

Health Professions Council
Fitness to Practise Committees, January 2007
Standards of conduct, performance and ethics review: CEPLIS Common values of the regulated professions in the European Union

Executive Summary and Recommendations

Introduction

The European Council of the Liberal Professions (CEPLIS) has produced a statement of common values of regulated professions. This paper looks at the statement of common values and assesses whether the standards of conduct, performance and ethics conforms to that statement of values.

Decision

The Committees are asked to take account of this paper when agreeing the consultation draft of the standards.

Background information

The purpose of the European Council of the Liberal Professions (CEPLIS) is:

‘... the study and promotion, both at the scientific and cultural levels, of all means, information and data related to the exercise and policies of the liberal professions.

Its objective in this regard is to:

- Co-ordinate and defend the moral, cultural scientific and material interests of the liberal professions;
- Implement any information type action which may help to achieve the objectives defined in the previous item;
- Create or participate in all necessary organisations or services, and in general to implement all measures which may contribute to accomplishing the objective of the association.’ (*Source: CEPLIS website*)

The website of the European Council of the Liberal Professions is www.ceplis.org.

Resource implications

None

Financial implications

None

Background papers

None

Appendices

None

Date of paper

3rd January 2007

Common values of the regulated professions in the European Union

The main text is reproduced from the CEPLIS publication 'Common values of the regulated professions in the European Union'.

1. Confidentiality

This is the cornerstone for the building of trust between professionals and their clients or patients.

Codes of conduct should make it clear that professions must respect the confidentiality of information acquired in the course of providing professional services and ensure that information about an individual is not disclosed to others except (with the informed consent of the individual) or in specified exceptional circumstances.

Comments:

The standards conform to the above statement:

- You must treat information about service 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... (Paragraph 1).
- Also, confidentiality guidance covers issues such as public interest disclosure (draft being considered by the Conduct and Competence Committee, 30th January 2007).

2. Participation in continuous professional development – life long learning

Codes of Conduct should make it clear that professionals have an unequivocal responsibility to maintain competency in their field of practice and to this end must participate in continuous professional development throughout their working lives.

Those who use professional services have a right to expect that practitioners will keep their knowledge in their field of practice up-to-date and will extend their competencies as the demand for new services develops.

Comments:

The standards conform to the above statement:

- 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 (paragraph 5).
- Our standards for continuing professional development link your learning and development to continued registration. You also need to meet these standards (paragraph 5).

3. Independence and integrity

Codes of Conduct should make it clear that liberal professionals have the right to exercise personal judgement after taking into account all relevant circumstances, without any application of external influence.

Those who use liberal professional services have a right to expect assessment of circumstances to be carried out and advice to be given impartially and objectively, without pressure from external sources and without conflicts of interest.

Comments:

The standards conform to the above statement:

- You are personally responsible for making sure that you promote and protect the best interests of the people you care for (paragraph 1).
- When accepting a service 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 (paragraph 6).
- Any potential financial rewards to you should play not part at all in your advice or recommendations of products and services that you give to service users (paragraph 14).

4. Honesty and integrity

Codes of Conduct should make it clear that professionals are required to act with courtesy, honesty and integrity in their relationships with clients and others, including professional colleagues and must not engage in any activity or behaviour that would be likely to bring the profession into disrepute or undermine public confidence in the profession. The first priority in the provision of professional services must be the best interests of the client or patient.

Those who use liberal professional services have the right to expect to be treated with courtesy and respect. They are also entitled to receive sound, professional advice in terms they will understand, as well as information before and during the provision of services, both on the procedure that it is intended to pursue to achieve the desire objective and on the fees involved.

Comments:

The standards conform to the above statement:

- You must act in the best interests of service users (paragraph 1).
- You must justify the trust that others place in you by acting with honesty and integrity (paragraph 13).
- You must make sure your behaviour does not undermine public confidence in you or in your profession (paragraph 15).
- You must maintain effective communications with service users and other professionals (paragraph 7).
- You must explain to the service 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 (paragraph 9).

5. Supervision of support staff

Codes of Conduct should make it clear that professionals are required to ensure that any member of support staff to whom a task is delegated has the knowledge and skills necessary to undertake that task effectively and efficiently. There should also be appropriate supervision.

