

Code of conduct for staff participating in special reviews

November 2014

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1. Introduction

- 1.1 The Professional Standards Authority for Health and Social Care (the Authority) aims to carry out special reviews in a way that promotes the public interest and protects patient safety and improves knowledge of effective professional regulation.
- 1.2 To do this effectively, we intend to:
 - foster a constructive and co-operative relationship with all the organisations that we review;
 - assure ourselves and our stakeholders that we will always act with the highest standards of professionalism.
- 1.3 For this reason, any staff involved in special reviews on the premises of external organisations will be expected to sign and comply with this code of conduct. For the purposes of this document, the term 'staff' includes employees, contractors, people seconded to work with us, or those working under our direction.
- 1.4 Failure to comply with the terms of this code may amount to both a failure to comply with the Authority's individual policies as well as endangering the Authority's reputation and vital external relationships. It may also result in a failure to comply with other specific policies, for example in relation to data handling. Breaches of this code therefore have the potential to be considered as serious disciplinary offences or contractual breaches.

2. General conduct

- 2.1 When carrying out a special review/investigation, you will be expected to conduct yourself with integrity, honesty, objectivity, professionalism and courtesy; and to consider yourself as an ambassador for the Authority. You should also be mindful and respectful of the cultural differences which may exist and take these into account in terms of your behaviour and attire.
- 2.2 You must familiarise yourself with the Authority's policies and rules on staff conduct, and the terms of any contract or memorandum of understanding that has been agreed between the Authority and each organisation. You must keep within the spirit and letter of these policies, rules and agreements.
- 2.3 You must take special care to protect and keep confidential any information, including paper and electronic documents, which you acquire during a special review/investigation. You must not discuss such information with anyone except those who legitimately need to know as part of the review/investigation process. If you have any doubt about when you may divulge information, you should consult the person leading the review or a member of the Authority's senior management team.

3. Actual and perceived conflicts of interest

- 3.1 It is important that the Authority's activities are free from bias or suspicions of bias. For this reason, you must avoid perceptions of bias that might arise from personal interests and the receipt of gifts or entertainment or other benefit.

4. Personal interests

- 4.1 In good time before starting work on a special review of a particular organisation, you should consider whether you have any personal interests relating to that organisation.
- 4.2 If you think it may not be appropriate to take part in a particular review you should discuss this with your manager.
- 4.3 If you will be taking part in a particular review, you should declare any personal interest to the person leading the review or the relevant Director/Chief Executive. You should err on the side of caution, in favour of declaring a possible personal interest. You should declare the interest as soon as it becomes apparent to you.
- 4.4 A personal interest would include any personal friendships, or family or business relationships, you have with individual members of staff of the audited organisation; or employment or contractual relationship you have had with the organisation within the five years before the start of the review/investigation. A personal interest may also arise if you have had a significant negative experience with an individual or organisation.
- 4.5 You will be required to declare the general nature of such personal interests. This should be done by completing the 'Register of interests relating to FTP audits/performance reviews/investigations of regulatory bodies'.
- 4.6 You may discover during a special review that you have a personal connection with a case. Again you should err on the side of caution and stop work on that case until you have consulted the person leading the review, or the relevant Director/Chief Executive. In most cases, if this does not infringe your privacy, the person leading the review or the relevant Director or the Chief Executive will inform the organisation of your personal connection with the case. Where there is a personal interest to declare, an entry will be made on the register of interests. The entry will be in general terms such as 'declared a personal connection with someone closely involved in the organisation, and discontinued any consideration', or 'prior knowledge of ...'.
During the period of a special review, you may be invited take part in social activities, on or off the premises, with staff of the organisation being reviewed. If you are invited to such an activity and consider that you should attend for the benefit of the Authority, you should consult the person leading the review who make seek advice from the relevant Director or the Chief Executive. You must always act professionally and avoid talking about the progress or detail of the review.

5. Gifts and entertainment

- 5.1 You should avoid accepting any personal gift from any person who is employed or associated with an organisation that you are reviewing.
- 5.2 You may accept light refreshments offered during the course of a normal working day.
- 5.3 It is common for a host organisation to offer some hospitality, especially if you are staying with them for some time. It is reasonable to accept such hospitality but you must record it in the hospitality register.
- 5.4 If you consider that it is appropriate to accept a corporate gift you should also declare this in the register.

6. Safety of self and others

- 6.1 You must comply with the host organisation's health and safety policies when conducting a special review. You must also bear in mind our own health and safety policies.
- 6.2 Working away from the Authority offices alone or in small groups presents some risks and gives rise to a greater duty to look after each other and yourself. You should familiarise yourself with the Authority's lone worker policy.
- 6.3 In particular, you should not place yourself in a situation where you will be at risk. If you feel you are at risk, for instance due to the location of the offices or your workplace within the office, you should discuss this with the person leading the review and your host.
- 6.4 You must not work at the premises outside that organisation's normal office hours except by agreement.
- 6.5 If unexpectedly you will not be attending work, you must notify the host organisation, your colleagues, if any, and the person leading the review.
- 6.6 If a member of the team unexpectedly does not attend the premises, and does not make contact, you should contact the person leading the review or the relevant Director or the Chief Executive as soon as possible. You should decide how to establish whether that team member is safe.
- 6.7 All members of staff participating in international reviews will be covered by the Authority's insurance policy for business travel.

7. Protecting property

- 7.1 You must take special care to protect Authority property, the property of the organisation you are reviewing/investigating, and your own property. Take all reasonable precautions to protect from theft any valuable equipment, or equipment giving access to data.

