

# **MEDICAL COUNCIL STANDING ORDERS**

Devised in accordance with the requirements of  
the Medical Practitioners Act 2007

**Approved by the Medical Council on 3<sup>rd</sup> March 2010**

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## 1. Introduction

### 1.1 Purpose

The purpose of this document is to ensure that the procedural workings of the Council, Committees and other groups established by the Council, are consistent with best international practice and ensure that the procedures enable the Council, its Committees and Working Groups, to carry out their regulatory activities efficiently and effectively.

### 1.2 Structure of the document

For ease of reference, the document is broken down into 'chapters' to avoid confusion with references to the Act which comprises Parts, Sections, Schedules and Articles.

All references to the Medical Practitioners Act 2007 (hereinafter referred to as MPA 2007) in this and other Council documentation shall be taken to mean the Medical Practitioners Act 2007 as amended by the Health (Miscellaneous Provisions) Act 2007, or any other amending legislation.

Each Chapter of this document will, where appropriate, start with a reference to the Part, Section, Sub-Section, Schedule or Article of the MPA 2007 that governs that applies to that Chapter.

### 1.2 Context

***"The Council has the power to determine its own procedures with effect from the commencement of its term of office" [MPA 2007, Section 11 subsections (2)(a) and (2)(g)].***

***Article 23 of Schedule 2:***

***"Save as is otherwise provided by any enactment, including this Act, the Council may make standing orders for the regulation of its proceedings, and may amend or revoke such standing orders".***

These Standing Orders have been compiled for the purpose of ensuring that all meetings conducted by the Council, its Committees and other groups established by the Council to support its statutory functions proceed in an orderly manner in accordance with agreed procedures.

The Standing Orders outline the way in which the Council establishes Committees and the manner in which Council meetings and meetings of other groups established by the Council at a subsidiary level, are conducted.

The decisions made by the Medical Council must be agreed and recorded at a properly quorate meeting of same.

The contents of this document should be considered in conjunction with the 'Schedule of Powers and Delegations' and the 'Code of Conduct for Members of the Medical Council'.

## 1.3 Terminology

For the purposes of these Standing Orders:

- 'the Medical Council' means the body established under the Medical Practitioners Act 1978 being the organisation as a whole including the Council Members, Chief Executive Officer and staff;
- 'the Council' means the 25 person board of the organisation as appointed by the Minister under section 17 of the MPA 2007;
- 'Council Member', 'Member of the Council' or 'Member' means a person appointed by the Minister in accordance with section 17 of the MPA 2007;
- 'member' (without capital) refers to a person other than a member of the Council serving on a committee or group.
- 'the President' refers to the person appointed under Article 13(1) of Schedule 2
- 'Chairperson'
  - in respect of Council meetings means the chairperson for the time being of a meeting of the Council, as determined in accordance with the Schedule 2 of the MPA 2007 (usually the President)
  - in respect of a committee established by the Council the person appointed by the President;
- 'meeting'
  - In respect of the Council includes an Ordinary Meeting, a Part 9 Meeting, or a Section 60 meeting;
  - In respect of a committee established by the Council means a routine meeting
- 'Ordinary Meeting' refers to an Ordinary Meeting of the Council held in accordance with the provisions of the MPA 2007 to deal with matters not directly relating to Part 9 of the MPA 2007;
- 'A Part 9 Meeting' refers to a meeting of the Council held in accordance with the provisions of the MPA 2007 to deal with matters directly relating to Part 9 of the MPA 2007 (all references to Part 9 refer also to consideration of cases under Part V of the Medical Practitioners Act 1978);
- 'A section 60' refers to a Council meeting convened to consider the making of an ex parte application to the Court for an order to suspend the registration of a registered medical practitioner under section 60 of the MPA 2007;
- 'Committee' with a capital refers to Committees formally established by the Council with that title;
- 'committee' or 'groups' in lower case is a generic term referring to any other grouping that the Council may establish and relates to subcommittees, working groups, advisory groups;
- 'Executive' refers to the Chief Executive Officer and the Management Team who are responsible for the implementation of Council policies and the operational management of the Medical Council other than where otherwise provided for in the MPA 2007.
- 'resolution' includes an amendment to a resolution, and all provisions of these s
- Standing Orders which apply to resolutions shall apply to amendments to resolutions unless these Standing Orders specify otherwise.

## 2. General Provisions

### 2.1 Altering Standing Order decisions

The Council can change, or in exceptional circumstances suspend, its Standing Orders at any properly quorate meeting of the Medical Council. As a matter of best practice, the Council should review its Standing Orders from time to time as necessary, but at least once during the term of the Council (usually midway through the term). Any amendments must be agreed and recorded at a properly quorate meeting of the Council. An updated

version of the Standing Orders should be signed by the President, dated and added to a newly created Standing Orders file.

The previous version should be clearly marked "Replaced by the version dated *<insert date>*". The obsolete version should be retained with the minutes of the meeting at which it was replaced, in case of any dispute in the future regarding the proceedings of the Council, in order to confirm the agreed procedures at the time in question.

## 2.2 Constitution and term of office of the Council

The composition of the Council changes every five years in accordance with the Medical Practitioners Act 2007. The first Council appointed under the provisions of that Act are appointed for a term ending on 31<sup>st</sup> May 2013

**[Section 17: Members of Council; Schedule 2, article 1].**

## 2.3 Standing Orders file

That the Secretary to Council compiles a "Standing Orders" file that contains:

- The Council's Standing Orders
- The 'Schedule of Powers and Delegations' of the Council
- The Code of Conduct for Members of the Medical Council
- The Terms of Reference for each Committee and other forms of sub-groups established by the Council under section 20 of the MPA 2007
- The policy on Members' expenses
- Register of Business Interests forms for all Council Members (to which access is restricted in accordance with the Code of Conduct for Council Members)

With the exception of the last item, the file should be accessible to all Council Members. The Secretary to the Council shall be responsible for this file and for any changes to be made.

