 - c. Chief Operating Officer.

- d. Director of Fitness to Practise.
- e. Director of Resources and Quality Assurance.
- f. Director of Strategy and Communication.
- g. Chair of the MPTS.
- h. Clerk to the MPTS.
- i. Medical member of the MPTS.
- j. Lay member of the MPTS.

8. The Liaison Group will be chaired by the Chair of the GMC. If, for any reason, the Chair is unable to attend any meeting he/she will identify another member of the Group to chair the meeting.

9. Secretariat support to the Liaison Group will be provided by the GMC Governance team.

10. Staff from the MPTS and other parts of the GMC may attend by invitation.

Meetings and attendance

11. The Liaison Group meets on a quarterly basis or as necessary for the transaction of its business, according to a schedule agreed by the Liaison Group, but also as may be required as set out in paragraph 12.

12. A special meeting may be called at the request of either the Chair of Council and/or the Chair of the MPTS.

13. In the event that any member is unable to attend a Liaison Group meeting they should notify the Liaison Group secretariat.

14. Liaison Group meetings will usually take place 'in person' but with the agreement of the Chair of the GMC members may join by video conference.

Agenda, papers and minutes

15. The Chair of the MPTS and Chief Executive of the GMC prepare and agree the agenda for each Liaison Group meeting.

16. Papers for each meeting are normally sent electronically to members at least seven days in advance of meetings. Copy papers are posted to members requiring a hard copy.

17. Minutes of Liaison Group meetings are taken and are retained as a record of members' attendance, key points made, and decisions taken. Draft minutes of

Liaison Group meetings are produced, approved by the Chair of the Liaison Group and then circulated to members, normally within 14 days of a meeting taking place. Minutes are laid before the Liaison Group at the next meeting for final approval.

18. Agenda and minutes of Liaison Group meetings will be available on the external website once approved.

Annex C1: Members' Information

Terms of office

1. The duration of the term of office of each Council member is determined by the Privy Council on appointment. The relevant provisions are set out in Part 2 section (3) of the GMC (Constitution) Order 2008 (as amended) (<http://www.gmc-uk.org/about/legislation/governance.asp>). Members are normally appointed for a four year term of office, and are eligible for re-appointment for a further term up to four years. The expectation is that the Privy Council will stagger the end dates of members' terms of office during any second term of re-appointment, if the needs of Council so require it.

2. The term of office of the Chair of Council is determined by the Privy Council on appointment. The relevant provisions are set out in Part 3 section (8) of the GMC (Constitution) Order 2008 (as amended) (<http://www.gmc-uk.org/about/legislation/governance.asp>). This term is normally four years, but in any event cannot be more than the period between the Chair's date of appointment as chair and the date on which the Chair's appointment as a member is due to expire.

Remuneration and time commitment

3. Members are expected to make themselves available to the GMC for up to three days a month, including Council and other meetings or commitments.

4. An annual fee is paid to members to cover attendance at Council and other meetings, and all other activities including preparation and travelling time.

Personal details

5. We need to collect personal information in order to contact members about GMC business. Contact details are made available to Council members and to staff in the course of their work.

6. Biographical details may be made available on request by other organisations and individuals. Summary biographies are published on our website.

7. Information about disabilities, dietary requirements, and emergency contacts will not be made available outside the GMC and will be disclosed to staff only if such disclosure is essential for their work.

Annex C2: Member Induction, Appraisal, Education and Training

1. Part 2 Paragraph 4 of the GMC (Constitution) Order 2008 (as amended) requires the GMC to make provision in Standing Orders about the requirements with regard to education and training of members. Members are expected to participate in induction, appraisal, education and training.

Induction

2. Induction arrangements are made available for all Council members following confirmation of appointment. This includes the opportunity to meet the Chair of Council, Chief Executive and other members of the senior management team. Members receive a welcome pack which includes key information as required to support them in their role. During induction, members receive advice and guidance on the appraisal system and IT facilities available, and the policy on remuneration and claiming expenses.

Appraisal

3. The member appraisal cycle is based around two appraisal meetings between the Chair and member, one in the second and another in the fourth year of a member's term of office.

Multi-Source Feedback, external support, and the appraisal meeting

4. A 360 degree/multi source feedback system will provide an individual report to underpin the first appraisal discussion scheduled for the second year of appointment.

5. This first stage of the appraisal process (in the second year of a member's term) will be scheduled at a time which provides meaningful feedback for members. It will also be early enough in the members' term of office to allow any action points to be worked on.

6. While multi-source feedback is a key component of the process, the system of providing feedback is flexible. This includes the number of people feedback is sought

from, and who they are. It could include other Council members, senior GMC staff, or colleagues in other organisations. Feedback should generally be sought from a group of around six people, but this is an individual member's choice. The suggested minimum is four people.

7. The report summarising the results of the feedback is personal to the member and provides background to the first appraisal meeting with the Chair. It is not circulated outside this discussion and will not form part of the documentation shared with the Privy Council as part of the reappointment process.

8. The support to which members have access in reviewing their feedback and preparing for their appraisal discussion will be in line with members' individual preferences.

9. This first appraisal will allow any training needs to be highlighted and followed up with individual members. Following the first appraisal discussion the Chair will provide an initial indication of performance based on the overall assessment levels in the Appraisal Summary Form as approved by Council.

10. A second appraisal discussion with the Chair will then be scheduled for the final year of a four year term. This will include confirmation of whether reappointment is recommended, in line with the overall assessment levels set by Council. This discussion will not normally be prefaced by a 360 degree process, but this will remain an option for individual members who would find this useful.

11. The timing of the second appraisal discussion will fit with the appointment/re-appointment process, so appraisals will be scheduled to meet the relevant requirements.

12. The only exception to this timetable will be where there is the possibility of reappointment not being recommended. In these circumstances it is anticipated that an additional appraisal discussion would be scheduled for the third year of a member's term.

13. The appraisal process is supported by the Competency Framework for members.

Using the Appraisal process

14. While there is an important relationship between individual appraisal discussions and the reappointment process there are other important links. The primary aim of the system is to contribute to the effective governance of the GMC. For individual Council members the process provides them with feedback, an opportunity to review the contribution they have made, and for any individual training or learning needs to be identified and met.

15. The appraisal process for the Chair of Council is as described above, except that the appraisal meetings are held with one or more of the chairs of the two

Governance Committees, the number involved to be decided by the chairs of the two Governance Committees acting together.

Education and training

16. In addition to individual learning/training needs identified during the appraisal process, arrangements are made for members to receive briefing and training that may be required to assist them undertake their role. Members may also ask for specific training if they think they require it in order to fulfil their responsibilities as members of Council effectively.

Annex C3: Guidance on the Register of Interests and Conflicts of Interest

1. Council members have a duty to act impartially and objectively, and take steps to avoid any conflict of interest arising as a result of their membership of, or association with, other organisations or individuals. To make this fully transparent, we have established a register of members' interests. As charity trustees, members have a duty to avoid putting themselves in a position where their personal interests conflict with their duty to act in the interests of the charity, unless authorised to do so.
2. Council attaches great importance to a proper balance between transparency and privacy. The aim of the register is not to satisfy curiosity but to support transparency and probity, and to maintain confidence in the regulatory process.
3. With this aim in mind, Council has agreed that the following interests should be declared:
 - a. Posts held in the course of employment or practice.
 - b. Membership of professional bodies, medical Royal Colleges, specialist societies, local medical committees or the medical defence organisations.
 - c. Fellowships of professional bodies, medical Royal Colleges, or specialist societies.
 - d. Any office held in a professional body, medical Royal College, specialist society, or other similar body in the public, private or voluntary sector. Offices include posts such as President, Chair, Chief Executive, Treasurer or Secretary.
 - e. Membership of a committee or Council of a professional association, specialist society, medical Royal College or other similar body.
 - f. Membership of, or posts held in, local authorities, or local or national community organisations.

- g. A position of authority in a charity or voluntary organisation in the field of health and social care;
- h. A connection with a professional body, voluntary or other organisation in the field of health and social care;
- i. Consultancies, directorships, or advisory positions if they relate to a medical, healthcare or pharmaceutical company or organisation, NHS Trust, Health and Social Services Board, Area or Local Health Board, Primary Care Trust or equivalent authority, public body or political party.
- j. Directorships, including non-executive directorships held in private companies or public limited companies (with the exception of dormant companies).
- k. Ownership, part-ownership or directorship of private companies, business or consultancies.
- l. Membership of a political party. Declaration should also be made of any specific political activity undertaken.
- m. Majority, controlling or otherwise significant shareholdings, stocks and trusts known to be held by a member or, if the members is aware of them, by anyone in their close family³ in companies whose business activities may be relevant to, or conflict with, our decisions and activities.
- n. Connection to any person or company that has a contractual arrangement for matters affected by our business or is involved in tendering for such a contract.
- o. Membership or association with any other organisations or individuals which may have an interest or influence in our work.

4. The Chief Executive is responsible for keeping the register of members' interests. The register will be published on our website. Members have a duty to provide relevant information and advise the Council Secretariat of any amendments to their entries in the register as soon as possible following any change in their circumstances. Members will, in any event, be invited to update their entries on a six monthly basis.

Conflicts of Interest

5. It is central to the proper conduct of business that Council should act and be perceived to act impartially and that its members should not be, or risk being perceived to be, improperly influenced in their role by professional, business, social or other relationships.

³ To include spouse, civil partner, child, parent, brother or sister, whether natural, adoptive or by marriage

Disclosure of interests

6. Members should disclose the existence and nature of any personal or prejudicial interest that they may have in any business being discussed at a Council or other GMC meeting by contacting the Council Secretariat in advance. If the existence of such an interest is not apparent to a member at that time but becomes apparent during the course of the meeting, he or she must disclose it as soon as it becomes apparent.

Personal Interests

7. A member is to be regarded as having a personal interest in any matter if it relates to any interest disclosed by the member in the Register of Members' Interests or if a decision upon the matter might reasonably be regarded as affecting to a greater extent than others, the well-being or financial position of that member, or, to the extent that the member is aware of any relevant interests, of anyone in his/her close family, or any person with whom the member has a business relationship, or:

- a. Any employment or business carried on by such persons.
- b. Any person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors.
- c. Any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £5000.

8. Personal interests are declared for inclusion in the Register of Interests, and the procedure in paragraph 10 is followed when those interests are considered to be prejudicial.

Prejudicial Interest

9. A member with a personal interest in a matter also has a prejudicial interest in that matter if a member of the public with knowledge of the relevant facts would reasonably regard the interest as being so significant that it is likely to prejudice the member's judgement of the public interest.

10. A member with a prejudicial interest in any matter has a duty to:

- a. Withdraw from the meeting while the matter is being considered at that meeting and play no part in any decision or vote on the matter.
- b. Exercise no function of Council in relation to that matter.
- c. Avoid influencing any decision about the matter.

Table of Handbook changes approval by Council

| | Last approved by Council |
|--|-----------------------------|
| 1. Role of GMC and relevant legislation | Feb-11 |
| 2. Principles of regulation, governance and delegation | Feb-11 |
| 3. Role of Council | Feb-13 |
| 4. Role of each component of the Governance framework | Apr-12 |
| 5. Role of the Chair of Council | Jul-12 |
| 6. Role of Council Members | Jul-12 |
| 7. Members' Code of Conduct | Feb-11 |
| 8. Role of the Executive | Apr-12 |
| 9. Schedule of Authority | Apr-12 |
| 10. GMC Financial Regulations | Apr-12 |
| 11. Decision making framework | Jul-12 |

| Handbook Annex: Standing Orders/Working procedures | Last approved by Council |
|--|-----------------------------|
| A. Council: working arrangements | |
| 1. Working arrangements | Feb-11 |
| 2. Corporate seal | Feb-11 |
| B. Committees: working arrangements | |
| 1. Arrangements for the appointment of members to Committees | Feb-11 |
| 2. Working requirements for Committees | Feb-11 |
| 3. Role description for Committee Chairs | Feb-11 |
| 4. Purpose statements for Committees, and Board of Trustees of GMC Staff Superannuation Scheme | |
| a) Statement of Purpose of the Audit and Risk Committee | Feb-13 |
| b) Statement of Purpose of the Remuneration Committee | Feb-13 |
| c) Statement of Purpose of the Board of Trustees of the GMC Staff Superannuation Scheme | Feb-13 |
| d) Statement of Purpose of the Medical Practitioners Tribunal Service | Feb-13 |
| e) Statement of Purpose of the GMC/MPTS Liaison Group | Feb-13 |
| C. Matters relating to members | |

1. Members' information Feb-11
2. Member induction, appraisal, education and training Feb-11
3. Guidance on the Register of Interests and conflicts of interest Feb-11
4. Procedure for dealing with complaints against members Feb-11
5. Appointment of the Chair of Council Feb-11

Change Log

| Section | | Change | Date |
|---------|---|---|--------|
| 1. | Role of GMC and relevant legislation | Changes made in light of legislative changes impacting size of Council and appointments process. | Apr-13 |
| 2. | Principles of regulation, governance and delegation | Deletion of reference to Reference Groups in paragraph 8c. | Feb-11 |
| | | Changes made in light of update to the <i>Good Governance Code</i> and organisational changes in the GMC. | Apr-13 |
| 3. | Role of Council | New paragraph 2j, deletion of references to Reference Groups, new bullet points in paragraph 3 related to the implementation of the governance framework | Feb-11 |
| | | Changes made in light of reconstitution of Council and revised governance model and approach to working. | Feb-13 |
| 4. | Role of each component of the Governance framework | Amendments to reflect renamed Remuneration and Member Issues Committee, new Continued Practice, Revalidation and Registration Board, deletion of Reference Groups and insertion of reference to operational groups. | Feb-11 |
| | | Amendments to include the introduction of the MPTS. | Apr-12 |
| | | Changes made in light of revised governance model and approach to working. | Apr-13 |
| 5. | Role of the Chair of Council | New paragraph 4f to reflect role of the Chair in proposals for chairs and | Feb-11 |

| | | | |
|-----|--------------------------|---|--------|
| | | members of Boards, Committees and Working Groups. Addition relating to term and cessation of office of Chair, and on deputising arrangements. | |
| | | Amendments to include the introduction of the MPTS | Apr-12 |
| | | Amendments to include changes required for appointment to reconstituted Council | Jul-12 |
| | | Changes made in light of revised governance model and approach to working. | Apr-13 |
| 6. | Role of Council Members | Amendments to include changes required for appointment to reconstituted Council. | Jul-12 |
| | | Changes made in light of revised governance model and approach to working. | Apr-13 |
| 7. | Members' Code of Conduct | Amendments to reflect renamed Remuneration and Member Issues Committee, references to Reference Groups deleted. | Feb-11 |
| | | Changes to reflect an update to the Nolan principles, and to include a reference to the GMC's values. | Apr-13 |
| 8. | Role of the Executive | Amendments to include the introduction of the MPTS | Apr-12 |
| | | Changes made in light of reorganisation to executive and revised governance model and approach to working. | Apr-13 |
| 9. | Schedule of Authority | Amendments to include the introduction of the MPTS | Apr-12 |
| | | Amendments to reflect the revised governance model and approach to working, and to incorporate updates to legislation. | Apr-13 |
| 10. | Financial Regulations | Additions clarifying the role of Governance Committees and the Performance Board. Reference to Reference Groups deleted. | Feb-11 |

| | | | |
|-----|---|---|--------|
| | | Amendments to include the introduction of the MPTS | Apr-12 |
| | | Amendments to reflect the changes to the governance model and revised ways of working, including the establishment of the Performance and Resources Board and its role within financial management and planning. The revised Financial Regulations were reviewed and agreed by the Performance and Resources Board at its meeting on 25 February 2013 for approval to Council | Apr-13 |
| 11. | Decision making framework | Addition of new section to the Handbook | Jul-12 |
| A1. | Working arrangements | Addition of section 'Principles relating to the conduct of Council business'. Provisions added on transcripts and recordings, handling disorder, and suspending established working arrangements. References to Reference Groups deleted. | Feb-11 |
| | | Changes made in light of revised governance model and approach to working. | Apr-13 |
| A2. | Corporate seal | Changes to reflect changes to the governance model, and to assign responsibility for maintaining a record to Council Secretariat. | Apr-13 |
| B1. | Arrangements for the appointment of members to Committees | Revised to take account of decisions on process for determining members and chairs of Boards and Committees, of decisions on Working Groups and operational groups, and of the view that Council members should not serve on groups that administer processes resulting in specific operational decisions. References to Reference Groups and convenors deleted. | Feb-11 |
| | | Changes made in light of revised governance model and approach to working. References to Boards and Working Groups removed. | Apr-13 |
| B2. | Working requirements | Revised to take account of decisions on Board and Committee reporting arrangements. References to Reference | Feb-11 |

| | | | |
|------|--|---|----------------------|
| | | Groups deleted. Changes made in light of revised governance model and approach to working. References to Boards removed. | Apr-13 |
| B3. | Role descriptions of Committee Chairs | Reference to Reference Groups deleted, and a reference to working with executive leads added. Changes made in light of revised governance model and approach to working. References to Boards removed, and addition of the Chief Operating Officer. | Feb-11 Apr-13 |
| B4a. | Statement of Purpose for the Audit and Risk Committee | Small amendment to reflect position on Committee reporting to Council. Insertion of reference to reviewing accounting policies, as recommended by internal audit report. Insertion of reference to reviewing delegated authorities at paragraph 10. Changes made in light of revised Governance model and approach to working. | Feb-11 Feb-13 |
| B4b. | Statement of Purpose of the Remuneration Committee | Revised and renamed to take account of position on the Committee's role in respect of wider member matters. Small amendment to reflect position on Committee reporting to Council. Changes made in light of revised Governance model and approach to working. | Feb-11 Feb-13 |
| B4c. | Statement of Purpose of the Board of Trustees of Staff Superannuation Scheme | No change since approved. | |
| B4d. | Statement of Purpose of the Medical Practitioners Tribunal Service | Addition of section to the handbook due to the introduction of the MPTS. | Apr-12 |
| B4e. | Statement of Purpose of the GMC/MPTS Liaison Group | Update to reflect updates to job titles in membership section. | Feb-13 |
| C1. | Members' Information | Reference to Reference Groups deleted, and reference to Appointments | Feb-11 |

| | | | |
|-----|---|--|----------------------|
| | | Commission changed to Privy Council to reflect abolition of Appointments Commission. Changes made in light of revised Governance model and approach to working. Links to websites updated. | Apr-13 |
| C2. | Member induction, appraisal, and education / training | Reference to members' ability to seek training if required inserted. Changes made in light of revised Governance model and approach to working. | Feb-11 Apr-13 |
| C3. | Guidance on the Register of Interests and conflicts of interest | Revised to reflect proposed changes on declaration of freemasonry and political party membership. | Feb-11 |
| C4. | Procedure for dealing with complaints against members | Amended to reflect renaming of Remuneration and Member Issues Committee. Additional paragraphs 2 to 4 inserted in response to internal audit recommendations for inclusion of material on removal and suspension of members. Changes made in light of revised Governance model and approach to working. References to Chair of Remuneration and Member Issues Committee updated, and inclusion of reference to Chair of Audit and Risk Committee to replace references to Chair of Resources Committee (ceased to operate). | Feb-11 Apr-13 |
| C5. | Appointment of the Chair of Council | Changes made in light of amendments to constitution of Council and change from election to appointment of Chair. | Apr-13 |

Sections of the Handbook now removed

| Section | Date removed |
|---|---------------------|
| Ceased to operate end December 2012 in light of revised governance model | |
| Annex 4a: Statement of Purpose of the Continued Practice, Revalidation and Registration Board | Apr-13 |
| Annex 4b: Statement of Purpose of the Postgraduate Board | Apr-13 |
| Annex 4c: Statement of Purpose of the Undergraduate Board | Apr-13 |
| Annex 4f: Statement of Purpose of the Resources Committee | Apr-13 |
| Annex 4g: Statement of Purpose of the Education and Training Committee | Apr-13 |
| Annex 4h: Statement of Purpose of the Equality and Diversity Committee | Apr-13 |
| Annex 4i: Statement of Purpose of the Fitness to Practise Committee | Apr-13 |
| Annex 4j: Statement of Purpose of the Standards and Ethics Committee | Apr-13 |
| Annex 3a: Role description of Board Chairs | Apr-13 |
| Annex 3c: Role description of Reference Group convenors | Apr-13 |
| Continue and incorporated into executive governance arrangements | |
| Annex B4a: Statement of Purpose for the Professional and Linguistic Assessments Board | Apr-13 |
| Annex C6: Appointments to external bodies | Apr-13 |

Annex B

Governance Handbook – with tracked changes

Contents

| | Page |
|---|-------------|
| Chapter 1: Role of GMC and Relevant Legislation | 3 |
| Chapter 2: Principles of Regulation, Governance and Delegation..... | 6 |
| Chapter 3: The Role of Council..... | 9 |
| Chapter 4: Role of each Component of the Governance Framework..... | 11 |
| Chapter 5: Role of the Chair of Council | 15 |
| Chapter 6: Role of Council Members | 19 |
| Chapter 7: Members' Code of Conduct..... | 21 |
| Chapter 8: The Role of the Executive..... | 26 |
| Chapter 9: Schedule of Authority | 28 |
| Chapter 10: GMC Financial Regulations..... | 63 |
| Chapter 11: Decision Making Framework | 72 |

Handbook Annex: Standing Orders/Working Procedures

| | Page |
|---|-------------|
| Annex A: Council: working arrangements | 75 |
| Annex A1: Working Arrangements..... | 75 |
| Annex A2: Corporate Seal..... | 81 |
| Annex B: Committees: working arrangements..... | 82 |
| Annex B1: Arrangements for the Appointment of Council Members to Committees. 82 | 82 |
| Annex B2: Working Requirements for Committees | 84 |
| Annex B3: Role Description for Committee Chairs | 86 |
| Annex B4a: Statement of Purpose of the Audit and Risk Committee..... | 88 |
| Annex B4b: Statement of Purpose of the Remuneration Committee | 92 |
| Annex B4c: Statement of Purpose of the Trustees of the GMC Staff Superannuation Scheme | 94 |
| Annex B4d: Statement of Purpose of the Medical Practitioners Tribunal Service | 96 |
| Annex B4e: Statement of Purpose of the GMC/MPTS Liaison Group..... | 99 |
| Annex C: Matters relating to members | 102 |
| Annex C1: Members' Information..... | 102 |
| Annex C2: Member Induction, Appraisal, Education and Training..... | 104 |
| Annex C3: Guidance on the Register of Interests and Conflicts of Interest..... | 107 |
| Table of Handbook changes approval by Council..... | 110 |
| Change Log | 112 |

Chapter 1: Role of GMC and Relevant Legislation

1. The GMC is the regulatory body for the medical profession in the UK, and was first established under the Medical Act 1858. Our current powers and duties are contained in the Medical Act 1983 (as amended) and in statutory rules and regulations. The GMC is a body corporate, and is registered as a charity with the Charity Commission and the Office of the Scottish Charity Regulator.

2. Our purpose is to protect, promote and maintain the health and safety of the public by ensuring proper standards in the practice of medicine. We have four main statutory functions:

- a. Keeping up-to-date registers of qualified doctors.
- b. Fostering good medical practice.
- c. Promoting high standards of medical education.
- d. Dealing firmly and fairly with doctors whose fitness to practise is in doubt.

3. Council is the governing body of the GMC. It comprises 12 members, 6 of whom are medical members and 6 of whom are lay members. Members of Council, including the Chair, are appointed by the Privy Council through a process which follows the Professional Standards Authority's guidance for making appointments to healthcare regulatory bodies. This guidance incorporates principles based on those identified by the Commissioner for Public Appointments.

4. We work with the Professional Standards Authority, the independent body accountable to Parliament which scrutinises and oversees the work of the nine health and care professional regulatory bodies, in the UK.

