

Education and Training Committee, 10 September 2015

Consultation on revised guidance on conduct and ethics for students

Executive summary and recommendations

#### Introduction

In 2010 we published guidance on conduct and ethics for students, in order to provide information on our expectations and how the standards of conduct, performance and ethics (SCPE) apply to students on approved programmes.

We recently consulted on revised SCPE. Draft revised standards and a document analysing responses received during the consultation have been presented to the Committee for consideration at this meeting (see separate agenda item).

Given the proposed changes to the SCPE, it has been necessary to revisit the guidance on conduct and ethics for students, whose structure is very closely linked to the standards. We have also made amendments to the draft revised guidance – which is attached to this paper as an appendix – in order to ensure it is up-to-date and as clear as possible for students and trainees, education providers, service users and carers, and others.

Pending approval from the Council (of the revised SCPE as well as the attached documents), we plan to publicly consult on the draft revised guidance for 15 weeks from mid October 2015 to late January 2016. We will continue to undertake engagement activities in order to gather feedback on the guidance from students during the consultation period.

#### **Decision**

The Committee is invited to discuss and approve the consultation paper and draft revised guidance, subject to legal scrutiny and minor editing amendments; and to recommend them to the Council.

#### **Background information**

- Draft revised standards of conduct, performance and ethics (see separate agenda item)
- Guidance on conduct and ethics for students (current version)
  <a href="http://www.hcpc-uk.org/publications/brochures/index.asp?id=219">http://www.hcpc-uk.org/publications/brochures/index.asp?id=219</a>

#### **Resource implications**

Resource implications relating to a public consultation on the revised guidance have been accounted for in planning for the 2015-16 financial year.

# **Financial implications**

Financial implications relating to a public consultation on the revised guidance have been accounted for in planning for the 2015-16 financial year.

# **Appendices**

• Guidance on conduct and ethics for students – Draft for public consultation

#### Date of paper

18 August 2015



# **Consultation on revised Guidance on conduct and ethics for students**

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#### 1. Introduction

- 1.1 We are the Health and Care Professions Council (HCPC). This consultation seeks the views of our stakeholders on draft revised Guidance on conduct and ethics for students.
- 1.2 In this document, you can find out information about the guidance and its links to the standards we set including our standards of conduct, performance and ethics.
- 1.3 This consultation will be of interest to students on approved education and training programmes, registrants, as well as education providers, practice placement providers, employers, professional bodies and those who use the services of registrants or students.
- 1.4 The draft guidance for consultation has been published alongside this document on our website. Please see: [Insert URL]
- 1.5 The consultation runs from **X** to **X**.

#### 2. About the HCPC

- 2.1 We are a regulator and were set up to protect the public. To do this, we keep a register of professionals who meet our standards for their training, professional skills, behaviour and health. Individuals on our Register are called 'registrants'.
- 2.2 We currently regulate 16 professions:
  - arts therapists
  - biomedical scientists
  - chiropodists / podiatrists
  - clinical scientists
  - dietitians
  - hearing aid dispensers
  - occupational therapists
  - operating department practitioners
  - orthoptists
  - paramedics
  - physiotherapists
  - practitioner psychologists
  - prosthetists / orthotists
  - radiographers
  - social workers in England
  - speech and language therapists.

#### 3. About the Guidance on conduct and ethics for students

- 3.1 The Guidance on conduct and ethics for students is based on our standards of conduct, performance and ethics. These standards are the high level ethical standards we set for all the professionals we register. They describe what behaviour we expect of our registrants and provide a framework which can assist registrants in making ethical decisions.
- 3.2 The standards apply to both registrants and those applying to be registered. Students on approved education and training programmes will learn about these standards and the behaviour that will be expected of them as professionals. We have written this guidance in order to make students more familiar with how the standards apply to them.
- 3.3 The nine headings we have used in the guidance have been taken from the revised standards on conduct, performance and ethics. Under each heading we have provided bullet points which give guidance on how the particular requirement relates to students. The revised standards of conduct, performance and ethics will be published in early 2016 (see section 4.1 below for further details).
- 3.4 Education providers and practice placement providers often produce their own policies and procedures which should be followed by students in conjunction with this guidance.

