

Council Meeting – 20 May 2010

Partner Code of Conduct

Executive summary and recommendations

Introduction

This paper has been recommended by the Finance and Resources Committee to Council for approval.

The Partner Code of Conduct has been revised as a part of the work which is underway on a new suite of contracts for Partners.

Those contracts will for the first time make compliance with the Partner Code of Conduct a contractual obligation. Consequently, the Code has been revised by the HPC's Solicitor to make its terms more certain and to cover specific conduct which was not previously incorporated such as performing functions when disqualified from doing so.

The revised code draws heavily on the original document but has been significantly restructured. A copy of the original code is also attached for the purposes of comparison.

Decision

Council is requested to approve the revised Partner Code of Conduct.

Resource implications

None

Financial implications

None

Appendices

Draft Revised Code of Conduct
Original Code of Conduct

Date of paper: 10 May 2010

Partner Code of Conduct

Introduction

Partners work in several roles for the HPC. They make important and valuable contributions to HPC's decision-making processes by providing the following expertise:

- **Panel Members** and **Panel Chairs** together form Panels which conduct hearings and make other decisions in Fitness to Practise cases;
- **Legal Assessors** advise those participating in Fitness to Practise proceedings, ensure those proceedings are fair and legally compliant and help Panels to draft their decisions;
- **Registrant Assessors** and **Medical Assessors** provide professional expertise in Fitness to practise proceedings;
- **Visitors** evaluate and report on institutions providing and delivering (or proposing to provide and deliver) approved education and training;
- **Registration Assessors** assess registration applications to ensure that applicants meet the required standards of proficiency;
- **CPD Assessors** assess registrants' CPD submissions to ensure that they meet the relevant HPC standards.

HPC is an open and transparent organisation and Partners should be aware that high standards of conduct and personal integrity are essential to maintaining public confidence in the HPC.

In performing their roles, Partners are expected to maintain high standards of conduct. This Code of Conduct applies to all Partners and compliance with its terms is part of the contract between each Partner and the HPC. Partners must ensure that they are familiar with the Code and that their actions comply with its provisions.

The Code of Conduct

General principles

Partners are expected to act at all times in the manner of someone associated with a public regulatory body. They should refrain from any illegal, dishonest or unethical conduct at all times, not just when they are providing services to the HPC.

Partners must:

- act in good faith, with honesty, integrity and probity;
- promote the HPC's objective of protecting the public;
- comply with the seven principles of public life (set out below);
- treat others equally, fairly and with respect; and
- take personal responsibility for adhering to this Code of Conduct.

Partners must not:

- act in a manner which may bring HPC into disrepute; or
- misuse their position for personal gain or to promote their other interests.

Non Discrimination

Partners must treat others with dignity and fairness. Partners must not unlawfully discriminate against anyone because of their religion, belief, race, colour, gender, marital status, disability, sexual orientation, age, social and economic status or national origin.

Conflicts of interests

Partners must disclose any interest which they may have (or might be seen to have) in the outcome of any decision in which they are asked to participate. Partners must also disclose any interest that could otherwise prejudice any service they are asked to perform.

Partners must consider potential conflicts of interest at the earliest stage possible and declare any interest as soon as they realise it is necessary to do so. A Partner must not participate in any decision or perform any other service until the potential conflict is resolved.

Partners must recognise that:

- in dealing with conflicts of interest, the test to be applied is not whether an interest would influence their decision, but whether a member of the public, acting reasonably, may think that it might have such an influence;
- similar considerations apply to the interests of a spouse or close relative, as a member of the public, acting reasonably, may regard those interests as effectively being the interests of the Partner; and
- the key principle is the need for transparency in respect of any interest which may be regarded by a member of the public, acting reasonably, as potentially affecting the Partner's objectivity.

A Partner who is unclear about any potential conflict of interest should seek guidance from the HPC Partner Manager.

Confidentiality

Partners must not disclose or make any other use of confidential information to which they have access other than for a proper purpose relating to the performance of services for the HPC or as required by law.

Partners must take appropriate steps to ensure that confidential papers and information are stored securely.

Partners must promptly notify the HPC Partner Manager of any breach in confidentiality of which they become aware.

A Partner who is unclear about the status of any information should seek guidance from the HPC Partner Manager.

Performance

Partners must perform their services within the timescales set by the HPC and to a reasonable and appropriate standard.