5. We collaborate closely with other health and social care regulators throughout the UK and internationally, and have a range of memoranda of understanding in place with relevant organisations. (http://www.gmc-uk.org/about/partners_index.asp)

- Deleted: 24
- Deleted: 12
- Deleted: 12
- Deleted: by the Appointments Commission, the independent body responsible for making a range of public appointments in line with a process which is open, fair, impartial, and based solely on merit.
- Deleted: t
- Deleted: hroug
- Deleted: h an independent process, in line with
- Deleted: developed by the Professional Standards Authority for Health and Social Care Services.
- Deleted: Council for Healthcare Regulatory Excellence (CHRE)
- Deleted: (PSA)
- Deleted: ors

UK primary legislation

6. The Medical Act 1983 (as amended) covers our statutory purpose, our governance, and our responsibilities in relation to the medical education and registration of doctors and to guidance to doctors on professional conduct, performance and ethics. The Act sets out our powers and responsibilities for dealing with doctors whose fitness to practise is or may be impaired.
7. Some detail is set out in statutory rules and regulations. This includes rules governing the fitness to practise procedures, how fitness to practise panels are constituted, how the registration fees regime operates, and how appeals against registration decisions are handled.
8. We have a Chief Executive who is accountable to Council for the operation of the GMC. The Chief Executive is also the Registrar, in which role s/he has various functions specifically assigned in legislation.

European legislation

9. We also have to comply with relevant European law. The principal European legislation is Directive 2005/36/EC on the recognition of professional qualifications. This sets out our obligations for recognising the medical qualifications held by doctors from within the European Economic Area (EEA).

Governance

10. The 1983 Act sets out our basic governance framework. This includes:
 - a. The way in which we are accountable to Parliament and our duty to report on the work that we undertake and are planning to undertake.
 - b. The composition of Council.
 - c. The arrangements for the appointment of members.
 - d. The registration of members' interests.
 - e. Information about and the powers, duties and proceedings of Council and the different committees through which Council carries out much of its work.
11. Although the 1983 Act provides the basic framework, much of the detail is described in separate statutory instruments in the form of rules and regulations. Like the 1983 Act, they have the force of law.
12. Our Constitution Order deals with the size and composition of Council and the terms of office of Council members. The General Medical Council (Constitution) (Amendment) Order 2012 sets out the current arrangements.

Deleted: 08

Standing Orders and Schedule of Authority

13. The 1983 Act provides that Council may make provision by standing orders for meetings and proceedings and the discharge of functions by Council and any committees, and for the functions of officers of Council.

Chapter 2: Principles of Regulation, Governance and Delegation

Regulation

1. The Better Regulation Executive has defined five principles of good regulation, which state that any regulation should be:

- a. Transparent.
- b. Accountable.
- c. Proportionate.
- d. Consistent.
- e. Targeted.

2. We apply these principles in making regulatory policy and in discharging our regulatory functions.

Governance

3. The *Good Governance Code for the Voluntary and Community Sector* was first jointly published in 2005 by a group of voluntary sector support organisations: Charity Trustee Networks, the Association of Chief Executives of Voluntary Organisations, the Institute of Chartered Secretaries and Administrators, and the National Council for Voluntary Organisations, along with the Charity Commission. The Good Governance Code was updated in 2010.

Deleted: and then updated in 2010

Deleted: Charity Trustee Networks

Deleted: T

Deleted: , t

Deleted: and

Deleted: the Small Charities Coalition, the Wales Council for Voluntary Action,

4. The *Good Governance Code* is focused on organisations which, like the GMC, act in the public interest and have charitable status. It is closely modelled, with appropriate modifications, on the principles which underpin corporate governance in the private sector, as importantly stated in the UK by Cadbury's 1992 report *Financial Aspects of Corporate Governance* and most recently formulated by the Financial Reporting Council's *Combined Code on Corporate Governance* (June 2008).

5. The *Good Governance Code's* principles are¹:
- a. *Principle 1: An effective board will provide good governance and leadership by understanding their role.*
 - b. *Principle 2: An effective board will provide good governance and leadership by ensuring delivery of organisational purpose.*
 - c. *Principle 3: An effective board will provide good governance and leadership by working effectively both as individuals and as a team.*
 - d. *Principle 4: An effective board will provide good governance and leadership by exercising effective control.*
 - e. *Principle 5: An effective board will provide good governance and leadership by behaving with integrity.*
 - f. *Principle 6: An effective board will provide good governance and leadership by being open and accountable.*
6. We also take account of the principles articulated in the *Good Governance Standard for Public Services* produced by the Independent Commission on Good Governance in Public Services (Office of Public Management and the Chartered Institute of Public Finance and Accountancy, 2004), which include clarity of purpose and a focus on outcomes; effective performance in clearly defined functions and roles; promoting values across the whole organisation; taking informed, transparent decisions and managing risk; developing the capability and capacity of the governing body to be effective; and engaging stakeholders and making accountability real.

Delegation

7. Council should set out the functions of each component of the governance structure, the Chief Executive, and other staff in clear delegated authorities, and should monitor their performance.
8. The supporting principles are:
- a. Clarity of roles: The roles and responsibilities of the Chair, Chief Executive, and of each component of the governance structure should be defined.
 - b. Effective delegation: Council should ensure that delegations are clear and appropriate, with explicit limits relating to budgetary and other matters, and should satisfy itself that appropriate training and quality assurance mechanisms are in place.

Deleted:

Deleted: seven

Deleted: six

Deleted: have informed our development and review of our governance framework and were used by external advisers to benchmark the framework as it now stands. The principles are summarised below

Deleted: Board leadership - Every organisation should be led and controlled by an effective Board of trustees which collectively ensures delivery of its objects, sets its strategic direction and upholds its values. The Board should be accountable and maintain an effective segregation between strategic and operational matters.

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Deleted: The Board in control - The trustees as a Board should collectively be responsible and accountable for ensuring and monitoring that the organisation is performing well, is solvent, and complies with all its obligations. The Board is duly accountable for compliance and internal control and for prudent risk management.

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Deleted: The high performance Board - The Board should have clear responsibilities and func (... [1])

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Deleted: *Board review and renewal* - The Board shd (... [2])

Deleted: Board delegation - The Board should set ou (... [3])

Formatted: Font: Not Italic

Deleted: Board and trustee integrity - The Board an (... [4])

Formatted: Font: Not Italic

Deleted: <#>Principle 7: *Board openness* - The B (... [5])

Deleted: the Chief Operating Officer,

Deleted: and any other honorary officers

Deleted: the Chief Operating Officer,

¹ References to 'Board' in this Code relate to our Council.

c. Purpose statements: Council should clearly state the purpose, and the expected duties and activities, for Committees.

Deleted: Boards and

d. Monitoring: The Audit and Risk Committee should review all delegated authorities no less frequently than once in every four-year term of Council.

Chapter 3: The Role of Council

Purpose

1. The Council is the governing body of the GMC. Members are the Trustees of the charity and have the duties and responsibilities that accompany that role. Council is responsible for the overall control of the organisation. It ensures that the GMC is properly managed by the Chief Executive and his or her team and that the organisation fulfils its statutory and charitable purposes. The Council:

- a. Exercises strategic leadership and strategic decision-making, including setting the GMC's overall goals and high-level policies, defining its mission and values, and shaping a positive organisational culture.
- b. Holds the Chief Executive and his/her team to account, ensuring that the GMC fulfils its statutory duties and charitable purpose. This includes making sure that it has effective governance systems in place, setting appropriate schemes of delegation, and ensuring probity in all its activities.
- c. Ensures that the GMC maintains effective relations with key interests and that processes are in place for meeting its obligations to other organisations.
- d. Sustains and monitors its own performance, overseeing the recruitment of members, and develops the capacity to work effectively.

2. Council fulfils its role by:

- a. Setting a strategy that fulfils the statutory and charitable purposes of the GMC.
- b. Setting the GMC's strategic aims on issues of equality and diversity and ensuring that fairness is promoted in all the organisation's work.

- c. Ensuring that the organisation has effective engagement with all interest groups which promotes confidence in its activities, and that its policies are suited to the context in all four parts of the UK.
- d. Approving the annual business plans and budget and ensuring that appropriate systems are in place to monitor and account for progress against the business plan, expenditure against the budget, and the management of risk within the organisation.
- e. Setting and maintaining a framework of delegation and internal control.
- f. Ensuring that appropriate audit and monitoring systems are in place, and holding the Chief Executive and his/her team to account for the organisation's operation and performance, including compliance with all relevant laws and regulations.
- g. Ensuring that we report openly and fully on our performance, accounting to Parliament, the Charity Commission and the Office of the Scottish Charity Regulator, in accordance with the reporting requirements of the Medical Act 1983, Charities Act 2011, and the Charities and Trustee Investment (Scotland) Act 2005; and co-operating with the Professional Standards Authority in accordance with section 27(1) NHS Reform and Health Care Professions Act 2002.
- h. Appointing (and, if necessary, dismissing) the Chief Executive and Registrar.
- i. Ensuring that the GMC as a body corporate is a responsible employer, with employment policies in place that reflect best practice.

3. Council determines the GMC's strategy and priorities. It may do this through a Corporate Strategy for such period as it may decide and through a business plan and budget which is submitted to Council for approval by the executive team.

4. Council is responsible for approving the Annual Report and Accounts, and, members as Trustees of the charity must ensure that these comply with the Charities (Accounts and Reports) Regulations 2008 and the Statement of Recommended Practice for Accounting and Reporting by Charities, and the Charities Accounts (Scotland) Regulations 2006. Council has overall responsibility for financial management. Arrangements for detailed financial management are set out in our Financial Regulations.

Deleted: MASTER FOR REVISIONS

Approved by Council: April 2012

Deleted: and Member Issues

Deleted: <#>Resources Committee.
The three Boards are themed around the main phases of a doctor's career: Undergraduate Board, Postgraduate Board, Continued Practice, Revalidation and Registration Board. Each Board covers all aspects of the phase for which it is responsible, and thus embeds cross-functional working, addressing how our responsibilities impact upon each of our main populations. The Boards offer advice to Council, particularly on the practicability of proposed policy, at an early stage; and assist in the detailed implementation of policy decisions for their own target groups. They act within terms of reference, and decision-making powers are delegated to them by Council. Functional Committees The Functional Committees are as follows: Education and Training Committee, Equality and Diversity Committee, Fitness to Practise Committee, Standards and Ethics Committee. These Committees [6]

Formatted: Bullets and Numbering

Deleted: Council is responsible for the appointment of pension trustees (not all of whom need to be Council members)

Deleted: Working groups are also an important feature of our overall approach and may be set up by Council from time to time to take forward [7]

Deleted: .

Formatted: Bullets and Numbering

Deleted: is

Deleted: being set up as

Deleted: a statutory committee with

Formatted: Font: Italic

Chapter 4: Role of each Component of the Governance Framework

Council

1. The role of Council is as described in Chapter 3 of this Governance Handbook.
2. The Council has agreed that there will be other components of our governance framework and these are set out below.

Governance Committees

3. The Governance Committees are the:
 - a. Audit and Risk Committee.
 - b. Remuneration Committee.

Trustees of the GMC Staff Superannuation Scheme

4. The GMC's Staff Superannuation Scheme is managed and administered by a Board of Trustees, in accordance with the Scheme's Trust Deed and Rules.

Medical Practitioners Tribunal Service

5. The Medical Practitioners Tribunal Service (MPTS) has responsibility for the day to day adjudication function including the Adjudication Section and Panel Development Team. The MPTS is led by the Chair of the MPTS who is supported by the MPTS Committee which includes two other appointed members, one medical and one lay.
6. The MPTS has been established to provide an efficient and effective hearings service to all parties to hearings which is clearly separate from the investigatory and case presentation roles of the Fitness to Practise Directorate within the GMC.
7. The MPTS is also responsible for managing panel decision-makers which includes the recruitment, training, and performance management of panellists, case managers and legal assessors.

8. The GMC/MPTS Liaison Group is chaired by the Chair of Council and is made up of the Chair and Clerk of the MPTS, the MPTS Committee members, the Chief Executive and Chief Operating Officer and other Directors of the GMC as required. It acts to oversee the working relationship between the MPTS and the functions of the GMC with which it interacts. The Group supports the delivery of the hearings service provided by the MPTS, ensuring that working arrangements are established and operate effectively.

Formatted: Bullets and Numbering

Deleted:

Deleted: ,

Deleted: and

Formatted: Font: Italic

Formatted: Font: Italic

Executive Governance

9. The Strategy and Policy Board is an advisory forum for the Chief Executive, providing advice and recommendations on areas including:

Formatted: Bullets and Numbering

Formatted: Font: Italic

a. Supporting Council in strategy development.

Formatted: Page Number, Outline numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 37.4 pt + Tab after: 37.4 pt

b. Policy development priorities and significant changes to existing policy.

c. External engagement in the organisation's strategy and policy development.

Formatted: GMC A-Z text

d. Information and research to support strategy and policy development.

e. Linkage between policy development and legislation.

10. The Performance and Resources Board is an advisory forum for the Chief Operating Officer, providing advice and recommendations on areas including:

Formatted: Font: (Default) Tahoma

Formatted: Bullets and Numbering

a. Business and operational planning.

Formatted: Page Number, Outline numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 37.4 pt + Tab after: 37.4 pt + Indent at: 37.4 pt

b. Performance management and reporting, including financial due diligence.

c. Resource management (including budget, staff, infrastructure).

Formatted: GMC A-Z text

d. Risk management and related controls.

e. Quality assurance, efficiency and continuous improvement.

External engagement channels

Deleted: E

Formatted: Font: Italic

Deleted: C

Formatted: Font: Italic

Formatted: Font: Italic

UK Advisory Forums

11. An advisory forum will be convened in each of the three parts of the UK with devolved administrations to provide a structured forum for us to engage in long-range discussions on priorities with key interest groups.

Formatted: Font: (Default) Tahoma, Italic

Formatted: Bullets and Numbering

Education and Training Advisory Board

12. An Education and Training Advisory Board will be convened to provide advice on matters related to medical education and training, in light of Council's statutory purpose to protect, promote and maintain the health and safety of the public by ensuring proper standards in the practice of medicine.

Revalidation Implementation Advisory Board

13. A Revalidation Implementation Advisory Board will be convened to provide insight and advice on issues relating to the implementation and evaluation of revalidation, and whether it is being delivered as envisaged.

Liaison Groups

14. The Strategy and Policy Board may advise the Chief Executive on establishing liaison groups and other forms of engagement with other organisations or interests on matters of policy and related operational issues. These may formalise a day-to-day relationships with a particular organisation or may bring together different perspectives as a sounding board on a particular issue or subject.

Task and Finish Groups

15. The Strategy and Policy Board may advise the Chief Executive on the commissioning of Task and Finish Groups to provide time limited, focused input on a particular topic or issue. Typically, these will enable specific expertise or experience to be applied to achieve an agreed outcome, or for a range of relevant perspectives to be brought together quickly.

External Input to Programme or Project Boards

16. The Performance and Resources Board may advise the Chief Operating Officer on the commissioning of time limited programme or project boards to be accountable for specific outcomes or outputs that require the participation of external interests for delivery.

Approach to Equality and Diversity

17. Council agrees our strategic aims on issues of equality and diversity and then holds the executive accountable for their delivery.

18. The Chief Operating Officer as senior sponsor will lead on articulating our commitment on equality and diversity issues and raising their profile with staff and interest groups, as well as providing assurance to Council on behalf of the Chief Executive.

19. The Strategy and Policy Board will develop the E&D strategy, and monitor progress at a high-level. The Performance & Resources Board will ensure that E&D is

Formatted: Font: (Default) Tahoma, Italic

Formatted: Keep with next

Formatted: Font: Italic

Formatted: Bullets and Numbering

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma, Italic

Formatted: Font: Italic

Formatted: Bullets and Numbering

Deleted: The

Deleted: A

Deleted: be convened to

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma, Italic

Formatted: Font: Italic

Formatted: Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 pt + Tab after: 18 pt + Indent at: 0 pt, Tabs: Not at 18 pt

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma, Italic

Formatted: Font: Italic

Formatted: Bullets and Numbering

Formatted: Font: (Default) Tahoma

Formatted: Heading 2, Adjust space between Latin and Asian text, Adjust space between Asian text and

Formatted: Font: (Default) Tahoma

Formatted: Bullets and Numbering

Formatted: Font: (Default) Tahoma

Formatted ... [8]

Deleted: ¶

Formatted ... [9]

Formatted: Bullets and Numbering ... [10]

Formatted: Font: Italic

Formatted ... [11]

Formatted: Bullets and Numbering ... [12]

integrated into the GMC's core activities and is responsible for considering the equality duty and monitoring actions.

20. An E&D Liaison Group with external members will be established to act as a sounding board to inform the development of the E&D strategy and GMC activities.

Formatted: Font: (Default)
Tahoma

Chapter 5: Role of the Chair of Council

1. The General Medical Council (Constitution) (Amendment) Order 2012 provides that the Privy Council must, as one of its functions relating to the appointment of members of the General Medical Council, appoint the Chair of Council.

Deleted: 2008

Deleted: for Council to elect a

Deleted: from among their number

2. The Chair's term of office is determined by the Privy Council on appointment, and can be for no longer than the date on which the person's term of office as a member is due to expire (irrespective of whether or not he/she is thereafter reappointed as a member).

Deleted: Council

Deleted: but should

3. The main components of the role are listed below. The Chair may, as appropriate, delegate responsibility for some elements of the role, to be undertaken by other Council members.

Deleted: will

Deleted: , for example media interviews,

Leadership

4. The Chair's role is to:

- a. Provide strong non-executive leadership.
- b. Ensure that Council's strategic direction is set.
- c. Encourage openness, transparency and accountability in all that Council does.
- d. Ensure that Council works collectively, and that each member puts the interests of the GMC above their own.
- e. Chair Council meetings effectively, ensuring that required decisions are taken, and ensuring an annual programme of Council meetings with agendas appropriate to the business of Council.
- f. Make proposals to Council for chairs and members of Boards and Committees.

Deleted: ,

Deleted: and Working Groups

g. Communicate effectively with Council members between meetings to ensure that business is taken forward, and effective contributions made by members.

h. Provide feedback and guidance to Council members as part of the process for signing off their appraisals.

i. Play the part required of him/her in handling any complaints or concerns about Council members in line with agreed procedures.

Deleted: H

Deleted: e

Deleted: appropriately

j. Establish and maintains a close working relationship with the Chief Executive, to provide overall leadership for the GMC.

k. Hold the Chief Executive responsible for all aspects of the GMC's performance.

Formatted: Bullets and Numbering

l. Establish good working relationships with the Chief Operating Officer, directors and other staff, as appropriate.

Governance

5. The Chair's role is to:

- a. Ensure that Council monitors our performance in line with legal and regulatory compliance requirements.
- b. Promote and uphold the public interest in all that we undertake.
- c. Ensure that Council focuses on governance rather than management.
- d. Ensure that the GMC's Code of Conduct and other relevant provisions are adhered to by all Council members.

External relationships

6. The Chair's role is to:

- a. Represent the GMC at meetings with Ministers and with Assembly and Parliament members throughout the UK.
- b. Account for the GMC's performance, when called upon to do so, to Parliamentary Committees or to public inquiries.
- c. Represent the GMC in meetings with leaders of patient and consumer organisations, leaders of the medical profession, educational leaders and employers, senior figures in other regulatory and public authorities, and other interest groups.
- d. Engage with the media on Council's behalf.

Deleted: House of Commons

e. Develop partnership working with the Chair of the [Professional Standards Authority](#), and chairs of other healthcare professional regulators.

Deleted: Council for Healthcare Regulatory Excellence

f. Represent the GMC with regulatory authorities in other countries, including the International Association of Medical Regulatory Authorities.

Internal relationships

7. The Chair's role is to:

a. Act as an internal ambassador for Council, to staff and to GMC associates.

b. Work closely with the Chief Executive, [Chief Operating Officer](#), and directors; and provide a sounding board for discussion of emerging issues.

c. ~~Manage the performance of the Chief Executive and advise the Remuneration Committee on levels and forms of remuneration for the Chief Executive.~~

d. [Manage the performance of the Chair of the Medical Practitioners Tribunal Service \(MPTS\).](#)

e. [Handle appropriately any appeals against a decision by the Chair of the MPTS to remove a member of the MPTS Committee from office. The Chair of Council will review the matter based on the papers. The decision of the Chair of Council will be final.](#)

Deleted: <#>Lead the assessment of the performance of the Chair of the Medical Practitioners Tribunal Service (MPTS) in accordance with the process agreed by the Remuneration and Member Issues Committee.¶
<#>Handle appropriately any appeals against a decision by the Chair of the MPTS to remove a member of the MPTS Committee from office. The Chair of Council will review the matter based on the papers. The decision of the Chair of Council will be final. ¶

Deleted:

Deleted: s

Deleted: Lead, in consultation with

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

Formatted: Bullets and Numbering

Deleted: and Member Issues

Deleted: ,

Deleted: the assessment of the

Deleted:

Formatted: Font: (Default) Tahoma

Deleted: 's performance

Formatted: Font: (Default) Tahoma, Font color: Red

Deleted: Lead the assessment of

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma, 12 pt

Deleted: ¶

Deleted: a majority of Council vote

Working practices

8. The role requires extensive day-to-day communication with members, the Chief Executive and staff, particularly by email.

9. Much of the Chair's work is in London, but there are meetings and other commitments throughout the UK. There are occasional invitations to international conferences.

Term of office and cessation of office of the Chair

10. The Constitution Order contains provisions for the appointment, term of office and cessation of office of the Chair. The term of office 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. A member serving as Chair ceases to be Chair on ceasing to be a member, on resigning as Chair, on being suspended as a member, or if ~~the Privy Council decides~~ to terminate the Chair's appointment as Chair.

Deputising arrangements for the Chair

11. The Constitution Order also provides that if the Chair is absent from a meeting, then those members present nominate one of their number to serve as chair for that meeting. If it is known that the Chair will be absent for more than one meeting, or unavailable for more than a month, ~~the Chair~~ may nominate a deputy chair to serve as chair in the interim. If the role becomes vacant, Council may nominate one of its number to act as Chair until a new appointment is made.

Deleted: or if the role is vacant, Council

Chapter 6: Role of Council Members

1. Council members must be committed to the public interest and to our statutory purpose.

2. The role of Council members is to:

a. Provide strategic direction for the GMC by setting the framework for policy and operational performance, including agreeing the Corporate Strategy and overall ambition of the organisation

b. Ensure that in developing policy there is widespread and effective engagement, with a focus on initiating and taking high level policy decisions which support the strategic plan, and ensuring that policy development is aligned with the GMC strategic direction.

c. Ensure and review the effectiveness of the GMC in fulfilling our statutory purpose by:

i. Promoting the work of the GMC externally, promoting public and professional confidence and support for us and our work.

ii. Evaluating the effectiveness of the Council in fulfilling its statutory purpose.

d. Exercise oversight of our activities by ensuring that they are aligned with the strategic direction by:

i. Holding the executive to account for the management of our day-to-day operations, ensuring that resources are used properly.

ii. Ensuring that decisions are made in accordance with our charitable purpose and members' duties as trustees.

3. In order to do this effectively Council members:

Formatted: Bullets and Numbering

Deleted: :¶

Deleted: S

Deleted: Contributing to the development and review of our corporate strategy, business plans and budgets and to the development of the framework for reviewing our

Deleted: <#>Contributing to the development of policy and to the making of major policy decisions. ¶

Deleted: our

Formatted: Bullets and Numbering

- a. Subscribe to the Nolan principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership; and adhere to the GMC Members' Code of Conduct at Chapter 7 of this Governance Handbook.
- b. Subscribe to and uphold the principles of corporate responsibility and majority decision-making.
- c. Understand our functions and its statutory framework.
- d. Understand who our key interests are and what their priorities are.
- e. Understand the nature and objectives of independent professional regulation.
- f. Make themselves available for the required amount of time.
- g. Take an active part in Council and other meetings; and work effectively with the executive.
- h. Participate as necessary in induction, training and appraisal procedures.

Chapter 7: Members' Code of Conduct

1. For us to command the confidence of all of our key interests, it is necessary that Council as the governing body should adopt and comply with appropriate standards of conduct. Upon appointment, all Council members are required to confirm their commitment to the Members' Code of Conduct.

