

Auditing the initial stages of the healthcare regulatory bodies' fitness to practise procedures

Code of conduct for auditors

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Introduction

1. The Council for Healthcare Regulatory Excellence (CHRE) is empowered by Section 26 of the National Health Service Reform and Health Care Professions Act 2002 (as amended) to carry out audits of the initial stages of healthcare regulators' fitness to practice audits ("FTP audits"). CHRE will carry out an annual cycle of audits of all the regulators that we work with.
2. Our aim is to carry out the audits in a way that promotes the public interest including protecting patient safety. To do this effectively, we intend to:
 - foster a constructive and co-operative relationship with all the organisations that we will audit;
 - assure ourselves and our stakeholders that we will always act with the highest standards of professionalism.
3. For this reason, any staff involved in conducting audits on the premises of audited organisations will be expected to sign and comply with this code of conduct ("the code"). For the purposes of this document, the term "staff" includes employees and contractors.
4. Failure to comply with the terms of this code may amount to both a failure to comply with CHRE's individual policies as well as endangering CHRE's reputation and vital external relationships. Breaches of this code therefore have the potential to be considered as serious disciplinary offences.

General conduct

5. When carrying out an audit, you will be expected to conduct yourself with utmost integrity, honesty, objectivity, professionalism and courtesy; and to consider yourself as an ambassador for CHRE.
6. You must familiarise yourself with CHRE's policies and rules on staff conduct, and the terms of any memorandum of understanding that has been agreed between CHRE and each audited organisation. You must keep within the spirit and letter of these policies, rules and agreements.
7. You must take special care to protect and keep confidential any information, including paper and electronic documents, which you acquire during an audit. You must not discuss such information with anyone except those who legitimately need to know as part of the auditing process. If you have any doubt about when you may divulge information, you should consult your line manager or a member of CHRE's senior management team.

Actual and perceived conflicts of interest

8. It is important that CHRE'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.

Personal interests

9. In good time before starting work on an audit of a particular organisation, you should consider whether you have any personal interests relating to that organisation.
10. If you think it may not be appropriate to take part in a particular audit you should discuss this with your manager.
11. If you will be taking part in a particular audit, you should declare any personal interest to your line manager. 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.
12. 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 audited organisation within the five years before the start of the audit. A personal interest may also arise if you have had a significant negative experience with an individual or organisation.
13. You will be required to declare the general nature of such personal interests on the FTP Audit Register of interests (“register of interests”) which will be drawn up for the audit of each organisation. These registers of interests may potentially become publicly available.
14. You may also discover during an audit 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 your manager. In most cases, if this does not infringe your privacy, your manager will inform the audited 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 case that was being audited, and discontinued any consideration of that case”, or “prior knowledge of case...”.
15. During the period of an audit you should normally not take part in social activities, on or off the premises, with staff of the organisation being audited. If you are invited to such an activity and consider that you should attend for the benefit of CHRE, you should consult your manager where possible. You must always act professionally and avoid talking about the progress or detail of the audit.

Gifts and entertainment

16. You should avoid accepting any gift, entertainment or other benefit from any person who is employed or associated with an organisation that we audit. This is before, during or after an audit. You may accept light refreshments such as non-alcoholic drinks and biscuits (but not a free meal) offered during the course of a normal working day – this will not be regarded as a gift or entertainment or benefit.
17. If you consider, in your professional judgment, that it has been necessary to accept a gift or entertainment or benefit, you should declare this in writing to your line manager. Agreement must be reached in writing on

how a gift should be treated. It may be decided that a gift can be kept by you; or it may be kept by CHRE for communal use; or otherwise donated or returned, where this will not cause offence. Any gift or entertainment that is received will be recorded, along with the gift's final destination, on the register of interests.

Safety of self and others

18. You must comply with CHRE health and safety policies when conducting an audit. You must also comply with any health and safety instruction given to you by a member of the audited organisation's staff.
19. Working away from CHRE offices alone or in small groups presents greater risks and gives rise to a greater duty to look after each other and yourself. You should familiarise yourself with CHRE's lone worker policy.
20. 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 your line manager or other CHRE manager.
21. You must not work at the premises outside that organisation's normal office hours.
22. If unexpectedly you will not be attending work, you must notify your line manager as well as a member of the audit team who will be on the premises of the audited organisation.
23. If a member of the audit team unexpectedly does not attend the premises, and does not make contact, you should contact your line manager or another CHRE manager as soon as possible. You should decide how to establish whether that team member is safe.