## 4. The standards of conduct, performance and ethics

4.1 The revised standards of conduct, performance and ethics were recently the subject of a public consultation. We intend to publish the revised standards in early 2016. Further information on the standards post consultation including our response to the consultation can be found on our website: [Insert URL]

#### 5. About the review of the guidance

- 5.1 The Guidance on conduct and ethics for students was first published in 2010. The guidance was based on our existing standards of conduct, performance and ethics.
- As a result of the latest review of our standards of conduct, performance and ethics, we have amended this guidance document. This is to ensure that our Guidance on conduct and ethics for students continues to be fit for purpose, up-to-date and well understood by students, education providers, practice placement providers and others.
- 5.3 The draft guidance is based on the revised standards of conduct, performance and ethics and explains what they mean for students and trainees on our approved programmes.
- 5.4 Prior to consultation, we sought specific feedback from students on the draft guidance and how we might improve it. This involved conducting a session

- with students at a professional conference and the organisation of a dedicated student event at a university.
- 5.5 We would like to thank all of those who helped us by giving their time and input during the review process.
- 5.6 Once the consultation has closed we will consider the feedback we received in finalising the guidance. We expect that the new guidance will be published and in place for the start of the academic year 2016–17.

### 6. About the draft guidance

- 6.1 We have used the revised standards of conduct, performance and ethics, as well as other feedback we have received to put together the draft revised guidance for consultation.
- 6.2 We have made a range of changes to improve the content and accessibility of the guidance and have outlined some of the main changes below.

#### Introduction

6.3 We have updated the introduction to the guidance to include recent legislative changes regarding the rights of individuals not to disclose certain 'protected cautions' and 'protected convictions' to us as part of our registration processes. See draft guidance for further information.

#### Reporting concerns

- We have strengthened the requirements for students reporting any concerns about the safety and wellbeing of service users or carers; and for ensuring that students place the wellbeing of service users before any personal concerns about their assessments, marks, other work related to their programme, future employment prospects or any personal gain.
- 6.5 This expectation was already included in the existing guidance but has been strengthened in order to make our expectations as clear as possible.

#### Being open when things go wrong

- 6.6 The report of the Francis Inquiry proposed that health and care professionals should have a 'duty of candour'. This means that they should be open and honest with service users and their carers when something has gone wrong with the care, treatment or other services they have provided to them.
- 6.7 As a result, we have added a requirement for registrants about being open and honest when things go wrong in the revised standards of conduct, performance and ethics. We have also included appropriate reference to this requirement for students in the draft guidance. For example, students should inform an appropriate member of staff at their education provider or practice

placement provider if something has gone wrong in any care, treatment or other services they have carried out on or with a service user.

## Delegation

- 6.8 The standards of conduct, performance and ethics require registrants to make sure that anyone they delegate work to has the knowledge, skills and experience to carry it out safely and effectively, and to maintain appropriate oversight where they have delegated a task.
- 6.9 We have not included a similar reference to delegation in the draft guidance as we did not consider this to be relevant for students.
- 6.10 However, the draft guidance does state that students should only work within the limits of their knowledge and skills; and have appropriate supervision for any care, treatment or other services they are asked to carry out.

#### Structure and language of the guidance

- 6.11 We have made some changes to the structure of the guidance to improve its accessibility. This has included structuring the guidance to correspond to the revised standards of conduct, performance and ethics.
- 6.12 We have reordered the key statements so that they should now be more logically ordered. We have also tried to improve the language used in the guidance so that, as far as possible, it is easy to understand for students, education providers, practice placement providers, registrants, members of the public and others. We have reworded or removed some content which is now out-of-date, or which is already sufficiently covered in the guidance or other relevant publications.