Principles

2. In performing their duties, members uphold the seven principles first identified by the Nolan Committee in its first report on standards in public life in May 1995 (the Nolan principles), and updated by the Committee on Standards in Public Life in its report of January 2013, Standards Matter:

a. Selflessness: holders of public office should act solely in terms of the public interest.

b. Integrity: holders of public office must not place themselves under any obligation to people or organisations that might try inappropriately influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.

c. Objectivity: Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

d. Accountability: holders of public office are accountable for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

e. Openness: holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

f. Honesty: holders of public office should be truthful.

Deleted: their

Formatted: Font: Italic

Deleted: take decisions

Deleted: They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Deleted: should not

Deleted: e

Deleted: ing

Deleted: financial or other

Deleted: outside individuals

Deleted: the performance of their official duties

Deleted: s

Deleted: in carrying out public business, including making public appointments, awarding contracts, or recommending individuals for awards or benefits, holders of public office should make choices on merit.

Deleted: to the public

Deleted: whatever

Deleted: is appropriate to their office

Deleted: be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Deleted: have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest

g. Leadership: holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Deleted: se

Deleted: by leadership and example.

Corporate responsibilities

3. We are the regulator for doctors in the UK, with responsibility for protecting, promoting and maintaining the health and safety of the public by ensuring proper standards in the practice of medicine, as set out in the Medical Act 1983 as amended. Council members have a duty to ensure that our functions are effectively discharged in the interests of public protection.

4. Members, as trustees of a corporate body employing staff, also have a duty to ensure that the GMC complies with relevant employment, equalities, human rights, health and safety, data protection and freedom of information legislation.

5. Members have corporate responsibility for ensuring that Council complies with any statutory or administrative requirements for the use of its funds.

6. As trustees of a charity registered in England and Wales and in Scotland, members have corporate responsibility for ensuring that Council complies with charity law and the requirements of the Charity Commission and the Office of the Scottish Charity Regulator.

7. The Council is accountable to the public through Parliament and the Privy Council.

Duties of individuals

8. Members have a duty to make themselves available for service on the Council and those of its Boards and Committees, to which they may be appointed.

Deleted: ,

Deleted: and working groups

9. Members have a duty to ensure that they have a clear understanding of their responsibilities as trustees of a registered charity and that they meet the legal requirements for eligibility to serve as a charity trustee as specified in section 72 of the Charities Act 1993.

10. Members have a duty to notify the Privy Council and the Chief Executive if, following appointment, they become or may be about to become liable to be removed from office in any of the circumstances provided in paragraph 6 of the GMC Constitution Order 2008 (as amended).

11. Members have a duty to ensure that all their decisions and actions as trustees are taken in the best interests of the charity and the public interest, putting its interests before any personal or professional interests, and that they:

- a. Contribute to our objective to protect the public.

b. Are within our obligations under the Medical Act 1983 as amended and other legislation.

c. Take into account the views and needs of key interest groups.

12. Members have a duty to ensure that they have a clear understanding of the scope of the schedule of authority and, having given that authority, ensure that it is not undermined.

13. Members accept collective responsibility for enabling Council to achieve its objectives and for decisions taken by Council. Members are expected to contribute to discussion and debate freely to enable a robust decision to be made. Once Council has taken a decision, members must support the communication and implementation of that decision

14. Members have a duty to be as open as possible with key interests about the decisions and actions of the GMC, restricting information only when the principles of confidentiality or the law require it.

15. Members have a duty to distinguish clearly, when speaking or writing, between views held by themselves personally or based on any other organisational affiliations they may have and those of the GMC. Any communication with the media about our work, including publication of views via the internet or by other means, should be discussed with the [Strategy and Communication Directorate](#) before a statement is published. In communicating with the media or making any statement, members do so on the basis of collective responsibility and in support of our purpose and policies.

Deleted: s

16. Members may be approached by individuals or organisations that wish to lobby them on our work, including policy matters and operational decisions on particular cases. Members may take account of the views of others and undertake to make them known to the GMC if appropriate, but should avoid taking any action or making any commitment which might indicate their acceptance of the lobbyist's position. Any queries or correspondence about operational decisions involving cases of individual doctors are to be referred to the executive for any response.

17. Members have a duty to lead by example, always demonstrating respect and dignity for others ([http://www.gmc-uk.org/Dignity at work policy.pdf_37469315.pdf](http://www.gmc-uk.org/Dignity_at_work_policy.pdf_37469315.pdf)); valuing diversity and conducting themselves in a non-discriminatory manner at all times. Working together effectively means, for Council members and staff, observing the following working principles:

Deleted: [http://www.gmc-uk.org/Diversity and Dignity at Work Policy.pdf_snapshot.pdf](http://www.gmc-uk.org/Diversity_and_Dignity_at_Work_Policy.pdf_snapshot.pdf)

a. Trust between colleagues - being honest and open; acting with integrity and respect for each other.

b. Good communication - sharing information and listening to others.

c. Ideas and creativity - offering ideas and being open to ideas proposed by others.

- d. Individual responsibility - accepting responsibility for achieving goals and for the quality of our work.
- e. Problem solving, finding solutions - working to find creative solutions to problems.
- f. Openness to learning and feedback - seeking to improve ourselves and how we work.
- g. Collaboration with others - working constructively with colleagues to a common purpose.

18. Members have a duty to lead by example in upholding the values of the GMC (<http://www.gmc-uk.org/about/11564.asp>).

Formatted: Bullets and Numbering

19. Members have a duty to be committed to the continuing demonstration of the competences required for the effective performance of their role on Council and on any of its Boards and Committees.

Deleted: ,

Deleted: , and working groups

20. Members have a duty to participate in the appraisal process and actively commit to achieving any personal development objectives identified during the appraisal process.

21. Members have a duty to complete and maintain their entry in the Council Members' Register of Interests, declaring any professional, business, or personal interests which may, or might be perceived to, conflict with their responsibilities as Council members in accordance with Council's guidance.

22. Members have a duty to avoid placing themselves under obligation to any individual or organisation which might affect their ability to act impartially and objectively as Council members. This includes observing our guidance on conflicts of interest and on gifts, hospitality and fees for speaking engagements and making any declarations as required by this guidance.

23. Members have a duty to raise any concerns about possible wrongdoing within the GMC, as set out in our Public Information Disclosure Policy, with the Chief Executive if it concerns a member of staff, with the Chair of Council if it concerns the Chief Executive or another member, or with the Chairs of the Audit and Risk, and Remuneration Committees if it concerns the Chair of Council.

Deleted: and Member Issues, and Resources

24. Members have a duty to raise any concerns about compliance with this code with the Chair of Council and the Chief Executive at the earliest opportunity.

25. Members have a duty to raise any concerns about compliance with charity or other legislation with the Chair of Council and the Chief Executive at the earliest opportunity. In the event that concerns still remain, members should report the matter to the Chair of the Audit and Risk Committee, who will report to the Audit and Risk Committee which may refer the matter to Council if required and, if

appropriate, to the Charity Commission and the Office of the Scottish Charity Regulator.

Chapter 8: The Role of the Executive

1. The executive takes forward the operational work of the organisation in line with our statutory purpose, and according to the strategic aims, business plan, policies and schedule of delegated authority agreed by Council.

2. The executive team is led by the Chief Executive and comprises the Chief Operating Officer, Deputy Chief Executive and the Directors. The Directors and the Tribunal Clerk of the Medical Practitioners Tribunal Service are accountable and report to the Chief Operating Officer, who reports to the Chief Executive.

Deleted:

Deleted: d

Deleted: y are accountable to the Chief Executive for the areas of responsibility assigned to them. The Tribunal Clerk of the Medical Practitioners Tribunal Service is also accountable to the Chief Executive.

Deleted: performance

3. The Chief Executive is responsible for the performance of the executive and is accountable to Council for it, making regular reports to Council. The Chief Operating Officer is responsible to the Chief Executive for the operational management of the organisation, including the performance of each Director and their directorates, and the MPTS.

4. On a day-to-day basis the Chief Executive is in regular contact with the Chair of Council, working in partnership with him/her to ensure the effective conduct of business.

Formatted: Bullets and Numbering

5. The Chief Executive is responsible for our overall operation, organisation and management, for the budgeting and management of our financial resources, and for ensuring that proper systems of staff appointment, training, allocation of work, delegation of duties and accountability, performance, appraisal, remuneration and discipline are in place.

6. The Chief Executive is also responsible for ensuring that policy development and implementation are properly carried out by the executive, with clear, impartial and well-founded advice and recommendations being offered to Council as required.

7. The Chief Executive chairs the Strategy and Policy Board, and the Chief Operating Officer chairs the Performance and Resources Board. Each board as part of our formal executive governance arrangements, acts as an advisory forum to support decision making and reporting to Council by the Chief Executive and Chief Operating Officer.

Deleted: to the Chief Executive

Deleted: Both

Deleted: s

Deleted:

Chapter 9: Schedule of Authority

Purpose

1. The purpose of this document is to set out in an accessible format the principal functions and powers of the GMC in a Schedule of Authority ('the Schedule'), including:
 - a. Authorities assigned to and retained by Council under the Act, regulations or rules.
 - b. Authorities assigned to Council and delegated (and if delegated, to whom).
 - c. Authorities assigned to, and retained by, the Registrar under the Act, regulations or rules.
 - d. Authorities assigned to the Registrar and delegated (and if delegated, to whom).
 - e. Authorities not referred to in legislation (e.g. relating to the ordinary operation of the organisation), and to whom these are delegated.
2. Because the legislation specifically uses the term 'Registrar', it has been used in this Schedule where the corresponding legislation does so, in relation to matters identified under 1(a)-(d) above. In relation to matters identified under 1(e), the term 'Chief Executive' is used. Powers assigned or delegated to the Registrar / Chief Executive may be further delegated to staff within the GMC.

Scope

3. The key provisions of the Act, regulations or rules applicable to each function and power are identified in the Schedule and shown in italics. As the Schedule endeavours to set out the functions and powers in an accessible format, it does not describe the complexities of the Act, regulations and rules in detail. If such detail is

required, the Schedule must be read in conjunction with the detailed provisions of the Act, regulations or rules (as applicable).

Glossary

4. Unless expressly stated otherwise, statutory provisions referred to in the Schedule are those set out in the Act and are denoted as, for example, “s1” for Section 1 and “Sch 1” for Schedule 1;

Deleted: ¶

5. The following defined terms are used throughout the Schedule of Authority.

| Term | Definition |
|--|---|
| Act | Medical Act 1983 (as amended) |
| Address Inquiry | An inquiry by the Registrar requesting confirmation of a change to the RMP’s registered address |
| AGPSR Regs 2010 | General Medical Council (Applications for General Practice and Specialist Registration) Regulations 2010 (as amended) |
| APS | Approved practice setting |
| AR | Assistant Registrar |
| ARF | Annual retention fee |
| Award of Certificate Rules 2010 | General Medical Council (Award of Certificate) Rules 2010 |
| CCT | Certificate of Completion of Training |
| CEs | Case Examiners |
| Certification Fees Regs 2011 | General Medical Council Certification Fees Regulations 2011 |
| Constitution of Panels Rules 2004 | General Medical Council (Constitution of Panels and Investigation Committee) Rules 2004 (as amended) |
| Disqualifying Regs 2004 | General Medical Council (Fitness to Practise) (Disqualifying Decisions and Determinations by Regulatory Bodies) Procedure Rules 2004 (as amended) |
| DR | Deputy Registrar |
| FCR Regs 2010 | General Medical Council (Form and Content of the Registers) Regulations No 2 2010 |
| FTP | Fitness to Practise |
| FTPP | Fitness to Practise Panel |
| FTP Rules | General Medical Council (Fitness to Practise) Rules 2004 (as amended) |
| GMCC Order 2008 | General Medical Council (Constitution) Order 2008 (as amended) |
| IC | Investigation Committee |
| Investigated RMP | A registered medical practitioner whose Fitness to Practise |

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

Deleted: Fees Regs [... [13]

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

Deleted: GSMP Regs [... [14]

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma, Highlight

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

| Term | Definition |
|------------------------------------|---|
| | is being investigated |
| IO | Interim Order |
| IOP | Interim Orders Panel |
| LA Regs 2004 | General Medical Council (Legal Assessors) Rules 2004 <u>(as amended)</u> |
| LTP Regs 2012 | General Medical Council (Licence to Practise <u>and Revalidation</u>) Regulations <u>Order 2012</u> |
| MGPR Regs 2010 | General Medical Council (Marking of the GP Register) Regulations 2010 |
| MPTS | Medical Practitioners Tribunal Service |
| Qualifications Directive | Directive 2005/36/EC of the European Parliament and Council on the recognition of professional qualifications |
| RAE Regs 2004 | General Medical Council (Restoration following Administrative Erasure) Regulations 2004 (as amended) |
| RAP | Registration Appeals Panel |
| RAP Rules 2010 | General Medical Council (Registration Appeals Panels Procedure) Rules <u>2010</u> |
| RD Rules | Registrations Decisions Arrangement of Procedures |
| Register | The Register of RMPs |
| Registers | The Register, the GP Register and the Specialist Register |
| Registration Fees Regs 2012 | <u>General Medical Council Registration Fees Regulations 2012</u> |
| RMP | Registered medical practitioner |
| RP | Registration Panel |
| SR Scheme | Specialist Register: Scheme for Existing Specialists |
| VE | Voluntary erasure |
| VE Regs | General Medical Council (Voluntary Erasure and Restoration following Voluntary Erasure) Regulations 2004 (as amended) |

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

Deleted: 2009

Deleted: 2009

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

Deleted: PMETB Fees Order 2009 ... [15]

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

Deleted: 2004

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

Schedule of Authority

| Function | Description of Function | Function assigned to? | Function delegated to? |
|--|---|--|--|
| GOVERNANCE FUNCTIONS | | | |
| Register of members' interests | To maintain a system for the declaration, registration and publication of members' private interests | Council – <i>Sch 1 Part 1 para 1C</i> | Registrar |
| Performance of functions | To do such things and enter into such transactions as are incidental or conducive to the performance of its functions, including the borrowing of money | Council – <i>Sch 1 Pt 1 para 9</i> | Chief Executive |
| Provision and publication of information | To publish/provide information to RMPs and the public about Council and the exercise of functions | Council – <i>Sch 1 Pt 1 para 9B</i> | Registrar |
| Requesting information | To request relevant information from RMPs for the purposes of compiling statistics regarding medical practice and practitioners | Council – <i>Sch 1 Pt 1 para 10</i> | Registrar |
| Provision of facilities for testing knowledge of English | To provide facilities for testing the knowledge of English of applicants for registration under s21B and s21C | Council – <i>Sch 1 Pt 1 para 11</i> | Registrar |
| Standing Orders | To make standing orders re: meetings, proceedings, and the discharge of the functions of Council and its committees; the composition of its committees and the functions of its officers; the appointment | Council – <i>Sch 1 Pt 1 paras 15 and 16(1A)</i> | Not applicable other than in relation to provisional suspension of members from office which is delegated to the Chair of the Remuneration |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|--|---|--|--|
| | of a Treasurer; and the provisional suspension of members from office pending decisions on suspension/removal by the Privy Council | | Committee or Chair of the Audit and Risk Committee in the event of a complaint against the Chair of the Remuneration Committee or against the Chair of Council |
| Appointment of Registrar and deputy/assistant registrars and delegation of functions | a. To appoint (i) a Registrar and direct/delegate functions to him/her; and (ii) deputy/assistant registrars b. To authorise deputy/assistant registrars to act for the Registrar in any matter | a.(i) Council – <i>Sch 1 Pt 1 paras 16(3) and (4)</i> | a (ii) and b Registrar |
| Remuneration and expenses | a. To decide remuneration, terms of service and expenses policy for Council members; b. To decide remuneration, benefits and terms of service for the Chair of the MPTS and members of the MPTS Committee; c. To decide remuneration and expenses policy for other non member appointments. | Council – <i>Sch 1 Pt 1 – paras 17 and 25(5)</i> | a. Not applicable. The Remuneration Committee advises Council; b. Remuneration Committee; c. Chief Executive. The Performance and Resources Board provides advice to the Chief Executive on the associates expenses policy. |
| Accounts and appointment of auditors | a. To keep and publish accounts; b. to appoint auditors; and c. to publish and send a copy of the accounts and auditor's report to the Privy Council | Council – <i>Sch 1 Pt 1 para 18</i> | a and c. Registrar b. Chair of the Audit and Risk Committee in relation to appointment (and dismissal) of the external provider of internal audit services. The Audit and |

Deleted: and Member Issues

Deleted: Resources

Deleted: and Member Issues

Deleted: a.

Deleted: b.

Deleted: , of

Deleted: Remuneration

Deleted: and Member Issues

Deleted: Committee.

Deleted: ,

Formatted: Font: (Default) Tahoma

Deleted: Chief Executive delegated to Chief Operating Officer

Deleted: Resources Committee

| Function | Description of Function | Function assigned to? | Function delegated to? |
|------------------------------|---|---|--|
| | | | <p>Risk Committee's Purpose Statement allows for this to be referred to the Chair of Council in the event of any unresolved disagreement between the Chief Executive and the Chair of the Audit and Risk Committee.</p> <p>Audit and Risk Committee to make recommendations for Council in relation to the appointment, and dismissal of external auditors</p> |
| Committees | To constitute committees of the General Council and delegate functions to the committees. | Council – <i>Sch 1 Pt 1 para 25</i> | Not applicable |
| Branch Councils ² | To decide on the constitution and delegation of functions to Branch Councils; to furnish sums to Branch Council for expenses and to approve such expenses; and to decide remuneration and expenses of their members | Council – <i>Sch 1 Pt 1 – paras 26(3), 27 and 29</i> | Not applicable |

- Deleted: and groups
- Deleted: and
- Deleted: boards
- Deleted: groups
- Deleted: Remuneration and expenses of members. ... [16]
- Formatted: Font: (Default) Tahoma

² The practice of having Branch Councils has been discontinued. We have advised DH(E) that we would like to remove this from the Act through a future section 60 Order

| Function | Description of Function | Function assigned to? | Function delegated to? |
|--|--|--|--|
| Brokering membership of <u>Governance</u> Committees | Determining proposed membership and chairpersonship of <u>Governance</u> Committees, including re-appointment. | Council | Chair of Council |
| Appointments to <u>Governance</u> Committees | To approve the proposed membership and chairpersonship of <u>Governance</u> Committees, and including re-appointment | Council | Not applicable |
| Co-option of members to the Audit and Risk Committee | | Council | Audit and Risk Committee makes recommendations |
| Appointing auditors for the Pension Scheme | Appoint an independent firm of auditors | Council | Board of Trustees of the Staff Pension Scheme |
| Dealing with complaints about the Chair of the Council | To assume the Chair's responsibilities under the procedure for dealing with complaints against members when the complaint is about the Chair | Council | Chair of the <u>Audit and Risk</u> Committee |
| Notification to Privy Council of members' non attendance and issue of possible removal from office | | Any Council member or GMC staff [Paragraph 6(1) of Constitution Order provides that any Council member or GMC staff may notify the Privy Council that it may need to exercise its functions in relation to removal of members from office] | Chair of Council, or Chair of the <u>Audit and Risk</u> Committee in the event of an issue in relation to the Chair of Council |
| Minutes of | To approve Minutes of Council meetings | Council | Not applicable |

Deleted: Boards

Deleted: Boards

Deleted: , working, operational or standing groups

Deleted: , working, operational or standing groups

Deleted: Boards,

Deleted: , working, operational or standing groups

Deleted: Boards,

Deleted: , working, operational or standing groups

Deleted: Process of co-option of external members to the three Boards ... [17]

Deleted: members

Deleted: Resources

Deleted: Resources

| Function | Description of Function | Function assigned to? | Function delegated to? |
|---|---|-----------------------|--|
| Council meetings | | | |
| Urgent decisions required between Council meetings (and including in the event of declaration of an emergency under the Civil Contingencies Act 2004) | To authorise the Chair, having consulted the Chief Executive and other members wherever possible, to authorise on behalf of the Council urgent action of a kind which would normally be dealt with at a meeting. Any action taken will be reported at the next Council meeting and recorded in the minutes. | Council | Chair of Council |
| Trustees Annual Report and Accounts | a. Signing the letter of representation and b. signing the trustees report on behalf of the trustees following approval by Council | Council | a and b , Chair of Council |
| Affixing the Corporate Seal | Affixing the Corporate Seal to instruments, documents and deeds as required. | Council | a. The Chief Executive is authorised to affix the Corporate Seal to instruments in connection with the investments of the Council and to documents relating to the acquisition or disposal of premises as required in execution of his/her duties . b. The Chair of Council and the Chief Executive , or any other Council member to whom Council has delegated authority |

- ~~Deleted: a- Chair of Resources Committee;~~
- ~~Deleted: b~~
- ~~Formatted: Font: (Default) Tahoma, Not Highlight~~
- ~~Deleted: .~~
- ~~Formatted: Font: (Default) Tahoma~~
- ~~Formatted: Font: (Default) Tahoma~~
- ~~Deleted: Resources Committee~~
- ~~Deleted: Chair of Council~~
- ~~Formatted: Font: (Default) Tahoma~~
- ~~Deleted: direct the~~
- ~~Deleted: ing of~~
- ~~Formatted: Font: (Default) Tahoma, Not Highlight~~
- ~~Deleted: s~~
- ~~Formatted: Font: (Default) Tahoma~~
- ~~Deleted: by the Registrar~~
- ~~Deleted: directed by the Committee~~
- ~~Formatted: Font: (Default) Tahoma, Not Highlight~~
- ~~Formatted: Font: (Default) Tahoma~~
- ~~Deleted: and~~

| Function | Description of Function | Function assigned to? | Function delegated to? |
|--|---|------------------------|---|
| | | | in relation to witnessing and affixing the <u>Corporate Seal</u> to any other instruments, documents and deeds. |
| Communication decisions | To make decisions on handling media and other communications issues | Chief Executive | Not applicable |
| Appointment, suspension and dismissal of staff | Appointment and dismissal of staff Level 1 and below | Chief Executive | Not applicable |
| Appointment, suspension and dismissal of the Chief Executive | To decide on the appointment, suspension and dismissal of the Chief Executive | Council | <p>Appointment: Chair of Council, in conjunction with a panel comprising Chair of the Remuneration <u>Committee</u>, <u>another Council member appointed by the Chair of Council</u>, and an independent assessor.</p> <p>Suspension and dismissal: Chair of Council in consultation with the chair of the Remuneration <u>Committee</u>.</p> <p>Appeal against suspension and dismissal: Chair of the Audit and Risk Committee</p> |
| Litigation against and initiated by the GMC | Decisions on how to handle legal claims against or initiated by the GMC | Chief Executive | |

Deleted: s

Deleted: (within the context of the communication strategy agreed by the Council)

Deleted: and Member Issues Committee

Deleted: Chair of the Resources Committee

Deleted: s

Deleted: and Member Issues and Resources

Deleted: s

| Function | Description of Function | Function assigned to? | Function delegated to? |
|--|--|------------------------|---|
| <u>Corporate complaints</u> | <u>Decisions on management of corporate complaints against the GMC</u> | <u>Chief Executive</u> | |
| <u>Establishing and maintaining Memorandum of Understanding</u> | <u>Decisions on establishing and maintaining Memoranda of Understanding with other organisations, including any changes to terms</u> | <u>Chief Executive</u> | |
| <u>Appointments to external bodies</u> | <u>Decisions on making appointments to external bodies upon a nomination being requested</u> | <u>Chief Executive</u> | |
| Responsibility for the management of the GMC's funds and authority to authorise expenditure against financial limits | Decisions on the management of GMC funds and expenditure | Chief Executive | Authorisation of expenditure according to the following limits: Chief Executive and Chief Operating Officer: no limit within the constraints of the annual budget and business plan approved by Council. Directors and the Chair of the MPTS: up to £100,000. Assistant Directors and the Tribunal Clerk of the MPTS: up to £50,000. Heads of Section: up to £30,000. Other designated members of staff: up to £10,000. |
| Sanctions | Decisions on the representations before a fitness to practise panel on sanction | Chief Executive | |

