Standards of conduct, performance and ethics

Your duties as a registrant: 2003

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Introduction

Your main duty as a health professional

As a health professional, you must protect the health and wellbeing of people who use or need your services in every circumstance.

The standards of conduct, performance and ethics in this document apply to every registrant and prospective registrant.

The Health Professions Order 2001 ('the Order') says that we must: **"establish and keep under review the standards of conduct, performance and ethics expected of registrants and prospective registrants and give them such guidance on these matters as [we] see fit".**

We must explain the standards of conduct, performance and ethics that registrants and prospective registrants (health professionals) must keep to, and that is what this document is for. It also gives health professionals an idea of the kind of behaviour that is likely to lead us to take disciplinary action against them.

Everyone applying to go on our register must confirm that they have read, and agree to keep to, the standards explained in this document. Also, every registrant must be familiar with the standards, and must make sure that they keep to them.

Inquiries into allegations against registrants

We have three Practice Committees who look into allegations against registrants - the Investigating Committee, the Conduct and Competence Committee and the Health Committee. The first of these normally looks at every allegation to decide if there is a case to answer, and if there is, either deals with the case itself or sends it to one of the other two committees. The Investigating Committee always deals with cases about fraudulent or incorrect registration, the Conduct and Competence Committee normally deals with cases about misconduct, incompetence or police cautions and criminal convictions, and the Health Committee normally deals with cases of ill health. If we find that the case against a health professional is well founded, we can take action against them if necessary. We can take them off our register, suspend them, restrict their work in some way (such as requiring them to work under supervision) or publicly caution them.

We have no power to act against prospective registrants. However, if you do not meet our standards of conduct, performance and ethics and you apply to be registered with us, we will take this into account when we decide whether to accept your application.

Interpreting the statement

When an allegation is made against a health professional, we will always take account of these standards when we decide whether to uphold the allegation. We have set standards of conduct, performance and ethics, and also have standards of proficiency, and both of these can be relevant. We might also take account of codes of ethics issued by professional bodies, if these are relevant.

While this document contains several examples of issues that we will look at, it is not a complete list. So, we may uphold an allegation against a registrant even if we have not mentioned the details of the issues that arise in their case in this document. Because of this, we will always consider every case referred to us individually.

If you are not sure how to interpret or apply the statement, you should contact:

The Registrar
The Health Professions Council
Park House
184 Kennington Park Road
London SE11 4BU.

Your duties as a registrant: the standards of conduct, performance and ethics that you must keep to

This document explains the standards of conduct, performance and ethics that all registrants must keep to. We also expect anyone who wants to go on our register to have kept to these standards. They are the basis against which we will assess complaints made against a health professional, and we can use the standards to help us decide whether to allow a prospective registrant onto our register. We might take action against you if you do not keep to the standards set out in this statement.

Your main responsibilities as a health professional are summarised below, grouped into the categories of **conduct, performance** and **ethics**. Each responsibility is explained in more detail further on in this document. Please remember that this is **not** a complete list of all the issues that can arise in relation to your conduct, performance and ethics.

As a health professional, you must protect the health and wellbeing of people who use or need your services in every circumstance.

This means that you must always keep high standards of **conduct**. You must always:

1. act in the best interests of your patients, clients and users;
2. respect the confidentiality of your patients, clients and users;
3. maintain high standards of personal conduct; and
4. provide any important information about conduct, competence or health.

Also, you must always keep high standards of **performance**. You must always:

5. keep your professional knowledge and skills up to date;
6. act within the limits of your knowledge, skills and experience and, if necessary, refer on to another professional;
7. maintain proper and effective communications with patients, clients, users, carers and professionals;
8. effectively supervise tasks you have asked others to carry out for you;
9. get informed consent to give treatment (except in an emergency);
10. keep accurate patient, client and user records;
11. deal fairly and safely with the risks of infection; and
12. limit your work or stop practising if your performance or judgement is affected by your health.

Finally, you must always keep high standards of **ethics**. You must always:

13. carry out your duties in a professional and ethical way;
14. behave with integrity and honesty;
15. follow our guidelines for how you advertise your services; and
16. make sure that your behaviour does not damage your profession's reputation.

The main responsibilities of health professionals

You must always keep high standards of conduct.

1. You must act in the best interests of your patients, clients and users.

You are personally responsible for making sure that you promote and protect the best interests of the people you care for. You must respect and take account of these factors when providing care, and must not exploit or abuse the relationship with a patient, client, user or carer. You must not allow your views about patients', clients' or users' sex, age, colour, race, disability, sexuality, social or economic status, lifestyle, culture or religious beliefs to affect the way you treat them or the professional advice you give.

You must, at all times, act to protect the interests of patients, clients, users, carers and other members of the public. You must try to provide the best possible care, either alone or with other health and social-care professions. You must not do anything, or allow anything to be done, that you have good reason to believe will put the health or safety of a patient, client or user in danger. This includes both your own actions and those of others.

