

Executive Summary

The Committee is asked to adopt for its purposes the Statement of Good Character, Conduct and Health commended by the Conduct and Competence Working Party to the Council, and as discussed on 21 January 2003.

Draft Statement of Good Character, Conduct & Health (Ref. Working Party Minute 02/32)

In Article 21, the Health Professions Order states that

21.—(1) The Council shall—

- (a) 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 it sees fit; and*
- (b) establish and keep under review effective arrangements to protect the public from persons whose fitness to practise is impaired.*

(3) The Council shall—

- (a) before establishing any standards or arrangements mentioned in paragraph (1), consult the Conduct and Competence Committee in addition to the persons mentioned in article 3(14);*

and in Article 27 states that

27. The Conduct and Competence Committee shall—

- (a) having consulted the other Practice Committees as it thinks appropriate, advise the Council (whether on the Council's request or otherwise) on—*
 - (ii) requirements as to good character and good health to be met by registrants and prospective registrants, and*
 - (iii) the protection of the public from people whose fitness to practise is impaired;*

The Working Party has prepared the attached draft document which it believes meets these requirements and was included as an appendix to the Council's consultation document, and now submits it to the Council with a recommendation that it be approved.

Introduction

The Statement of Good Character, Conduct and Health which follows applies to all health professions registered with the Council

The Health Professions Order 2001 ("the Order") requires the Health Professions Council to "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 it sees fit". The Council must set out the requirements as to good character and good health to be met by registrants and prospective registrants. The Statement of Good Character, Conduct and Health (the Statement) gives registrants and prospective registrants ("Health Professionals") an indication of the standards expected of them and an indication of the kind of conduct which is likely to lead the Council to take disciplinary action against a registrant.

Inquiries into allegations against registrants

The Council's Conduct and Competence Committee deals with allegations made against Health Professionals. The purpose of its inquiries into such allegations is to determine whether a Health Professional's fitness to practise is impaired by reason of misconduct, lack of competence, or a conviction or police caution for a criminal offence. The Health Committee deals with allegations made against Health Professionals that their fitness to practise is impaired by ill-health. If the case against a Health Professional is well founded he or she may be removed from the register or have his or her inclusion in the register suspended or restricted for a set period.

Interpreting the Statement

The Statement and any relevant code of conduct issued by a Health Professional's professional body will be taken into account when a Health Professional has been accused of misconduct. While the Statement contains a number of specific instances, it is impossible to compile a complete list of matters which may be regarded as misconduct and a Health Professional may be found to be guilty of misconduct even though the matter in question is not explicitly set out in the Statement. The Council therefore emphasises that, whatever is contained in the Statement and any professional body's Code, every case referred to it will be considered on its merits. It would be improper for the Council to be involved in the merits of any industrial dispute concerning Health Professionals and their employers as by itself, a Health Professional's participation in industrial action cannot constitute professional misconduct. However, the Council will consider any allegation referred to it, irrespective of whether or not the conduct complained of has arisen in the course of industrial action or in any other circumstances.

Health Professionals and Prospective Health Professionals

All Health Professionals and prospective Health Professionals are required to be thoroughly familiar with the Statement and must ensure that they apply it in their practice as health professionals. Applicants for registration are required to confirm that they have read and agree to abide by it throughout their professional practice.

Prime duty

It is the prime duty of Health Professionals in all circumstances to safeguard the health and well-being of those who use or need their services. If there is uncertainty or dispute as to the interpretation or application of the Statement, enquiries should be referred, in the first instance, to the Registrar, the Health Professions Council, Park House, 184 Kennington Park Road, London SE11 4BU.

Statement of Good Character, Conduct and Health

Basic standards of good character, conduct and health applicable to all registrants

The purpose of this statement is to set out the standards of good character, conduct and health to which all registrants and prospective registrants ("Health Professionals") must commit themselves. It is also the standard against which the HPC will assess complaints made against a health professional. A health professional who breaches the standards set out in this statement is at risk of being struck off the register.