## 2.4 Schedule of meetings of the Medical Council

### 2.4.1 Ordinary and special meetings of Council

The Council may decide to hold meetings to deal with matters relating to other than Parts 7,8 and 9 of the MPA 2007 separately from meetings dealing with all other business. The President and Chief Executive Officer shall, at the beginning of each year, propose a schedule of meetings for that year (other than those called in exceptional circumstances) for consideration by Council. This schedule of meetings can normally only be changed by agreement of Council.

### 2.4.2 Private meetings of Council

Council will meet in private session without the executive from time to time and not less than four times each year. At one of these meetings, normally at the end of the year in December, part of this meeting will take place in the absence of the Chairperson/President. The Vice-President will chair this session.

Unless determined otherwise by the meeting, the Vice-President or other person appointed by the Chair from among the members attending, will produce a Minute of the meeting to be incorporated in the Minutes of the main meeting. The President/Chairperson may decide, subject to the agreement of the members attending, to present a summary of the meeting to the executive when the latter re-join the meeting.

**[Schedule 2, article 9]****2.5 Election of President and Vice-President**

The Council shall decide the election process for the President and the Vice-President and the process must be agreed at a full Council meeting. A Council Member, other than a Member nominated for the office in question, shall chair the meeting for the item to elect the President. The President shall chair the meeting for the item to elect the Vice-President and any other position subject to an election process except in circumstances as outlined in article 18 of Schedule of the MPA 2007 which deals with the absence of the President and Vice-President.

**[Schedule 2, article 13]****2.6 Procedural matters provided for in the MPA 2007**

Some procedural matters referred to in these Standing Orders are also subject to the provisions of the MPA 2007, such as:

- Convening meetings
- The proceedings of meetings (in general)
- Removal of the President or Vice-President from office
- Suspension of a Member

The provisions of the MPA 2007 shall take precedence over the Standing Orders when interpreting any matter referred to in that Act.

The Secretary to the Council shall ensure that the work of the Medical Council complies with the Standing Orders. Further guidance can be found within the MPA 2007, Code of Practice for the Governance of State Bodies (2001) and the Framework for Corporate & Financial Governance of Regulatory Bodies under the aegis of the Department of Health & Children (2006).

**[Schedule 2, articles 14 to 23 deal with proceedings at meetings]****2.7 Committees and other groups**

The Council shall establish a Preliminary Proceedings Committee and a Fitness to Practise Committee to carry out certain specified functions described in Parts 7, 8 and 9 of the MPA 2007. The Council may establish other committees to which the Council has assigned certain of its functions. With the specific exceptions of the Preliminary Proceedings Committee and any Fitness to Practise Committee, the decisions of other committees and groups shall be subject to confirmation by the Council. Committees established under the Act may regulate their own procedures. The Council may, subject to the provisions of this Act, regulate the procedures of committees established under that section.

Individual committees and other groups established by the Council are subject to the Standing Orders set out for Council meetings, unless specified to the contrary.

All appointees to any Committee, or other group, will to be provided with a copy of Standing Orders and related documentation. Each appointee will be required to make an undertaking to comply with this code.

[Section 20, sub-sections 1 and 2]

## **2.8 Definitions in respect of Committees and other groups established by the Council**

### *2.8.1 Preliminary Proceedings Committee and Fitness to Practise Committees*

Preliminary Proceedings and Fitness to Practise Committees will be referred in the rest of this document as 'Section 20(2) Committees'.

### *2.8.2 Other Committees*

A committee of the Council set up in this manner may have delegated powers, with the Council deciding its membership, the procedures for appointing its chairperson, what powers it shall have, whether it may include non-Members and, if so, whether they may vote. This information must be reported to and minuted at a full Council meeting. The Council is responsible for any decisions taken by committees and these decisions must be reported back to the full Medical Council at its next meeting. The establishment, terms of reference, constitution and membership of committees must be reviewed from time to time as necessary, but at least once during the term of the Council (usually midway through the term). The method of appointment of a chairperson to each committee shall be a matter for the Council.

### *2.8.3 The establishment of subcommittees or other Groups*

The Council may also agree to the establishment of Working Groups and other groups to assist a Committee or the Council in its functions and to advise the Council as appropriate, either directly or through a Committee. The Council must approve the membership of each group it establishes, but will normally delegate the responsibility for bringing forward nominations to the Nominations Sub-Committee of the Council. The Council must approve the terms of reference of any of its committee or groups, other than for Committees established under 2.8.1 above. A Working Group cannot, by itself, make any decisions or have any delegated powers. A recommendation of a Working Group should go to the relevant Committee responsible for the establishment of that Group, or if established by the Council, to the Council.

The Council may, at any time, dissolve a Committee with the exception of the Preliminary Proceedings Committee and the Fitness to Practise Committee.

## **2.9 Membership of Committees and other groups (see list in Appendix 5)**

### ***Section 20, subsections 5 - 14***

The Council may appoint to any Committee or Group, persons external to the Council who have a special knowledge and experience related to the purpose of the committee. The appointment of a person to a Committee is subject to such terms and conditions as the Committee, subject to the approval of the Council, may determine.

The membership of any other Committee that is established by the Council is a matter for the Council and should take into account the relevant provisions of section 20.

The terms of reference of all Committees established by the Council should be included with the Standing Orders file. A list of Committees and their Chairs are included in Appendix 5.

## .2.10 Responsibilities of Chairpersons of Committees and other groups

The Chairpersons and members of committees act within their approved Terms of Reference to assist Council in carrying out its many and varied responsibilities within the provisions of the 2007 Act. As such they have a duty to Council to conduct and manage the affairs of their committees and working groups in an efficient manner on its behalf. To achieve this they will be provided with adequate administrative support from staff of the Council's executive.