#### Other changes

- 6.13 The following provides a brief summary (not exhaustive) of some of the other changes we have made to the draft guidance, in line with the revised standards of conduct, performance and ethics. The numbers in brackets refer to the relevant heading in the guidance.
  - We have strengthened the expectations for students to treat everyone fairly including not to discriminate and to respect the privacy and dignity of their service users and carers (1).
  - We have strengthened the statement about ensuring that students obtain consent before they carry out any care, treatment or other services on a service user (1).
  - We have placed increased emphasis on students communicating appropriately and effectively. This includes listening to their service users and carers and taking account of their needs and wishes; being polite and

- considerate; and using all forms of communication appropriately and responsibly including social media and networking sites (2).
- We expect students to only work within the limits of their knowledge and skills. However, we have strengthened the feedback requirements for students to ensure that they listen to feedback from others in order to aid their development (3).
- We believe that students should be able to discuss concerns with an appropriate person (such as a member of staff at the education provider or practice placement provider) if confidential information raises concerns about the safety or wellbeing of someone (4).
- We have strengthened the expectations for students to appropriately manage risk including any relevant changes in their physical and mental health; and to follow their education provider or practice placement provider's policies and guidance on managing and limiting risk (5).
- We have placed increased emphasis on students being honest and trustworthy. This includes being open about their experience and role with service users and carers; and providing important information about their conduct, competence or health to their education provider or practice placement provider (8).

#### 7. How to respond to the consultation

- 7.1 We welcome your comments on the draft revised guidance. We have listed some questions to help you below. The questions are not designed to be exhaustive and we would welcome your comments on any aspect of the draft guidance.
  - Q1. Do you agree with the structure of the guidance? If not, how could we improve it?
  - Q2. Do you think that any additional information or guidance should be included in the Guidance on conduct and ethics for students?
  - Q3. Do you think there are any expectations, requirements or parts of the guidance which should be reworded or removed?
  - Q4. Do you have any comments about the language used in the guidance? Is it clear and easily understood?
  - Q5. Do you have any other comments on the guidance?
- 7.2 You can respond to this consultation in the following ways:
  - By completing our easy-to-use online survey: [Insert URL to survey]

- By emailing us at: <a href="mailto:consultation@hcpc-uk.org">consultation@hcpc-uk.org</a>.
- By writing to us at the following address:

Consultation on Guidance on conduct and ethics for students Policy and Standards Department Health and Care Professions Council Park House 184 Kennington Park Road London SE11 4BU

Fax: +44(0)20 7820 9684

- 7.3 Please note that we do not normally accept responses by telephone or in person. We normally ask that consultation responses are made in writing. However, if you are unable to respond in writing, please contact us on +44(0)20 7840 9815 to discuss any reasonable adjustments that would help you to respond.
- 7.4 Please complete the online survey or send us your response by **X**.
- 7.5 Please contact us to request a copy of this document in Welsh or in an alternative format.
- 7.6 Once the consultation period is completed, we will analyse the responses we receive. We will then publish a document which summarises the comments we received and explains the decisions we have taken as a result. This will be published on our website.



## DRAFT FOR PUBLIC CONSULTATION

# Guidance on conduct and ethics for students Information for students

#### Students should:

- promote and safeguard the interests of service users and carers;
- communicate appropriately and effectively;
- work within the limits of their knowledge and skills;
- respect confidentiality;
- manage risk;
- report concerns about safety;
- be open when things go wrong;
- be honest and trustworthy; and
- keep records of their work.

#### **About this document**

We, the Health and Care Professions Council (HCPC), have written this document to give students on approved education and training programmes information about our standards of conduct, performance and ethics. We hope this information will be useful during your training and once you are working.

You may find this document useful if you are:

- a student who is studying to be a member of a profession we regulate;
- a practitioner in training;
- a member of academic staff who is teaching students on an approved programme;
- a member of an education provider's staff who is involved in processes for dealing with concerns about a student's conduct;
- a practice placement educator or supervisor; or
- a service user or carer who is receiving, or is affected by the care, treatment or other services from a student during their training.

This is not a full list, but it should help to give you an idea of whether or not this document will help you.

#### Introduction

#### **About the HCPC**

We are a regulator and were set up to protect the public. To do this, we keep a Register of health and care professionals who meet our standards for their training, professional skills, behaviour and health.

Professionals on our Register are called 'registrants'. We currently regulate the following professions.

- Arts therapists
- Biomedical scientists
- Chiropodists / podiatrists
- Clinical scientists
- Dietitians
- Hearing aid dispensers
- Occupational therapists
- Operating department practitioners
- Orthoptists
- Paramedics
- Physiotherapists
- Practitioner psychologists
- Prosthetists / orthotists
- Radiographers
- Social workers in England
- Speech and language therapists

For an up-to date list of the professions we regulate, please see our website (www.hcpc-uk.org).