This summary statement of basic standards applies to all Health Professionals in all appropriate circumstances. It is supplemented by a full statement setting out the implications of these standards in more detail.

It is the prime duty of all Health Professionals to safeguard the health and well being of those who use or need their services. Health Professionals must therefore always :

- Act in the best interests of patients and clients;
- Discharge their duties in a professional and ethical manner;
- Recognise and respect patients and clients as equal partners in their care
- Keep their professional knowledge and skills up to date;
- Behave with integrity and probity;
- Act within the limits of their knowledge, skills and experience and, if necessary, refer on to another professional;
- Maintain proper and effective communications with patients, clients, carers and other professionals;
- Obtain, except in emergency situations, informed consent to treatment;
- Respect the patient's or client's confidentiality;
- Maintain accurate patient or client records;
- Effectively supervise tasks delegated by them to others;
- Limit or cease their practice if their performance or judgement is affected by their health;
- Avoid bringing their profession into disrepute.
- Disclose to the Council any material information in relation to conduct or competence.

Key responsibilities of Health Professionals

1. **The Welfare of Patients, Clients and the Public: The key duties of Health Professionals**

Health Professionals must discharge their duties and responsibilities in a professional and ethical manner. Patients and clients are entitled to receive good and safe standards of practice and care. The Statement is intended to protect the public from unprofessional and unethical behaviour, by seeking to ensure that such standards are inculcated into prospective Health Professionals and maintained by those in practice. These standards are required primarily for the protection of the public rather than for the benefit of the profession. The Statement therefore imposes additional responsibilities on Health Professionals to those required of the ordinary citizen. The following fundamental principles are paramount :

- Health Professionals must at all times act in and safeguard the interests of patients, clients, carers and other members of the public, and must seek to provide the best possible care, either alone or in partnership with other health and social care professions. A Health Professional must not, by any act or omission, cause anything to be done which he or she has reasonable grounds for believing is likely to endanger or to affect adversely the health or safety of a patient or client;
- Health Professionals must ensure that their knowledge, skills and performance are of a high quality, up-to-date, and relevant to their field of practice;
- Health Professionals must ensure that they behave with integrity and probity, adhere to accepted standards of personal and professional conduct and do not engage in any behaviour or activity likely to bring their profession into disrepute or undermine public confidence in that profession.

2. **Scope of Practice**

Health Professionals must confine themselves to practice in those fields in which they have appropriate education, training and experience, and, where applicable, abide by the scope of practice laid down in any code of professional conduct of their respective professional body.

3. **Confidentiality**

Health Professionals must treat information about patients or clients as confidential and use it only for the purpose for which it was given. They must not knowingly disclose to any patient, client or to any other unauthorized person, the result of any investigations or any other information of a personal or confidential nature gained in the course of practice in their profession. Health Professionals must only use information about a patient or client for the purpose of that patient's or client's continuing care or for purposes which the patient or client has given specific consent to and consistent with the provisions of any data protection legislation.

4. **Delegation**

Patients, clients and members of the public consulting or receiving treatment or services from Health Professionals are entitled to assume that their treatment will be performed by a person who has sufficient knowledge and skill for the practice of the profession. Where tasks are delegated to a person who is not a registered Health Professional, such tasks should not require special expertise and skill for which that person has not been trained. Registered Health Professionals must continue to give adequate and appropriate supervision to the performance of the tasks which are delegated and remain responsible for the outcome. A Health Professional must not delegate to a person who is not a registered Health Professional duties or functions requiring the knowledge and skill of such a professional. This statement is not intended to restrict the proper training of students or the use of other professionals who have been trained to perform specialised functions or to carry out treatment or procedures falling within the proper scope of their profession. Health Professionals who delegate treatment of patients or clients to another person must ensure that they only delegate where appropriate.