Protecting property

24. You must take special care to protect CHRE property, the property of the organisation you are auditing, and your own property. Take all reasonable precautions to protect from theft any valuable equipment, or equipment giving access to data.

Computer use

25. You must comply at all times with CHRE's "Code of Conduct on IT use" and any other CHRE 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 audited organisation. It also applies if you use your own or CHRE equipment to access the audited organisation's internet provision (which you should only do in exceptional circumstances and with prior agreement).
26. You must also comply with any additional requirements that the audited organisation may communicate to you. If these appear unreasonable or to interfere with your ability to conduct the audit, you should consult with your line manager as soon as possible.

27. You should assume that you may not use the audited organisation's computer or phone equipment (other than when accessing agreed parts of the organisation's database for purposes of the audit). If exceptionally it is agreed that you may use the audited organisation's computer and phone equipment, you must not use it for personal use or to access the internet or to send emails. You may only use such phone equipment in an emergency, after receiving permission.
28. When conducting an audit, you must connect to CHRE's server only through equipment provided by CHRE. You must always use the secure settings available on the CHRE equipment.
29. 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 5 minutes of the equipment being idle.
30. You must password protect your PDA and ensure that it automatically locks within 5 minutes of the PDA being idle.
31. 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. Any original document acquired during an audit 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:
 - a) It has been created by a member of CHRE staff (including yourself);
 - b) It does not contain easily identifiable personal information about another person (for example no more than the case reference number);
 - c) The document is password protected; and
 - d) You have been given clear permission to store this type of document in this way.

Handling of information

32. You should not seek to access any information that does not fall within the limits of the audit. You should seek permission before accessing information about cases that CHRE has not previously identified as falling within the audit sample. If information is divulged to you in error, you must notify the audited organisation's nominated representative and your line manager as soon as possible.
33. You must not remove or send (either physically or electronically) from the premises of the audited organisation, any information that you acquire during an audit. The only exception to this is information that has been legitimately collected as part of the audit and that is in a form that CHRE and the audited organisation have agreed may be removed. When you remove such information you must make sure that you have the permission of your line manager and of the audited organisation. Normally CHRE will have agreed with the audited 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, will be collected and removed from the premises.

34. Documents should not be sent by email unless there are exceptional circumstances. Documents that are emailed must have password protection added to them before sending.
35. You must take care not to mark or alter any of the audited 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.

Confidentiality agreement

36. This code of conduct incorporates the CHRE'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, and expanded for the purposes of these audits, in the following paragraphs.
37. It is a condition of your contract with CHRE that you do not reveal confidential information gained during the course of your work with CHRE, either during or after termination of your work for CHRE.
38. You may have access to personal and/or confidential information belonging to third parties during your work for CHRE. You must not access this information except with the permission of CHRE.
39. 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 CHRE 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 CHRE.
40. All records, reports, documents, publications and other papers written or acquired by you in the course of your work will remain the property of CHRE and must be returned to CHRE on termination of your work for CHRE. You must not make copies of any documents for your personal use.
41. Confidential information belonging to CHRE includes all information which has been specifically designated as confidential as well as information relating to the financial and business activities of CHRE.
42. You owe this same duty of confidentiality in respect of any information you acquire from another organisation during the course of your work with CHRE. This applies whether or not such information is specifically designated as confidential. You agree that CHRE may take the same actions against you for breach of confidentiality as though the information originally belonged to CHRE.
43. You must not use information gained through your engagement or experiences of your work at CHRE, 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 CHRE. Such permission will, unless otherwise stated, be subject to CHRE giving approval for the finished document to be used, and will not be unreasonably withheld.

44. You must provide CHRE with three business days' notice of any intention to disclose any matters relating to your work with CHRE to any third party, including information not relating to personal or confidential information. You agree not to disclose any such matters without CHRE's consent.
45. You accept in signing this Agreement that damages will not be an adequate remedy in respect of any breach of this Agreement and that CHRE 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 CHRE's right to seek other common law remedies.
46. This Agreement excludes information which has lawfully entered the public domain by reason other than your breach of this Agreement.

Agreement to comply with code of conduct

47. I agree to comply with the terms of this code of conduct (including the terms of the confidentiality agreement).
48. I understand that breaches of this code may lead to disciplinary action against me.
49. 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 CHRE policies and rules that are notified to me or to CHRE staff generally.

Signed

Name

Current job title

Date