Each of these professions has one or more 'protected titles' (protected titles include titles like 'physiotherapist' and 'dietitian'). Anyone who uses one of these titles must be on our Register. Anyone who uses a protected title and who is not registered with us is breaking the law and could be prosecuted.

Another important part of our role is to consider any concerns raised about registrants, in order to determine whether they are 'fit to practise'. When we say that someone is 'fit to practise', we mean that they have the skills, knowledge, character and health to practise their profession safely and effectively. We look at every concern to decide whether or not we need to take action. We may hold a hearing to get all the information we need to decide whether someone is fit to practise.

We also set standards for continuing professional development (CPD), which all registrants must meet. Meeting these standards supports professionals in their learning and development once they are registered so that they can continue to practise safely and effectively.

#### How the HCPC is run

We were created by the Health and Social Work Professions Order 2001 (the Order), which sets out the things that we must do and gives us our legal power. We have a Council which is made up of registrants and members of the public. The Council sets our strategies and policies and makes sure that we are meeting our responsibilities under the Order.

Professionals must register with us before they can use a protected title for their profession. This means that even if you have completed a course in, for example, radiography, you will still not be able to call yourself a 'radiographer' unless you are registered with us.

#### The standards of conduct, performance and ethics

We set standards of conduct, performance and ethics which apply to the professionals we regulate and set out in broad terms how we expect our registrants to behave. You will learn about these standards on your programme.

The standards also apply to people who are applying to become registered with us. If you are applying to be registered, we will ask you to sign a declaration to confirm that you have read and will keep to the standards once you are registered.

The standards help us make decisions about the character of the people who apply to join our Register, and also in cases where we decide whether someone is fit to practise.

#### Approving education programmes

We also assess education programmes against the standards that we set. These standards are our standards of education and training. If a programme meets our standards we approve it, and the students who successfully complete the programme are eligible to apply to register with us.

#### **Our Register**

Being on our Register shows that you meet our standards for your profession.

We have a Register to show the public that professionals are fit to practise, and that they are entitled to use the protected title for their profession. It shows that the people on our Register are part of a profession with nationally recognised standards set by law.

Our Register is available on our website and is fully searchable.

#### Applying to be on our Register

Completing an approved programme does not guarantee that you will become registered. But it does show us that you meet our professional standards for

registration and so you are eligible to apply. We need more information from you to be able to register you.

When you first apply to go on our Register, as part of your application you need to send us information which includes a health declaration, a character reference, a photograph and copies of relevant identification. You will also need to let us know if you have any cautions or convictions (other than a protected caution or protected conviction); if you have ever had action taken against you by another regulator, a professional body or an employer; and if you have had any civil proceedings (other than a divorce or dissolution of a civil partnership) brought against you. The Rehabilitation of Offenders Act 1974 does not apply to an application to join our Register. This means that you must tell us about any cautions and convictions you may have including those that are considered 'spent' under the Act (other than a protected caution or protected conviction).

In most cases, the information you give us about your character will not affect whether or not we register you. For further information on applying for registration and providing relevant character information, please consult our Guidance on health and character which is available on our website.

All of the information that we need from you helps us to make sure that:

- you are who you say you are;
- you meet our standards; and
- we can contact you if we need to.

You can find out more about the application process on our website (<u>www.hcpc-uk.org</u>).

Students should tell their education provider if they are cautioned for, or convicted of, any offence whilst completing their approved programme. Furthermore education providers will have carried out appropriate conviction checks as part of their admission procedures; and need to have in place a process throughout the programme for dealing with concerns about students' profession-related conduct.

#### About this guidance

This guidance is based on the standards of conduct, performance and ethics, as these standards apply to both registrants and those applying to be registered. We hope that this guidance will make you more familiar with these standards.

The headings we use in the following section of this document are taken from the standards of conduct, performance and ethics. Under each heading we have provided bullet points which give guidance on how the standards relate to you. The guidance does not provide answers to every situation you may face. However, we hope that it will help you and encourage you to ask for extra information from your education provider or practice placement provider (if appropriate).

Education providers and practice placement providers often have their own policies and procedures which you should also follow.

