

Professional Liaison Group (PLG) - Review of the standards of conduct, performance and ethics, 19 September 2014

Existing standards of conduct, performance and ethics

Executive summary and recommendations

**Introduction**

The existing HCPC standards of conduct, performance and ethics are attached for information and ease of reference.

**Decision**

This paper is to note; no action is required.

**Background information**

None

**Resource implications**

None

**Financial implications**

None

**Appendices**

None

**Date of paper**

9 September 2014

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Your duties as a registrant

# Standards of conduct, performance and ethics

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# Foreword

I am pleased to present the Health and Care Professions Council's standards of conduct, performance and ethics.

We first published the standards of conduct, performance and ethics when our Register opened in July 2003. We began to review them in July 2006 to make sure that they continued to be fit for purpose and meet the expectations of the public, registrants and other stakeholders. The review was led by the Conduct and Competence Committee. We also held a formal consultation process on the draft standards. The review process and consultation produced extremely valuable feedback and we are grateful to everyone who gave their time to help us in shaping the standards that follow.

As part of that consultation process, we agreed some broad principles which have influenced the standards laid out in this document.

We decided that the standards should:

- focus, where possible, on providing guidance to registrants, based on our expectations of their behaviour;
- be based on over-arching principles with some more detail on important points (with more detailed guidance available elsewhere, if necessary);
- apply to all registrants (as far as possible), including those involved in direct practice, management, education, research and roles in industry; and
- be written in broad terms to be able to take account of changes in best practice, technology, the law and wider society in the future.

We made a number of changes to the previous standards, mainly to set out our aims more clearly or to correct any mistakes. We also revised the introduction to focus less on the role of the standards in fitness to practise procedures and we added more information on how registrants can use and meet the standards.

I am confident that the standards are both fit for purpose and reflect both professional and public expectations of the behaviour of registrants.

These standards were adopted in July 2008. Some minor changes were made to them on 1 August 2012, when we became the Health and Care Professions Council. The revised standards apply from that date.

A handwritten signature in black ink that reads "Anna van der Gaag". The signature is written in a cursive style with a long horizontal stroke at the end of the name.

**Anna van der Gaag**

Chair

# Introduction

## Your duties as a registrant

### **The standards of conduct, performance and ethics you must keep to**

- 1 You must act in the best interests of service users.
- 2 You must respect the confidentiality of service users.
- 3 You must keep high standards of personal conduct.
- 4 You must provide (to us and any other relevant regulators) any important information about your conduct and competence.
- 5 You must keep your professional knowledge and skills up to date.
- 6 You must act within the limits of your knowledge, skills and experience and, if necessary, refer the matter to another practitioner.
- 7 You must communicate properly and effectively with service users and other practitioners.
- 8 You must effectively supervise tasks that you have asked other people to carry out.
- 9 You must get informed consent to provide care or services (so far as possible).
- 10 You must keep accurate records.
- 11 You must deal fairly and safely with the risks of infection.
- 12 You must limit your work or stop practising if your performance or judgement is affected by your health.
- 13 You must behave with honesty and integrity and make sure that your behaviour does not damage the public's confidence in you or your profession.
- 14 You must make sure that any advertising you do is accurate.

This document sets out the standards of conduct, performance and ethics we expect from our registrants. The standards also apply to people who are applying to become registered.

If you are registered, you must make sure that you are familiar with the standards and that you keep to them. If you are applying to be registered, you will be asked to sign a declaration to confirm that you have read and will keep to the standards once you are registered.

We also publish standards of proficiency, which are standards we use to make sure the professions we regulate work safely and effectively. We set these standards at a level we think is necessary to protect members of the public.

## What we expect of you

The standards of conduct, performance and ethics play an important role in helping us make decisions about the character of the people who apply to our Register, and also in cases where we decide whether someone is fit to practise.

It is important that you read and understand this document. If someone raises concerns about your practice, we will consider these standards (and our standards of proficiency) when we decide whether we need to take any action. Please see the back of this document for more information about how we use the standards when we consider concerns raised about registrants.