Deleted: Chief Operating Officer

Deleted: Deputy Chief Executive
Deleted: Chief Operating Officer: £500,000 for legal costs, and no limit within the constraints of the annual budget and business plan approved by Council when acting as Deputy CE in the CE's absence.¶

| Function | Description of Function | Function assigned to? | Function delegated to? |
|--|--|---|---|
| <u>Professional Standards Authority</u> referrals to the High Court under section 29 | To decide on the instructions to be given to solicitors for any case <u>relating to a fitness to practise panel direction</u> , which is referred by PSA | Chief Executive | |
| Education and training | To make provision in standing orders for the education and training of members of Council. | Council – Art 4 GMCC Order 2008 | Not applicable |
| <u>Termination of appointment of Chair of the Council</u> | To remove the Chair of the Council <u>from holding that position</u> by majority vote. | Council – Art 8 GMCC Order 2008 | Not applicable (other than the Privy Council's power to remove from office as a member under Art 6) |
| Appointment and removal of the Chair of the MPTS | To decide on the appointment, terms of service and removal of the Chair of the MPTS | Appointment and removal process, and terms of service determined by the Remuneration Committee. | Appointment: Chair of Council, in conjunction with a panel, the composition of which is determined by the Remuneration Committee. Removal: Chair of Council. Appeal against removal: Chair of Remuneration Committee. |
| Appointment and removal of the members of the MPTS | To decide on the appointment, terms of service and removal of the members of the MPTS Committee. | Appointment and removal: Chair of the MPTS. Terms of service: Remuneration Committee | Appeal against removal: Chair of Council. |

Formatted: Font color: Auto

Deleted: CHRE

Formatted: Font: (Default) Tahoma, Font color: Auto

Formatted: Font: (Default) Tahoma

Deleted: appoint and

Deleted: and to determine the term of office as Chair

Deleted: Appointment and removal of the

Deleted: and Member Issues

Deleted: and Member Issues

Deleted: and Member Issues

Deleted: and Member Issues

| Function | Description of Function | Function assigned to? | Function delegated to? |
|-----------|-------------------------|-----------------------|------------------------|
| Committee | | | |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|---|---|---|------------------------|
| REGISTRATION AND CERTIFICATION FUNCTIONS | | | |
| To keep and maintain the Registers | To keep the Registers, including causing the Registers to be published from time to time and issuing proof of registration. | Registrar – <i>s2, s34, s34C (in respect of the GP Register), s34D (in respect of the Specialist Register)</i> | |
| | To make regulations governing the: <ul style="list-style-type: none"> i. form and keeping of the Registers; ii. charging of fees in connection with entries in the Register. | Council <ul style="list-style-type: none"> i. <i>s31 (subject to approval of the Privy Council)</i> ii. <i>s32(1)</i> | Not applicable |
| | To: <ul style="list-style-type: none"> i. maintain and amend the Registers, including charging and collection of fees; ii. amend the register to reflect decisions taken by the FTTP. | Registrar <ul style="list-style-type: none"> i. <i>s30 and 30A, Sch 3 paragraph 6 and 7, FCR Regs 2010, MGPR Regs 2010, <u>Registration Fees Regs 2012</u>, <u>Certification Fees Regs 2011</u></i> ii. <i>Sch 4 para 12</i> | |
| | To issue certificates of registration | Registrar – <i>Sch 3 paragraph 5</i> | |
| | To carry out functions specified in the Qualifications Directive which include: <ul style="list-style-type: none"> • issuing certificates relating to RMPs; • receiving or providing information to | Council – <i>s49B and Sch 4A</i> | |

Deleted: 2010

| Function | Description of Function | Function assigned to? | Function delegated to? |
|---|--|--|------------------------|
| | other competent authorities; <ul style="list-style-type: none"> obtaining confirmation and verifying validity of qualifications. | | |
| | To consider registration of qualifications obtained or held by a RMP while registered. | Registrar – s16 and s26. | |
| | | | |
| Erasure of names from the Register | To make regulations: <ul style="list-style-type: none"> i. providing for VE of RMPs from the Registers; ii. authorising the Registrar to remove from the Register RMPs who fail to pay the ARF; iii. for information to be provided for the purpose of deciding whether a person's FTP is impaired (save for persons visiting from relevant European States). | Council <ul style="list-style-type: none"> i. <i>s31A (subject to approval of the Privy Council)</i> ii. <i>s32(2)</i> iii. <i>S44B(2) (subject to approval of the Privy Council).</i> | Not applicable |
| | To erase the name of a RMP from the Register: <ul style="list-style-type: none"> i. for non payment of the ARF; ii. for failing to respond to an Address Inquiry; iii. on receipt of an application from a RMP | Registrar <ul style="list-style-type: none"> i. <i>Reg 8(4) Registration Fees Regs 2012</i> ii. <i>s30(5)</i> iii. <i>VE Regs 2004</i> | |

Formatted: Font: (Default) Tahoma

Deleted: We understand that no regulations have been made pursuant to section 44B(2)(a).

Deleted: GMC

Deleted: 2010

| Function | Description of Function | Function assigned to? | Function delegated to? |
|------------------------------------|---|--|------------------------|
| | <p>for VE;</p> <p>iv. where an entry has been fraudulently procured or incorrectly made;</p> <p>v. where a RMP was subject to a disqualifying decision at the time of registration which remains in force;</p> <p>vi. where it is shown that the RMP's FTP was impaired on the grounds of physical or mental health at the time of registration and he had not informed the registrar;</p> <p>vii. where a person has failed to provide information for determining whether a person's FTP is impaired.</p> | <p>iv. <i>S39</i></p> <p>v. <i>S44(3) (save where referred to pursuant to the Disqualifying Regs 2004)</i></p> <p>vi. <i>S44B(1)</i></p> <p>vii. <i>S44B(4)(b)</i></p> | |
| | To determine applications for VE where FTP concerns arise or where the applicant is an Investigated RMP. | CEs - <i>VE Regs 2004</i> | |
| | To determine applications for VE where FTP concerns arise or where the applicant is an Investigated RMP and CEs fail to agree as to the disposal of that application. | IC – <i>VE Regs 2004</i> | |
| | Notification of a decision to erase a person's name for fraud or error. | Registrar - <i>s39(2), Sch 3A para 3</i> | |
| Restoration of names to the | To make regulations authorising the Registrar to restore to the Register a RMP | Council | Not applicable |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|-------------------------|---|--|--|
| medical register | who: i. failed to pay the ARF; ii. failed to respond to an Address Inquiry; iii. voluntarily removed their name from the Register. | i. <i>s31(8) (subject to approval of the Privy Council)</i> ii. <i>s31(8) (subject to approval of the Privy Council)</i> iii. <i>s31A (subject to approval of the Privy Council)</i> | |
| | To restore to the Register RMPs who: i. failed to pay the ARF; ii. failed to respond to an Address Inquiry; iii. voluntarily removed their name from the Register. | Registrar i. <i>RAE Regs 2004</i> ii. <i>RAE Regs 2004</i> iii. <i>VE Regs 2004</i> | |
| | To determine applications for restoration following VE where FTP concerns arise. | CEs - VE Regs 2004 | Not applicable |
| | To determine applications for VE where FTP concerns arise and CEs fail to agree as to the disposal of that application. | IC – VE Regs 2004 | Not applicable |
| | Arrangements for granting registration to medical practitioners | The arrangements for dealing with Applications for registration can be considered under two broad categories: i. Where on satisfying the criteria set out in the relevant section of the Act the Registrar is required to admit such persons to the register (s3, s 14A, s15, | Registrar (see Description of Function) • For provisional registration of UK medical graduates |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|----------|---|---|------------------------|
| | s15A, s18 and Sch2A, and s19A). | <p>and those who are EEA nationals or are entitled to be treated as such with qualifications from European States - <i>s15, s15A;</i></p> <ul style="list-style-type: none"> • For full registration of UK medical graduates and those who are EEA nationals or are entitled to be treated as such with qualifications from European States - <i>s3, s14A;</i> • For full registration of EEA nationals or those entitled to be treated as such with an international qualification accepted by a relevant European State - <i>s19A;</i> • For visiting medical practitioners from relevant European States – <i>S18 and Sch 2A.</i> | |
| | ii. Where on satisfying the Registrar on the detailed criteria set out in the Act the Council has a discretion as to whether to register such persons (s19, | <p>Council and Registrar (see Description of Function)</p> <ul style="list-style-type: none"> • To determine applications for full registration by virtue | |

Deleted: and s16

Deleted: The Professional and Linguistic Assessments Board, which is

Deleted: overseen by the Continued Practice

Deleted: accountable to the Director, Revalidation and Registration

Deleted: Board

Formatted: Font: (Default) Tahoma

Deleted: , conducts tests to inform the Registrar's decision as to whether doctors who qualified overseas have the necessary knowledge and skills, and (through the international English language testing scheme or IELTS) the knowledge of English to be admitted to the medical register and thus entitled to practise medicine in the UK

| Function | Description of Function | Function assigned to? | Function delegated to? |
|----------|---|---|------------------------|
| | <p>s21, s21B(1), s21C, s27A, s27B). The Council's discretion in this respect has been delegated to the Registrar in relation to individual applications for registration.</p> | <p>of an acceptable overseas qualification – <i>s19 and s21B(1)</i>;</p> <ul style="list-style-type: none"> • To determine applications for provisional registration by virtue of an acceptable overseas qualification - <i>s21 and s21C</i>; • To consider the temporary registration: <ul style="list-style-type: none"> ○ in the event of an emergency - <i>s18A</i>. (Note: this function is assigned to the Registrar only); ○ of a visiting eminent specialist - <i>s27A</i>; ○ for the purposes of providing medical services exclusively to persons who are not UK nationals - <i>s27B</i>. <p><u><i>[To note: The Professional and Linguistic Assessments Board, which is accountable to the</i></u></p> | |

Formatted: Font: Italic
Formatted: Indent: Left: 36 pt

| Function | Description of Function | Function assigned to? | Function delegated to? |
|--|---|--|------------------------|
| | | <i>Director of Registration and Revalidation conducts tests to inform the Registrar's decision as to whether doctors who qualified overseas have the necessary knowledge and skills, and (through the international English language testing scheme or IELTS) the knowledge of English to be admitted to the medical register and thus entitled to practise medicine in the UK</i> | |
| | To refuse to register applicants failing to supply information about their FTP. | Registrar – s44B(4)(a) | |
| | <u>To determine what constitutes an acceptable overseas qualification</u> | Council – s21B(2) | Registrar |
| Registration and Training Appeals | To hear appeals of appealable registration and training decisions. | RAP - s34B(1), Sch 3A, RAP Rules 2010 | Not applicable |
| | To make regulations with respect to charging fees in connection with Registration and Training Appeals. | Council – s34B(2) | |
| | To make rules governing the procedure and rules of evidence applicable to | Council - Sch 3B (subject to approval of the Privy Council) | Not applicable |

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: (Default) Tahoma, Italic

Deleted: – ¶
 Note: as no regulations have been made under section 44B(2)(a) this power is in effect not exercised.

Formatted: Font: (Default) Tahoma

Deleted: (see PMETB Fees Order 2009)

| Function | Description of Function | Function assigned to? | Function delegated to? |
|--|---|---|--|
| | proceedings before a RAP. | | |
| | To hear appeals where the Registrar determines that he is not satisfied that an applicant is entitled to a qualification claimed. | Council – Sch 3 para 4 | Registration Appeals Panel (RAP) |
| Approved Practice Settings | To consider whether to waive the requirement to work in an APS. | Registrar s44D(1) and (2) | |
| | To determine what constitutes an APS, monitor compliance with the requirement to practice in an APS and publish guidance. | Council - s44D(3)-(11) <i>(Regulations made pursuant to s44D(8) are subject to approval of the Privy Council)</i> | Registrar for the decision as to whether those criteria are met. Council retains the power to determine the criteria for an APS. |
| Admission and removal of names from the GP and Specialist Registers | To make regulations as to the procedure for application for admission to the GP Register or Specialist Register. | Council – s34E (subject to approval of the Privy Council) | Not applicable. |
| | To: <ul style="list-style-type: none"> consider, grant or refuse applications for admission to the GP or Specialist Register; provide applicants with statements of eligibility or ineligibility; require information or advice while considering an application; notify applicants of a determination to | Registrar – AGPSR Regs 2010 | |

Deleted: Not applicable

Formatted: Font: (Default) Tahoma

Deleted: Note: In practice this function is exercised by a RAP pursuant to Sch 3A.

| Function | Description of Function | Function assigned to? | Function delegated to? |
|----------|--|---|------------------------|
| | grant or refuse an application. | | |
| | <p>To remove entries from the GP Register or the Specialist Register where such:</p> <p>i. persons are no longer RMPs;</p> <p>ii. persons cease to fall within the categories specified by the Privy Council as persons entitled to be named on the GP or Specialist Register;</p> <p>iii. entries were fraudulently procured or incorrectly made.</p> | <p>i. Registrar – <i>s34F(1)</i></p> <p>ii. Registrar – <i>s34F(2)</i></p> <p>iii. Registrar - <i>s39(1)</i></p> | |
| | To restore to the GP or Specialist Register a person removed for ceasing to be a RMP who subsequently becomes a RMP again. | Registrar – <i>s34F(3)</i> | |
| | To notify a person of removal or restoration of their name from the GP or Specialist Register. | Registrar – <i>s34F(5)</i> | |
| | To publish a scheme for inclusion in the Specialist Register of existing specialists. | Council – <i>s34D(6), SR Scheme</i> | |
| | To make rules as to the procedure for requesting recognition of acquired rights to practise as a GP. | Council – <i>s34G(3)</i> | Not applicable. |
| | <p>To:</p> <ul style="list-style-type: none"> consider, grant or refuse applications for recognition of acquired rights to practise as a GP; | Registrar – <i>Award of Certificate Rules 2010</i> | |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|------------------------------------|--|---|------------------------|
| | <ul style="list-style-type: none"> require information or advice while considering an application; notify applicants of a determination to grant or refuse an application. | | |
| | To issue certificates recognising acquired rights to practise as a GP and to withdraw such a certificate where fraudulently procured or incorrectly awarded. | Registrar – <i>s34G(2) and (4)</i> | |
| | <p>To make regulations for the charging of fees in connection with:</p> <ul style="list-style-type: none"> requests to the Registrar for written statements that a person is eligible for entry on the GP or Specialist Register; applications for inclusion in or restoration to the GP or Specialist Register; requests for certificates recognising acquired rights to practise as a GP. | Council – <i>S34O</i> | Not applicable. |
| Award and withdrawal of CCT | To award a CCT in general practice or a recognised specialty. | Registrar – <i>s34L(1) and (2)</i> | |
| | To makes rules as to the procedure for application for a CCT. | Council – <i>s34L(5)</i> | Not applicable. |
| | <p>To:</p> <ul style="list-style-type: none"> consider, grant or refuse applications for a CCT; require information or advice while | Registrar – <i>Award of Certificate Rules 2010</i> | |

Deleted: (see PMETB Fees Order 2009)

| Function | Description of Function | Function assigned to? | Function delegated to? |
|--|---|--|------------------------|
| | considering an application; <ul style="list-style-type: none"> notify applicants of a determination to grant or refuse an application; award CCTs. | | |
| | To withdraw a CCT fraudulently procured or incorrectly awarded. | Registrar – <i>s34L(7)</i> | |
| | To make regulations for the charging of fees in connection with applications for CCTs. | Council – <i>S34O</i> | Not applicable. |
| LICENSING AND REVALIDATION FUNCTIONS | | | |
| Grant, refusal, withdrawal and restoration of a licence to practise | To make regulations in respect of licences to practise to include provisions regarding: <ul style="list-style-type: none"> grant, refusal, withdrawal and restoration of a licence to practise; the charging of a fee for consideration of an application for restoration of a licence to practise. | Council – <i>ss29A(2) (subject to Privy Council approval)</i> | Not applicable. |
| | To grant a licence to a medical practitioner: <ul style="list-style-type: none"> who held registration at the time the LTP Regs 2009 came into force; who is registered pursuant to s18 (visiting practitioners from relevant European States), s18A (temporary emergency registration) or s27B (special purpose registration); | Registrar – <i>Reg 3(1) LTP Regs 2012</i> | |

Deleted: (see PMETB Fees Order 2009)

Deleted: 2

Deleted: 2009

| Function | Description of Function | Function assigned to? | Function delegated to? |
|----------|---|--|------------------------|
| | <ul style="list-style-type: none"> whose registration is restored or suspension comes to an end, unless the practitioner requests otherwise. | | |
| | To consider and to grant or refuse applications for a licence and to carry out investigations relevant to the consideration of an application. | Registrar – Regs 3(5) and 3(8) LTP Regs 2012 | |
| | To withdraw a licence to practise: | Registrar | |
| | i. at the request of the relevant RMP; | Reg 4(1) LTP Regs 2012 | |
| | ii. where a licence has been fraudulently procured or incorrectly granted; | Reg 4(1) LTP Regs 2012 | |
| | iii. where the RMP fails to comply with any requirement made of him/her under the LTP Regs 2009. | Reg 4(3) LTP Regs 2012 | |
| | iv. where a RMP's name is erased or suspended from the Register or where his/her temporary or special purpose registration is revoked or expires. | Reg 4(2) LTP Regs 2012 | |
| | To consider and grant or refuse applications for restoration of a licence and to carry out investigations relevant to the consideration of an application. | Registrar – Reg 4(5) and 4(7) LTP Regs 2012 | |
| | To give notice to a medical practitioner of a licensing authority's decision to refuse, withdraw or refuse to restore a licence to practise. | Registrar – s29B(4), s29D(3) | |

- Deleted: 2
- Deleted: 3
- Deleted: 2
- Deleted: 2009
- Deleted: 3
- Deleted:)
- Deleted: 2009
- Deleted: 3
- Deleted: 2009
- Deleted: 3
- Deleted: 2
- Deleted: 2009
- Deleted: 3
- Deleted: 4
- Deleted: 2009
- Deleted: 1
- Deleted: 5
- Deleted: 2009

| Function | Description of Function | Function assigned to? | Function delegated to? |
|---|--|---|------------------------|
| Licensing Appeals | To hear appeals of appealable licensing authority decisions. | RAP – <i>s29F(1), Sch 3B, RAP Rules 2010</i> | |
| | To make rules governing the procedure and rules of evidence applicable to proceedings before a RAP. | Council - <i>Sch 3B (subject to approval of the Privy Council)</i> | Not applicable |
| Publishing guidance | To publish guidance for medical practitioners on the information to be provided and requirements to be satisfied for securing grant or restoration of a licence to practise and for the purposes of revalidation. | Council – <i>s29G</i> | <u>Registrar</u> |
| EDUCATION FUNCTIONS | | | |
| To promote high standards of medical education | To maintain and amend, as required, a list of bodies and combinations of bodies entitled to hold examinations for the purpose of granting one or more primary UK qualifications. | Council - <i>s4</i> | Not applicable. |
| | To promote high standards of medical education and coordinate all stages of medical education including: <ul style="list-style-type: none"> i. to determine the extent of knowledge and skill required for the granting of a primary UK qualification; ii. to ensure that the instruction given is sufficient to meet that standard. | Council - <i>s5</i> | <u>Registrar</u> |
| | To monitor and require information from bodies granting primary UK qualifications | Council - <i>s6 and s7</i> | <u>Registrar</u> |

Formatted: Font: (Default) Tahoma, Not Bold

Deleted: Not applicable

Deleted: Undergraduate Board has delegated powers under sections 5(2), 5(2A), 5(3) of the Medical Act 1983 as amended ¶
Postgraduate Board has delegated powers under sections 5(2)c, 5(2A), of the Medical Act 1983 as amended insofar as they apply to Foundation Year 1

Formatted: Font: (Default) Tahoma, Not Strikethrough

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma, Not Strikethrough

Deleted: Undergraduate Board. In addition, Inspectors/Visitors may be appointed to report to the Undergraduate Board (*s6, s7*).

Formatted: Font: (Default) Tahoma

| Function | Description of Function | Function assigned to? | Function delegated to? |
|--|---|---------------------------------|------------------------|
| | <u>and to appoint inspectors and visitors to report on the sufficiency of instruction and examination.</u> | | |
| | To determine what constitutes an acceptable programme for provisionally registered doctors and whether or not to recognise such programmes. | Council - s10A | <u>Registrar</u> |
| | To direct that alternative educational experience is sufficient in certain cases as an equivalent to an acceptable programme for provisionally registered RMPs. | Council – s14 | Not applicable. |
| To establish standards of postgraduate medical education and training | To establish standards and requirements relating to postgraduate medical education and training, to secure the maintenance of such standards and to develop and promote postgraduate medical education and training. | Council – s34H | <u>Registrar</u> |
| | To secure the maintenance of standards by approving, approving with conditions, refusing to approve or withdrawing approval of: <ul style="list-style-type: none"> • courses and programmes; • training posts (including GPs); • examinations, assessments and other tests of competence; • postgraduate medical education and training outside the UK. | Council – s34I, 34J, 34K | <u>Registrar</u> |

Deleted: .

Deleted: Postgraduate Board in relation to powers in s10A(2), (4) and (7)

Deleted: Not applicable

Formatted: Font: (Default) Tahoma, Not Strikethrough

Deleted: Postgraduate Board has delegated powers under section s34H of the Act.

Formatted: Font: (Default) Tahoma

Formatted: Font: (Default) Tahoma

Deleted: Registrar

Deleted: Postgraduate Board has delegated powers under section s34I and 34K(2) of the Act.
 Registrar has delegated powers under section s34I(1), (2), (3), 34K(2) and 34M of the Act.