5. Health

If a Health Professional believes that his or her judgment or performance could be significantly affected by a condition or illness, or its treatment, he or she must take and follow advice from a consultant in occupational health or another suitably qualified medical practitioner on whether, and in what ways, he or she should modify or cease practice. A Health Professional whose practice is significantly affected by a condition or illness, either physical or mental, is liable to be the subject of a complaint to the Council's Health Committee.

6. Advertising

Advertising by Health Professionals in respect of professional activities must be accurate and restrained. Advertisements should not be misleading, deceptive, self-laudatory, unfair or sensational and, in particular, should not make claims in respect of superiority of personal skills, equipment or facilities. Professional signs must be dignified and restrained.

Health Professionals who are involved in the advertising of any product or service must ensure that their scientific knowledge and clinical skills and experience are used in an accurate and professionally responsible manner. They must not make or support unjustifiable statements relating to particular products or use a single brand name as the sole description of a product when giving therapeutic advice or recommending items to patients or clients.

7. Personal Conduct

Health Professionals must maintain high standards of personal conduct and must not engage in conduct which may adversely affect patients' and clients' treatment by or confidence in a Health Professional, or which brings a health profession into disrepute.

The Council may take action against Health Professionals who are convicted of criminal offences or receive police cautions.

The Council cannot be prescriptive in respect of consideration of convictions and cautions, and each case will be considered individually and on its merits. Decisions must be taken in the light of the circumstances of the case but, as guidance, serious consideration will be given to the rejection of applicants for registration, and to the striking off of those already registered, in the cases of those convicted of the following criminal offences :

- Violence and other offences against the person;
- Child abuse, or abuse of any other vulnerable persons;
- Rape, sexual abuse, sexual assault or indecency offences;
- Offences in relation to pornography;
- Dealing in or supplying controlled drugs;
- Drink-driving offences resulting in the injury or death of another;
- Theft, fraud or other serious offences involving dishonesty;
- Any serious criminal offences which attracted a custodial sentence.

In the case of other offences, including any of the following, consideration will be given to the seriousness of the offence, the number and pattern of offences, and the severity of the sentence :

- Drug related offences;
- Drink related offences including assault, or driving with excess alcohol;
- Evidence of lack of honesty or trustworthiness, e.g. theft, petty-theft, shoplifting;
- Breach of the peace.

8. Disclosure and Co-operation

The Council is routinely informed by the relevant police authority of persons claiming to be members of the Council's professions who are convicted by courts or accept a police caution. Nonetheless, a Health Professional must also promptly disclose to the Council and other professional or regulatory bodies any material information concerning his or her conduct or competence or that of any other health-care provider and, in particular, must inform the Council if he or she is:

- convicted of a criminal offence (other than a minor motoring offences) or accepts a police caution;
- disciplined by any body responsible for regulating or licensing a health or social care profession;

- suspended or placed under a practice restriction by an employer or similar body because of concerns about the Health Professional's conduct or competence.

A Health Professional should co-operate with any investigation or formal inquiry into his or her professional conduct, that of any other health-care provider or into the treatment of a patient or client and must give to those who are entitled to ask for it any relevant information in connection with his or her own or another health-care provider's conduct, competence or health.

9. Referrals

When accepting a patient or client a Health Professional assumes a duty of care which includes the obligation to refer the patient or client for further professional advice or treatment if it transpires that the task in hand is beyond the Health Professional's own skills or experience.

A patient or client is entitled to a referral for a second opinion at any time and the Health Professional is under an obligation to accede to the request and do so promptly. It is the responsibility of a Health Professional when accepting a referral from another health or social care professional to ensure that the request is fully understood. The treatment or advice requested should only be provided where this is believed to be appropriate. If this is not the case, there is an obligation on the Health Professional to discuss the matter, before commencing the treatment, with the referring practitioner and the patient or client.

10. Record Keeping

Making and keeping records is an essential part of care and records must be maintained for every patient or client treated or seeking professional advice or services. All such records must be complete and legible, and entries should be written, signed and dated by the Health Professional.

