



## **GTC Scotland**

### **Code of Conduct and Membership Scheme Consultation Responses**

#### **A Term of Office**

All respondents agreed that the term of office for those appointed to panels or committees should mirror those provisions applicable to Council members (i.e. four year terms and no more than 8 years served in any 20 year period). One respondent, however, suggested that terms served as a Council member and as a panel/committee member should be considered together so that it should not be possible to serve more than 8 years in any of these roles.

#### **B Code of Conduct**

All respondents agreed that the provisions contained in the proposed Code of Conduct are appropriate.

#### **C Disqualification, Removal and Suspension Procedures**

All but one of the respondents agreed that the proposed disqualification, removal and suspension procedures are appropriate. The respondent that did not agree was concerned that paragraph 3.4 of Schedule 2 meant that a hearing could proceed where an individual was unable to contact GTC Scotland as a result of sudden illness or other incapacity. A further respondent noted that paragraph 6.1(d) and the term "adverse physical or mental health" in paragraph 6.2(g) may be overly prescriptive. That same respondent also suggested that the removal sections relating to the Appeals Board should be set out in a distinct section.

Nine of the respondents stated that the hearing held in relation to disqualification, removal and suspension should not be held in public while 3 stated that it should. One respondent had no view. One respondent added that the outcome and associated papers should be made public so that it may be scrutinised as required.

#### **D Complaints Procedure**

All but one of the respondents agreed that the proposed complaints procedures are appropriate. The respondent that did not agree felt that the Convener's decision that a complaint was trivial or vexatious should be subject to review by the Council. One respondent further commented that the possible outcome set out in paragraph 3.4(c) of Schedule 3 "reads as weak".

#### **E Additional Comments**

One respondent made the following additional comments:

- It may be helpful for the composition of the Appeals Board to be noted within the Scheme.
- It may be helpful for additional guidance to be provided on the role of the Convener.
- It may be helpful to review the structure and presentation of the document so that it is not perceived quite so negatively with the focus on disqualification and removal that it has.

#### **F/...**

## **F Equality and Diversity**

One respondent indicated that the proposals may present a barrier from an equality and diversity perspective. The respondent's concern was that some of the language used in the documentation was not readily accessible.

## **Summary and GTC Scotland Conclusions**

The majority of consultation responses were supportive of the proposals put forward. Responses to the comments received are set out below.

### **Code of Conduct and Membership Scheme**

#### **A Term of Office**

The provisions have been retained so that a term served as a Council member will be considered distinctly from those served as a panel/committee member. The Council considers that this is a fair and appropriate approach.

#### **B Disqualification, Removal and Suspension Procedures**

An amendment has been made to paragraph 3.4 of Schedule 2 to seek to ensure that hearing proceedings do not go ahead where sudden illness or other incapacity has resulted in a member or appointee failing to attend.

In view of the concerns noted by one respondent relating to removal where a member or appointee is unable to perform his/her duties due to adverse physical or mental health, a sentence has been added to the "Interpretation" section to clarify that the Scheme will be interpreted and applied in accordance with the terms of the Equality Act 2010. Although it is hoped that taking the step to remove an individual due to adverse physical or mental health would happen very rarely, this emphasises that such steps would only be taken where, amongst other things, the Equality Act requirements to make reasonable adjustments had been met.

An amendment has also been made to distinguish the Appeals Board removal provisions and clarify that any step taken to remove or disqualify an individual will only be taken by the Appeals Board where it is satisfied that it is just to do so. This seeks to ensure that the provisions are not perceived as being, or applied in a way that is, overly-prescriptive.

In view of the majority of responses, the provision set out in the proposed draft relating to removal, disqualification and suspension hearings has been retained so that these will be held in private but a member or appointee may request that it proceed in public should he/she so wish.

#### **C Complaints Procedure**

An amendment has been made so that the Convener's decision that a complaint was trivial or vexatious may be subject to review by the Council.

#### **D Additional Comments**

It has not been considered necessary or appropriate to make further changes to the proposed Scheme in light of the additional comments provided. We would note that the composition of the Appeals Board and guidance on the role of the Convener within the Council's overall governance framework will be provided in a Standing Order and Committee Scheme which will be published in due course.