The Chief Executive Officer is responsible, along with members of the management team, for assigning an appropriate level of administrative support and staff to each committee and working group that ensures the committee or working group can achieve its objectives in a timely manner. In respect of the business of committees and working groups, the member(s) of administrative staff will communicate directly to the chairperson as needed to ensure the effective development and implementation of policies and subsequent decisions.

STATUTORY COMMITTEES	MEMBERSHIP	QUORUM*
Preliminary Proceedings Committee	In accordance with section 20 subsection (6), (7), (8) and (11)	
Fitness to Practise Committee	In accordance with section 20 subsection (6), (7), (8), (9) and (10)	
<b>OTHER COMMITTEES with their Respective Sub-Committees and Working Groups</b>	<b>Chairperson, Secretary and Members</b>	

## 3. Meeting Arrangements and Proceedings

### **Note:**

*The following arrangements will not apply to Fitness to Practise Committees.*

### 3.1 General principles in respect of proceedings

The Council has adopted the following principles:

- The Council will operate on the principles of collective responsibility, support and respect. Decisions will be taken by consensus where possible.
- Council Members should normally speak with one voice in public on Council issues. If a different approach were to be followed, this would first have to be discussed by the Council. In all cases, Council Members must comply with the current Council policy in respect of communication with the media.
- All decisions will be recorded. Minority views will not normally be made public, although if a vote is necessary, the outcome of this will be recorded in the Council minutes. If a Council Member resigns because of disagreement with a Council decision, he or she may state the basis for the disagreement but may not publicly disclose the views of other Council Members.
- Council Members nominated by the President, or in his absence the Vice-President (other than those who disagreed with a decision) may be required to explain and articulate specific decisions.

### **3.2 Circulation of documentation**

Documentation (or meeting briefs) for meetings of the Council will be distributed in accordance with 'Standard Operating Procedure 001-Sec' (see Appendix 4).

The agenda and supporting material will be circulated to Council Members at their notified addresses. If on any occasion a Member requires that their brief be issued to an alternative address he/she must notify the Secretary to Council at least ten days in advance of the meeting.

This standard applies to all Council Committees and every effort will be made to ensure adherence to this procedure in all circumstances.

In the event that difficulties arise in respect of the distribution of any documentation in a timely manner, each member of the Council or the Committee or any other group, as appropriate, will be contacted directly by e-mail or SMS to alert them to the difficulty. With the exception of Preliminary Proceedings and Fitness to Practise Committees, papers should be available (but not necessarily circulated routinely) to all Members, and not just those on the specific Committee.

### **3.3 Notification of inability to attend all or part of a meeting**

In the instance where a Member is unavailable to attend any meeting of Council they should notify the Secretary to Council, a staff member in Corporate Services or the Chief Executive Officer's office of this at the earliest possible opportunity.

Where a Member cannot stay for the duration of a meeting, the Member should notify the Chairperson at the beginning of the meeting or as soon as practicable thereafter, of the time they need to leave so that the business of the meeting can be organised accordingly.

In each calendar year, Members shall attend at least two thirds of all ordinary meetings of Council and at least one half of meetings of committees and working groups of which they are members. If any Member fails to attend a sufficient number of meetings, he/she will provide the President and Council with reason(s) for their failure to meet the above quota. If Council is not satisfied with the Member's explanation, a report may be sent to the Minister.

The proceedings of the Council shall not be invalidated by any vacancy or vacancies among its membership or by any defect in the appointments to the Council or in the qualifications of any Member thereof.

### **3.4 Duration of meetings**

In respect of all meetings and at the commencement of each meeting, the Chair shall indicate the time at which the meeting should aim to conclude its business and where possible the approximate time to be allocated to each agenda item.

### **3.5 Quorum**

The quorum for a meeting of the Council shall be seven provided that, in the case of a meeting of the Council where the matter of the imposition of a sanction under Part 9 on a registered medical practitioner is on the agenda, the quorum shall be ten.

The quorum for all Committees of the Council shall be one-third of the membership. If the Council establishes other advisory groups and workings groups then the quorum shall be determined by Council for each group in accordance with the Act.

In the event of there not being a quorum, the meeting may proceed and notes kept of the proceedings. The secretary to the committee should notify the chairman if any meeting

becomes inquorate during the course of the meeting. Any decisions taken by the group in attendance must be included in the notes and these 'decisions' discussed and confirmed, if agreed, by the next meeting of the Committee at which a quorum is present. Without prejudice to the confirmation of any decisions as indicated, the notes of meetings where a quorum is not present cannot be considered as minutes.

**[Schedule 2, Article 8; Section 20, sub-section 13]**

### **3.6 Meeting by video or teleconference links or circulation of papers**

The President may convene a meeting to be held by video or teleconference links or by the circulation of papers in accordance with the Act. In such cases, the documentation will normally be circulated in accordance with paragraph 3.2 above. Notwithstanding these links, a Section 60 decision shall only be taken if at least seven members of Council are physically present.

When a meeting is held by such means, the written matters for decision will be sent to the members who are requested to respond with their agreement or comments within a specified period of time, normally ten days. The quorum must be reached for any decision taken by written procedure. A full report on the outcome of the procedure and the decision taken shall be presented to the next general meeting of the Council.

**[Schedule 2, articles 9 to 12]**

### **3.7 Chairing meetings**

#### *3.7.1 In respect of Council meetings*

The President of the Council will normally chair meetings of the Council. In his or her absence, the Vice-President shall assume the chair. In the absence of either of these members, the Council shall elect a chairperson from amongst the members attending.

The chairperson of the meeting should ensure that items listed for information only on the meeting agenda should not be opened up for substantive discussion unless the meeting determines otherwise. All items listed for decision or approval should be subject to a final decision from the Council (by voting where necessary), unless the Council agrees to consider information not previously considered. The ultimate decision to defer an item tabled for decision rests with the Chair of the meeting.