A Partner who is unable to provide services which are requested by the HPC must notify the relevant HPC employee as soon as possible.

A Partner who is unable to provide services for a prolonged period should notify the HPC Partner Manager.

Partners must not perform services for the HPC:

- whilst on sickness leave or suspended from their employment (unless the employer has provided prior written consent);
- if they are subject to any fitness to practise, disciplinary or similar proceedings;
- in the case of Panel Members and Panel Chairs, if any provision of Rule 8 of the Health Professions Council (Practice Committees and Miscellaneous Amendments) Rules 2009 (suspension of committee membership) applies;
- in any other circumstances which would bring the HPC into disrepute.

Training

Partners are expected to take full advantage of the training opportunities which the HPC provides to enable them to keep up to date with best practice.

Partners must complete their induction and refresher training and a Partner who fails to do so will not be permitted to perform services for the HPC until such time as the training has been undertaken.

A Partner who, without reasonable excuse, persistently fails to attend training is liable to have their contract terminated.

Performance review

Partners must participate in the HPC's performance review system and comply with the associated procedures.

Fees and Expenses

Partners must comply with the HPC's policies and procedures for the payment of fees and expenses.

Gifts and hospitality

Partners must not accept any gift, hospitality or benefit from any person which might be perceived as being capable of improperly influencing any decision the Partner may make on behalf of, or any advice that the Partners may provide to, the HPC.

Partners are personally responsible for the decision to accept any gift, hospitality or benefit and must ensure that their decisions and advice are not improperly influenced by the promise or acceptance of any gift or other inducement.

A Partner who is unsure about the appropriateness of accepting any gift, hospitality or benefit should seek guidance from the HPC Partner Manager.

HPC employees

Partners must respect all HPC employees and the roles they perform and treat them with courtesy and dignity at all times. It is expected that HPC employees will show the same consideration in return.

A Partner who wishes to commend the work of any HPC employee may speak to the employee concerned. However, a Partner who wishes to raise concerns about the behaviour or performance of an employee should not speak to the employee directly but inform the HPC Director or manager who is responsible for that employee.

Breach of the Code

Compliance with the Code of Conduct is a contractual obligation.

Minor breaches of this Code will, in the first instance, be dealt with informally by the HPC Partner Manager in conjunction with the relevant HPC Director or manager.

Where there is evidence of a serious, deliberate or continued breach of this Code, formal action may be taken against the Partner concerned, including termination of the Partner's contract.

The Seven Principles of Public Life

Published by the Committee on Standards in Public Life

www.public-standards.gov.uk

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.

Partners Code of Conduct

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This Document

This is the Code of Conduct which all partners have to keep to. The document has been produced for partners, those who are considering becoming partners and those who are involved with the work of partners. The document explains the Code and the principles that underpin the Code. It then goes on to explain what is expected of partners and the consequences partners may face if they breach the Code. As with the other documents we produce, we have written this document in clear, modern English, so that it is easy to understand.

Please contact the Partner Manager if you have read this document and you have any queries or require information on interpreting the Code.

Introduction

An introduction to this document

Partners work as agents of HPC by providing expertise in some decision-making. It is important that partners maintain high standards when providing their services to HPC in line with their partner agreements.

This Code of Conduct contains rules with which all partners must comply. HPC is an open and transparent public body and partners should be aware that maintaining the highest standards of conduct and personal integrity is essential to maintain public and registrant faith in HPC.

Partners are expected to conduct themselves at all times in the manner expected of someone associated with a public organisation. Partners should refrain from any illegal, dishonest or unethical conduct at all times, not simply when they are providing their services to HPC.

If a partner acts in a manner that undermines this Code, either in an external role or in their private capacity, and such actions have the effect or potential effect of undermining or compromising public or registrant faith in HPC, HPC may take appropriate action, including commencement of the Partner Complaints Procedure.

Partners should also be aware that if they are a member of a regulated profession and their actions breach the standards of conduct, performance and ethics, they could be liable to a fitness to practise investigation and may not act in any capacity as a partner until the issue is resolved.

The Code is applicable to all partner roles.