## The standards and your practice

The standards are written in broad terms and designed to apply to all registrants as far as possible. **However, we recognise that some of the standards may not apply to all the professions that we regulate or to the practice of some registrants.** The standards that might not directly apply to all registrants include standard eleven, which says that ‘You must deal fairly and safely with the risks of infection’.

If we receive a complaint about you, the fitness to practise panel will consider the individual circumstances of the case (for example, the profession you work in and your scope of practice).

## **Meeting the standards**

It is important that you meet our standards and are able to practise safely and effectively. We also want to make sure that you maintain high standards of personal conduct and do not do anything which might affect the public's confidence in you or your profession. However, we do not dictate how you should meet our standards.

Each standard can normally be met in more than one way. The way in which you meet our standards might change over time because of improvements in technology or changes in your practice.

As an autonomous and accountable professional, you need to make informed and reasonable decisions about your practice to make sure that you meet the standards that are relevant to your practice. This might include getting advice and support from education providers, employers, professional bodies, colleagues and other people to make sure that you protect the wellbeing of service users at all times.

In particular, we recognise the valuable role professional bodies play in representing and promoting the interests of their members. This often includes providing guidance and advice about good practice, which can help you meet the standards in this document.

## **Making informed and reasonable decisions**

We often receive questions from registrants who are concerned that something they have been asked to do, a policy, or the way in which they work might mean that they cannot meet our standards. They are often worried that this might have an effect on their registration.

If you make informed, reasonable and professional judgements about your practice, with the best interests of your service users as your prime concern, and you can justify your decisions if you are asked to, it is very unlikely that you will not meet our standards.

By ‘informed’, we mean that you have enough information to make a decision. This would include reading these standards and taking account of any other relevant guidance or laws. By ‘reasonable’, we mean that you need to make sensible, practical decisions about your practice, taking account of all relevant information and the best interests of the people who use or are affected by your services. You should also be able to justify your decisions if you are asked to.

## **Language**

Our registrants work in a range of different settings, which include direct practice, management, education, research and roles in industry. We have tried to use terms which are as broad as possible and which everyone can understand.

Throughout these standards, we have used the term ‘service user’ to refer to anyone who uses or is affected by a registrant’s services. Who your service users are will depend on how and where you work. For example, if you work in clinical practice, your service users might be your patients. In some circumstances, your service users might be organisations rather than individuals. The term also includes other people who might be affected by your practice, such as carers and relatives.

We have used the phrase ‘care or services’ in most places in this document to describe the different work that registrants carry out. Where appropriate to the standard we have used the word ‘treatment’.

## **Changing these standards in the future**

We produced these standards after speaking to our stakeholders about how the standards were working, how they were seen and how relevant they were to registrants’ practice. We also made some minor changes (to the language but not the principle of the standards) when we became the Health and Care Professions Council.

We will continue to listen to our stakeholders and review our standards. We may make changes to the standards in the

future to take account of changes in practice or public and professional expectations.

## **Contact us**

If you are not sure how to interpret the standards, you should write to our Director of Policy and Standards at the following address.

Policy and Standards Department  
The Health and Care Professions Council  
Park House  
184 Kennington Park Road  
London  
SE11 4BU

Email: [policy@hcpc-uk.org](mailto:policy@hcpc-uk.org)

# The standards of conduct, performance and ethics

## **1 You must act in the best interests of service users.**

You are personally responsible for making sure that you promote and protect the best interests of your service users. You must respect and take account of these factors when providing care or a service, and must not abuse the relationship you have with a service user. You must not allow your views about a service user's sex, age, colour, race, disability, sexuality, social or economic status, lifestyle, culture, religion or beliefs to affect the way you deal with them or the professional advice you give. You must treat service users with respect and dignity. If you are providing care, you must work in partnership with your service users and involve them in their care as appropriate.

You must not do anything, or allow someone else to do anything, that you have good reason to believe will put the health, safety or wellbeing of a service user in danger. This includes both your own actions and those of other people. You should take appropriate action to protect the rights of children and vulnerable adults if you believe they are at risk, including following national and local policies.