If it is perceived that there is a conflict of interest for the chairperson of the meeting, the chairperson may excuse him/herself for relevant agenda items, and (if the latter refers to the President), the chair shall pass to the Vice-President. If the Vice-President is not available then a chairperson shall be chosen from among the other members present.

#### *3.7.2 In respect of meetings other than Council meetings*

Meetings other than meetings of the Council shall be chaired by the person appointed for that purpose, or otherwise, as per paragraph 2.3 above.

**[Schedule 2, article 18]**

### **3.8 Consideration of Fitness to Practise cases (other than at a 'Part 9 Meeting')**

If Fitness to Practise cases are being considered at a 'Ordinary Meeting' as defined, they should be heard at a time specified at least ten days in advance of the meeting to ensure that a practitioner's case is heard at an appointed time.

In such circumstances, Members who have to leave early should indicate this at the commencement of the meeting to ensure that there is a quorum of ten members available for Fitness to Practise cases.

### **3.9 Agenda**

#### *3.9.1 In respect of Council meetings*

The agenda shall be drafted by the CEO and the Secretary to Council for consideration, and confirmation, by the President.

#### *3.9.2 Additional items proposed by members for inclusion on the agenda*

A Member wishing to propose a matter or matters for inclusion on the agenda shall send a notice to the Secretary to Council to arrive not less than ten working days before the meeting at which the matters are to be discussed. The Secretary to Council shall inform the President and CEO (or the Vice-President in the absence of the President) and, provided that the matter falls within, or is relevant to, the statutory functions of the Council, the President (or the Vice-President in the absence of the President) may agree its inclusion on the agenda of the Council as appropriate.

If, within ten working days of the meeting, a Member wishes to propose an item for the agenda and it is considered to be urgent, it should be sent to the President and the CEO as soon as possible, and in any event before the meeting commences. The President or, in the absence of the President, the Member chairing the meeting shall bring it to the attention of the Council at the commencement of the meeting and it shall be included in the agenda if it is agreed by the members present. (See SOP regarding circulation documentation)

An item listed on the agenda for information, discussion or decision shall be supported by relevant documentation except when a verbal report of a Committee or Working Group has been indicated. If a verbal report is given, a written version of the report should be provided for inclusion in the brief of the next meeting for noting.

No decisions shall be taken in respect of an item that is not included on the agenda unless by agreement of a majority of the Members present.

The first item of business at each meeting shall be to agree the agenda.

#### *3.9.3 In respect of meetings of Committee and Working Groups*

The agenda shall be formulated by the relevant member of Executive in consultation with the chairperson of the particular committee or other group as appropriate.

A member of a committee, or other group, wishing to propose a matter or matters for inclusion on the agenda should send notice to the member of the Executive, or the secretary of that group, to arrive not less than ten working days before the meeting at which the matters are to be discussed. That member of the Executive or the secretary shall consult with the chairperson regarding its inclusion on the agenda for the meeting in

question. If, within ten working days of the meeting, that member, wishes to propose an item for the agenda and it is considered to be urgent, it should be sent to the member of the Executive or the secretary as soon as possible and in any event before the meeting commences. The chairperson or other person chairing the meeting shall bring it to the attention of the committee or group at the commencement of the meeting and it shall be included in the Agenda if it is agreed by the members present.

An item listed on the Agenda for information, discussion or decision shall be supported by relevant documentation except when a verbal report has been indicated.

No decisions shall be taken in respect of an item that is not included on the Agenda unless by agreement of a majority of the members present.

The first item of business at each meeting shall be to agree the Agenda.

Matters to be raised under the heading 'any other competent business' should normally be notified to the chairperson in advance as outlined above.

### **3.10 Minutes**

#### ***[Schedule 2, article 19]***

##### ***3.10.1 In respect of Council meetings***

In respect of meetings of the Council, draft minutes shall be prepared by the Secretary to the Council, for approval by the President within a reasonable timeframe. The minutes shall record the names of attendees and in respect of each item on the agenda:

- the documents submitted to the Council
- a summary record of the decisions taken or the conclusions reached by the Council.

Minutes should also record where a member withdrew from the meeting on the grounds of conflict of interest, and when they returned. The draft minutes shall be circulated to all Members in accordance with the SOP referred to in 3.21 above;

The second item of business at each meeting shall be to agree the Draft Minutes. The Chairperson shall seek confirmation that these Minutes "constitute a true and accurate record" of the previous meeting. No discussion shall take place upon the Minutes except upon their accuracy for this Agenda item. If no question is raised as to their accuracy, or if a question is raised, then as soon as it is disposed of, the Chairperson shall sign the Minutes, including any corrections, after such an action is duly proposed and seconded.

##### ***3.10.2 In respect of meetings other than Council meetings***

In respect of meetings of Committees and other groups established by the Council, minutes should be circulated to all Council Members (not just those on the committee) normally within three weeks of the date of the meeting and not less than ten days before the next scheduled meeting. Minutes should record where a member withdrew from the meeting on the grounds of conflict of interest, and when they returned.

Confirmation of the minutes as a true record should be agreed at the next committee meeting and, provided there is agreement, the minutes should be signed by the committee Chairperson.

A Committee shall report back to a full Council, usually through the chairperson, on the work of the Committee and any decisions taken.

### **3.11 Order of Business**

#### *3.11.1 The order in which items are considered*

Every meeting shall be conducted in accordance with a written agenda, which shall be proposed by the chairperson at the commencement of the meeting and deemed to be adopted as proposed unless amended by resolution of the meeting.

Notwithstanding the above, the chairperson may, with the agreement of the meeting, determine the order in which items on the agenda are dealt with.