8. Computer use

- 8.1 You must comply at all times with the Authority's Code of Conduct on IT use and any other Authority policy or rule relating to the use of computers, phones and similar devices. This applies equally when you are using equipment, including computer and internet access facilities, provided by the host organisation. It also applies if you use your own or Authority equipment to access the organisation's internet provision.
- 8.2 You must also comply with any additional requirements that the host organisation may communicate to you. If these appear unreasonable or to interfere with your ability to carry out your work, you should consult with the person leading the review as soon as possible.
- 8.3 You should assume that you may not use the organisation's computer or phone equipment (other than when accessing agreed parts of the organisation's database for purposes of the review). If exceptionally it is agreed that you may use the organisation's computer and phone equipment, you must not use it for personal use.
- 8.4 When conducting a special review, you must connect to the Authority's server only through equipment provided by the Authority. You must always use the secure settings available on Authority equipment. If you are unable to connect to the Authority's server (which you may not when abroad) you must ensure that your equipment is set out prior to departure to meet our security standards i.e. is encrypted. You must also obtain the agreement of the SIRO in writing before you use this 'workaround' and inform the Governance and Compliance Manager of the matter.
- 8.5 You must always password lock your computer screen when leaving it, or when not using it. The automatic password lock should be set to operate within five minutes of the equipment being idle.
- 8.6 You must password protect your smart phone and ensure that it automatically locks within five minutes of being idle.
- 8.7 Portable data storage devices (such as data sticks, disks and laptops) create a significant risk of loss of data and you should avoid storing data on these devices. You must never copy a confidential document onto such storage media.
- 8.8 Any original document acquired during a special review/investigation should be treated as confidential and not copied in this way. You must only use such methods of storage for documents that meet all the following criteria:
 - It has been created by a member of Authority staff (including yourself)
 - It does not contain easily identifiable personal information about another person (for example no more than the case reference number)
 - The document is password protected
 - You have been given clear permission to store this type of document in this way.

9. Handling of information

- 9.1 You should not seek to access any information that does not fall within the limits of the review. You should seek permission before accessing information about matters that the Authority has not previously identified as falling within the scope of the review. If information is divulged to you in error, you must notify the organisation's nominated representative and your line manager as soon as possible.
- 9.2 You must not remove or send (either physically or electronically) from the premises of the host organisation any information that you acquire during a review. The only exception to this is information that has been legitimately collected as part of the review and that is in a form that the Authority and the organisation have agreed may be removed. When you remove such information you must make sure that you have the permission of the person leading the review (who may seek advice where necessary) and of the organisation. Normally the Authority will have agreed with the organisation that documents will not normally be removed, and then only with permission and with any personal identifying information redacted. Normally only general information, not specific to an individual case, should be collected and removed from the premises.
- 9.3 Documents should not be sent by email unless they have password protection.
- 9.4 You must take care not to mark or alter any of the host organisation's physical files or electronically held information or computer systems. If this should happen accidentally you must tell the organisation's representative as soon as possible.

10. Confidentiality agreement

- 10.1 This code of conduct incorporates the Authority's standard confidentiality agreement terms and, by signing to agree to be bound by the code of conduct, you also agree to the terms of the confidentiality agreement. These are reproduced in the following paragraphs.
- 10.2 It is a condition of your contract with the Authority that you do not reveal confidential information gained during the course of your work with the Authority, either during or after termination of your work for the Authority.
- 10.3 You may have access to personal and/or confidential information belonging to third parties during your work for the Authority. You must not access this information except with the permission of the Authority.
- 10.4 If you suspect that personal or confidential information has been disclosed to you in error, you must cease to view that information as soon as you become aware of this possibility and you must bring to the attention of the Authority the fact of this disclosure. You must not disclose personal or confidential information accessed during the course of your work to third parties unless this is expressly authorised by the Authority.

- 10.5 All records, reports, documents, publications and other papers written or acquired by you in the course of your work will remain the property of the Authority and must be returned to the Authority on termination of your work for the Authority. You must not make copies of any documents for your personal use.
- 10.6 Confidential information belonging to the Authority includes all information which has been specifically designated as confidential as well as information relating to the financial and business activities of the Authority.
- 10.7 You owe this same duty of confidentiality in respect of any information you acquire from another organisation during the course of your work with the Authority. This applies whether or not such information is specifically designated as confidential. You agree that the Authority may take the same actions against you for breach of confidentiality as though the information originally belonged to the Authority.
- 10.8 You must not use information gained through your engagement or experiences of your work at the Authority, including anecdotal and statistical information, for the purpose of publishing or disseminating any article, essay or research, including non-pecuniary and academic work, without the express written permission of the Authority. Such permission will, unless otherwise stated, be subject to the Authority giving approval for the finished document to be used, and will not be unreasonably withheld.
- 10.9 You must provide the Authority with three business days' notice of any intention to disclose any matters relating to your work with the Authority to any third party, including information not relating to personal or confidential information. You agree not to disclose any such matters without the Authority's consent.
- 10.10 You accept in signing this Agreement that damages will not be an adequate remedy in respect of any breach of this Agreement and that the Authority will be entitled to seek an injunction to prohibit use of any information obtained in this way by you or any third party, in addition to the Authority's right to seek other common law remedies.
- 10.11 This Agreement excludes information which has lawfully entered the public domain by reason other than your breach of this Agreement.

11. Agreement to comply with code of conduct

- 11.1 I agree to comply with the terms of this code of conduct (including the terms of the confidentiality agreement).
- 11.2 I understand that breaches of this code may lead to disciplinary action against me.
- 11.3 I agree that, unless I promptly inform the Chief Executive in writing, I will be deemed to have accepted any changes to this code of conduct, and any related Authority policies and rules that are notified to me or to Authority staff generally.

Signed _____

Name _____

Job title _____

Date _____

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for Health and Social Care November 2014