#### Language

This guidance applies to all students as far as possible. We approve a wide range of programmes, so students are involved in many settings with varying models of supervision. We have tried to use words and language which everyone can understand.

The language used in the guidance plays an important role in distinguishing the scope of practice and expectations of students and prospective students from those of registrants and prospective registrants. We use the verb 'should' rather than 'must' in the guidance, to reflect the fact that we do not regulate students and have no legal powers to ensure a student adheres to this guidance. This differs from the language used in the standards of conduct, performance and ethics.

We have used the term '**student**' throughout this document to refer to anyone studying on an approved education and training programme which leads to them being eligible to apply to join our Register. This includes trainees, practitioners who are training or other people taking part in training. The word '**programme**' means an approved education and training programme.

Throughout this guidance we have used '**service users**' to refer to anyone who uses or is affected by the work of registrants or students, for example, patients and clients. We have used '**carer**' to refer to anyone who has looked after, or who currently looks after or provides support to, a family member, partner or friend.

We understand that students may undertake a number of actions to, for, on or with a service user whilst completing their approved programme including their practice placement. This can include diagnostic or monitoring procedures, therapy or advice. We have referred to such actions in the guidance as 'care, treatment or other services'.

## Personal and professional conduct

On your programme you have the opportunity to develop the skills and knowledge you need to become a professional in an environment which protects the public. You also have the opportunity to learn about the behaviour that the public expects from a registrant.

As a student studying to become a professional in a regulated profession, you have certain responsibilities. On your programme you will be expected to meet high standards of conduct and ethics.

You should be aware that in very serious circumstances, your conduct may affect your ability to:

complete your programme;

- gain the final qualification; or
- register with us.

Our standards of education and training require that all our approved programmes have processes for dealing with concerns about a student's conduct. This means that misconduct may affect your ability to complete your programme. You can download our standards of education and training from our website (<a href="www.hcpc-uk.org">www.hcpc-uk.org</a>).

#### **Guidance on conduct and ethics**

## 1. Promote and safeguard the interests of service users and carers

- You should treat service users and carers as individuals, respecting their privacy and dignity.
- You should make sure that you have the consent of service users or other appropriate authority before you provide care, treatment or other services.
- You should follow your education provider's or practice placement provider's policy on consent.
- You should respect a person's right to have their care, treatment or other services carried out by a professional and not a student.
- You should treat everyone equally and not discriminate.
- You should keep relationships with service users and carers professional.

## 2. Communicate appropriately and effectively

- You should be polite and considerate to service users, other students, and staff at your education provider and practice placement provider.
- You should listen to service users and carers and take account of their needs and wishes when carrying out any care, treatment or other services.
- You should take all reasonable steps to make sure that you can communicate appropriately and effectively with service users and carers.
- You should communicate effectively and cooperate with members of staff at your education provider and practice placement provider to benefit service users and carers.
- You should use all forms of communication appropriately and responsibly, including social media and networking websites.

## 3. Work within the limits of your knowledge and skills

- You should make sure that you are appropriately supervised for any task that you are asked to carry out.
- You should only carry out an unsupervised task if you feel that you have the appropriate knowledge and skills to do so safely and effectively.
- You should ask for help when you need it.
- You should make sure that before you carry out any care, treatment or other services, the service user is aware that you are a student.

- You are responsible for your own learning.
- You should be aware of and follow any guidance issued by your education provider or practice placement provider for working with service users and carers.
- You should listen to, think about and respond positively to feedback you are given.

### 4. Respect confidentiality

- You should keep information about service users and carers confidential, and only use it for the purpose for which it was given.
- You should not knowingly give any personal or confidential information to anyone who is not entitled to access it.
- You should follow local policies or guidelines on confidentiality produced by your education provider or practice placement provider.
- You should remove anything that could be used to identify a service user or carer from information which you use in your assessments or other academic work related to your programme.
- If any confidential information raises concerns about the safety or wellbeing of someone, you should discuss this with an appropriate member of staff at your education provider or practice placement provider.