#### *3.11.2 In respect of Council meetings*

No business may be discussed by the Council which has not been included in the agenda except with the prior permission of the President (or other chairperson) and the agreement of the Council. Items raised on the day, which should by definition be of an urgent nature, should be dealt with in accordance with 3.7.2 above and, if accepted, shall be dealt with under 'any other competent business'. The Chairperson may also choose to request a written submission on the matter for consideration for inclusion on the agenda of the next Council meeting.

#### *3.11.3 In respect of meetings other than Council meetings*

No business shall be discussed by a committee or group which has not been included in the agenda except with the prior permission of the chairperson and the agreement of the members present. Items raised on the day, which should by definition be of an urgent nature may be accepted by the chairperson with the agreement of the members present for inclusion on the agenda and if accepted shall be dealt with under 'any other competent business'. The chairperson may also choose to request a written submission on the matter for consideration for inclusion on the agenda of the next meeting of that committee or group.

### **3.12 Decision Making**

Decisions by the Council will normally be made by consensus rather than by formal vote. Failing consensus, decisions will be made by a vote when:

- the Chairperson (or, in his or her absence, the Vice Chairperson) feels that there is a body of opinion among Council Members at the Council meeting which disagrees with a proposal or has expressed reservations about it and no clear consensus has emerged; or
- a Council Member who is present requests that a vote be taken and this is supported by at least one other Council Member; or
- the Chairperson feels that a vote is appropriate.

When a vote is taken, a decision will be by simple majority, except in the case of a proposal to suspend Standing Orders, where a two-thirds majority is necessary. In the case of a tied vote, the Chairperson will have a casting vote in addition to his or her original vote.

### 3.13 Reports to the Council from Committees

After each meeting of a Committee, the appropriate member of the Executive shall be responsible for the preparation of a report from that Committee. This report shall be approved by the chairperson before submission for the Council's agenda.

Each Committee chairperson should present a report of their Committee's business where a Committee meeting has occurred since the previous Council meeting. Reports of Committees shall be presented in writing to the Council and their approval moved by the chairperson of each Committee or his/her nominee. In cases of urgency, a chairperson may present an interim verbal report of the committee meeting but must ensure a written report is provided for the next Council meeting.

In the case of other groups established by the Council, the chairperson of that group, shall decide, in consultation with the chairperson of the relevant Committee, where applicable, and the relevant member of the Executive, as to when an item should be submitted for inclusion on the Council's agenda.

#### *3.13.1 Adoption of recommendations from a Committee*

Having considered the report from a Committee, other than a section 20(2) Committee, the chairperson, or in his or her absence, another Member shall propose the adoption of each recommendation from that Committee, one at a time. Another Member may second that proposal.

When a proposal or recommendation made in a report by a Committee, or a motion that a report by a Committee be approved, is under debate, no further proposals shall be received except one of the following: -

- (i) An Amendment, namely that the proposal, recommendation or motion be amended as follows ".....";
- (ii) The closure of the debate.

If there are dissenting views, the President (or other chairperson) shall put the matter to a vote. In the event of an equality of votes, the President (or other chairperson) shall have a second or casting vote.

#### *3.13.2 Amendment to recommendations from Committees (See 3.14.2 below)*

### 3.14 Consideration of motions or resolutions on the agenda

#### *3.14.1 Resolutions and motions on the agenda (other than recommendations from a Committee)*

A motion included in the Agenda, or a recommendation in a report by a Committee, shall be proposed and seconded by two members before it is put to Council for adoption or otherwise. The President (or other chairperson) of the Council shall allow such time for discussion on each item of the Agenda as appears reasonable to him/her, having regard to the importance of the matter and to the need to dispatch the remaining business on the Agenda. Following such a discussion, the President (or other chairperson) shall put the matter to a vote. In the event of an equality of votes, the President (or other chairperson) shall have a second or casting vote.

#### *3.14.2 Amendments to resolutions and motions on the agenda (including recommendations from a Committee)*

Any amendment to a motion included in the Agenda, or a recommendation in a report by a Committee, shall be proposed and seconded before it is discussed and if required by the chairperson shall be committed to writing and read from the chair. The seconder of an

amendment may reserve his/her speech to any period of the debate but only the proposer has the right of final reply.

If an amendment is proposed it shall be disposed of before any other amendment is moved. If it is defeated a second amendment may be moved and disposed of and so on until no further amendment is proposed. If every amendment is defeated the original recommendation or motion shall then be put to the vote.

When an amendment to a proposal or recommendation made by a Committee, or when any motion, proposal or recommendation not made in a report by a Committee, is under debate, no further proposal shall be received except one of the following:

- (i) The closure of the debate;
- (ii) The postponement of the matter;
- (iii) the Council, instead of proceeding to deal with the amendment, motion or proposal, pass to the next item of business;
- (iv) In the event that an amendment is approved by Council and no further amendments are forthcoming, then the main motion as amended is put to the Council for consideration.

### **3.15 Proposal to close a debate**

A proposal for the closure of the debate, or to postpone consideration of the matter, or to pass to the next item of business may be made at any time by the President (or other chairperson) and, if the Council agrees, shall then be adopted. If such a proposal, when made by the President (or other chairperson) is opposed, the President (or other chairperson) shall then put the proposal to a vote.

Without prejudice to the powers of the President (or other chairperson) under the foregoing paragraph, any other Member may make one of these proposals. If seconded, such a proposal shall be put to a vote without debate.

Subject to the foregoing the President (or other chairperson) shall allow such time for discussion on each item of the Agenda as appears reasonable to him/her, having regard to the importance of the matter and to the need to dispatch the remaining business on the Agenda.

### **3.16 Voting**

All decisions of the Council, and all questions coming or arising before the Council, may be concluded and decided by a majority of such members of the Council that are present. In the event of a split vote (other than the election of the President or the Vice-President), the President (or other chairperson) shall have a casting vote.

