

THE CODE OF CONDUCT

This code of conduct particularly applies to Council members whenever they take part in Council business, or whenever they represent the Council.

Council members should also bear in mind that due to the high profile nature of their role, even when they consider themselves to be working entirely in a private capacity, or for another organisation, they may still be viewed as a representative of, or an ambassador for, HCPC. They should therefore still be mindful of this code.

In addition, a Council member whose actions in another capacity may undermine their role as a Council member or public confidence in the Council, may have those actions judged against this code of conduct and action taken accordingly.

General guidelines

Council members should at all times:

- act in good faith;
- act in accordance with the Council's objective of protecting the public;
- act in accordance with the seven principles of public life as set out by the Committee on Standards in Public Life (see Appendix B);
- take personal responsibility for ensuring that they keep to the code of conduct; and
- treat others equally, fairly, and with respect.

Council members should not:

- act in a way that might bring the Health and Care Professions Council into disrepute; or
- use their position for personal gain or to promote their private interests.

Confidentiality

Most information to which Council members have access as part of their role will be in the public domain. However, there will be times when they may have access to information that is confidential. This may include papers from private sections of Council or committee meetings or information relating to HCPC employees.

Council members should not disclose any confidential information which they have been given because of their role as a Council member, other than for a proper purpose or if they are required to do so by law. Council members should take appropriate steps to ensure that confidential papers are stored securely. Members should contact the Chief Executive if the status of any information is unclear.

If a member becomes aware of a breach in confidentiality, they must immediately notify the Chief Executive or the Chair.

Attending meetings

Council members should endeavour to attend all Council meetings, and any meetings of committees of which they are a member.

There may be circumstances in which Council members are unable to attend a meeting, in which case they should send their apologies as soon as possible to the Secretary of the Council or the relevant committee.

Where a Council member is unable to fulfil their role over a prolonged period, they will be asked to discuss their position on the Council with the Chair.

Council members' attendance records will form part of the Council members' annual performance review and particular consideration will be given to meetings where a Council member has not attended and has not given notice of their absence.

Council members' annual performance review

All Council members must participate in the annual performance review system, and follow the agreed procedure.

Breach of the Code

Any minor breach of this code of conduct will be dealt with in the first instance informally, for example by the Chair of a committee or another Council member drawing the breach to the Council member's attention during a meeting or similar.

If a Council member is concerned that another Council member may be in breach of this code, they should raise their concerns with the Chair.

However, where there is evidence of a deliberate, serious or continued breach of this code of conduct or a complaint is received about the conduct of a Council member this will be referred to the Chair, who will act in accordance with the complaints procedure set out in Appendix A and, if appropriate, will convene a special meeting of the Council.

Suspension or removal from office of a Council Member

A Council member may be suspended or removed from office in accordance with the provisions of the Health and Care Professions Council (Constitution) Order 2009.

Complaints against Council Members

Introduction

1. This procedure deals with the investigation of complaints made against Council members which arise in that capacity, including complaints made against Council members by HCPC staff.
2. Complaints against members by HCPC staff should be made to the Chief Executive. All other complaints against members should be made to the Secretary of the Council.
3. All complaints must be made in writing and will be referred to the Chair. If, in the opinion of the Chair, more detail is needed in order for the complaint to be considered, the Chair will ask the complainant to provide further details.
4. The Chair will determine conclusively whether a complaint is within the scope of this procedure. If the Chair determines that a complaint is not within its scope or is trivial or vexatious, the Chair will inform the complainant of that decision in writing, and the reasons for it, and no further action will be taken in respect of that complaint. If it appears to the Chair that the complaint is one which should be dealt with by the Privy Council then the Chair will refer the matter to the Privy Council.
5. Where the Chair is unable to act or is the subject of a complaint, any reference in this procedure to the Chair shall be taken to be a reference to the Chair of the Conduct and Competence Committee.

Conciliation

6. If the Chair determines that a complaint is within the scope of this procedure, the Chair may suggest that the complainant and the member seek to resolve the matter by conciliation and, if they agree, the Chair, with the consent of the parties, will appoint a conciliator.
7. If the complaint is resolved by conciliation, no further action shall be taken by the Chair in respect of the complaint.
8. If conciliation fails to reach a satisfactory outcome, any admissions or statements made during the course of the process will not be admissible in any subsequent investigation or consideration of the complaint.

9. In any case where:
 - A. the Chair considers that the complaint is unsuitable for resolution by conciliation;
 - B. a party does not agree to take part in conciliation; or
 - C. conciliation fails to resolve the complaint;

the Chair will nominate an Independent Reviewer to investigate the complaint.

Investigation

10. The Chair will nominate a person (the **Independent Reviewer**) to investigate the complaint and report on the matter to the Council as to whether:
 - A. on the balance of probabilities, the allegations contained in the complaint are factually correct; and
 - B. on the basis of those facts, the member has breached the Code of Conduct for Council Members.
11. Where the Independent Reviewer concludes that a breach of the Code has occurred, he or she may also recommend to the Council the action which it should take against the member concerned in respect of that breach.
12. Subject to paragraph 13, the Independent Reviewer will determine the procedure to be followed in conducting the investigation, including the lines of inquiry to be pursued, the persons from whom evidence is to be sought and the form in which that evidence is to be given.
13. The Independent Reviewer shall:
 - A. send a copy of the complaint to the member concerned and invite him or her to submit a written response within a reasonable time (which shall in any event be not less than 14 days);
 - B. send a copy of any response from the member concerned to the complainant, and provide him or her with a reasonable time (which shall in any event be not less than 14 days) in which to comment on it.
14. The Independent Reviewer may be provided with administrative support by HCPC and may obtain legal advice from the solicitor to the Council but, if the Independent Reviewer wishes to obtain independent administrative support or legal advice, the Council shall meet the reasonable costs incurred by the Independent Reviewer in doing so.

Report

15. Once the investigation has concluded, the Independent Reviewer shall prepare a report (the **Report**) setting out the findings of the investigation, the conclusions reached, any recommendation made in accordance with paragraph 18 and the reasons for them.
16. The Report shall also include all of the documents considered by the Independent Reviewer (other than any legal advice given to the Independent Reviewer or any other privileged communication).
17. The Report shall be submitted to the Chair and, at the same time, a copy shall be sent to the complainant and the member concerned.
18. If the Independent Reviewer concludes that there has been a breach of the Code, the Report may include one or more of the following recommendations:
 - A. that no action be taken;
 - B. that the member be admonished by the Council;
 - C. that a report be submitted to the police, another regulatory or law enforcement agency or to a prosecuting authority;
 - D. that the Council recommend to the Privy Council that the member be removed from the Council.

Council Procedure

The Chair shall convene a meeting of the Council, to consider the report.

The Report shall be considered as public business but, at the discretion of the Chair, the Report may be taken as private business where:

- A. the Independent Reviewer has dismissed the complaint;
- B. the complaint concerns the health of any person;
- C. the complaint concerns confidential information; or
- D. the Independent Reviewer has recommended that the police or a regulatory, law enforcement or prosecuting body be informed of the matter;

and, in case of D, the Chair may determine that the Council shall not make public any information relating to the matter until the conclusion of any action by the police or other body concerned.

The Seven Principles of Public Life*

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

* as set out by the Committee on Standards in Public Life (www.public-standards.gov.uk)