## 5. Manage risk

- You should make sure that you take all appropriate steps to limit the risk of harm to service users, carers and others.
- You should not do anything that you think will put someone in danger or at unacceptable risk.
- You should follow your education provider's or practice placement provider's policy on managing risk.
- You should adapt your study or stop studying if your performance or judgement is affected by your physical or mental health and could put service users, yourself or others at risk.
- You should be aware that you may put your service users or yourself at risk if your performance or judgement is affected by your health.
- You should seek advice from a doctor or an occupational health professional if you are worried about your health.

#### 6. Report concerns about safety

- If you are worried about the safety or wellbeing of service users or carers, you should speak to an appropriate member of staff at your education provider or practice placement provider promptly.
- You should put the safety and wellbeing of service users before any personal concerns, for example, about assessments, marks, other work related to your programme, employment prospects or other personal gain.

### 7. Be open when things go wrong

- You should tell an appropriate member of staff at your education provider or practice placement provider if something has gone wrong in any care, treatment or other services you have carried out on a service user.
- You should co-operate with members of staff at your education provider and practice placement provider to learn from when something has gone wrong in the care, treatment or other services you have carried out on a service user.
- You should tell an appropriate member of staff at your education provider or practice placement provider if a service user or carer wants to raise concerns about the care, treatment or other services they have received.

#### 8. Be honest and trustworthy

- You should make sure that your conduct and behaviour does not damage public trust and confidence in your profession.
- You should be aware that conduct outside of your programme may affect whether or not you are allowed to complete your programme or register with us.
- You should not claim that you have knowledge, skills, qualifications and experience which you do not.
- You should be honest about your role with service users, carers and others.
- You should make sure that your personal appearance is appropriate for your practice placement environment.
- You should follow your education provider's or practice placement provider's policy on attendance.
- You should follow your education provider's policies on ethics when carrying out research.
- You should reference other people's work appropriately and not pass it off as your own.

- You should provide constructive feedback on the quality of your teaching and learning experience in both the education and practice practice placement setting.
- You should provide any important information about your conduct, competence or health to your education provider and practice placement provider.
- You should tell your education provider if you are cautioned for, or convicted of, any offence.
- You should co-operate with any investigation into your conduct or competence.

## 9. Keep records of your work

- You should make sure that the records you keep are accurate and clear.
- You should help to protect records from being lost, damaged, or accessed by someone without permission.

### More information

#### Other useful documents

We have produced several documents which you may also find useful. These include the following.

- Guidance on health and character
- Health, disability and becoming a health and care professional
- Confidentiality guidance for registrants
- Standards of conduct, performance and ethics
- Standards of proficiency

You can download copies of these documents from our website or ask us for a hard copy by emailing us or writing to us at the address below.

You may also want to contact your professional body for more advice.

#### Contacting us

You can find more information about us on our website (<a href="www.hcpc-uk.org">www.hcpc-uk.org</a>). Here we publish information about how we work, including the standards we produce, all of our forms, news releases and much more.

You can contact us at the following address.

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

Phone: +44 (0)845 300 6184

Fax: +44 (0)20 7820 9684

Email: policy@hcpc-uk.org

## **Glossary**

#### Approved programme

This is an education and training programme which has been assessed as meeting our standards of education and training. Anyone who completes an approved programme is eligible to apply to us for entry to the relevant part of our Register.

#### Care, treatment or other services

This describes a number of actions that a student may take whilst completing their approved programme including their practice placement. This term includes actions to, for, on or with a service user and it can include diagnostic or monitoring procedures, therapy or advice.

#### Carer

Anyone who has looked after, or who currently looks after or provides support to, a family member, partner or friend.

## **Education provider**

The institution which maintains overall responsibility for the delivery of an approved programme.

#### Consent

This is when someone has all the information they need, in a format they can understand, to make a decision about receiving care, treatment or other services including any risks involved and any other possible options.

#### Practice placement

A period of clinical or practical experience that forms part of an approved programme.

#### Practice placement educator

A person who is responsible for a student's education during their period of clinical and practical experience. This person can also be referred to as a 'supervisor'.

## Practice placement provider

The organisation that provides a period of clinical or practical experience for a student.

#### Register

A list of all those health and care professionals who meet our standards for their training, professional skills, behaviour and health.

# Registrant

A person who is currently on our Register.

#### Service user

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

## Student

Anyone who is currently studying on an approved programme which leads to them being eligible to join our Register. This term includes trainees, practitioners who are training or people taking part in training.