Formatted: Font: (Default) Tahoma

Deleted: ¶

Deleted: ¶

| Function | Description of Function | Function assigned to? | Function delegated to? |
|----------|--|--|----------------------------|
| | To publish a list specifying any course, programme, training post, GP, examination, assessment or other test of competence the Council has approved or in respect of which has withdrawn its approval. | Registrar – S34I(7) | |
| | To appoint persons to visit any body or person under whose direction or management postgraduate medical education or training is proposed to be given. | Council – S34M | Registrar |
| | To require information from any body or person under whose direction or management postgraduate medical education or training is proposed to be given. | Registrar – S34(N) | Registrar |
| | <u>To approve or de-commission subspecialties</u> | Council – S34D 10(a) | <u>Registrar</u> |
| | To make regulations for the charging of fees in connection with: <ul style="list-style-type: none"> • applications for approvals of any course, programme, training post, GP, examination, assessment or other test of competence; • visits made to any body or person under whose direction or management postgraduate medical education or | Council – S34O | Not applicable. |

- Formatted:** Font: (Default) Tahoma, Not Strikethrough
- Deleted:** ~~Postgraduate Board has delegated powers under section s34M of the Medical Act 1983 as amended~~
- Formatted:** Font: (Default) Tahoma
- Formatted:** Font: (Default) Tahoma, Not Strikethrough
- Deleted:** ~~Postgraduate Board has delegated powers under section s34N (4) of the Medical Act 1983 as amended~~
- Formatted:** Font: (Default) Tahoma
- Formatted:** Font: (Default) Tahoma, Not Bold, Italic
- Formatted:** Font: (Default) Tahoma
- Deleted:** *(see PMETB Fees Order 2009)*

| Function | Description of Function | Function assigned to? | Function delegated to? |
|---|--|---|---|
| | training is proposed to be given. | | |
| STANDARDS FUNCTIONS | | | |
| To foster good medical practice | To provide advice to members of the medical profession on: <ul style="list-style-type: none"> standards of professional conduct standards of professional performance medical ethics | Council - s35 | Registrar |
| FITNESS TO PRACTISE FUNCTIONS | | | |
| Establishing a framework for investigation of FTP concerns | To investigate allegations of impaired FTP and decide whether: <ul style="list-style-type: none"> the allegations should be considered by a FPPP; a warning should be imposed; a referral to an IOP is appropriate. | IC – S35C | Registrar The FTP Rules (made by Council pursuant to the function considered below) effectively delegate these functions to the Registrar. The FTP Rules do, however, assign certain functions to the IC and these are considered below. |
| | To make Rules delegating the powers of the IC to the Registrar or any other officer. | Council – S35CC and Sch 4 Paragraph 1 (subject to approval of the Privy Council) | Not applicable |
| | To make Rules: <ul style="list-style-type: none"> regarding the reference of cases to the IC, IOP and FPPP; the procedure to be followed and rules | Council – S43 and Sch 4 paragraph 1 (subject to approval of the Privy Council) | Not applicable |

Deleted: Not applicable

Deleted: .

| Function | Description of Function | Function assigned to? | Function delegated to? |
|-----------------------------------|---|--|------------------------|
| | <p>of evidence to be observed.</p> <p>To make rules:</p> <ul style="list-style-type: none"> • authorising the giving of directions by the IC, FTTP and such other specified persons requiring an assessment of the standard of a RMP's professional performance; • specifying circumstances in which an assessment may be carried out; • regarding the constitution and procedure of the Assessment Team. | Council – <i>Sch 4 paragraph 5A</i> | Not applicable |
| Investigating FTP concerns | <p>To:</p> <ol style="list-style-type: none"> i. triage allegations to assess whether they amount to FTP concerns under s35C(2); ii. consider referral to an IOP; iii. carry out investigations; iv. direct assessments of an Investigated RMP's performance or health; v. consider failure to submit to or comply with an assessment. <p>To consider and refer:</p> <ol style="list-style-type: none"> i. an allegation of a conviction resulting in the imposition of a custodial sentence; | <p>Registrar</p> <ol style="list-style-type: none"> i. <i>FTP Rule 4</i> ii. <i>FTP Rule 6</i> iii. <i>FTP Rules 4, 7 and 13A</i> iv. <i>FTP Rules 7, 13A and Sch 1 and 2</i> v. <i>FTP Rule 7</i> | |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|----------|---|--|------------------------|
| | <p>ii. save where delegated to CEs, an allegation of a conviction not included above, caution or determination.</p> | | |
| | <p>To consider and dispose of allegations as they see fit by:</p> <ul style="list-style-type: none"> i. no further action ii. issuing a warning iii. referral to IC (where requested by an RMP or if CEs consider it appropriate) iv. referral to a FTP panel v. agreeing undertakings | <p>CEs</p> <ul style="list-style-type: none"> i. <i>FTP Rule 8</i> ii. <i>FTP Rule 8 and 11</i> iii. <i>FTP Rule 8 and 11(3)</i> iv. <i>FTP Rule 8</i> v. <i>FTP Rule 8 and 10</i> | <p>Not applicable</p> |
| | <p>Where the CEs fail to agree on the disposal of the case the IC may consider and dispose of allegation as they see fit by:</p> <ul style="list-style-type: none"> • no further action; • issuing a warning; • refer for an oral hearing; • referral to a FTP panel; • agreeing undertakings. | <p>IC – FTP Rule 9</p> | <p>Not applicable</p> |
| | <p>To consider an allegation at an oral hearing and :</p> <ul style="list-style-type: none"> • take no further action; • issue a warning; | <p>IC – FTP Rule 11(6)</p> | <p>Not applicable</p> |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|--|--|---|--------------------------------|
| | <ul style="list-style-type: none"> refer to a FTPP. | | |
| | To review investigation stage decisions. | Registrar – <i>FTP Rule 12</i> | |
| | On receipt of a restoration application, to carry out investigations and obtain information and/or direct the applicant to undergo a performance or health assessment. | Registrar – <i>FTP Rule 23</i> | |
| | To consider applications for: <ul style="list-style-type: none"> i. cancellation of a hearing ii. postponement or adjournment prior to the commencement of the hearing | IC – <ul style="list-style-type: none"> i. <i>FTP Rule 28</i> ii. <i>FTP Rule 29</i> | Case examiners |
| Interim Orders | To: | | |
| | i. consider whether an IO is necessary for protection of the public, in the public interest or in the interests of the RMP; | i. IOP and FTPP – <i>s41A</i> | Not applicable |
| | ii. impose, review and/or revoke an order of conditions or suspension as they see fit; | ii. IOP and FTPP – <i>s41A</i> | Not applicable |
| | iii. apply to the relevant court for an extension of an IO. | iii. Council – <i>s41A</i> | iii.Registrar |
| Determining Fitness to Practise | To make findings in relation to an Investigated RMP's FTP at new and review hearings and, if the FTPP think fit, to impose an appropriate sanction (including, | FTPP – <i>S35D and S38</i> | Not applicable |

Deleted: Not applicable

| Function | Description of Function | Function assigned to? | Function delegated to? |
|---------------------------|---|--|------------------------|
| | in new cases, an immediate sanction). | | |
| | To consider whether to order an assessment of an RMP's health or professional performance. | FTPP – <i>FTP Rule 17(4)</i> | Not applicable |
| | To consider whether to restore a former RMP's name to the Register in circumstances where that person's name was erased for FTP reasons. | FTPP – <i>S41</i> | Not applicable |
| | To consider applications for VE made in the course of a hearing before the FTTP. | FTPP – <i>VE Regs 2004</i> | Not applicable |
| | To determine applications for restoration following VE where the matter is referred to a FTTP by CEs or the IC. | IC – <i>VE Regs 2004</i> | Not applicable |
| Post Determination | To consider directions made by a FTTP and to: <ul style="list-style-type: none"> • obtain such reports as are required; • invite the RMP to undergo an assessment of their performance or health. | Registrar – <i>FTP Rule 19</i> | |
| | To refer a case for early review by a FTTP. | Registrar – <i>FTP Rule 21</i> | |
| | In cases where undertakings were agreed by a FTTP: <ul style="list-style-type: none"> • to carry out investigations and obtain reports or direct an assessment of the RMP's performance or health; • to consider whether undertakings | Registrar – <i>FTP Rule 37A</i> | |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|--|---|---|--|
| | should be varied or cease to apply; to refer the case to a FTTP for a review. | | |
| Procedure | Service of notification of decisions of the IC, FTTP and IOP. | Registrar - S35C(5), (7), (8), 35E(1), s39(2), s41(10) and s41A(5) | |
| | To consider applications to extend the time for bringing a s40 appeal in relation to a: i. decision of the FTTP under s35E(1); ii. decision to erase a person's name for fraud or error under s39(2). | Registrar – Sch 4 paragraph 9 | |
| Disclosure and publication of information | To require: i. disclosure of information from third parties; ii. employers details from the Investigated RMP; iii. to obtain court orders to require disclosure of information from third parties. | i. Persons authorised by Council – s35A(1) ii. Council - S35A(2) iii. Council – S35A(6A) | i. Registrar ii. Registrar iii. Registrar |
| | To notify specified public bodies and employers (including those with whom an Investigated RMP has arrangements to provide services) of an investigation into the Investigated RMP's FTP. | Council – S35B(1) | Registrar |
| | To publish or disclose, if considered in the | Council – S35B(2) | Registrar |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|--|--|---|---------------------------|
| | <p>public interest, information regarding the FTP of one or more RMPs.</p> <p>To publish specified decisions of the FTTP and IOP, warnings imposed by the FTTP and IC and undertakings agreed by the IC (confidential health information may be excluded).</p> | Council – s35B(4) | Registrar |
| Panels, assessors, advisers and case managers | <p>To appoint panels of:</p> <ul style="list-style-type: none"> • medical and lay performance assessors for the purpose of carrying out performance assessments; • medical examiners for the purpose of carrying out health assessments; • specialist health advisers to advise on issues relating to an RMP's health; • specialist performance advisers to advise on issues relating to an RMP's performance. | Registrar – FTP Rules 3 and 14 | |
| | <p>To:</p> <ul style="list-style-type: none"> • carry out assessments of an RMP's professional performance; • require the production of any records arising out of or relating to the RMP's practice. | The Assessment Team – Sch 4 Para 5A | Not applicable |
| | <p>To:</p> <p>i. appoint and pay legal assessors for</p> | Council i. <i>Sch 4 paragraph 7, Sch 3A</i> | MPTS for the IOP and FTTP |

| Function | Description of Function | Function assigned to? | Function delegated to? |
|----------|---|---|---|
| | <p>the purposes of advising the IC, IOP, FTTP or RAP;</p> <p>ii. make Rules as to the function of legal assessors.</p> | <p><i>para 4(7)</i></p> <p>ii. <i>Sch 4 paragraph 7 (subject to approval of the Privy Council), GMC(LA) Rules 2004</i></p> | <p>Registrar for the IC and RAP</p> <p>Not applicable</p> |
| | <p>To make rules constituting:</p> <p>i. IOPs;</p> <p>ii. RPs;</p> <p>iii. RAPs;</p> <p>iv. ICs;</p> <p>v. FTTPs.</p> | <p>Council <i>(subject to approval of the Privy Council)</i></p> <p>i. <i>Sch 1 para 19A</i></p> <p>ii. <i>Sch 1 para 19B</i></p> <p>iii. <i>Sch 1 para 19C</i></p> <p>iv. <i>Sch 1 para 19D</i></p> <p>v. <i>Sch 1 para 19E</i></p> | <p>Not applicable</p> |
| | <p>To appoint and maintain a list of panellists and chairmen for IOPs, RPs, RAPs, ICs and FTTPs. Also responsibility for dealing with concerns that arise, including panellists' eligibility or suitability to continue to sit on panels, and termination of appointment.</p> | <p>Council – i. <i>Constitution of Panels Rules</i></p> | <p>MPTS</p> |
| | <p>To appoint case managers to perform case management functions.</p> | <p>Registrar – <i>FTP Rule 16</i></p> | |

Chapter 10: GMC Financial Regulations

- Section A - Introduction
- Section B - Financial Management
- Section C - Financial Planning
- Section D - Risk Management and Control of Resources
- Section E - Financial Systems and Procedures
- Section F - External Arrangements

Section A – Introduction

Purpose

1. To ensure that high standards of financial integrity are maintained at all times.
2. The regulations are part of our corporate governance arrangements and are supported by a range of detailed and periodically updated policies, procedures and instructions on specific financial issues. Where any instances of conflict or ambiguity arise, the Financial Regulations take precedence.
3. It is not possible to cover every eventuality within these regulations. Where a particular circumstance is not specifically referred to and there is any doubt as to the correct course of action, guidance should be sought from the Assistant Director, Finance and Procurement.
4. In exceptional circumstances, it may be necessary to waive the requirements of Financial Regulations temporarily. This can be done only by the Chief Operating Officer or the Chief Executive, in consultation with the Chair of Council.
5. Financial Regulations apply to all staff, members and associates of the GMC, which includes the Medical Practitioners Tribunal Service (MPTS). Failure to comply with Financial Regulations, or instructions issued under them, may result in disciplinary action. It is the responsibility of senior managers (Chief Executive, Chief Operating Officer, Directors, Assistant Directors, Heads of Section, the Chair of the MPTS and the Clerk of the MPTS) to ensure that staff are aware of their responsibilities under these regulations, that they receive appropriate training and that they comply with them.

Section B - Financial Management

6. The GMC is a registered charity and is subject to the financial reporting requirements set out in the Charities Act 2011, the Charities (Accounts and Reports) Regulations 2008, the Statement of Recommended Practice for Accounting and Reporting by Charities, the Charities and Trustee Investment (Scotland) Act 2005 and the Charities Accounts (Scotland) Regulations 2006.

Council and committees

7. The powers and duties of the GMC are laid out in the Medical Act 1983 as amended. The Council (as the Trustees of the GMC) has overall responsibility for the financial management of the GMC. A comprehensive description of the role of Council and its committees is set out in the Governance Handbook.
8. The Council has established an Audit and Risk Committee, responsible for ensuring the integrity of the financial statements, reviewing the organisation's system of internal control, governance and risk management systems and to appoint, monitor and review both the internal and external audit services.

Deleted: These Financial Regulations provide the framework for managing the GMC's financial affairs; their purpose is t

Deleted: They also form an important element of the GMC's overall corporate governance arrangements.

Deleted: Financial R

Formatted: Bullets and Numbering

Deleted: Chair of the Council

Deleted: the Resources Committee

Deleted: <#> It is not possible to cover every eventuality or circumstance within these regulations. Consequently, the principles of sound financial management, as set out in Financial Regulations, should be applied in all circumstances, even where a particular circumstance is not specifically referred to. Where there is any doubt, guidance should be sought from the Assistant Director, Finance and Procurement.¶

Deleted: , and to all other third parties acting on behalf of the GMC

Deleted: Financial R

Deleted: Financial management covers all financial accountabilities in relation to the running of the GMC, including the policy framework, the medium term financial forecast and the annual budget.

Deleted: 1993

Deleted: defined

Deleted: ,

Deleted: the

Deleted: , boards and reference groups,

Deleted: <#>The role of the Resources Committee is to guide the Council on the appropriate human resource, information systems, property and financial strategies(... [18]

Formatted: Bullets and Numbering

Deleted: to monitor

Deleted: to

Deleted: internal control and risk management

Deleted: s

Executive

9. Council has established a Performance and Resources Board. Its purpose is to review operational performance and organisational capacity, as part of the GMC's executive governance arrangements. Full details are set out in the Statement of Purpose of the Performance and Resources Board. The executive lead and the Chair of the Board is the Chief Operating Officer. The Chief Operating Officer, like all other staff, works under the delegated authority of the Chief Executive. The Performance and Resources Board reports to Council through the Chief Operating Officer. All matters being reported to Council will be discussed with the Chief Executive.

10. One or both of the Director of Resources and Quality Assurance and the Assistant Director, Finance and Procurement, must be a member of one of the six CCAB bodies, or another body of accountants established in the UK and approved by the Secretary of State.

Section C - Financial Planning

Medium Term Financial Forecast

11. The medium term financial forecast should be prepared annually, cover a three year period and forecast the likely expenditure, income and reserves over that period.

Budgeting

12. The annual budget sets out overall income, revenue and capital expenditure, allocations to directorates and projects, proposed fee levels and the impact on reserves.

13. Budget managers should prepare draft plans and estimated costs for the activities of their directorates. It is the responsibility of senior managers to ensure that their draft budgets reflect the aims and objectives set out in the annual business plan. Draft budget proposals are scrutinised by the Performance and Resources Board, the Chief Operating Officer and the Chief Executive.

14. The annual budget comes into effect only when approved by Council.

Budget monitoring and control

15. Financial information to enable budget managers to monitor and control their expenditure effectively should be provided monthly.

16. Budget managers are responsible for controlling income and expenditure against their budget and for monitoring service delivery and performance against targets. Forecasts of income, expenditure and headcount should be prepared on a quarterly basis.

Deleted: <#>The main responsibility of internal audit is to provide the GMC, the Chief Executive and senior management with assurances on the adequacy of the internal control and risk management systems. The internal audit service is independent of GMC operational activities and has direct access to the Chief Executive and the Chair of the Audit and Risk Committee.¶
<#> The primary role of external audit is to report on the GMC's financial statements and to carry out such examination of the statements and underlying records and control systems as are ... [19]

Formatted: Bullets and Numbering ... [20]

Deleted: <#>The ... [21]

Deleted: The

Deleted: Registration and

Deleted:

Deleted: may delegat ... [22]

Deleted: ,

Deleted: who should

Deleted: ¶ ... [23]

Deleted: Budget ... [24]

Deleted: Policy frame ... [25]

Deleted: The Director ... [26]

Formatted: Bullets and Numbering ... [27]

Deleted: s

Deleted: estimates

Deleted: The Director ... [28]

Formatted: Bullets and Numbering ... [29]

Deleted: r

Deleted: As part of th ... [30]

Deleted: and submit ... [31]

Deleted: , before bein ... [32]

Deleted: The Resourc ... [33]

Deleted: endorsed

Deleted: The Director ... [34]

Formatted: Bullets and Numbering ... [35]

Deleted: I

Deleted: t is the respc ... [36]

Deleted: within their ... [37]

Deleted: and

Deleted: Budget man ... [38]

17. Budget managers should take any remedial action necessary to avoid actual expenditure exceeding budget.

18. Regular reports of budgetary performance and variances should be provided to the Performance and Resources Board, and to Council as part of the Chief Operating Officer's Report.

19. The Chief Operating Officer may seek Council's agreement to an additional budget allocation within the year, if this is deemed appropriate by the Chief Executive.

Budget virement

20. The transfer of budgets between directorates can only be made with the approval of the Chief Operating Officer. Transfers between budget heads within the same directorate can be made with the approval of the Director of Resources and Quality Assurance.

Maintenance of reserves

21. The Director of Registration and Resources should advise the Performance and Resources Board on the appropriate levels of reserves. Council should approve the reserves policy annually.

Investment policy

22. The Director of Resources and Quality Assurance should advise the Performance and Resources Board on investment management. Council should approve an investment policy annually.

23. All funds held by the GMC are controlled by the Director of Resources and Quality Assurance, who will oversee all borrowing, investment or financing and report to the Performance and Resources Board at regular intervals.

Section D - Risk Management and Control of Resources

Risk management

24. Overall responsibility for risk management resides with Council.

25. Responsibility for overseeing risk management arrangements is delegated to the Audit and Risk Committee. The Committee reviews the risk management framework and obtains assurance from the internal auditors that the arrangements in place are effective.

26. The responsibilities of managers and staff are set out in the Risk Management Framework.

Formatted: Font: Italic

Formatted: Bullets and Numbering

Deleted: It is the responsibility of t

Formatted: Bullets and Numbering

Deleted: to

Deleted: Resources Committee

Deleted: prudent

Deleted: for the GMC

Formatted: Font: Italic

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

Deleted: R

Deleted: and the ownership of risks

Deleted: The GMC's approach to risk management is set out in the Risk Management Framework approved by Council.

Deleted: the

Deleted: <#>Mission critical risks are identified in the Major Risk Register, where the likelihood of the risk occurring is high and the impact is significant. A lead officer is identified for each risk on the Major Risk Register.¶ Operational risks are identified in local risk registers and managed within the operational plans of each directorate.

Internal control

27. Council is responsible for setting and maintaining a framework of delegation and internal control.

28. The Audit and Risk Committee is responsible for reviewing internal control and systems.

29. The Head of Consultancy and Review Service (the head of internal audit) is responsible for reviewing the effectiveness of the systems of internal control and risk management, providing assurance to Council through the Audit and Risk Committee.

30. It is the responsibility of management to establish effective systems of internal control and risk management. These arrangements need to ensure compliance with all relevant statutes and regulations, and other relevant statements of best practice. They should ensure that GMC funds are properly safeguarded and used economically, efficiently, and effectively.

31. The Performance and Resources Board monitors operational performance, resource management, risk management and related controls, quality assurance, efficiency and continuous improvement.

Audit requirements

32. The Audit and Risk Committee makes recommendations to Council on the appointment, reappointment and removal of the external auditors.

33. External auditors and internal auditors have authority to:

- a. Access all assets, records, documents and correspondence relating to any financial and other transactions.
- b. Require and receive such explanations as are necessary concerning any matter under examination.
- c. Access records belonging to third parties, such as contractors when required.

Fraud and corruption

34. The Director of Resources and Quality Assurance is responsible for the development and maintenance of an anti-fraud policy.

35. Staff should report any suspected fraud in accordance with the GMC's Anti-Fraud Policy and, if appropriate, the Public Information Disclosure (whistle-blowing) Policy.

Deleted: <#>Internal control refers to the systems of control devised by management to help ensure the Council's objectives are achieved in a manner that promotes the economic, efficient and effective use of resources and that the GMC's assets and financial interests are safeguarded.¶
The Head of Consultancy and Review Service

Deleted: advising on effective systems of internal control. These arrangements need to ensure compliance with all relevant statutes and regulations, and other relevant statements of best practice. They should ensure that GMC funds are properly safeguarded and used economically, efficiently and effectively.

Formatted: Bullets and Numbering

Deleted: risk management

Deleted: senior managers

Deleted: sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement,

Deleted: y

Deleted: cy

Deleted: ness and for achieving financial performance targets

Deleted: is responsible for

Deleted: ing

Deleted: and progress against the Business Plan, monitoring long-term performance, overseeing the delivery of changes to secure

Deleted: , and to provide strategic assurance that the GMC is fit for purpose and functioning as a high performing organisation

Formatted: Bullets and Numbering

Deleted: The appointment or dismissal of the external provider of internal audit services is ratified by the Chair of the Audit and Risk Committee.

Formatted: Bullets and Numbering

Deleted: Registration and

Declaration of interests

36. Guidance for members on the disclosure of interests is set out in the Governance Handbook.

Deleted: <#>Staff should disclose immediately to the Director of Registration and Resources any personal interest in, or benefit arising from, a transaction or financial arrangement involving the GMC, including any interest in a business trading with the GMC. Declarations will be recorded and retained by the Director of Registration and Resources. ¶

37. Staff should disclose immediately to the Director of Resources and Quality Assurance any personal interest in, or benefit arising from, a transaction or financial arrangement involving the GMC, including any interest in a business trading with the GMC. Declarations will be recorded and retained by the Director of Resources and Quality Assurance.

Formatted: Bullets and Numbering

Asset management

38. The Director of Resources and Quality Assurance is responsible for maintaining a fixed asset register.

Deleted: Registration and

Formatted: Bullets and Numbering

39. Senior managers should ensure that records and assets within their areas of responsibility are properly maintained and securely held. The Director of Resources and Quality Assurance is responsible for ensuring that contingency plans for the security of assets and the continuity of business in the event of disaster or system failure are in place. Disposal of assets should be in accordance with procedures laid down by the Director of Resources and Quality Assurance.

Deleted: Registration and

Deleted:

Deleted: Registration and

Remuneration

Deleted: *Treasury management*

40. The Remuneration Committee is responsible for advising Council on the remuneration, terms of service and the expenses policy for Council members including the Chair; and for determining the remuneration, benefits and terms of service for the Chair of the MPTS and members of the MPTS Committee. The Remuneration Committee is also responsible for setting the remuneration, benefits and terms of service for the Chief Executive, Chief Operating Officer/Deputy Chief Executive and Directors.

Deleted: <#>The Resources Committee is responsible for approving the GMC's Treasury Management Policy. ¶ <#>All funds held by the GMC are controlled by the Director of Registration and Resources, who will undertake all borrowing, investments or financing in accordance with the treasury management policy approved by the Resources Committee. The Director of Registration and Resources will report performance to the Resources Committee at regular intervals. ¶ Budget managers are not permitted to borrow or invest funds on behalf of the GMC.

41. The Chief Executive and the Chief Operating Officer are responsible for determining policy on the remuneration, benefits and terms of service of all other GMC staff. Senior managers, in consultation with the Assistant Director – Human Resources, are responsible for setting and approving changes to staff salaries within the constraints of the overall policy.

Staffing

42. The Chief Operating Officer is responsible for ensuring that proper systems of staff appointment, training, allocation of work, delegation of duties and accountability, performance, appraisal, remuneration and discipline are in place.

Formatted: Bullets and Numbering

Deleted: c

Formatted: Bullets and Numbering

Deleted: Executive

43. Budget managers are responsible for controlling staff numbers by developing budget proposals that are sufficient to cover estimated staffing levels in the year, and adjusting staffing as necessary to a level that can be funded within the approved budget.

Deleted: Senior

44. Budget managers may only recruit temporary staff during the year where the costs can be absorbed within directorate budgets approved by Council.

45. Recruitment of permanent staff over and above those included in the annual budget must be approved by the Chief Operating Officer.

Section E - Financial Systems and Procedures

General

46. The Director of Resources and Quality Assurance is responsible for selecting appropriate accounting policies and for ensuring that systems are applied consistently, and for determining the accounting procedures to be followed and the accounting records to be maintained.

47. The Director of Resources and Quality Assurance is responsible for ensuring that the annual statement of accounts is prepared in accordance with the Medical Act 1983, the Charities Act 2011, the Charities (Accounts and Reports) Regulations 2008, the Statement of Recommended Practice for Accounting and Reporting by Charities, the Charities Accounts (Scotland) Regulations 2006 and the Charities and Trustee Investment (Scotland) Act 2005. Council is responsible for approving the annual report and accounts.

