

Professional Liaison Group for the review of the standards of conduct, performance and ethics – 2 June 2014

Background and context of the standards of conduct, performance and ethics

Executive summary and recommendations

Introduction

This paper is designed to provide members of the professional liaison group with the background and context of the standards of conduct, performance and ethics to inform their review considerations.

The standards of conduct, performance and ethics are the high-level ethical standards, which apply to all professions we regulate. They set out the broad and overarching principles conduct we expect of registrants and provide guidance about these expectations.

They provide an ethical framework to guide registrants' practise and have a number of operational uses when approving education programmes, registering and renewing professionals and making fitness to practise decisions.

Decision

The professional liaison group is invited to discuss the attached paper.

Background information

None

Resource implications

None

Financial implications

None

Appendices

None

Date of paper

19 May 2014

Background and context of the standards of conduct, performance and ethics

1. Introduction

- 1.1 The standard of conduct, performance and ethics are the high-level ethical standards set for all professionals on our Register. They set out in broad terms the conduct we expect of registrants and provide guidance to registrants about these expectations.
- 1.2 The standards of conduct, performance and ethics are currently undergoing their second periodic review since their publication in 2003, when our register opened.
- 1.3 This PLG is tasked with preparing draft revised standards of conduct, performance and ethics for consideration by the Education and Training Committee and the Council for public consultation. The standards will then be finalised and published.
- 1.4 This paper explores the background and context of the standards of conduct, performance and ethics. It does so by covering the legal background to the standards, the purpose, use, content and structure of the standards as well as how they relate to other standards and guidance.

2. Legal background

- 2.1 Article 21(1) (a) of the Health Professions Order 2001 says that we must:

“establish and keep under review the standards of conduct, performance and ethics expected of registrants and prospective registrants and give such guidance on these matters as it sees fit”
- 2.2 This means that in order to fulfil our statutory functions we must publish and review the standards that we consider to be the level of conduct and ethics expected of registrants and individuals applying for registration, as well as produce appropriate guidance to help them meet these standards.

3. Purpose of the standards

- 3.1 The standards of conduct, performance and ethics set our ethical expectations of registrants. They are the overarching principles of ethical practice that professionals can expect of each other, and

members of the public can expect from health and care professionals.

- 3.2 To this end, the standards are in part intended to provide a useful framework for ethical decision making for registrants and provides useful guidance for registrants which can help them in making decisions about their practice.
- 3.3 The standards are also used operationally in a number of ways:
 - The standards of conduct, performance and ethics are used by visitors assessing education programmes. They will look to ensure that these standards are taught and met throughout programmes we approve to ensure that students understand these standards and the behaviour expected of them.
 - The standards are also used when someone applies to become registered with us, or when they apply to renew their registration. In both instances applicants and existing registrants are required to sign a professional declaration about their health and character. The standards of conduct, performance and ethics are referred to by registration panels when they need to decide whether we are able to register an applicant or renew a registrant based on a declaration made.
 - The standards are also frequently used by panels to consider complaints as part of our fitness to practise process. Fitness to practise panels refer to the standards when deciding whether we need to take any action to protect members of the public. This includes considering allegations that a registrant's fitness to practise is impaired by reason of a conviction, misconduct or lack of competence.

4. Structure and content of the standards

- 4.1 The standards of conduct, performance and ethics apply to all our registrants. This means that the standards need to apply to sixteen diverse professions working across a range of different settings.
- 4.2 For example, this might include a physiotherapist working in the NHS, an independent hearing aid dispenser working on the high street and an occupational psychologist providing services to businesses.
- 4.3 The standards are therefore expressed as broad and overarching principles, and do not go into profession specific detail, to ensure that they apply to this range of professions as far as possible.
- 4.4 The standards are not designed to cover every ethical situation a registrant may face during the course of their practice, but instead outline the underlying ethical principles that should be applied to situations they encounter.

- 4.5 The standards outline our expectations for both registrants and members of the public. They have been written in a clear and understandable way that means that they are relevant to all registrants, as well as members of the public who may use the services of our registrants.

5. Relationship to other standards and guidance

- 5.1 The standards of conduct, performance and ethics do not exist in isolation and are linked to a number of other sets of HCPC standards and guidance, as well as guidance and policies produced professional bodies and employers.

HCPC standards and guidance

- 5.2 The standards of conduct, performance and ethics work alongside other sets of standards and guidance we produce to maintain the standard of practice necessary to protect the public.
- The **standards of proficiency** outline what an individual must know, understand and be able to do to join our Register. They apply to individuals applying for entry to the register where the standards of conduct, performance and ethics apply to professionals on our register, though they may be referred to when making decisions about the health and character declarations of applicants. There is some degree of overlap between the content of the standards of proficiency and the standards of conduct, performance and ethics.

For example, the standards of proficiency require applicants to 'be able to maintain confidentiality' while the standards of conduct, performance and ethics say that registrants 'must respect the confidentiality of service users'.
 - The **standards of education and training** are the standards which education programmes must meet in order to deliver the required standards of proficiency for each profession. The standards of education and training require the curriculum of programmes approved by us to teach and meet the standards of conduct, performance: '4.5 the curriculum must make sure that students understand the implications of the HCPC's standards of conduct, performance and ethics'.
 - The **standards for continuing professional development** are the standards of professional development we expect of registrants in order to keep their professional skills and knowledge up to date. These standards correspond with the requirement in the standards of conduct, performance and ethics to make sure that their knowledge, skills and performance are of a good quality and up to date, and directly reference the standards for continuing professional development.

- In order to help registrants understand some of the expectations outlined in the standards of conduct, performance and ethics we have produced **Confidentiality – guidance for registrants** which provides advice and information about handling information in relation to confidentiality and consent, principles which are covered in the standards of conduct, performance and ethics.
- We have also produced **Guidance on conduct and ethics for students** to give students and education providers more information about the principles outlined in our standards of conduct, performance and ethics.

Other standards and guidance

5.3 We are aware that our regulatory standards and guidance do not exist in a vacuum. A range of standards, guidance and policies developed by professional bodies and employers provide further specific and practical advice around the issues outlined in the standards of conduct, performance and ethics.

- The majority of professional bodies for the professions on our Register produce their own professional codes of conduct which cover the principles of the standards of conduct, performance and ethics in profession-specific detail.

For example, the standards of conduct, performance and ethics require all registrants to ‘act in the best interests of service users’ which includes that registrants must not abuse the relationship they have with a service user or do anything that would put the health, safety or well-being of a service user in danger; the Code of Ethics and Professional Conduct produced by the College of Occupational Therapists covers a range of standards about forming relationships with service users based on these principles, which includes: ‘you must not enter into relationships that exploit service users sexually, physically, emotionally, financially, socially or in any other manner’.

- Local protocols and employer policies also provide further detail around good standards of practice relevant to a registrant’s area of practice or workplace setting, which can be used to by registrants to help them meet our standards relevant to their role.