

Code of Conduct

1 Introduction

Council members must comply with this Code of Conduct (the **Code**) whenever they act in their capacity as a member of the Council.

The Code will also apply to Council members whose conduct, when acting for another organisation or in a private capacity, may undermine their role as a Council member or public confidence in the Council,

2 General obligations

Council members must take personal responsibility for ensuring that they keep to the Code.

Council members must:

- act in good faith;
- act in accordance with the HCPC's over-arching objective in exercising its functions, of protecting the public;
- treat others equally, fairly, with dignity and respect; and
- act in accordance with the principles of public life (set out more fully in Appendix A):
 - selflessness;
 - integrity
 - objectivity
 - accountability
 - openness
 - honesty; and
 - leadership.

Council members must not:

- use their position for personal gain or to promote their private interests;
- discriminate or treat anyone less favourably on grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex or sexual orientation; or
- act in a way that may undermine public confidence in the HCPC or bring it into disrepute.

3 Confidentiality

As the Council conducts much of its business in public, most information to which Council members have access will be in the public domain. However, some information must be kept confidential.

Council members must not disclose confidential information which they have received in that capacity, other than for a proper purpose or where required to do so by law.

Council members must take appropriate steps to ensure that confidential information is stored securely and should contact the Chief Executive if the status of any information is unclear. A Council member who becomes aware of a breach of confidentiality must immediately notify the Chief Executive or the Chair.

4 Attending meetings

Council members must endeavour to attend all Council meetings and all meetings of any committee of which they are a member unless they are unable, with good reason, to do so and contribute in accordance with their role.

Council members who are unable, with good reason, to attend a meeting must inform the Secretary of the Council or Secretary of the relevant committee as soon as possible ahead of the meeting.

Where a Council member's absence from meetings over a prolonged period may affect the Council's ability to perform its statutory functions, that member will be asked to work with the Chair of Council to consider any action needed to address the position.

Council members' attendance records will form part of their annual performance review and particular consideration will be given to absences without notice.

Article 6(1)(g) of the Health and Care Profession Council (Constitution) Order 2009 provides that the Privy Council may remove a Council member whose level of attendance at meetings falls below a minimum level of attendance acceptable to the Privy Council.

5 Use of HCPC resources

The HCPC may only provide resources to Council members in order to assist them in the discharge of their duties. Council members must not use HCPC resources for any other purpose or place HCPC employees in the embarrassing situation of having to refuse to provide them with resources.

6 HCPC employees

In dealing with HCPC employees, Council members must recognise that their actions may be treated in law as those of the HCPC as employer.

Council members must not give direct instructions to employees, who are subject to the HCPC's established employment procedures and act on the instructions of their line managers, Directors and the Chief Executive.

Members are entitled to question the manner in which the HCPC operates or the advice or opinions provided by employees, but must not raise matters relating to the conduct or capability of employees at meetings held in public, nor seek to undermine employees by means of rudeness or ridicule. In particular, Members must recognise that employees are constrained in the response they may make to such public comment.

If a Member has any concerns about the conduct or capability of an employee, they should be discussed with the appropriate Executive Director. Concerns about an Executive Director should be discussed with the Chief Executive and concerns about the Chief Executive should be referred to the Chair of the Council.

7 Council members' annual performance review

Council members must participate in the annual performance review process.

8 Breach of the Code

Any minor breach of this Code should, where possible, be dealt with informally in the first instance; for example, by the Chair or another member drawing the breach to the Council member's attention during the meeting at which it occurs.

A Council member who considers that another Council member may be in breach of this Code may also raise the matter with the Chair.

Where there is evidence of a deliberate, serious or continued breach of this Code or a formal complaint is received about the conduct of a Council member, the matter will be referred to the Chair, who will act in accordance with the complaints procedure set out in Appendix B.

9 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.

3rd December 2020

Appendix A

The Seven Principles of Public Life*

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias..

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

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

Appendix B

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 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 may ask the complainant to provide further details.
4. The Chair must 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 must 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 is to be read as a reference to the Chair of the Education and Training 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, may appoint a conciliator.
7. If the complaint is resolved by conciliation, no further action is to 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 are not admissible in any subsequent investigation or consideration of the complaint.

9. The Chair must nominate an Independent Reviewer to investigate any complaint where:
 - 9.1 the Chair considers that the complaint is unsuitable for resolution by conciliation;
 - 9.2 a party does not agree to take part in conciliation; or
 - 9.3 conciliation fails to resolve the complaint;

Investigation

10. The Chair must nominate a person (the **Independent Reviewer**) to investigate the complaint and report on the matter to the Council as to whether:
 - 10.1 on the balance of probabilities, the allegations contained in the complaint are factually correct; and
 - 10.2 on the basis of those facts, the member has breached the Code of Conduct for Council Members (the **Code**).
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 may 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 must:
 - 13.1 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 must in any event be not less than 14 days);
 - 13.2 send a copy of any response from the member concerned to the complainant, and provide him or her with a reasonable time (which must 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 the 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 must meet the reasonable costs incurred by the Independent Reviewer in doing so.

Report

15. Once the investigation has concluded, the Independent Reviewer must 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 must 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 must be submitted to the Chair and, at the same time, a copy must 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:
 - 18.1 that no action be taken;
 - 18.2 that the member be admonished by the Council;
 - 18.3 that a report be submitted to the police, another regulatory or law enforcement agency or to a prosecuting authority;
 - 18.4 that the Council recommend to the Privy Council that the member be removed from the Council.

Council Procedure

19. The Chair must convene a meeting of the Council, to consider the report.
20. The Report must be considered as public business unless, at the discretion of the Chair, it is taken as private business where:
 - 20.1 the Independent Reviewer has dismissed the complaint;
 - 20.2 the complaint concerns the health of any person;
 - 20.3 the complaint concerns confidential information; or
 - 20.4 the Independent Reviewer has recommended that the police or a regulatory, law enforcement or prosecuting body be informed of the matter;

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