48. The Director of Resources and Quality Assurance is responsible for providing financial training to all relevant staff.

49. Senior managers are responsible for the proper operation of financial procedures within their areas.

50. Where key members of staff with financial responsibilities are absent, senior managers must ensure that named deputies are identified so that financial procedures continue to operate securely and effectively.

51. Arrangements relating to the procurement of goods and services are set out in the GMC's Procurement Policy and Procurement Manual.

Income and expenditure

52. The Chief Executive and the Chief Operating Officer may authorise expenditure within the constraints of the annual budget approved by Council. Directors and staff may authorise expenditure within the limits set out in the Schedule of Authority, within the constraints of approved directorate budgets.

53. The Director of Resources and Quality Assurance is responsible for maintaining a scheme of financial delegation that identifies staff authorised to act on the GMC's behalf in respect of raising orders, making payments, and collecting income, together with the limits of their authority. The Director of Resources and Quality Assurance will determine arrangements for the collection, banking and recording of income, and for payments to suppliers and other third parties.

Deleted: The Remuneration and Member Issues Committee is responsible for setting the remuneration, benefits and terms of service for the Chair of the GMC, Council members, and the Chair of the MPTS. The Remuneration and Member Issues Committee is also responsible for setting the remuneration, benefits and terms of service for the Chief Executive, Deputy Chief Executive and Directors. ¶ The Resources Committee is responsible for determining policy on the remuneration, benefits and terms of service of all other GMC staff. Senior managers, in consultation with the Assistant Director – Human Resources, are responsible for setting and approving changes to staff salaries within the constraints of the overall policy.

Formatted: Bullets and Numbering

Deleted: Registration and

Deleted: the operation of the GMC's

Deleted: systems, the form of accounts and the supporting financial records,

Deleted: registered in accordance with data protection legislation.

Deleted: Registration and

Deleted: of responsibility, and for ensuring that staff are aware of their responsibilities under data protection and freedom of information legislation.

Formatted: Bullets and Numbering

Deleted: Director of Registration and Resources

54. Senior managers are responsible for ensuring that the scheme of financial delegation is operating effectively in their area.

55. The Chief Operating Officer will approve the bank mandate authorising bank signatories and their limits.

Deleted: hair of the Resources Committee

56. Outstanding debts can only be written off in exceptional circumstances. Individual debts up to £25k can only be written off by the Director of Resources and Quality Assurance, who will provide a periodic summary to the Performance and Resources Board. Individual debt write offs of more than £25k will be referred to the Performance and Resources Board and be subject to approval by the Chief Operating Officer.

Deleted: ,

Deleted: and only by t

Deleted: Registration and

Deleted: report to the Resources Committee. D

Deleted: Resources Committee

Deleted: for

Staff, members and associates

57. The Director of Resources and Quality Assurance is responsible for all payments of salaries, allowances and expenses to staff, members and associates.

Formatted: Bullets and Numbering

Deleted: Registration and

Taxation

58. The Director of Resources and Quality Assurance is responsible for ensuring the GMC complies with the relevant guidance and legislation on all matters relating to taxation.

Formatted: Bullets and Numbering

Deleted: Registration and Resources

Deleted: advising

Deleted: , in the light of guidance issued by appropriate bodies and relevant

Deleted: as it applies,

Deleted: issues that affect it

Deleted: Registration and Resources

59. The Director of Resources and Quality Assurance is responsible for maintaining the GMC's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

Trading

60. No company or commercial enterprise that exploits any activity carried out by, or exploits any rights belonging to the GMC may be established by staff, Council members or associates without the prior written approval of the Chair of Council and the Chief Operating Officer in consultation with the Chief Executive.

Deleted: <#>The Director of Registration and Resources will advise the GMC on the establishment and operation of trading units.¶

61. No trading units can be established without the approval of Council.

Formatted: Bullets and Numbering

Deleted: ,

Deleted:

Deleted: of the Resources Committee and

Section F - External Arrangements

Partnerships and joint projects

62. No partnerships or joint projects which create material financial risk can be entered into without the approval of Council.

Formatted: Bullets and Numbering

63. Any partnerships or joint projects should be subject to the same high standards of conduct and financial administration that apply to all other GMC activities.

64. The Director of Resources and Quality Assurance should ensure that the accounting arrangements to be adopted for partnerships and joint projects are satisfactory, and that the financial risks have been fully appraised before agreements are entered into.

Deleted: Registration and Resources

65. Partnerships and joint projects should be subject to the same level of audit review as other GMC activities.

External funding

66. The Director of Resources and Quality Assurance is responsible for ensuring that all funding is received and properly recorded in the GMC's accounts.

Formatted: Bullets and Numbering

Deleted: Registration and Resources

Work for third parties

67. Any proposals to undertake work for third parties should be considered by the Performance and Resources Board and must be consistent with the GMC's charitable purpose and the Medical Act 1983. Contractual arrangements should be approved by the Chief Operating Officer.

Deleted: The Resources Committee is responsible for approving the contractual arrangements for any work to be performed for third parties or external bodies.

Formatted: Bullets and Numbering

Chapter 11: Decision Making Framework

Introduction

1. The GMC is a statutory corporation created under the Medical Act 1983 and is registered as a charity with the Charity Commission for England and Wales and with the Office of the Scottish Charity Regulator. These characteristics mean that various matters must be taken into account when decisions are made. In particular the GMC is bound to act in accordance with its duties as a public body discharging statutory functions in accordance with the Medical Act 1983, and as a registered charity in accordance with the Charities Act 2011.
2. The purpose of this document is to set out a general decision-making framework. This framework will act as a reminder to those working on behalf of the GMC of the correct approach by the GMC when decisions are made.
3. This framework does not purport to be comprehensive, and does not set out what are the relevant facts or matters which may have to be considered in relation to any particular case. It is no replacement for taking detailed advice, where appropriate, in relation to specific decisions.
4. Decision makers will need to take into account relevant legal, tax, regulatory and commercial considerations which apply to any particular decision.
5. This framework will apply and will be particularly relevant to decisions which are not expressly provided for under the Medical Act 1983 (as amended) (the "Act"). The Act and the regulations made under it set out certain requirements for certain decisions which decision makers must follow.

The Framework

6. Any decision made by the GMC must be made in the performance of its statutory functions, such as but not limited to, registration, education, standards and fitness to practice under the Act.

7. In exercising its functions the GMC must have regard to its main statutory objective, which is to protect, promote and maintain the health and safety of the public. Decisions made by, or on behalf of, the GMC must further one or more of these objectives.
8. The GMC is also a charity. Decision makers must check that any decision falls within the GMC's charitable purposes. If the decision is furthering one or more of the GMC's statutory objectives then such a decision is likely to fall within the GMC's charitable purposes.
9. The GMC must be able lawfully to do what is proposed. Any decisions which it makes or actions which it takes must be:
 - a. Pursuant to an express power set out in the Act or other relevant applicable legislation or regulations; or
 - b. Something that it, in the opinion of the GMC, incidental or conducive to the performance of its functions under the Act.
10. "*Incidental*" and "*conducive*" each have a wide meaning, although in certain situations there may be restrictions upon what the GMC can lawfully do as a statutory corporation.
11. The GMC must comply with the Charities Act 2011 and should follow Charity Commission guidance or authorisation. Regard must be had to the duties of "Charity Trustees" and the requirement that a charity must act for the public benefit.
12. The decision must be reached:
 - a. In good faith;
 - b. Reasonably, meaning rationally;
 - c. Having:
 - i. considered relevant facts and matters, including having proper regard to matters required under the Act;
 - ii. disregarding irrelevant facts and matters; and
 - d. After the decision makers have adequately informed themselves and where necessary made further enquiries and where appropriate taken professional advice and considered it.
13. In reaching decisions relevant governance procedures in the Governance Handbook should have been followed correctly: for example, the meeting must have been properly convened, quorate, and in accordance with any requirements of the GMC under the Act or any applicable legislation.

14. In exercising its charitable functions the GMC must comply with its duty of reasonable care under charity law and in particular its requirement for the proper stewardship of charitable funds. Charitable funds must be spent prudently, and in a manner appropriate to the GMC's statutory and charitable purposes.

15. The minutes of the relevant meeting or other record of consideration of the relevant issues and the reasons why a decision has been reached should reflect this decision-making process.

Additional guidance will be published from time to time to supplement this framework.

Annex A1: Working Arrangements

Meetings

1. Council meets as necessary for the transaction of its business, according to a schedule agreed by Council, but also as may be required as set out in paragraphs 2 and 3.
2. A special meeting may be called at the request of the Chair of Council (the Chair). 14 days notice is normally given of such a meeting.
3. A special meeting must be called within 21 days if ~~three~~ members so request in writing to the Chief Executive.

Deleted: eight

Principles relating to the conduct of Council business

4. The following principles apply to the conduct of Council business:
 - a. The default assumption should be that all Council business is conducted in public.
 - b. Some business may be more appropriately conducted in 'closed' session (i.e. GMC only, including staff). The reason for proposing that an item of business should be dealt with in closed session should be explained in the paper covering that item.
 - c. Exceptionally, matters may arise which need to be taken 'in private' normally including the Chief Executive/Registrar, Chief Operating Officer, Directors, and the Council Secretary (with the exception of any member of that group to whom the matter relates).
 - d. ~~Once a year, members may wish to meet without staff present, for example to discuss their own performance as a Board.~~ The reason for meeting in private should be made explicit in the agenda and by the Chair at the meeting.

Deleted: Registrar and the

Deleted: In very exceptional circumstances,

Deleted: might

Formatted: Bullets and Numbering

e. 'Briefings' for members on particular issues, e.g. updating them on developments in education or fitness to practise, should continue in the usual way and should not be regarded as part of the formal conduct of Council business.

f. With the exception of Briefings, minutes should be taken for all Council sessions. Where matters are discussed in closed or private session, however, the minutes will not be expected to give a detailed account of the substance of the discussion.

5. More detailed criteria for identifying items which should be taken in 'closed' and 'private' sessions (which broadly equate to different forms of 'seminar' mode) are set out below.

6. 'Closed' sessions are for the discussion of business which:

- a. Relates to any personal matter concerning a present or former registrant or applicant for registration.
- b. Relates to any matter which is commercially sensitive.
- c. Relates to any matter which is subject to legal professional privilege.
- d. Relates to any matter relevant to the prevention or detection of crime or the prosecution of offenders.
- e. Identifies any information given to the organisation in confidence.
- f. Relates to risks, for example of a financial or political nature, to the GMC or others where there is a danger that the risk would be exacerbated by discussion in public.
- g. Relates to early stages in developing policy or consultations.
- h. Relates to any other matter deemed by the Chief Executive and Chair, subject to the agreement of Council, to require discussion in closed session.

7. 'Private' sessions are for the discussion of:

- a. Any personal matter relating to an employee or Council member, or a former employee or Council member (if the employee or Council member would otherwise be present, he or she will be required to leave the part of the meeting during which such a matter is under consideration).
- b. Any other matter deemed by the Chief Executive and Chair, subject to the agreement of Council, to require discussion in private session

8. 'Private' sessions with no staff (including the [Chief Executive/Registrar](#)) present may be required, for example, where:

a. Council is discussing its own performance or matters concerned with members or the Chair.

Deleted: electing

b. The Chief Executive/Registrar is him/herself under discussion.

9. There might be occasions when, in the public part of the meeting, although an item would be tabled on the public agenda, the supporting papers would be available only to Council members and staff (and would be made publicly available at a later date).

10. If any matter arises of a confidential nature during the transaction of non-confidential business the Chair may require members of the public to withdraw while the matter is dealt with.

11. In the event of disorder at a meeting of Council, the Chair may require members of the public to leave. If disorder continues, the Chair may seek assistance from building security and/or the police to restore order.

Quorum and attendance

12. The quorum for any Council meeting is defined in the General Medical Council (Constitution) Order 2008 (as amended), and is 7 members.

Deleted: 14

13. The GMC Constitution Order 2008 (as amended) provides for a member to be removed from office by the Privy Council if that member's level of attendance at Council meetings falls below minimum levels of attendance set in Standing Orders, and whether or not there were reasonable causes for the member's absences.

14. Council members have a duty to attend meetings of Council and of any other GMC Board, Committee or group to which they have been appointed.

Deleted: Board,

Deleted: working

15. In the event that any member is unable to attend a Council meeting they have a duty to notify the Council Secretariat, and confirm the reason for their non-attendance.

16. Members' commitment to the work of the GMC is demonstrated in a variety of ways not restricted to attendance at formal meetings. However, a member who fails to attend, without good cause, three consecutive meetings of the Council and 75% of the total of all of his/her commitments to Boards and Committees in any one period of twelve months may be regarded as having made an insufficient contribution to the work of Council. In these circumstances, the Chair may decide to notify the Privy Council, which determines the question of the member's removal from office. Good cause in such circumstances is determined by the Chair of Council.

17. The Chair may invite any person to attend the whole or part of a Council meeting to present a report or to give advice.

Deleted: <#>The chief medical officers of the four health departments are, by virtue of their office, entitled to attend meetings of Council; and have the right to address Council at the invitation of the Chair.¶

Formatted: Bullets and Numbering

Agendas

18. The Chair and Chief Executive prepare and agree the agenda for each Council meeting.

Formatted: Bullets and Numbering

19. The Council Secretariat maintains a schedule of the proposed forward agenda planning programme, which will be made available upon request.

Deleted: on the members' website

20. Notice confirming the agenda for a Council meeting is sent to members not less than three weeks before the meeting to which it relates.

21. Any member wishing to raise a matter, other than a matter appearing on the agenda, at a Council meeting is required to notify the Chair and Chief Executive not less than 14 days before the meeting.

22. No business other than that which has been included in the agenda, or of which notice is given under paragraphs 3 or 21, is discussed at any Council meeting, with the exception of urgent business, which may be discussed with the consent of the Chair.

23. The agenda and supporting papers for Council meetings are sent to members not less than seven days before the meeting. Papers are circulated within seven days before the meeting only if they:

- a. Relate to a special meeting.
- b. Relate to urgent business.
- c. Contain information that was not reasonably available at the time of first circulation.

24. Agendas, papers and minutes of Council meetings are published on our website no fewer than two days before the meeting.

Formatted: Bullets and Numbering

Rules of debate

25. Any member wishing to speak indicates this to the Chair and waits to be called by the Chair. All contributions are directed to the Chair. Members give way to the Chair on request.

Formatted: Bullets and Numbering

Amendments

26. Any amendments to a recommendation are in one of the following forms:

Formatted: Bullets and Numbering

- a. To add words.
- b. To delete words.
- c. To delete words and substitute others.

27. All amendments are to be proposed and seconded.

Formatted: Bullets and Numbering

Decision making and voting

28. Members have a duty to support all Council decisions on the basis of collective responsibility.

Formatted: Bullets and Numbering

29. In discussion of agenda items the intention is to reach agreement by consensus. If a general consensus emerges, then the Chair may curtail discussion and seek agreement to the proposal. Where a consensus decision is reached the Chair asks Council to confirm this orally and this is minuted.

30. Voting occurs only when consensual agreement cannot be reached.

31. Voting at Council meetings is by show of hands. The Medical Act 1983 as amended provides that if the votes are equal the person who chairs the meeting has a casting vote in addition to his/her vote as a member of the Council.

32. The Chief Executive declares the numbers of votes and any abstentions, which are recorded in the minutes of the meeting.

Points of order

33. The decision of the Chair on any point of order or question of procedure is conclusive for all purposes.

Formatted: Bullets and Numbering

Minutes

34. Minutes of Council meetings are taken and are retained as a record of members' attendance, key points made, decisions taken and any declared conflicts of interest. On an exceptional basis, any member who dissents from a decision is entitled to require such dissent to be formally recorded in the minutes of the meeting. Draft minutes of Council meetings are produced, approved by the Chair and then circulated to members normally within 14 days of a meeting taking place. Minutes are laid before Council at the next meeting for final approval. The Chair signs the minutes of each meeting once they have been approved. In addition to the minutes, the Council Secretariat maintains a list of action points and monitors their completion.

Formatted: Bullets and Numbering

35. Recordings or transcripts made by third parties are not permitted at Council meetings unless specifically authorised by Council.

36. The GMC is a public body for the purposes of the Freedom of Information Act 2000. This provides a general right of access to information, subject to specified exemptions.

Urgent action between meetings

| **37.** The Chair may, having consulted the Chief Executive and other members wherever possible, between meetings authorise on behalf of the Council urgent action of a kind which would normally be dealt with at a meeting. Any action thus taken is reported at the next Council meeting and recorded in the minutes.

Formatted: Bullets and Numbering

Governance Handbook and working arrangements

| **38.** Any part of this Governance Handbook may be amended or revoked by Council at any time. The working arrangements for Council may be suspended if required for the effective conduct of business. Such suspension should be proposed and seconded, and approved by a majority of those present at a meeting.

Formatted: Indent: Left: 0 pt, Tabs: Not at 18 pt

Formatted: Bullets and Numbering

Deleted: MASTER FOR REVISIONS¶
¶
Approved by Council: February 2011

Annex A2: Corporate Seal

1. The corporate seal is kept in the secure custody of the Chief Executive, or another employee designated on his/her behalf.

2. The Chief Executive, is authorised to affix the seal to instruments in connection with the investments of the Council and to documents relating to the acquisition or disposal of premises.

3. Except as provided in paragraph 2 above, the seal may be affixed only as directed by order, or under the authority, of Council. The seal must be affixed in the presence of, and witnessed by, the Chief Executive and the Council member to whom Council has delegated authority.

4. Any order for affixing the seal states why it is being used, and is recorded in the minutes of Council.

5. The Council Secretariat shall keep a record of the affixing of the Corporate Seal.

Deleted: Resources Committee

Deleted: Chair of Council

Deleted: direct the

Deleted: ing of

Deleted: by the Chief Executive

Deleted: as directed by the Committee

Deleted: 4. .

Formatted: Indent: Left: 0 pt, First line: 0 pt, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 4 + Alignment: Left + Aligned at: 18 pt + Tab after: 54 pt + Indent at: 54 pt, Tabs: 37.4 pt, List tab + Not at 54 pt

Formatted: No bullets or numbering

Formatted: Indent: Left: 0 pt, First line: 0 pt, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 4 + Alignment: Left + Aligned at: 18 pt + Tab after: 54 pt + Indent at: 54 pt, Tabs: 37.4 pt, List tab + Not at 54 pt

Deleted: or of the Resources Committee.¶

Deleted: MASTER FOR REVISIONS¶
¶
Approved by Council:
February 2011

Formatted: Bullets and Numbering

Deleted: Boards,

Deleted: and GroupsBoards and Committees¶

Deleted: Boards and

Deleted: No member of the Audit and Risk Committee may be a member of the Resources Committee.

Deleted: Board,

Deleted: and Reference Group

Deleted: Boards and

Deleted: Working Groups¶
<#>Supporting the development of policy proposals, the GMC also makes use of a number of Working Groups addressing particular issues from time to time. These Working Groups should be formally constituted and tasked by Council. They typically include Council members with relevant interests and/or expertise, GMC staff and a range of external members appropriate to the issue being addressed, and they work in various ways depending on the nature, timing and duration of the work being undertaken. ¶
<#>It is expected that the involvement of Council members in such groups will be on the basis of self-nomination in discussion with the Chair of Council, the Chief Executive and/or executive lead staff. In the event that such a process results in more members wishing to serve on a particular working group than the requirements of effective working would permit, then the Chair of Council determines who should ... [39]

Deleted: <#>The chairs of the Boards may, with the agreement of the Council members of the Board ... [40]

Formatted: Bullets and Numbering

Deleted: the Boards and

Deleted: s

Deleted: Boards and

Deleted: s

Annex B1: Arrangements for the Appointment of Council Members to Committees

1. Members are asked to express interest in becoming members and/or chairs of Committees. Having taken account of these expressions of preference, the Chair of Council makes proposals for chair and members which are circulated in advance for approval at a meeting of Council.

2. The Chair of Council is *ex officio* a member of each Committee, except the Audit and Risk Committee, and if present forms one of the quorum.

3. Membership, including chairpersonship, of all of the Committees is reviewed twice in each four year term of office, at the beginning and at the mid-way point. Members are asked to express their preferences for bodies they wish to join or leave, and whether they wish to be a chair. The Chair of Council uses this information to inform proposals about chairs and membership which are presented as proposals to Council for approval.

4. The appointment of members following any casual vacancies that may occur is undertaken in line with the procedure outlined in paragraph 1.

Appointment of external members

5. The Audit and Risk Committee will nominate two people to serve as co-opted members on the Committee for any period not exceeding four years, and will seek Council's approval to the appointments.

6. Co-opted members of the Audit and Risk Committee will receive meeting papers and take part in the discussion. In the event that a vote needs to be taken, only Council members of the Committee will be entitled to vote. In the case of papers, the executive will advise on any particular papers, or parts of papers, which need to be treated in confidence.

7. The terms of office of co-opted members may be renewed for any further period of up to four years, provided that no co-opted member will serve for more than a total of eight years in any period of twenty years.

Observers

8. The chairs of each of the Committees may invite individuals from external organisations to attend meetings as observers.

Formatted: Bullets and Numbering

Deleted: Boards,

Deleted: and working groups

9. People invited to attend as observers may receive meeting papers. They may also take part in the discussion but will not vote on decisions. They are bound by the same duty of confidentiality as other members of the group.

Deleted: Reference Community¶

<#>Reference Community members are appointed through an open process and against agreed competencies.

Reference Community members are appointed as individuals and not as representatives of any organisation or group. ¶

<#>Reference Community members have a duty to respect the confidentiality of the information with which they are provided. ¶

Annex B2: Working Requirements for Committees

Deleted: Boards and

Chairing in the absence of the chair

1. When the appointed chair of a Committee is absent from a meeting, or has had to withdraw owing to a conflict of interest, the meeting is chaired by another Council member of the Committee appointed by agreement of the Committee in question.

Deleted: Board or

Deleted: Board or

Deleted: Board or

Minutes and notes

2. Minutes are taken of Committee meetings. As soon as the Committee chair has agreed the draft minutes of a meeting, they are circulated to all Committee members for comment. They are tabled for formal approval at the next meeting. The secretaries of the Committees also keep a list of action points and monitor their completion.

Deleted: Board and

Deleted: .

Deleted: Board,

Deleted: group

Deleted: Boards and

Reporting

3. Each Committee reports annually to Council on a 'to consider' basis, except the Audit and Risk Committee which reports twice a year. The report should be presented by the chair of the Committee in question, or, in the event that the chair is unavoidably absent, by a member of the Committee who has been asked to present by the chair of the Committee or by the Chair of Council. As part of the Audit and Risk Committee's reporting cycle, the Corporate Risk Register is presented to Council in closed session (see Annex A1 paragraph 4b).

Deleted: Board and

Deleted: Board or

Deleted: Board or

Deleted: Board or

Working arrangements

4. Each Committee is invited to consider and agree its own working arrangements, taking into account good governance practice and what is required to achieve its purpose.

Deleted: Board and

Decision making and voting

5. In discussion of agenda items the intention is to reach agreement by consensus. If a general consensus emerges, then the chair may curtail discussion and seek agreement to the proposal. Where a consensus decision is reached the chair asks the Committee to confirm this orally and this is minuted.

Deleted: Board or

Deleted: or noted

6. It is expected that Committees will conduct their business on the basis of seeking consensual agreement in all but the rarest of cases.

Deleted: Boards and

7. In the event that such agreement cannot be reached, and that it is necessary for a particular matter (for example in relation to a power delegated to a Committee by Council) to result in a specific decision, voting is used. Voting at meetings is by show of hands. If the votes are equal the person who chairs the meeting has a casting vote in addition to his/her vote as a member of the committee.

Deleted: Board

Deleted: or convenes

Deleted: board,

Deleted: or reference group

Deleted: or notes

8. The secretary to the meeting declares the numbers of votes and any abstentions, which are recorded in the minutes of the meeting.