#### **[Schedule 2 articles 8 and 14(4)]**

**(see also 3.14, 3.17 and Appendix 2)**

### **3.17 Suspension of Standing Orders**

No provision made by this chapter of the Standing Orders may be suspended unless two-thirds of the members of the Council, present and voting, are in favour of such suspension. In the event of an equality of votes, the chairperson shall have a second or casting vote.

#### **4. Procedure for obtaining Council approval between scheduled Council meetings**

The Chairperson shall decide when an issue is of a sufficiently urgent nature to warrant the taking of a decision by the Council by written procedure in the interval between scheduled meetings of Council.

The request for such a decision shall be communicated to Council Members by e-mail, or by a suitable alternative where a Member or Members do not have access to email, and shall:

- Indicate the Chairperson's agreement that the decision be taken by written procedure.
- State the nature of the decision requested.
- Provide information on the urgent nature of the decision.
- Provide detailed information to enable the Members of the Council to take the decision.
- Set out a final deadline for Members of the Council to seek additional information or clarification on the issue to be decided.
- Set out a final deadline and procedures for Members of the Council to inform the Secretary of their decisions.

In the event that any Member of the Council seeks additional clarification or information on the issue to be decided, a copy of that information will be sent as above to all Members of the Council.

A decision will be deemed to be taken by the Council when more than half of the Members of the Council are in agreement on the issue to be decided. The decision of the Council will be communicated by the Secretary to all Members of the Council as above as soon as practicable after the decision has been taken.

Decisions taken by written procedure between meetings of the Council will be recorded in the minutes of the subsequent Council meeting.

The above procedures for taking decisions between meetings of the Council do not interfere with the rights of the Chairperson or Council Members to call a meeting of the Council as set out under Schedule 2, Section 15.

#### **5. General Etiquette and Behaviour**

*Note: In respect of all meetings – references to "members" in this section refers to Council Members and members of Committees and other groups*

Members wishing to speak should raise their hands and their names shall be called in turn by the chairperson.

Members should not speak to an item more than once until all other members have had the opportunity to speak, unless a Member has been asked to clarify a point. The chairperson should ensure that all members wishing to speak to an item are invited to do so before any Member is allowed to speak for a second time. To facilitate the processing of business a Member who wishes to speak for a second time on an item should only do so if they wish to make a new point of information or opinion.

Where, in the opinion of the chairperson, a speaker is not being relevant to the matter at hand the chairperson may require him or her to cease speaking.

If a Member is deemed by the Chairperson to be out of order he/she must be called to order. If the Member persists with inappropriate behaviour the Chairperson shall request him/her to leave the meeting. If the Member refuses to leave the meeting room the Chairperson shall adjourn the meeting. The meeting shall only be resumed when the Member either agrees to leave the meeting or accept the ruling of the Chairperson.

In respect of Council meetings where a matter relating to Part 9 of the MPA 2007 is under consideration, Council Members should retain formal business attire whilst respondents or other participants in fitness to practise matters are present at Council meetings. The President (or other chairperson of the meeting) shall remind Council Members of this requirement if necessary.

All mobile phones must be switched to silent mode and members should leave the room to answer phone calls. Mobile phone calls should not be taken during the consideration of any matters under consideration by the Council. In the case of Members who are present for matters considered under Part 9 being 'on-call', the Chief Executive Officer, or another member of the Executive shall, if the Member so requests, make arrangements for the calls from their mobile phone to be answered.

Members who leave the room for part of the deliberation of a matter under Part 9 of the MPA 2007 shall not return until that matter is concluded. Members arriving at a meeting during the consideration of such a matter should not enter the Council room until the matter is concluded.

## 6. Reviewing the Council's performance

The Council will review its own performance and that of its committees from time to time and normally at yearly intervals. [A summary of its findings will be included in the Council's annual report and accounts.]

## 7. General

The Chairperson shall have power to decide upon any procedural matter arising and not covered by these Standing Orders.

### Declaration

The Medical Council, at its meeting on 3<sup>rd</sup> March 2010 resolved to adopt the Standing Orders. A copy has been forwarded to the Secretary to the Medical Council for the formal Medical Council records and a copy has been retained at the Offices of the Medical Council for reference.

Signature: \_\_\_\_\_ (President)

Date of signature: \_\_\_\_\_

## Appendix 1 – Pro forma Minutes and Notes of Meetings

**Pro forma Minutes for Board/Committee/Working Group Meetings of**

**The Medical Council  
(the “Council”)**

**Held at [*Location*]  
on [*Date*] at [*Time*]**

**Present**

Chairperson
[Vice Chairperson]
[Council Member]
[Council Member]
[Council Member]
[Council Member]
[Council Member]
[Council Member]
[Council Member]
[Council Member]
[Council Member]
[Council Member]
[Council Member]
[Council Member]
[Council Member]
[Council Member]
[Council Member]
[Council Member]
[Council Member]
[Council Member]
[Council Member]

**Apologies:**

[ <i>Name of Absent Council Member</i> ] [ <i>Initials</i> ]	[Council Member]

**In Attendance:**

	[Chief Executive]	[CEO]
	[Acting Secretary]	[Secretary]
	[Head of XYZ]	[XYZ]
	[ <i>Organisation</i> ]	[ <i>Initials</i> ]

**Did Not Attend:**

[ <i>Name of Absent Council Member</i> ] [ <i>Initials</i> ]	[Council Member]

**1. Chairperson**

[Insert Name] took the chair of the meeting.

**2. Quorum**

It was noted that there was a quorum of Council Members present and that the meeting was duly convened.

**3. Declaration of Interests**

Each of the members of the Council brought to the attention of the meeting their interests, if any, as members of the Council in the business to be transacted at the meeting. (See Appendix 1, Note 1).