When working in a team you are still responsible for your professional conduct, any care or professional advice you provide, any failure to act and any tasks you ask someone else to carry out. You must protect patients if you believe that they are threatened by a colleague's conduct, performance or health. The safety of patients, clients and users must come before any personal and professional loyalties at all times. As soon as you become aware of any situation that puts a patient, client or user at risk, you should discuss the matter with a senior professional colleague. If you feel that you cannot raise the matter with a senior colleague, you can contact our Registrar.

2. You must respect the confidentiality of your patients, clients and users.

You must treat information about patients, clients or users as confidential and use it only for the purpose for which it was given. You must not knowingly release any personal or confidential information to anyone who is not entitled to it, and you should check that people who ask for information are entitled to it. You must only use information about a patient, client or user:

- to continue to care for that person; or
- for purposes where that person has given you specific permission to use the information.

You must also keep to the conditions of any relevant data-protection legislation and follow best practice for handling confidential information relating to individuals at all times. Best practice is likely to change over time, and you must stay up to date. You must be particularly careful not to reveal, deliberately or accidentally, confidential information that is stored on computers.

3. You must keep high standards of personal conduct.

You must keep high standards of personal conduct, as well as professional conduct. You must not do anything that may affect someone's treatment by, or confidence in, you.

We can take action against you if you are convicted of a criminal offence or have accepted a police caution. But we will always consider each case individually and we will take decisions in the light of the circumstances of the case.

However, as guidance, we will seriously consider rejecting an application for registration, or striking you off if you are already registered, if you are convicted of a criminal offence that involves one of the following types of behaviour:

- Violence
- Abuse
- Sexual misconduct
- Supplying drugs
- Drink-driving offences where someone was hurt or killed
- Serious offences involving dishonesty
- Any serious criminal offences which you received a prison sentence for.

This is not a complete list. We will always look at any conviction or caution that we learn of, and we have arrangements in place to be told about cautions and convictions involving registrants.

4. You must provide any important information about conduct, competence or health.

Normally, the police will contact us about people claiming to be members of our professions who have been convicted or cautioned. Even so, you must also tell us (and other relevant regulators and professional bodies) if you have any important information about your conduct or competence, or about other registrants and health professionals you work with. In particular, you must let us know straight away if you are:

- convicted of a criminal offence (other than a minor motoring offence) or accept a police caution;
- disciplined by any organisation responsible for regulating or licensing a health or social-care profession; or
- suspended or placed under a practice restriction by an employer or similar organisation because of concerns about your conduct or competence.

You should co-operate with any investigation or formal inquiry into your professional conduct, the conduct of any other healthcare provider or the treatment of a patient, client or user, where appropriate. If anyone asks, and they are entitled to it, you should give them any relevant information in connection with your conduct or competence.

You should also provide information about the conduct or competence of other healthcare providers if someone who is entitled to know asks you for it. This is related to your duty to act in the best interests of your patients, clients and users, which we explained earlier in this document.

You should also tell us about any significant changes in your health, especially if you have changed your practice as a result of medical advice. We will keep this information private but it is vital that you tell us, and if you do not, we could take action against you.

You must always keep high standards of performance.

5. You must keep your professional knowledge and skills up to date.

You must make sure that your knowledge, skills and performance are of a high quality, up to date, and relevant to your field of practice.

You must be capable of meeting our standards of proficiency that relate to clinical practice. You have to meet these standards, whether you are in clinical practice or not, and this includes managers, educators and researchers. However, it is important to recognise that the standards of proficiency are minimum standards of clinical practice. If you want to be on our register and use a professional title, you must maintain your clinical standards so that you are able to practise the basic skills of your profession safely, even if this no longer forms the basis of your day-to-day work.

You must stay up to date with the changes to the standards of proficiency that we make for your profession as technology and techniques develop. We cannot and will not test all registrants to check that they are still meeting the standards of proficiency. However, we can and will test you if we have reason to believe that you might not meet the standards of proficiency any more.

6. You must act within the limits of your knowledge, skills and experience and, if necessary, refer the matter to another professional.

You must keep within your scope of practice. This means that you should only practise in those fields in which you have appropriate education, training and experience.

When accepting a patient, client or user, you have a duty of care. This includes the obligation to refer them for further professional advice or treatment if it becomes clear that the task is beyond your own scope of practice. A person is entitled to a referral for a second opinion at any time and you are under an obligation to accept the request and do so promptly. If you accept a referral from another health or social-care professional, you must make sure that you fully understand the request. You should only provide the treatment or advice if you believe this is appropriate. If this is not the case, you must discuss the matter with the practitioner who has made the referral, and also the patient, client or user, before you begin any treatment.

7. You must maintain proper and effective communications with patients, clients, users, carers and other professionals.

You must take all reasonable steps to make sure that you can communicate properly and effectively with your patients, clients and users, and their carers and family. You must also communicate effectively, co-operate, and share your knowledge and expertise with professional colleagues for the benefit of patients, clients and users.