Those who use professional services place their trust in the practitioner with whom they have direct contact and have the right to be confident that tasks will be delegated only to members of support staff who have the necessary knowledge and competencies. In that context, it should be clear that the responsibility for a delegated task remains with the delegator.

Comments:

The standards conform to the above statement:

- 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. You must not ask them to do work which 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 (paragraph 8).
- Whoever you ask to carry out a task, you must always continue to give adequate and appropriate supervision (paragraph 8).

6. Compliance with codes of conduct and practice

All codes of conduct should make it clear that members of the profession concerned are required to comply not only with the provisions of the code of conduct itself but also with legislation and the provisions of codes of practice and standards relating to specific professional services they may provide.

Those who use professional services have the right to expect a service of high quality through strict compliance with all relevant legislation and codes of practice.

Comments:

- By informed we mean that you have enough information to make a decision. This would include reading these standards and taking into account any other relevant guidelines, guidance or legislation (introduction).

7. Professional indemnity insurance

Codes of conduct should make it clear that members of the profession concerned have an obligation to carry professional indemnity insurance at a level sufficient to make sure that in the event of a justified claim from a client or patient rising as a result of the provision of service, the individual will be adequately compensated.

Those who use a professional service have the right to expect adequate compensation in the event of adverse effects resulting from errors made in the provision of the service.

8. Conflict with moral or religious beliefs

Codes of conduct should make it clear that in the event of conflicts with moral or religious beliefs arising from a request for the provision of a professional service, members of the profession have an obligation to provide information on where that service can most conveniently be obtained from a professional colleague, When providing services, liberal professionals are bound to set aside any personal, religious, political, philosophical or other convictions.

Those who lawfully seek a professional service should not have access to that service barred due to the moral or religious beliefs of the individual professional from whom that service is sought.

Comments:

The standards conform to the above statement:

- You must not allow your views about service users' sex, age, colour, race, disability, sexuality, social or economic status, lifestyle, culture or religious beliefs affect the way you treat them or the professional advice you give (paragraph 1).

Conclusions/ Recommendations

Two areas are identified where the standards do not ostensibly meet the values:

- Professional indemnity insurance; and
- Delegation to support workers.

Professional indemnity insurance

The standards do not currently require that registrants must have appropriate indemnity cover.

The Nursing and Midwifery Council's Code of Professional Conduct: Standards for Conduct, Performance and Ethics (2004) say:

'The NMC recommends that a registered nurse, midwife or specialist community public health nurse, in advising, treating and caring for patients/clients, has professional indemnity insurance. This is in the interests of clients, patients and registrants in the event of claims of professional negligence.'

Dentists are statutorily required to have indemnity insurance and the General Dental Council can take action via its fitness to practise process against dentists who fail to have indemnity cover. It is our understanding that the GDC are currently working towards deciding the appropriate level of indemnity cover.

Further, our understanding is that the Department of Health is currently looking at whether indemnity cover should be made a statutory requirement for other regulated professionals: 'We are in the process of making professional indemnity cover a condition of registration for all professions'¹

Issues raised by the issue of indemnity cover include:

- The mechanisms for ensuring compliance with any requirement
- How complaints about indemnity cover (lack or appropriateness of) would be handled
- What an appropriate level of cover would be
- Would it be necessary to approve insurance providers?

It would seem inappropriate to add reference to indemnity insurance in the standards until the issues are resolved.

Delegation to support workers

The recommendation that the responsibility should lie with the delegator applies only to tasks delegated to support workers.

However, the revised standard 8 covers delegation to other professionals and students, as well as to support workers or assistants. The standard sufficiently covers the requirements to

¹ Department of Health, The regulation of the non-medical healthcare professions (2006), p.441.

ensure that others have the necessary knowledge, skills and experience and that adequate supervision should be offered.

At the last round of meetings, the Committees noted that a variety of different approaches are taken by other regulators, which range from remaining responsible for the outcome following delegation, to remaining accountable for the appropriateness of the delegation.

At those meetings, it was decided that it would be more appropriate for the standards to say that the professional is responsible for the appropriateness of the decision to delegate and not directly the outcome. It is recommended that this should be retained in the consultation draft. However, a specific consultation will be asked to seek stakeholder views.