**4. Minutes of the previous meeting and matters arising**

The minutes of the previous Council meeting held on [ ] were briefly reviewed and were approved in the terms circulated. The Council then discussed and updated the agreed actions as noted from previous meetings. It was noted in particular that [ ]. (See Appendix 1, Note 2).

**5. Correspondence**

The correspondence received by the Council from [ ] was noted and discussed. After due and careful consideration... (See Appendix 1, Notes 3, 4 and 5)

**6. Chairperson's Report**

The Chairperson's Report was tabled at the meeting and its contents noted. In particular it was noted that. After due and careful consideration... (See Appendix 1, Notes 3, 4 and 5)

**7. CEO's Report**

The CEO's Report was tabled at the meeting and its contents noted. In particular it was noted that. After due and careful consideration... (See Appendix 1, Notes 3, 4 and 5)

**[8. [ ] Committee Report**

The [ ] Committee's Report was tabled at the meeting and its contents noted. In particular it was noted that. After due and careful consideration... (See Appendix 1, Notes 3, 4 and 5)]

**12. Any Other Business/Next Meeting**

It was noted that the next Council meeting was scheduled for [ ]. There being no other business the meeting ended.

Date:

Date:

\_\_\_\_\_  
[Insert name]  
President / Chairperson

\_\_\_\_\_  
[Insert Name]  
[Secretary]

**Actions arising from Council Meeting**

No	Action	Person responsible	Timeframe
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			

*Note: Shaded Actions have been carried forward from previous Council meetings*

**APPENDIX 2 – Voting on Resolutions**

1. For example a Council Member will generally be “interested” (in the business of the meeting) if they have a relationship or involvement with a person, being investigated by the Council, providing or receiving services to or from the Council or in any situation where a conflict of interests could arise – [insert reference]. If a Council Member has already informed the Secretary of a general conflict situation then no specific disclosure needs to be made here but the Council Member should not vote on the relevant matter.
2. If it is required to mention any particular matter or action from the previous Council meeting, e.g. as a result of developments or unresolved issues etc, this can be accommodated.
3. If a unanimous decision is reached on the matter, a Minute of Resolution in terms similar to the following should be inserted: “After due and careful consideration, having discussed the contents of the [document] tabled at the meeting and acting in the best interests of the Council **IT WAS RESOLVED** that [ ].”
4. If a matter is discussed but no decision is taken in relation to it, a Minute of Narration in terms similar to the following should be inserted: “**IT WAS REPORTED** that [ ]. After due and careful consideration, having discussed the contents of the [document] tabled at the meeting and acting in the best interests of the Council it was agreed [to take no action at present].”
5. If a matter is discussed and a vote is taken in relation to it, a Minute of a Vote in terms similar to the following should be inserted: After due and careful consideration, having discussed the contents of the [document] tabled at the meeting and acting in the best interests of the Council agreement could not be reached in relation to the matter. Accordingly, the Chairperson determined that a vote on the resolution should be conducted. The results of the vote were as follows:

<b>Council Member</b>	<b>Vote</b>
Chairperson	[For/Against/Abstain]
[Vice Chairperson]	[For/Against/Abstain]
[Council Member]	[For/Against/Abstain]
[Council Member]	[For/Against/Abstain]
[Council Member]	[For/Against/Abstain]
[Council Member]	[For/Against/Abstain]
[Council Member]	[For/Against/Abstain]
[Council Member]	[For/Against/Abstain]
[Council Member]	[For/Against/Abstain]
[Council Member]	[For/Against/Abstain]
[Council Member]	[For/Against/Abstain]
[Council Member]	[For/Against/Abstain]

The Chairperson noted that [ ] Council Members had voted for the resolution, [ ] Council Members had voted against and [ ] Council Members had abstained.

[Accordingly, **IT WAS RESOLVED** that [ ].

## **APPENDIX 3 - Procedure for dealing with conflicts of interest by members of the Medical Council**

### **Introduction**

This procedure sets out principles for the management of conflicts of interest, and potential conflicts of interest, arising in relation to Council Members.

This procedure is designed to:

- (a) in so far as possible, prevent conflicts of interest from arising; and
- (b) ensure that any conflicts of interest that do arise are managed in such a way that the independence and integrity of the decisions of the Council are neither compromised nor perceived as being compromised.

Each Council Member must comply with the procedure for conflicts of interests, which has been approved by the Council and is set out in the Code of Conduct document.

Before any item is discussed at a Council meeting, each Council Member must disclose any conflict of interest that he or she believes may arise in relation to that item. If a Council Member is in doubt as to whether a particular matter amounts to a conflict of interest and should be disclosed, he or she should disclose it.

The Chairperson (or, in his or her absence the Vice Chairperson) in his or her discretion will decide whether any matter disclosed by a Council Member (other than the Chairperson or in his or her absence, the Vice Chairperson), amounts to a conflict of interest that should prevent that Council Member from participating in the discussion of the relevant item.

The CEO in his or her discretion will decide whether any matter disclosed by the Chairperson (or in his or her absence, the Vice Chairperson) amounts to a conflict of interest that should preclude the Chairperson or Vice Chairperson, as appropriate, from participating in the discussion at the relevant item.

The decisions as to whether to disclose any matter and whether that matter amounts to a conflict of interest should be made having regard to the terms, and the spirit and purpose, of the procedure for conflicts of interest set out [Code of Conduct, Section 4].

Where the Chairperson (or, as appropriate, the Vice Chairperson or CEO) decides that any Council Member does have a conflict of interest in relation to any item, that Council Member may not participate in any discussion relating to that item and must leave the meeting for consideration of that item. This principle applies too to all Committees and Working Groups.

In the event that a Council Member, Council employee or committee member receives any representation in relation to any matter on which he or she believes that a conflict of interest may arise, they must disclose that conflict of interest to the Chairperson at the earliest opportunity.