Quorum and attendance

9. The quorum for meetings of the Audit and Risk Committee and the Remuneration Committee is two members.

Deleted: The quorum for meetings of each of the three Boards, and the Resources Committee, is four members.

10. Council and co-opted members are expected to attend meetings of any Committee to which they have been appointed or nominated.

Deleted: and Member Issues

Deleted: Board or

11. In the event that any member is unable to attend a Committee meeting that person has a duty to notify the relevant Secretariat, and advise the reason for their non attendance.

Deleted: Board or

Publication of papers

12. [The Committees' reports to Council will be available on the external website.](#) The GMC is a public body for the purposes of the Freedom of Information Act 2000. This provides a general right of access to information, subject to specified exemptions.

Formatted: Tabs: 36 pt, Left + Not at 18 pt + 141.75 pt + 241 pt

Formatted: Bullets and Numbering

Deleted: . Agendas, papers and minutes of the Boards will be available on the external website.¶

Annex B3: Role Description for Committee Chairs

1. The core role of the chair of a Committee is to ensure that the Committee remains focused on its business, acts within its terms of reference, and properly accounts for the conduct of its business in line with its purpose and duties.
2. The chair's role is to:
 - a. Provide non-executive leadership to the work of the Committee.
 - b. Ensure that the Committee fulfils the purpose set for it and is responsive to direction from Council.
 - c. Ensure that the Committee works collectively.
 - d. Work with the Chair of Council to ensure that business is handled effectively, with appropriate levels of consultation and input.
 - e. Establish and maintain an effective working relationship with the Chief Executive, Chief Operating Officer, directors, executive leads, secretariat, and other staff, as appropriate, taking forward business as required between meetings and liaising as required with other Committee members to ensure this.
 - f. Chair Committee meetings effectively, ensuring that required decisions are taken.
 - g. Approve draft minutes for circulation to the Committee.
 - h. Jointly with the executive leads, ensure, in the light of Council's priorities, and in liaison with the secretariat, an annual work programme for the Committee, including formal meetings as appropriate.
 - i. Ensure that the work and activities of the Committee are regularly reported to Council as required.

Deleted: , the chairs of the Boards and the other Committees, and chairs of working and operational groups,

3. As good governance practice, all chairs of Committees have an explicit right of access to the Chair of Council and to the Chief Executive.

4. There may be occasions on which, within the powers delegated by Council to the Committee, decisions need to be taken outside a meeting of the Committee. If so, the chair reports the decision to the Committee at the earliest opportunity and the agreed decision is formally reported at the next Committee meeting.

Annex B4a: Statement of Purpose of the Audit and Risk Committee

Purpose

1. The Audit and Risk Committee is responsible for ensuring the integrity of our financial statements. It reviews the organisation's systems of internal control, governance and risk management; and appoints, monitors and reviews both the internal and external audit services.
2. The Committee is specifically authorised by Council to:
 - a. Investigate any activity within its terms of reference. Any investigation will normally be initiated in consultation with the Chief Executive.
 - b. Seek any information it may reasonably require from any member, employee or associate. All members, employees and associates are directed to co operate with any reasonable request made by the Committee.
 - c. Obtain outside legal or other independent professional advice and to secure the attendance of people with relevant experience and expertise if it considers this necessary. The Committee may not incur direct expenditure in this respect in excess of its allocated budget without prior approval of the Chair of Council, in consultation with the Chief Executive.

Duties and activities

Financial Reporting

3. Review the annual financial statements taking into account advice from the external auditors and ensure they are a fair and accurate reflection of the activities of the GMC. If necessary, this should involve challenging the actions and judgements behind the preparation of the annual financial statements and related documents, before submission to and approval by Council.
4. Review the organisation's accounting policies.

5. Consider any other topics, as directed by Council.

Internal Control and Risk Management

6. Monitor the integrity of internal controls. In particular, review management and the internal audit reports on the effectiveness of the system of internal control.
7. Assess the scope and effectiveness of the systems designed to identify, assess, manage and monitor significant risks.
8. Review statements in the annual report and accounts relating to audit and risk management.
9. Ensure appropriate arrangements for staff to raise concerns about possible improprieties.
10. Review all delegated authorities at least once in every four-year Council term.

Internal Audit

11. The appointment or dismissal of the head of internal audit and the external provider of internal audit services is the responsibility of the Chief Operating Officer in consultation with the Chief Executive, but should be ratified by the chair of the Audit and Risk Committee. In the event of any unresolved disagreement between the Chief Executive and the chair of the Committee, the matter will be referred to the Chair of Council.
12. Ensure that the head of internal audit has direct access to the Chair of Council and the Committee and is accountable to the Committee.
13. Review the internal audit programme and ensure that the function is adequately resourced and has appropriate standing within the organisation.
14. Consider and monitor the organisation's response to any major internal audit recommendations.
15. Monitor and assess the role and effectiveness of the internal audit function.
16. Ensure the provision of any non-audit services does not impair the internal auditors' independence or objectivity.

External Audit

17. Consider and make recommendations to Council on the appointment, reappointment and removal of the external auditors.
18. Approve the terms of engagement and fee to be paid to the external auditor in respect of audit services provided.

19. Assess the qualification, expertise, resources, effectiveness and independence of the external auditors annually.
20. Discuss in advance with the external auditor the nature and scope of the audit.
21. Review with the external auditors their findings, the content of the management letter and management's responses and the audit representation letter.
22. Ensure the provision of any non-audit services does not impair the external auditors' independence or objectivity.

Working arrangements

23. Meetings will be held at least four times a year. At the discretion of the chair of the Committee, additional meetings can be convened.
24. The Committee should review its statement of purpose at least once a year and suggest any necessary amendments to Council.
25. The external auditors or internal auditors may request a meeting of the Committee.
26. At least once a year the Audit and Risk Committee should meet the external auditors and internal auditors without management.
27. Members of the Committee (including the co-opted members) may meet alone at any time. Normally, senior staff will be in attendance including the Chief Executive, the Chief Operating Officer, the Director of Resources and Quality Assurance, the Assistant Director Finance and Procurement, and the Head of Consultancy and Review Service (head of internal audit). Others may attend meetings at the invitation of the Committee.
28. Draft minutes should be cleared by the chair and circulated to members for comment within two weeks of the meeting. Minutes are circulated to all Council members.
29. Where the Committee is not satisfied with any aspects of the organisation's performance in relation to audit and risk or other systems of internal control it will report its views to Council.
30. The Committee prepares a report, for inclusion in the annual report and accounts, on its role and responsibilities and the actions it has taken to discharge those responsibilities. The report includes any unresolved disagreements between Council and the Committee.

31. The chair or another designated member of the Committee, if the chair is not available, presents a report and answers questions on the Committee's activities for Council at least twice a year.

Annex B4b: Statement of Purpose of the Remuneration Committee

Purpose

1. The Remuneration Committee advises Council on remuneration, terms of service, and the expenses policy for Council members including the Chair.
2. The Remuneration Committee will determine:
 - a. The appointment process for the Chief Executive.
 - b. Remuneration, benefits, and terms of service for the Chief Executive, Chief Operating Officer/Deputy Chief Executive, and Directors.
 - c. The appointment process for the Chair of the Medical Practitioners Tribunal Service (MPTS).
 - d. Remuneration, benefits and terms of service for the Chair and members of the MPTS Committee.

Duties and activities

3. The Committee is responsible for reviewing and advising Council on the remuneration arrangements and levels (including expenses policy) for Council members, including the Chair.
4. The Committee sets all aspects of salary or honoraria, the provision of any other benefits, and any other arrangements or contractual terms and offers advice in respect of the following roles:
 - a. The Chief Executive.
 - b. The Chief Operating Officer/Deputy Chief Executive.
 - c. Directors.

- d. The Chair and members of the MPTS Committee.
- e. Any other such staff and posts as may be required.

5. In respect of the appointments of the Chief Executive and the Chair of the MPTS, the Committee is responsible for designing the recruitment processes and for conducting them in accordance with Council's agreed delegation.

Working Arrangements

- 6. The Committee may commission appropriate external advice where required.
- 7. Meetings are held twice a year. At the discretion of the Chair of the Committee, additional meetings can be convened.
- 8. The Committee should review its statement of purpose at least once a year and suggest any necessary amendments to Council.
- 9. Papers for each meeting will be sent electronically to Committee members at least seven days in advance of meetings.
- 10. Draft minutes, recording conclusions of the issues discussed, should be cleared by the chair and circulated to members for comment within two weeks of the meeting. The Committee approves minutes at its next meeting.
- 11. The Chair of the Committee presents a report on its activities to Council at least annually.

Annex B4c: Statement of Purpose of the Trustees of the GMC Staff Superannuation Scheme

Purpose

1. The purpose of the Trustees of the GMC Staff Superannuation Scheme is set out in the Scheme's Trust Deed and Rules.
2. Trustees manage and administer the GMC Staff Superannuation Scheme. This includes:
 - a. Appointing an administrator of the Scheme.
 - b. Ensuring that members are paid the benefits they are due.
 - c. Ensuring that appropriate accounts and records for all Scheme administration are maintained.
 - d. Appointing an auditor to the Scheme.
 - e. Appointing a Scheme actuary.
 - f. Commissioning reports on the financial position of the Scheme.
 - g. Managing the investments of the Scheme.
 - h. Ensuring that the Scheme meets the relevant regulatory requirements.
 - i. Responding to any complaints or queries that require a decision.
 - j. Ensuring that key documents, reports and background information are accessible to scheme members.
 - k. Oversee the effective communication of the benefits, rules and Scheme funding position to Scheme members as well as promoting the benefits of membership of the Scheme.

Duties and activities

3. The Trustees have specific duties set out in legislation and the Trust Deed and are required to consult with the employer on changes to the Scheme and key policy statements, including:

- a. The statement of funding principles.
- b. The investment strategy.
- c. The employer covenant.

Working arrangements

4. The Trustees are required by the Deed to meet at least once a year, but normally meet more frequently. Professional advisers attend the relevant parts of each meeting.

5. The Trustees work closely with the Performance and Resources Board as the representative body of the Scheme sponsor. Any significant decisions for the Scheme sponsor are escalated to Council as quickly as possible via the Chief Operating Officer's report.

6. Sub-groups of the Board of Trustees are agreed from time to time to work on specific issues, such as meeting advisers and fund managers, or reviewing communications with Scheme members.

7. Papers for each meeting are normally sent electronically to Trustees at least seven days in advance of meetings. Copy papers are posted to Trustees requiring a hard copy.

8. Meetings regularly contain an element of training.

9. Minutes are circulated to Trustees for comment within two weeks of the meeting. The Trustees approve the minutes at their next meeting. Minutes record the conclusions of the issues considered.

Annex B4d: Statement of Purpose of the Medical Practitioners Tribunal Service

Purpose

1. The purpose of the Medical Practitioners Tribunal Service (MPTS) is to ensure that:
 - a. The MPTS provides a hearings service to the GMC that is efficient, effective and clearly separate from the investigatory role of the Fitness to Practise Directorate within the General Medical Council.
 - b. The MPTS provides effective leadership to decision-makers, which includes the recruitment, training, continuous professional development of panellists, case managers and legal assessors.

Duties and activities

2. The MPTS is responsible for:
 - a. High quality standards of decision-making by fitness to practise panels.
 - b. High quality standards of decision-making by interim orders panels.
 - c. High quality standards of case management by case managers.
 - d. Ensuring that the MPTS applies the equality and diversity strategy and policies of the GMC.
 - e. Providing a hearings service that demonstrates efficiency, effectiveness and value for money.
 - f. Ensuring that fitness to practise and interim orders panels are conducted in a way that is fair, just and transparent.

- g. Providing and maintaining a hearings service that is separate from the functions of the General Medical Council, which investigate and bring proceedings on fitness to practise cases.
- h. Ensuring that appropriate systems for the appointment, training, assessment and, where required, the removal of panellists and case managers are in place.
- i. Ensuring that appropriate systems for the appointment of specialist advisers and the appointment, training and assessment of legal assessors are in place.
- j. Liaising effectively with all users of the hearings service provided by the MPTS. This will include attending Liaison Group meetings with the other parts of the GMC.
- k. Representing the MPTS at appropriate external engagements.
- l. Keeping MPTS performance statistics under review.
- m. Discussing and advising on operational guidance for MPTS staff, panellists, case managers, and legal assessors as required.

Working arrangements

- 3. The membership of the MPTS Committee is the Chair of the MPTS and two other MPTS members, one medical and one lay. The MPTS is chaired by the Chair of the MPTS.
- 4. The MPTS Committee meets at least four times a year. At the discretion of the Chair of the MPTS, additional meetings can be convened, if required.
- 5. The quorum for meetings of the MPTS Committee is two.
- 6. Formal decision-making is supported by papers setting out options and recommendations. Papers for each meeting are normally sent electronically to MPTS Committee members at least seven days in advance of meetings.
- 7. In discussion of agenda items the intention is to reach agreement by consensus. Voting occurs only when consensual agreement cannot be reached: voting is by show of hands.
- 8. The numbers of votes are recorded in the minutes of the meeting.
- 9. The MPTS Committee may also choose to progress work electronically outside of the meetings including the use of teleconference and videoconference facilities.

10. The MPTS Committee Secretary minutes each meeting and aims to circulate the minutes, as cleared by the Chair of the MPTS, to members for comments within two weeks of the meeting. The MPTS Committee approves minutes at the next Committee meeting. Minutes record the conclusions of the MPTS Committee on the issues considered.

11. Where matters are being discussed outside a face-to-face meeting, for example by exchange of emails or teleconference calls or videoconferences, the MPTS Committee Secretary will liaise with the Chair of the MPTS to agree the most appropriate mechanism for seeking views depending on the issue.

12. The MPTS Committee reports on its activities to the GMC Council at least twice yearly.

Annex B4e: Statement of Purpose of the GMC/MPTS Liaison Group

Purpose

1. The purpose of the Liaison Group is to establish an effective working relationship between the MPTS and the functions of the GMC with which it will interact. The Liaison Group supports the delivery of the hearings service provided by the MPTS and ensures that working arrangements are established and operate effectively.

Duties and activities

2. To provide assurance to Council that the MPTS is delivering against its objectives through the report from the Chair of the MPTS to Council.
3. To work collaboratively to manage corporate risks and issues.
4. To resolve any policy or operational issues that may arise.
5. To provide an effective feedback mechanism between the GMC and the MPTS.
6. To have regard to the annual operational plan and budget for the MPTS.

Working arrangements

Membership

7. The membership of the Liaison Group is as follows:
 - a. Chair of Council.
 - b. Chief Executive.
 - c. Chief Operating Officer.

- d. Director of Fitness to Practise.
- e. Director of Resources and Quality Assurance.
- f. Director of Strategy and Communication.
- g. Chair of the MPTS.
- h. Clerk to the MPTS.
- i. Medical member of the MPTS.
- j. Lay member of the MPTS.

8. The Liaison Group will be chaired by the Chair of the GMC. If, for any reason, the Chair is unable to attend any meeting he/she will identify another member of the Group to chair the meeting.

9. Secretariat support to the Liaison Group will be provided by the GMC Governance team.

10. Staff from the MPTS and other parts of the GMC may attend by invitation.

Meetings and attendance

11. The Liaison Group meets on a quarterly basis or as necessary for the transaction of its business, according to a schedule agreed by the Liaison Group, but also as may be required as set out in paragraph 12.

12. A special meeting may be called at the request of either the Chair of Council and/or the Chair of the MPTS.

13. In the event that any member is unable to attend a Liaison Group meeting they should notify the Liaison Group secretariat.

14. Liaison Group meetings will usually take place 'in person' but with the agreement of the Chair of the GMC members may join by video conference.

Agenda, papers and minutes

15. The Chair of the MPTS and Chief Executive of the GMC prepare and agree the agenda for each Liaison Group meeting.

16. Papers for each meeting are normally sent electronically to members at least seven days in advance of meetings. Copy papers are posted to members requiring a hard copy.

17. Minutes of Liaison Group meetings are taken and are retained as a record of members' attendance, key points made, and decisions taken. Draft minutes of

Liaison Group meetings are produced, approved by the Chair of the Liaison Group and then circulated to members, normally within 14 days of a meeting taking place. Minutes are laid before the Liaison Group at the next meeting for final approval.

18. Agenda and minutes of Liaison Group meetings will be available on the external website once approved.

Deleted: MASTER FOR REVISIONS¶
¶
Approved by Council:
February 2011

Annex C1: Members' Information

Terms of office

1. The duration of the term of office of each Council member is determined by the Privy Council on appointment. The relevant provisions are set out in Part 2 section (3) of the GMC (Constitution) Order 2008 (as amended) (<http://www.gmc-uk.org/about/legislation/governance.asp>). Members are normally appointed for a four year term of office, and are eligible for re-appointment for a further term up to four years. The expectation is that the Privy Council will stagger the end dates of members' terms of office during any second term of re-appointment, if the needs of Council so require it.

Deleted: http://www.gmc-uk.org/GMC_Constitution_Order_2008_19_9_08_FINAL.pdf
_snapshot.pdf

2. The term of office of the Chair of Council is determined by the Privy Council on appointment. The relevant provisions are set out in Part 3 section (8) of the GMC (Constitution) Order 2008 (as amended) (<http://www.gmc-uk.org/about/legislation/governance.asp>). This term is normally four years, but in any event cannot be more than the period between the Chair's date of appointment as chair and the date on which the Chair's appointment as a member is due to expire.

Deleted: Council

Deleted: http://www.gmc-uk.org/GMC_Constitution_Order_2008_19_9_08_FINAL.pdf
_snapshot.pdf

Remuneration and time commitment

3. Members are expected to make themselves available to the GMC for up to three days a month, including Council and other meetings or commitments.

Deleted: about

Deleted: to four

4. An annual fee is paid to members to cover attendance at Council and other meetings, and all other activities including preparation and travelling time.

Formatted: Bullets and Numbering

Deleted: ¶
An additional allowance is paid to the chairs and convenors of the Boards and Committees, including the Board of Trustees of the GMC's Staff Superannuation Scheme.

Formatted: Bullets and Numbering

Personal details

5. We need to collect personal information in order to contact members about GMC business. Contact details are made available to Council members and to staff in the course of their work.

6. Biographical details may be made available on request by other organisations and individuals. [Summary biographies are published on our website.](#)

Deleted:

7. Information about disabilities, dietary requirements, and emergency contacts will not be made available outside the GMC and will be disclosed to staff only if such disclosure is essential for their work.

Annex C2: Member Induction, Appraisal, Education and Training

1. Part 2 Paragraph 4 of the GMC (Constitution) Order 2008 ([as amended](#)) requires the GMC to make provision in Standing Orders about the requirements with regard to education and training of members. Members are expected to participate in induction, appraisal, education and training.

Induction

2. Induction arrangements are made available for all Council members following confirmation of appointment. This includes the opportunity to meet the Chair of Council, Chief Executive and other members of the senior management team. Members receive a welcome pack [which includes key information as required to support them in their role](#). During induction, members receive advice and guidance on the appraisal system and IT facilities available, and the policy on remuneration and claiming expenses.

Deleted: and handbook for members, and other

Deleted: , members' website

Appraisal

3. The member appraisal cycle is based around two appraisal meetings between the Chair and member, one in the second and another in the fourth year of a member's term of office.

Multi-Source Feedback, external support, and the appraisal meeting

4. A 360 degree/multi source feedback system will provide an individual report to underpin the first appraisal discussion scheduled for the second year of appointment.

5. This first stage of the appraisal process (in the second year of a member's term) will be scheduled at a time which provides meaningful feedback for members. It will also be early enough in the members' term of office to allow any action points to be worked on.

6. While multi-source feedback is a key component of the process, the system of providing feedback is flexible. This includes the number of people feedback is sought

from, and who they are. It could include other Council members, senior GMC staff, or colleagues in other organisations. Feedback should generally be sought from a group of around six people, but this is an individual member's choice. The suggested minimum is four people.

7. The report summarising the results of the feedback is personal to the member and provides background to the first appraisal meeting with the Chair. It is not circulated outside this discussion and will not form part of the documentation shared with the [Privy Council](#) as part of the reappointment process.

Deleted: Appointments Commission

8. The support to which members have access in reviewing their feedback and preparing for their appraisal discussion will be in line with members' individual preferences.

9. This first appraisal will allow any training needs to be highlighted and followed up with individual members. Following the first appraisal discussion the Chair will provide an initial indication of performance based on the overall assessment levels in the Appraisal Summary Form [as approved by Council](#).

Deleted: Appointment Commission's

10. A second appraisal discussion with the Chair will then be scheduled for the final year of a four year term. This will include confirmation of whether reappointment is recommended, in line with [the overall assessment levels set by Council](#). This discussion will not normally be prefaced by a 360 degree process, but this will remain an option for individual members who would find this useful.

Deleted: the Appointment Commission's

Deleted: .

11. The timing of the second appraisal discussion will fit with the [appointment/re-appointment process](#), so appraisals will be scheduled to meet the relevant requirements.

Deleted: Commission's

12. The only exception to this timetable will be where there is the possibility of reappointment not being recommended. In these circumstances it is anticipated that an additional appraisal discussion would be scheduled for the third year of a member's term.

13. The appraisal process is supported by the Competency Framework for members.

Deleted: (insert link)

Using the Appraisal process

14. While there is an important relationship between individual appraisal discussions and the reappointment process there are other important links. The primary aim of the system is to contribute to the effective governance of the GMC. For individual Council members the process provides them with feedback, an opportunity to review the contribution they have made, and for any individual training or learning needs to be identified and met.

15. The appraisal process for the Chair of Council is as described above, except that the appraisal meetings are held with one or more of the chairs of the [two](#).

Deleted: three

Governance Committees, the number involved to be decided by the chairs of the two Governance Committees acting together.

Deleted: three

Education and training

16. In addition to individual learning/training needs identified during the appraisal process, arrangements are made for members to receive briefing and training that may be required to assist them undertake their role. Members may also ask for specific training if they think they require it in order to fulfil their responsibilities as members of Council effectively.

Annex C3: Guidance on the Register of Interests and Conflicts of Interest

1. Council members have a duty to act impartially and objectively, and take steps to avoid any conflict of interest arising as a result of their membership of, or association with, other organisations or individuals. To make this fully transparent, we have established a register of members' interests. As charity trustees, members have a duty to avoid putting themselves in a position where their personal interests conflict with their duty to act in the interests of the charity, unless authorised to do so.
2. Council attaches great importance to a proper balance between transparency and privacy. The aim of the register is not to satisfy curiosity but to support transparency and probity, and to maintain confidence in the regulatory process.
3. With this aim in mind, Council has agreed that the following interests should be declared:
 - a. Posts held in the course of employment or practice.
 - b. Membership of professional bodies, medical Royal Colleges, specialist societies, local medical committees or the medical defence organisations.
 - c. Fellowships of professional bodies, medical Royal Colleges, or specialist societies.
 - d. Any office held in a professional body, medical Royal College, specialist society, or other similar body in the public, private or voluntary sector. Offices include posts such as President, Chair, Chief Executive, Treasurer or Secretary.
 - e. Membership of a committee or Council of a professional association, specialist society, medical Royal College or other similar body.
 - f. Membership of, or posts held in, local authorities, or local or national community organisations.

- g. A position of authority in a charity or voluntary organisation in the field of health and social care;
- h. A connection with a professional body, voluntary or other organisation in the field of health and social care;
- i. Consultancies, directorships, or advisory positions if they relate to a medical, healthcare or pharmaceutical company or organisation, NHS Trust, Health and Social Services Board, Area or Local Health Board, Primary Care Trust or equivalent authority, public body or political party.
- j. Directorships, including non-executive directorships held in private companies or public limited companies (with the exception of dormant companies).
- k. Ownership, part-ownership or directorship of private companies, business or consultancies.
- l. Membership of a political party. Declaration should also be made of any specific political activity undertaken.
- m. Majority, controlling or otherwise significant shareholdings, stocks and trusts known to be held by a member or, if the members is aware of them, by anyone in their close family³ in companies whose business activities may be relevant to, or conflict with, our decisions and activities.
- n. Connection to any person or company that has a contractual arrangement for matters affected by our business or is involved in tendering for such a contract.
- o. Membership or association with any other organisations or individuals which may have an interest or influence in our work.