You are responsible for your professional conduct, any care or advice you provide, and any failure to act. You are responsible for the appropriateness of your decision to delegate a task. You must be able to justify your decisions if asked to.

You must protect service users if you believe that any situation puts them in danger. This includes the conduct, performance or health of a colleague. The safety of service users must come before any personal or professional loyalties at all times. As soon as you become aware of a situation that puts a service user in danger, you should discuss the matter with a senior colleague or another appropriate person.

## **2 You must respect the confidentiality of service users.**

You must treat information about service users as confidential and use it only for the purposes they have provided it for. 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 service user:

- to continue to care for that person; or
- for purposes where that person has given you permission to use the information or the law allows you to do so.

You must also keep to the conditions of any relevant data-protection laws and always follow best practice for handling confidential information. Best practice is likely to change over time, and you must stay up to date.

### **3 You must keep high standards of personal conduct.**

You must keep high standards of personal conduct, as well as professional conduct. You should be aware that poor conduct outside of your professional life may still affect someone's confidence in you and your profession.

### **4 You must provide (to us and any other relevant regulators) any important information about your conduct and competence.**

You must tell us (and any other relevant regulators) if you have important information about your conduct or competence, or about other registrants and health and care professionals you work with. In particular, you must let us know straight away if you are:

- convicted of a criminal offence, receive a conditional discharge for an offence, or if you 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 cooperate with any investigation or formal inquiry into your professional conduct, the conduct of others, or the care or services provided to a service user, where appropriate. If anyone asks for relevant information in connection with your conduct or competence, and they are entitled to it, you should provide the information.

We can take action against you if you are convicted of a criminal offence or have accepted a police caution. We will always consider each case individually to decide whether we need to take any action to protect the public.

However, we will consider rejecting an application for registration, or removing you from the Register if you are already registered, if you are convicted of a criminal offence or accept a police caution that involves one of the following types of behaviour.

- Violence
- Abuse
- Sexual misconduct
- Supplying drugs illegally
- Child pornography
- Offences involving dishonesty
- Offences for which you received a prison sentence

This is not a full list. We will always look at any convictions or cautions we find out about, and we have arrangements in place to be told about convictions and cautions involving registrants.

## **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 good quality, up to date, and relevant to your scope of practice.

You must be capable of meeting the standards of proficiency that apply to your scope of practice. We recognise that your scope of practice may change over time.

We acknowledge that our registrants work in a range of different settings, including direct practice, management, education or research. You need to make sure that whatever your area of practice, you are capable of practising safely and effectively.

Our standards for continuing professional development link your learning and development to your continued registration. You also need to meet these standards.

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

You must keep within your scope of practice. This means that you should only practise in the areas in which you have appropriate education, training and experience. We recognise that your scope of practice may change over time.

When accepting a service user, you have a duty of care. This includes the duty to refer them to others for care or services if it becomes clear that the task is beyond your own scope of practice. If you refer a service user to another practitioner, you must make sure that the referral is appropriate and that, so far as possible, the service user understands why you are making the referral.

In some circumstances, a person is entitled to be referred to another practitioner for a second opinion. In these cases, you must accept the request and make the referral as soon as you can.

If you accept a referral from another practitioner, you must make sure that you fully understand the request. You should only provide the care or services if you believe that this is appropriate. If this is not the case, you must discuss the referral with the practitioner who made the referral and, as appropriate, the service user, before you provide any care or services.

**7 You must communicate properly and effectively with service users and other practitioners.**

You must take all reasonable steps to make sure that you can communicate properly and effectively with service users. You must communicate appropriately, cooperate, and share your knowledge and expertise with other practitioners, for the benefit of service users.

**8 You must effectively supervise tasks you have asked other people to carry out.**

People who receive care or services from you are entitled to assume that you have the appropriate knowledge and skills to provide them safely and effectively. 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 tasks safely and effectively. You must not ask them to do work which is outside their scope of practice.

You must always continue to give appropriate supervision to whoever you ask to carry out a task. You will still be responsible for the appropriateness of the decision to delegate. 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 or 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 put the safety or wellbeing of the service user in danger.