8. You must effectively supervise tasks you have asked others to carry out for you.

People who consult you or receive treatment or services from you are entitled to assume that a person who has the knowledge and skill to practise their profession will carry out their treatment. Whenever you give tasks to another person to carry out on your behalf, you must be sure that they have the knowledge, skills and experience to carry out the task safely and effectively. If they are not health professionals, you must not ask them to do the work of health professionals. If they are health professionals, you must not ask them to do work that is outside their scope of practice. If they are training to be health professionals, you should be sure that they are capable of carrying out the task safely and effectively.

Whoever you ask to carry out a task, you must always continue to give adequate and appropriate supervision and you will stay responsible for the outcome. If someone tells you that they are unwilling to carry out a task because they do not think they are capable of doing so safely and effectively, you must not force them to carry out the task anyway. If their refusal raises a disciplinary or training issue, you must deal with that separately, but you should not endanger the safety of the patient, client or user.

9. You must get informed consent to give treatment (except in an emergency).

You must explain to the patient, client or user the treatment you are planning on carrying out, the risks involved and any other treatments possible. You must make sure that you get their informed consent to any treatment you do carry out. You must make a record of the person's treatment decisions and pass this on to all members of the health or social-care team involved in their care. In emergencies, you may not be able to explain treatment, get consent or pass on information to other members of the health or social-care team. However, you should still try to do all of these things as far as you can.

If someone refuses treatment and you believe that it is necessary for their wellbeing, you must make reasonable efforts to persuade them, particularly if you think that there is a significant or immediate risk to their life.

You must keep to your employers' procedures on consent and be aware of any guidance issued by the Department of Health or other appropriate authority in the country in which you practise.

10. You must keep accurate patient, client and user records.

Making and keeping records is an essential part of care and you must keep records for everyone you treat or who asks for professional advice or services. All records must be complete and legible, and you should write, sign and date all entries.

If you are supervising students, you should also sign any student's entries in the notes. Whenever you review the records, you should update them and include a record of any arrangements you have made for the continuing care of the patient, client or user.

You must protect information in records against loss, damage or use by anyone who is not authorised. You can use computer-based systems for keeping records, but only if they are protected against anyone tampering with them (including other health professionals). If you update a record, you must not erase information that was previously there, or make that information difficult to read. Instead, you must mark it in some way (for example, by drawing a line through the old information).

11. You must deal fairly and safely with the risks of infection.

You must not refuse to treat someone just because they have an infection. Also, you must keep to the rules of confidentiality when dealing with people who have infections. For some infections, such as sexually transmitted infections, these rules may be more restrictive than the rules of confidentiality for people in other circumstances. We discussed confidentiality in more detail earlier in this document.

You must take appropriate precautions to protect your patients, clients and users, their carers and families, your staff and yourself from infection. In particular, you should protect your patients, clients and users from infecting one another.

You must take precautions against the risks that you will infect someone else. This is especially important if you suspect or know that you have an infection that could harm others, particularly patients, clients and users. If you believe or know that you may have such an infection, you must get medical advice and act on it. This may include the need for you to stop practising altogether, or to change your practice in some way in the best interests of protecting your patients. We discuss health issues in more detail later in this document.

12. You must limit your work or stop practising if your performance or judgement is affected by your health.

You have a duty to take action if your health could be harming your fitness to practise. We can take action against you if you do not take action and your physical or mental health is harming your fitness to practise. You should get advice from a consultant in occupational health or another suitably qualified medical practitioner and act on it. This advice should consider whether, and in what ways, you should change your practice, including stopping practising if this is necessary. You should also tell us about significant changes to your health and any changes you make to your practice as a result.

You must always keep high standards of ethics.

13. You must carry out your duties in a professional and ethical way.

You must carry out your duties and responsibilities in a professional and ethical way. Patients, clients and users are entitled to receive good and safe standards of practice and care. We want to protect the public from unprofessional and unethical behaviour, and we aim to make sure that health professionals know all about the standards we expect them to meet. These standards are needed to protect the public and, as a health professional, you have special responsibilities that go beyond those expected of other people.

14. You must behave with integrity and honesty.

You must make sure that you behave with integrity and honesty and keep to high standards of personal and professional conduct at all times.

15. You must follow our guidelines for how you advertise your services.

Any advertising you do in relation to your professional activities must be accurate. Any advertisements must not be misleading, false, unfair or exaggerated. In particular, you should not claim your personal skills, equipment or facilities are better than anyone else's unless you can prove that this is true.

If you are involved in advertising or promoting any product or service, you must make sure that you use your scientific knowledge, clinical skills and experience in an accurate and professionally responsible way. You must not make or support unjustifiable statements relating to particular products. Any potential financial rewards to you should play no part at all in your advice or recommendations of products and services that you give to patients, clients and users.

16. You must make sure that your behaviour does not damage your profession's reputation.

You must not get involved in any behaviour or activity which is likely to damage your profession's reputation or undermine public confidence in your profession.

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