4. The Chief Executive is responsible for keeping the register of members' interests. The register will be published on our website. Members have a duty to provide relevant information and advise the Council Secretariat of any amendments to their entries in the register as soon as possible following any change in their circumstances. Members will, in any event, be invited to update their entries on a six monthly basis.

Conflicts of Interest

5. It is central to the proper conduct of business that Council should act and be perceived to act impartially and that its members should not be, or risk being perceived to be, improperly influenced in their role by professional, business, social or other relationships.

³ To include spouse, civil partner, child, parent, brother or sister, whether natural, adoptive or by marriage

Disclosure of interests

6. Members should disclose the existence and nature of any personal or prejudicial interest that they may have in any business being discussed at a Council or other GMC meeting by contacting the Council Secretariat in advance. If the existence of such an interest is not apparent to a member at that time but becomes apparent during the course of the meeting, he or she must disclose it as soon as it becomes apparent.

Personal Interests

7. A member is to be regarded as having a personal interest in any matter if it relates to any interest disclosed by the member in the Register of Members' Interests or if a decision upon the matter might reasonably be regarded as affecting to a greater extent than others, the well-being or financial position of that member, or, to the extent that the member is aware of any relevant interests, of anyone in his/her close family, or any person with whom the member has a business relationship, or:

- a. Any employment or business carried on by such persons.
- b. Any person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors.
- c. Any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £5000.

8. Personal interests are declared for inclusion in the Register of Interests, and the procedure in paragraph 10 is followed when those interests are considered to be prejudicial.

Prejudicial Interest

9. A member with a personal interest in a matter also has a prejudicial interest in that matter if a member of the public with knowledge of the relevant facts would reasonably regard the interest as being so significant that it is likely to prejudice the member's judgement of the public interest.

10. A member with a prejudicial interest in any matter has a duty to:

- a. Withdraw from the meeting while the matter is being considered at that meeting and play no part in any decision or vote on the matter.
- b. Exercise no function of Council in relation to that matter.
- c. Avoid influencing any decision about the matter.

Table of Handbook changes approval by Council

| | Last approved by Council |
|--|-----------------------------|
| 1. Role of GMC and relevant legislation | Feb-11 |
| 2. Principles of regulation, governance and delegation | Feb-11 |
| 3. Role of Council | Feb-13 |
| 4. Role of each component of the Governance framework | Apr-12 |
| 5. Role of the Chair of Council | Jul-12 |
| 6. Role of Council Members | Jul-12 |
| 7. Members' Code of Conduct | Feb-11 |
| 8. Role of the Executive | Apr-12 |
| 9. Schedule of Authority | Apr-12 |
| 10. GMC Financial Regulations | Apr-12 |
| 11. Decision making framework | Jul-12 |

Handbook Annex: Standing Orders/Working procedures

| | Last approved by Council |
|--|-----------------------------|
| A. Council: working arrangements | |
| 1. Working arrangements | Feb-11 |
| 2. Corporate seal | Feb-11 |
| B. Committees: working arrangements | |
| 1. Arrangements for the appointment of members to Committees | Feb-11 |
| 2. Working requirements for Committees | Feb-11 |
| 3. Role description for Committee Chairs | Feb-11 |
| 4. Purpose statements for Committees, and Board of Trustees of GMC Staff Superannuation Scheme | |
| a) Statement of Purpose of the Audit and Risk Committee | Feb-13 |
| b) Statement of Purpose of the Remuneration Committee | Feb-13 |
| c) Statement of Purpose of the Board of Trustees of the GMC Staff Superannuation Scheme | Feb-13 |
| d) Statement of Purpose of the Medical Practitioners Tribunal Service | Feb-13 |
| e) Statement of Purpose of the GMC/MPTS Liaison Group | Feb-13 |
| C. Matters relating to members | |

- | | |
|--|--------|
| 1. Members' information | Feb-11 |
| 2. Member induction, appraisal, education and training | Feb-11 |
| 3. Guidance on the Register of Interests and conflicts of interest | Feb-11 |
| 4. Procedure for dealing with complaints against members | Feb-11 |
| 5. Appointment of the Chair of Council | Feb-11 |

Change Log

| Section | | Change | Date |
|---------|---|---|--------|
| 1. | Role of GMC and relevant legislation | Changes made in light of legislative changes impacting size of Council and appointments process. | Apr-13 |
| 2. | Principles of regulation, governance and delegation | Deletion of reference to Reference Groups in paragraph 8c. | Feb-11 |
| | | Changes made in light of update to the <i>Good Governance Code</i> and organisational changes in the GMC. | Apr-13 |
| 3. | Role of Council | New paragraph 2j, deletion of references to Reference Groups, new bullet points in paragraph 3 related to the implementation of the governance framework | Feb-11 |
| | | Changes made in light of reconstitution of Council and revised governance model and approach to working. | Feb-13 |
| 4. | Role of each component of the Governance framework | Amendments to reflect renamed Remuneration and Member Issues Committee, new Continued Practice, Revalidation and Registration Board, deletion of Reference Groups and insertion of reference to operational groups. | Feb-11 |
| | | Amendments to include the introduction of the MPTS. | Apr-12 |
| | | Changes made in light of revised governance model and approach to working. | Apr-13 |
| 5. | Role of the Chair of Council | New paragraph 4f to reflect role of the Chair in proposals for chairs and | Feb-11 |

| | | | |
|-----|--------------------------|---|--------|
| | | members of Boards, Committees and Working Groups. Addition relating to term and cessation of office of Chair, and on deputising arrangements. | |
| | | Amendments to include the introduction of the MPTS | Apr-12 |
| | | Amendments to include changes required for appointment to reconstituted Council | Jul-12 |
| | | Changes made in light of revised governance model and approach to working. | Apr-13 |
| 6. | Role of Council Members | Amendments to include changes required for appointment to reconstituted Council. | Jul-12 |
| | | Changes made in light of revised governance model and approach to working. | Apr-13 |
| 7. | Members' Code of Conduct | Amendments to reflect renamed Remuneration and Member Issues Committee, references to Reference Groups deleted. | Feb-11 |
| | | Changes to reflect an update to the Nolan principles, and to include a reference to the GMC's values. | Apr-13 |
| 8. | Role of the Executive | Amendments to include the introduction of the MPTS | Apr-12 |
| | | Changes made in light of reorganisation to executive and revised governance model and approach to working. | Apr-13 |
| 9. | Schedule of Authority | Amendments to include the introduction of the MPTS | Apr-12 |
| | | Amendments to reflect the revised governance model and approach to working, and to incorporate updates to legislation. | Apr-13 |
| 10. | Financial Regulations | Additions clarifying the role of Governance Committees and the Performance Board. Reference to Reference Groups deleted. | Feb-11 |

| | | | |
|-----|---|---|--------|
| | | Amendments to include the introduction of the MPTS | Apr-12 |
| | | Amendments to reflect the changes to the governance model and revised ways of working, including the establishment of the Performance and Resources Board and its role within financial management and planning. The revised Financial Regulations were reviewed and agreed by the Performance and Resources Board at its meeting on 25 February 2013 for approval to Council | Apr-13 |
| 11. | Decision making framework | Addition of new section to the Handbook | Jul-12 |
| A1. | Working arrangements | Addition of section 'Principles relating to the conduct of Council business'. Provisions added on transcripts and recordings, handling disorder, and suspending established working arrangements. References to Reference Groups deleted. | Feb-11 |
| | | Changes made in light of revised governance model and approach to working. | Apr-13 |
| A2. | Corporate seal | Changes to reflect changes to the governance model, and to assign responsibility for maintaining a record to Council Secretariat. | Apr-13 |
| B1. | Arrangements for the appointment of members to Committees | Revised to take account of decisions on process for determining members and chairs of Boards and Committees, of decisions on Working Groups and operational groups, and of the view that Council members should not serve on groups that administer processes resulting in specific operational decisions. References to Reference Groups and convenors deleted. | Feb-11 |
| | | Changes made in light of revised governance model and approach to working. References to Boards and Working Groups removed. | Apr-13 |
| B2. | Working requirements | Revised to take account of decisions on Board and Committee reporting arrangements. References to Reference | Feb-11 |

| | | | |
|------|--|---|----------------------|
| | | Groups deleted. Changes made in light of revised governance model and approach to working. References to Boards removed. | Apr-13 |
| B3. | Role descriptions of Committee Chairs | Reference to Reference Groups deleted, and a reference to working with executive leads added. Changes made in light of revised governance model and approach to working. References to Boards removed, and addition of the Chief Operating Officer. | Feb-11 Apr-13 |
| B4a. | Statement of Purpose for the Audit and Risk Committee | Small amendment to reflect position on Committee reporting to Council. Insertion of reference to reviewing accounting policies, as recommended by internal audit report. Insertion of reference to reviewing delegated authorities at paragraph 10. Changes made in light of revised Governance model and approach to working. | Feb-11 Feb-13 |
| B4b. | Statement of Purpose of the Remuneration Committee | Revised and renamed to take account of position on the Committee's role in respect of wider member matters. Small amendment to reflect position on Committee reporting to Council. Changes made in light of revised Governance model and approach to working. | Feb-11 Feb-13 |
| B4c. | Statement of Purpose of the Board of Trustees of Staff Superannuation Scheme | No change since approved. | |
| B4d. | Statement of Purpose of the Medical Practitioners Tribunal Service | Addition of section to the handbook due to the introduction of the MPTS. | Apr-12 |
| B4e. | Statement of Purpose of the GMC/MPTS Liaison Group | Update to reflect updates to job titles in membership section. | Feb-13 |
| C1. | Members' Information | Reference to Reference Groups deleted, and reference to Appointments | Feb-11 |

| | | | |
|-----|---|--|----------------------|
| | | Commission changed to Privy Council to reflect abolition of Appointments Commission. Changes made in light of revised Governance model and approach to working. Links to websites updated. | Apr-13 |
| C2. | Member induction, appraisal, and education / training | Reference to members' ability to seek training if required inserted. Changes made in light of revised Governance model and approach to working. | Feb-11 Apr-13 |
| C3. | Guidance on the Register of Interests and conflicts of interest | Revised to reflect proposed changes on declaration of freemasonry and political party membership. | Feb-11 |
| C4. | Procedure for dealing with complaints against members | Amended to reflect renaming of Remuneration and Member Issues Committee. Additional paragraphs 2 to 4 inserted in response to internal audit recommendations for inclusion of material on removal and suspension of members. Changes made in light of revised Governance model and approach to working. References to Chair of Remuneration and Member Issues Committee updated, and inclusion of reference to Chair of Audit and Risk Committee to replace references to Chair of Resources Committee (ceased to operate). | Feb-11 Apr-13 |
| C5. | Appointment of the Chair of Council | Changes made in light of amendments to constitution of Council and change from election to appointment of Chair. | Apr-13 |

| Section | Date removed |
|---|---------------------|
| Ceased to operate end December 2012 in light of revised governance model | |
| Annex 4a: Statement of Purpose of the Continued Practice, Revalidation and Registration Board | Apr-13 |
| Annex 4b: Statement of Purpose of the Postgraduate Board | Apr-13 |
| Annex 4c: Statement of Purpose of the Undergraduate Board | Apr-13 |
| Annex 4f: Statement of Purpose of the Resources Committee | Apr-13 |
| Annex 4g: Statement of Purpose of the Education and Training Committee | Apr-13 |
| Annex 4h: Statement of Purpose of the Equality and Diversity Committee | Apr-13 |
| Annex 4i: Statement of Purpose of the Fitness to Practise Committee | Apr-13 |
| Annex 4j: Statement of Purpose of the Standards and Ethics Committee | Apr-13 |
| Annex 3a: Role description of Board Chairs | Apr-13 |
| Annex 3c: Role description of Reference Group convenors | Apr-13 |
| Continue and incorporated into executive governance arrangements | |
| Annex B4a: Statement of Purpose for the Professional and Linguistic Assessments Board | Apr-13 |
| Annex C6: Appointments to external bodies | Apr-13 |

Page 7: [1] Deleted velkin 15/03/2013 10:57:00

The high performance Board - The Board should have clear responsibilities and functions, and should compose and organise itself to discharge them effectively. This should be underpinned by clearly defined responsibilities for Board members; a supportive organisational design; and effective inputs and defined standards.

Page 7: [2] Deleted velkin 15/03/2013 10:58:00

Board review and renewal - The Board should periodically appraise its own, its supporting committees' and the organisation's effectiveness, and take any necessary steps to ensure that they continue to effectively discharge their functions.

Page 7: [3] Deleted velkin 15/03/2013 10:59:00

Board delegation - The Board should set out the functions of sub-committees, officers, the chief executive, other staff and agents in clear delegated authorities, and should monitor their performance.

Page 7: [4] Deleted velkin 15/03/2013 11:00:00

Board and trustee integrity - The Board and individual trustees should act according to high ethical standards, and ensure that conflicts of interest are properly dealt with.

Page 7: [5] Deleted velkin 15/03/2013 11:00:00

Principle 7: Board openness - The Board should be open, responsive and accountable to its users, beneficiaries, members, partners and others with an interest in its work.

Page 11: [6] Deleted velkin 15/03/2013 11:32:00

Resources Committee.

The three Boards

The three Boards are themed around the main phases of a doctor's career:

Undergraduate Board.

Postgraduate Board.

Continued Practice, Revalidation and Registration Board.

Each Board covers all aspects of the phase for which it is responsible, and thus embeds cross-functional working, addressing how our responsibilities impact upon each of our main populations. The Boards offer advice to Council, particularly on the practicability of proposed policy, at an early stage; and assist in the detailed implementation of policy decisions for their own target groups. They act within terms of reference, and decision-making powers are delegated to them by Council.

Functional Committees

The Functional Committees are as follows:

Education and Training Committee.

Equality and Diversity Committee.

Fitness to Practise Committee.

Standards and Ethics Committee.

These Committees provide an effective means of ensuring early and continuing member involvement in our work. They are groups in which members and staff meet, normally without external membership. They have some scheduled face to face meetings but also use a range of more 'virtual' working methods, for example e-mail and telephone conference.

Working groups/operational groups

Page 11: [7] Deleted velkin 15/03/2013 11:35:00

Working groups are also an important feature of our overall approach and may be set up by Council from time to time to take forward specific issues or programmes of work, with clear terms of reference. Operational groups undertaking particular tasks may be set up by Boards or Committees, with Council being informed about their establishment. The Secretariat maintains a list of those working groups/operational groups in existence at any particular time

Page 13: [8] Formatted CHPayne 26/03/2013 09:20:00

Font: (Default) Tahoma

Page 13: [9] Formatted velkin 18/03/2013 13:02:00

Font: (Default) Tahoma

Page 13: [10] Change velkin 18/03/2013 12:50:00
Formatted Bullets and Numbering

Page 13: [11] Formatted CHPayne 26/03/2013 09:22:00
Font: (Default) Tahoma

Page 13: [12] Change CHPayne 26/03/2013 09:21:00
Formatted Bullets and Numbering

Page 29: [13] Deleted Tim Coles 19/03/2013 09:09:00

| | |
|-----------------------|--|
| Fees Regs 2010 | General Medical Council Registration Fees Regulations 2010 |
|-----------------------|--|

Page 29: [14] Deleted velkin 09/04/2013 16:06:00

| | |
|------------------|---|
| GSMP Regs | General and Specialist Medical Practice (Education, Training and Qualifications) Order 20032010 |
|------------------|---|

Page 30: [15] Deleted Tim Coles 19/03/2013 16:17:00

| | |
|------------------------------|--|
| PMETB Fees Order 2009 | Postgraduate Medical Education and Training Board (Fees) Order 2009 – NB: Fees stated to remain applicable until revoked by an updated fees order made by the GMC |
|------------------------------|--|

Page 33: [16] Deleted CHPayne 26/03/2013 13:46:00

| | | |
|--|--|---|
| Remuneration and expenses of members ^[c1] | To decide levels of remuneration and expenses payable to members of committees and boards. | Council – <i>Sch 1 Pt 1 para 25(5)</i> |
|--|--|---|

Page 34: [17] Deleted velkin 09/04/2013 14:47:00

| | | |
|--|---|----------------|
| Process of co-optation of external members to the three Boards | The three Boards to have responsibility for process of co-optation of external members to the three Boards. Council to retain responsibility for approving final list of external organisations nominated by the Boards (but not for approving individuals nominated) | Council |
|--|---|----------------|

Page 64: [18] Deleted velkin 15/03/2013 13:02:00

The role of the Resources Committee is to guide the Council on the appropriate human resource, information systems, property and financial strategies such that the GMC, including the MPTS, can fulfil its statutory functions and remain at all times in sound financial health.

Page 65: [19] Deleted velkin 15/03/2013 13:04:00

The main responsibility of internal audit is to provide the GMC, the Chief Executive and senior management with assurances on the adequacy of the internal control and risk management systems. The internal audit service is independent of GMC operational activities and has direct access to the Chief Executive and the Chair of the Audit and Risk Committee.

The primary role of external audit is to report on the GMC's financial statements and to carry out such examination of the statements and underlying records and control systems as are necessary to reach their opinion on the statements.

Page 65: [20] Change

velkin

15/03/2013 13:04:00

Formatted Bullets and Numbering

Page 65: [21] Deleted

velkin

15/03/2013 13:08:00

The responsibilities of the Chief Executive and Registrar are set out in the Governance Handbook. These responsibilities include overall responsibility for budgeting and the management of the GMC's financial resources.

The Director of Registration and Resources' responsibilities in relation to financial management are:

The proper administration of the GMC's financial affairs.

Setting and monitoring compliance with financial management standards.

The provision of financial advice.

Advising on the corporate financial position and on the key financial controls necessary to secure sound financial management.

Preparing the medium term financial forecast, annual budget, and annual accounts.

Providing financial management information.

Advising on treasury management.

Providing advice on the safeguarding of assets, including insurance arrangements.

Page 65: [22] Deleted

velkin

15/03/2013 13:08:00

may delegate financial responsibilities to the

Senior managers must consult with the Director of Registration and Resources, and seek approval from the Chief Executive, on any matter liable to affect the GMC's finances materially, before any commitments are incurred.

Other financial accountabilities

Budget monitoring – the Director of Registration and Resources is responsible for providing appropriate financial information to enable budget managers to monitor effectively their budgets. Budget managers are responsible for controlling income and expenditure against their budget and for monitoring service delivery and performance against targets. Budget managers should take any remedial action necessary to avoid overspending against budget. The Director of Registration and Resources is responsible for providing regular reports of budgetary performance and variances to Council, the Resources Committee and the executive.

Virement – the transfer of financial allocations between directorates or main budget heads can only be made with the approval of the Resources Committee. Transfers within main budget heads can be made with the approval of the Director of Registration and Resources.

Accounting policies – the Director of Registration and Resources is responsible for selecting appropriate accounting policies and for ensuring that they are applied consistently.

Accounting records and returns – the Director of Registration and Resources is responsible for determining the accounting procedures to be followed and accounting records to be maintained.

Annual statement of accounts – the Director of Registration and Resources is responsible for ensuring that the annual statement of accounts is prepared in accordance with the Medical Act 1983, the Charities Act 2011 and the Statement of Recommended Practice: Accounting and Reporting by Charities (revised March 2005). The Council is responsible for approving the annual report and accounts.

Page Break

Policy framework

The Council is responsible for agreeing the Corporate Strategy. An annual business plan and an annual budget, drafted with the agreement of the Resources Committee, are submitted to Council for approval.

| | | |
|-----------------------|--------|---------------------|
| Page 65: [26] Deleted | velkin | 15/03/2013 13:11:00 |
|-----------------------|--------|---------------------|

The Director of Registration and Resources is responsible for preparing a medium term financial forecast that is consistent with the corporate strategy.

| | | |
|----------------------|--------|---------------------|
| Page 65: [27] Change | velkin | 12/02/2013 10:15:00 |
|----------------------|--------|---------------------|

Formatted Bullets and Numbering

| | | |
|-----------------------|--------|---------------------|
| Page 65: [28] Deleted | velkin | 15/03/2013 13:12:00 |
|-----------------------|--------|---------------------|

The Director of Registration and Resources is responsible for ensuring that a revenue budget and capital programme is prepared prior to the start of each year

| | | |
|----------------------|--------|---------------------|
| Page 65: [29] Change | velkin | 12/02/2013 10:15:00 |
|----------------------|--------|---------------------|

Formatted Bullets and Numbering

| | | |
|-----------------------|--------|---------------------|
| Page 65: [30] Deleted | velkin | 15/03/2013 13:12:00 |
|-----------------------|--------|---------------------|

As part of the budget planning process, b

| | | |
|-----------------------|--------|---------------------|
| Page 65: [31] Deleted | velkin | 15/03/2013 13:13:00 |
|-----------------------|--------|---------------------|

and submit them to the Director of Registration and Resources

| | | |
|-----------------------|--------|---------------------|
| Page 65: [32] Deleted | velkin | 15/03/2013 13:13:00 |
|-----------------------|--------|---------------------|

, before being presented to the Resources Committee

| | | |
|-----------------------|--------|---------------------|
| Page 65: [33] Deleted | velkin | 15/03/2013 13:13:00 |
|-----------------------|--------|---------------------|

The Resources Committee considers the draft budget proposals, and recommends an annual budget to Council. The approved budget sets out the allocations to directorates and projects, the proposed fee levels and the impact on reserves.

The Director of Registration and Resources is responsible for providing appropriate financial information to enable budgets to be monitored effectively. Variances against budget must be reported to Council, the Resources Committee and the executive on a regular basis

Formatted Bullets and Numbering

t is the responsibility of b

within their area and to monitor performance, taking account of the financial information provided by the Director of Registration and Resources.

Budget managers should take any remedial action necessary to avoid actual expenditure exceeding budget. In exceptional circumstances, the Resources Committee may approve an additional budget allocation within the year.

Working Groups

Supporting the development of policy proposals, the GMC also makes use of a number of Working Groups addressing particular issues from time to time. These Working Groups should be formally constituted and tasked by Council. They typically include Council members with relevant interests and/or expertise, GMC staff and a range of external members appropriate to the issue being addressed, and they work in various ways depending on the nature, timing and duration of the work being undertaken.

It is expected that the involvement of Council members in such groups will be on the basis of self-nomination in discussion with the Chair of Council, the Chief Executive and/or executive lead staff. In the event that such a process results in more members wishing to serve on a particular working group than

the requirements of effective working would permit, then the Chair of Council determines who should serve.

Operational groups undertaking particular tasks may be set up by Boards or Committees, and their establishment should be reported to Council.

The distinction between Working Groups and operational groups may not always be clear-cut. However, some illustrative factors are indicated below:

Working Groups will typically:

Focus on a strategic issue that is related to a key area of Council's Corporate Strategy.

Cover subject matter that is in some way complex.

Address matters that are sensitive or controversial, perhaps involving reputational issues.

Involve the seeking of views from external key interests and/or experts.

Deliver a programme of work over a reasonably substantial period of time.

Report to Council either directly or through a Board or Committee.

Operational groups will typically:

Operate in a 'task and finish' mode, carrying out a specific task, possibly within a relatively short time-frame.

Focus on delivering GMC priorities rather than on setting strategy or priorities.

Be predominantly focused on issues internal to specific Boards or Committees and/or the GMC's operations.

Report to a Board or Committee (or the Executive) rather than to Council.

The person appointed to chair any working or operational group should not be the chair of the group to which it reports.

Groups set up to administer processes that result in specific operational decisions (e.g. Fitness to Practise Panels, education visit teams, or the Professional and Linguistic Assessments Board) should not include members of Council.

The chairs of the Boards may, with the agreement of the Council members of the Board in question, invite external organisations in accordance with Council's agreed policy, to nominate individuals to serve on the Boards for any period not exceeding four years, who will be known as co-opted members. They are bound by the same duty of confidentiality as Council members