**9 You must get informed consent to provide care or services (so far as possible).**

You must explain to service users the care or services you are planning to provide, any risks involved and any other possible options. 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 decisions and pass this on to others involved in their care. In some situations, such as emergencies or where a person lacks decision-making capacity, it may not be possible for you to explain what you propose, get consent or pass on information. However, you should still try to do all of these things as far as you can.

A person who is capable of giving their consent has the right to refuse to receive care or services. You must respect this right. You must also make sure that they are fully aware of the risks of refusing care or services, 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 appropriate authority in the country you practise in.

## **10 You must keep accurate records.**

Making and keeping records is an essential part of providing care or services and you must keep records for everyone you treat or for whom you provide care or services. You must complete all records promptly. If you are using paper-based records, they must be clearly written and easy to read, and you should write, sign and date all entries.

You have a duty to make sure, as far as possible, that records completed by students under your supervision are clearly written, accurate and appropriate.

Whenever you review records, you should update them and include a record of any arrangements you have made for the continuing care of the service user.

You must protect information in records from being lost, damaged, accessed by someone without appropriate authority, or tampered with. If you update a record, you must not delete 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 service users and yourself from infection. In particular, you should protect your service users from infecting one another. You must take precautions against the risk that you will infect someone else.

This is especially important if you suspect or know that you have an infection that could harm other people. If you believe or know that you may have this kind of 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 service users.

**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 physical or mental health could be 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.

**13 You must behave with honesty and integrity and make sure that your behaviour does not damage the public's confidence in you or your profession.**

You must justify the trust that other people place in you by acting with honesty and integrity at all times. You must not get involved in any behaviour or activity which is likely to damage the public's confidence in you or your profession.

**14 You must make sure that any advertising you do is accurate.**

Any advertising you do in relation to your professional activities must be accurate. 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 this is true.

If you are involved in advertising or promoting any product or service, you must make sure that you use your knowledge, skills and experience in an accurate and responsible way. You must not make or support unjustifiable statements relating to particular products. Any potential financial reward should not play a part in the advice or recommendations of products and services you give.

# Fitness to practise

When we say someone is 'fit to practise', we mean that they have the skills, knowledge, character and health to practise their profession safely and effectively.

We consider concerns raised about registrants by members of the public, employers, professionals, the police and other people and take action to protect the public. This can include cautioning a registrant, placing conditions on their registration, suspending them from practice or, in the most serious cases, removing them from the Register.

When we consider a concern about a registrant, we take account of whether the standards have been met when we decide whether we need to take any action to protect the public. We will also take account of any guidance or codes of practice produced by professional bodies.

You can find more information about the fitness to practise process in our brochures *How to raise a concern* and *What happens if a concern is raised about me?*. These brochures are available to download from our website or you can contact us to ask for a copy.

# Glossary

You may not be familiar with some of the terms we use throughout this document, so we have explained them below.

## **Accountable**

As an accountable professional, you will be responsible for the decisions you make and you may also be asked to justify them.

## **Autonomous**

As an autonomous professional, you make your own decisions based on your own judgement.

## **Delegate, delegation**

When a registrant asks someone else (such as a colleague, student or support worker) to carry out a task on their behalf.

## **Fit to practise**

When someone has the skills, knowledge, character and health to do their job safely and effectively.

## **Informed consent**

When a service user has all the necessary information in a format they can understand so that they can make an informed decision about receiving care or a particular service.

## **Referral**

When a registrant asks another practitioner to provide care or services to a service user which are beyond the registrant's scope of practice or, where relevant, because the service user has asked for a second opinion.

## **Scope of practice**

The area or areas of a registrant's profession where they have the knowledge, skills and experience to practise safely and effectively.

**Service user**

Anyone who uses or is affected by the services of registrants.

**Standards for continuing professional development**

Standards which link a registrant's ongoing learning and development with their continued registration.

**Standards of proficiency**

Standards which set out what individuals should know, understand and be able to do, in order to practice safely and effectively. Applicants must meet these standards to become registered.

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