Health Professionals supervising students should countersign students' entries to the notes. Records should be supplemented and updated at each subsequent review and contain a record of any arrangements made for the continuing care of the patient or client. Health Professionals must safeguard information in records against loss, damage or use by unauthorized persons.

11. Patients and clients

Health Professionals must recognize and respect patients or clients as equal partners in their care. Health Professionals are personally accountable for ensuring that they promote and protect the interests of patients in their care. They must respect and take account of these factors in providing care and must not in any way exploit or abuse the relationship with a patient, client or carer. They must not allow their views about patients' or clients' gender, age, colour, race, disability, sexuality, social or economic status, lifestyle, culture or religious beliefs to prejudice the treatment or professional advice they provide. When working in a team they remain accountable for their professional conduct, any care or professional advice they provide, any omissions on their part and the quality of their delegation. Health Professionals must act to protect patients when there is reason to believe that they are threatened by a colleague's conduct, performance or health. The safety of patients must come first at all times and should over-ride personal and professional loyalties. As soon as a Health Professional becomes aware of any

situation which puts a patient at risk, the matter should be discussed with a senior professional colleague or the Registrar of the Council, if raising the matter with a senior colleague is thought inappropriate or is not possible.

12. Communication

Health Professionals must take all reasonable steps to ensure that they can communicate properly and effectively with patients or clients, and their carers and family. They must also communicate effectively, co-operate and share their knowledge and expertise with professional colleagues for the benefit of patients or clients.

13. Consent

Other than in emergency situations, and where relevant, a Health Professional must explain to the patient or client the treatment proposed, the risks involved and alternative treatments, and ensure that informed consent is obtained. The patient's or client's treatment decisions must be recorded and communicated to all members of the health or social care team involved in their care. Health Professionals must abide by their 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 they practise.

14. Infection Control

Health Professionals must take appropriate precautions to protect their patients and staff from infection. Health Professionals must conform to the rules of confidentiality in dealings with their patients in respect of transmissible diseases. Health Professionals have a duty to take appropriate precautions to protect patients, clients, fellow professionals and others from risk of cross-infection. It is unethical for Health Professionals to refuse to treat a patient or client solely on the grounds that the person has a transmissible disease or infection. It is also unethical for Health Professionals who are aware of being, or have reason to believe that they may be, infected with any transmissible disease or infection which might jeopardise the welfare of patients or clients, to fail to take appropriate action. It is the responsibility of Health Professionals who believe that they may have been infected with any transmissible disease, to obtain medical advice and, if found to be infected, to submit to appropriate medical supervision. Health Professionals must act upon the medical advice they have been given, which may include the necessity to cease practice altogether, or to modify their practice in some way in the best interests of protecting their patients.

Peter Burley

From: Niamh O'Sullivan
Sent: Tuesday, January 28, 2003 1:59 PM
To: Peter Burley
Subject: FW: amendments to draft statement of good health

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-----Original Message-----

From: anna vandergaag [mailto:anna.vandergaag8@ntlworld.com]
Sent: 23 January 2003 23:23
To: yuleobe@talk21.com; Tom Berrie
Cc: Marc Seale; Niamh O'Sullivan
Subject: amendments to draft statement of good health

Dear Sandy and Tom,

Further to our discussions at Council on Tuesday, my suggested amendments to the draft statement are as follows;

1. p8, under 'Delegation' insert 'co-workers' after ' the use of other professionals' (fourth line from the end of the section)
2. p11, under 'Communication', my suggestion would be;
'Health Professionals must undertake all reasonable steps to ensure that they can communicate effectively with patients or clients, and their relatives and carers. If communication between a health professional and patient or client is not effective due to linguistic or cultural barriers, or lack of expertise or knowledge of the individual's communication disability, then the professional should seek appropriate support or expert advice before commencing treatment.
3. I also support John's suggestion that the bullet points and the numbered items correspond to each other.

I hope this is of help.

Anna

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