The role of partners

Partners work in six roles:

- CPD assessors assess CPD submissions against HPC standards (CPD assessors are being recruited incrementally with the first professions to be audited from November 2007).
- Registration assessors assess international and grandparenting applications to ensure they meet standards required to be eligible to come on to the HPC Register.
- Visitors visit and report on institutions providing and delivering (or proposing to provide and deliver) education and training.
- Panel members make decisions about Fitness to Practise cases at panels and hearings.
- Panel chairs chair Fitness to Practise panels and guide other panel members on Fitness to Practise procedures/processes.
- Legal assessors ensure that the Panel processes are fair and legally compliant.

The main internal points of contact for partners are:

- Partner Manager;
- Director of Fitness to Practise;
- Education Manager;
- Registration's Manager
- Director of Human Resources; and
- Other HPC employees, for example, hearing officers, education officers and registration officers.

Partners Code of Conduct

General guidelines

Partners should at all times:

- act in good faith;
- act in accordance with HPC'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 (reproduced in full below);
- act in compliance with their partner agreement, including making no personal use of any HPC logos;
- take personal responsibility for ensuring adherence to this Code of Conduct; and
- treat others equally, fairly, and with respect.

Partners should not:

- act in a way that might bring HPC into disrepute; or
- misuse their position as a partner for personal gain or to promote their private or business interests.

The Seven Principles of Public Life

As set out by the Committee on Standards in Public Life: www.public-standards.gov.uk

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.

Confidentiality

Most information to which partners will have access as part of their roles is confidential and must be treated as such. Partners should contact the relevant HPC employee if the status of any information is unclear.

Partners should not disclose any confidential information to which they have access other than for a proper purpose relating to the services performed for HPC or if they are required to do so by law.

Partners should take appropriate steps to ensure that confidential papers and information are stored securely.

If a partner becomes aware of a breach in confidentiality, they must immediately notify the director/manager of the relevant department or the Partner Manager.

Roles and attendance

Partners should endeavour to carry out the partner role within an appropriate timescale and to achieve appropriate service standards. If a partner is unable to provide a service as requested by HPC they should notify the relevant HPC employee as soon as possible.

Where a partner is unable to fulfil their partner role over a prolonged period, they may be asked to discuss their position as a partner with the director/manager of the relevant department or the Partner Manager.

Partners' performance review

All partners must participate in the performance review system and follow HPC's performance review procedure.

Gifts and hospitality

Partners must not accept gifts, hospitality, or benefits that might be perceived as compromising their role or influence the decisions that they take on behalf of HPC.

Gifts, hospitality or benefits offered as a consequence of HPC business must, within a reasonable period of time (usually no longer than one calendar month), be registered with the director/manager of the relevant department or Partner Manager.

If partners are offered a gift or benefit as an inducement for preferential treatment, it must be refused or returned as appropriate.

Conflicts of interests

If partners are participating in HPC business where they might have (or be seen to have) an interest in the outcome, or any interest that could otherwise prejudice their decision, they should declare this before taking part in the decision-making process. If an interest is not declared then this may result in the commencement of the Partner Complaints Procedure.

The following examples are not a definitive list of conflicts of interest but serve to highlight the types of conflicts of interest that may occur for partners:

Example 1: The assessor (partner) has a personal or professional connection with the applicant.

Example 2: The visitor (partner) has been involved in the development of the educational course they are looking to approve.

Example 3: The panel member (partner) has previous involvement in the matters to which the investigation relates which may affect their impartiality

HPC employees

Partners should treat all HPC employees with respect and dignity. If partners wish to comment positively on the work done by employees, they can speak formally to the employee's director/manager or informally with the employee concerned.

However, any partner with concerns about the behaviour or performance of an employee should always raise these concerns formally with the relevant director/manager.

Breach of this code

Any minor breach of this Code of Conduct will be dealt with informally in the first instance by the relevant director/manager in conjunction with the Partner Manager. However, where there is evidence of a deliberate, serious or continued breach of this code, this may be taken up by the Partner Manager and relevant director/department head in line with the Partner Complaints Procedure.

If a partner is concerned that another partner may be in breach of this code, they should raise their concerns with the relevant director/manager or the Partner Manager. It is important that partners disclose this information to HPC. All such disclosures must be made in good faith as they will be taken seriously and fully investigated where appropriate.

If HPC believes a partner is or may be unfit to continue in their role, either due to public perception or due to the partner's activities (whether or not such activities were in the provision of services to HPC), HPC will review the appropriateness of that partner continuing to provide services to HPC.