## APPENDIX 4 – Procedure for the distribution of documentation

<b>Preparation and Distribution of the Medical Council Brief</b> <b>SOP – Standard Operating Procedure</b>	
<b>Section:</b> Corporate Services Unit	
<b>Title:</b> Preparation and distribution of the brief for meetings of the Medical Council	
<b>SOP No:</b> 0001 - CS	<b>Amendment Date:</b> April 2009
<b>Author:</b> Ciara McMorrow, SEO	<b>Version:</b> 3.2
<b>Sign Off:</b> Secretary to Council	<b>Documents Attached Y/N:</b> N
<b>SOP Frequency:</b> Per scheduled meeting	
<b>SOP Facilitators:</b> President  CEO Secretary to Council Staff in Corporate Services General Services Officer	<b>Supporting Suppliers:</b> An Post Minolta Local Print Bureau on Lower Rathmines Road
<b>SOP Description:</b> SOP to define the procedure for the preparation, collation and distribution of the Council Brief	
<b>Step by Step Procedure:</b> <ol style="list-style-type: none"> <li>1. All agenda items must be forwarded to SEO Corporate Services and copied to CEO and Secretary to Council not less than two calendar weeks before the date of the meeting.</li> <li>2. <i>All documentation in support of these items must be emailed to SEO Corporate Services and copied to CEO and Secretary to Council at the latest by 14.00h eight days before the meeting date.</i></li> <li>3. As items become available they may be emailed as detailed above i.e. in advance of the deadline. If the item is only available in hardcopy, it must be scanned by the section providing it and sent via e-mail to SEO Corporate Services and copied to CEO and Secretary to Council.</li> <li>4. Each Head of Section must ensure that the documentation supplied is the final/approved version as, once it has been e-mailed, SEO Corporate Services will arrange for it to be collated.</li> <li>5. At 9.30 am one week before the date of the meeting the brief will be building electronically using Adobe Acrobat Professional. The brief will then be checked by SEO Corporate Services and Secretary to Council and sent for printing.</li> <li>6. In the event of a technical difficulty during the printing process, the backup photocopier will be used. In the highly unlikely event of both copiers being out of</li> </ol>	

commission, the brief will be copied to a USB key and delivered by the Services Officer, for printing by local printing bureau. This process will be supervised at all times.

7. One calendar week before the date of the meeting, the briefs will be bound, enveloped and labelled. If assistance is required, a staff member will be drafted in to help. This will be completed by 16.00h in order for General Services Officer to post the briefs via express post from Rathmines Post Office no later than 16.30h.
8. Any documentation which has not been submitted in time for printing of the brief can be included in a Supplementary Brief which will be circulated on the day of the meeting. The deadline for receipt of items for the Supplementary Brief is 16:00 hrs on the day before the Council meeting.
9. Once the briefs have been delivered to Rathmines Post Office the EO to the CEO will send an email and text notifying members that the brief has been dispatched. Members will be advised to contact Secretary to Council or SEO Corporate Services if they have not received their brief within two working days and alternative arrangements will then be put in place.

**Approved by:**

**Title:**

## APPENDIX 5 – Membership of Committees and Other Groups (March 2010)

<b>STATUTORY COMMITTEES</b>	<b>MEMBERSHIP</b>	<b>QUORUM*</b>
Preliminary Proceedings Committee	In accordance with section 20 subsection (6), (7), (8) and (11) Chairperson: Mr Frank McManus	
Fitness to Practise Committee	In accordance with section 20 subsection (6), (7), (8), (9) and (10) Chairperson: Prof Jim Slevin	
<b>OTHER COMMITTEES with their Respective Sub-Committees and Working Groups</b>		
Professional Development Committee	Chairperson: Prof. Bill Powderly Secretary: Ms. Karen Willis	
Basic Medical Qualification Working Group (BMQWG)	Chairperson: Prof Anthony Cunningham Secretary: Ms Ruth Thompson	
Postgraduate Training Working Group (PGWG)	Chairperson: Prof. Gerry Bury Secretary: Mr Fergal McNally	
Clinical Training Sites Working Group (CTSWG)	Chairperson: Mr. Jon Billings Secretary: Mr. Emmet Murray	
Professional Competence Schemes Working Group (PCSWG)	Chairperson: Prof. Paul Finucane Secretary: Ms Jan Fitzpatrick	
Standards in Practice Committee	Chairperson: Dr. Deirdre Madden Secretary: Ms Úna O'Rourke	
Health Sub-Committee (HSC)	Chairperson: Dr. Richard Brennan Secretary: Mr. Eoin Keehan	
Monitoring Working Group (MWG)	Chairperson: Ms Mary Culliton Secretary: Mr. John Sidebottom	
Ethics Working Group (EWG)	Chairperson: Dr. Deirdre Madden Secretary: Mr John Sidebottom	
Registration Working Group (RWG)	Chairperson: Dr. Anna Clarke Secretary: Ms Ann Curran	
Professional Competence Assessment Working Group (PCAWG)	Chairperson: Prof. Anthony Cunningham Secretary: Mr Fergal McNally	
Audit Committee	Chairperson: Prof. Damien McLoughlin Secretary: Ms. Breid Foster	
Corporate Governance Working Group (CGWG)	Chairperson: Prof. Jim Slevin Secretary: Ms. Barbara O'Neill	
Remuneration Working Group (RWG)	Chairperson: Ms. Anne Carrigy Secretary: Mr. Marcus Balfe	
Finance Working Group (FWG)	Chairperson: TBC Secretary: TBC	
Nominations Sub-Committee	Chairperson: Prof Kieran Murphy Secretary: Ms. Barbara O'Neill	
Research and Public Affairs Working Group	Chairperson: Prof Kieran Murphy Secretary: Ms. Lisa Molloy	