

## Commentary on draft standards of conduct, performance and ethics for consultation

The extent of the changes we are proposing to the structure and content of the existing standards would make tracked changes difficult to read. So we have produced this document to provide more information about the differences between the draft standards for consultation and the existing standards. We have identified where the content of the existing standards can be found in the consultation draft. We have also provided a short commentary of the main changes we have made.

Note: In the commentary column, references in brackets are to the draft standards for consultation.

Existing standard	Draft standard	Commentary
<p>1. You must act in the best interests of service users.</p>	<p>1. Promote and safeguard the best interests of service users.</p> <p>6. Manage risk.</p> <p>7. Report concerns about safety.</p>	<ul style="list-style-type: none"> <li>• We have strengthened the requirements to treat service users and carers with respect by working in partnership with them to support informed decisions (1.1-1.3).</li> <li>• We have proposed a new standard (1.6) which sets a higher expectation for registrants – not only to avoid unfair discrimination in their own practice, but also to challenge discriminatory attitudes or behaviours in others.</li> <li>• We have replaced the requirement in the existing standard ‘not to abuse the relationship you have</li> </ul>

		<p>with a service user' with a more positive requirement to maintain appropriate professional boundaries (1.7).</p> <ul style="list-style-type: none"> <li>• We have created a dedicated standard on reporting concerns (7). Standard one of the existing standards refers to taking action in situations where there was 'danger' to service users. The draft standards refer to reporting concerns about 'safety and wellbeing'. We also created a dedicated standard about being open with service users and carers when things go wrong (8).</li> <li>• The content of standard three of the existing standards (about personal accountability and justifying decisions) has been removed and is addressed in the draft introduction.</li> </ul>
2. You must respect the confidentiality of service users.	5. Respect confidentiality.	<ul style="list-style-type: none"> <li>• We have made some relatively minor amendments to improve the clarity of this standard.</li> <li>• We have added in a new bullet point which reflects that in rare situations it may be legitimate to</li> </ul>

		disclose confidential information without consent where there is an overriding public interest reason to do so (5.2).
<p>3. You must keep high standards of personal conduct.</p> <p>4. You must provide (to us and any other relevant regulators) any important information about your conduct and competence.</p> <p>13. You must behave with honesty and integrity and make sure that your behaviour does not damage the public's confidence in you or your profession.</p> <p>14. You must make sure that any advertising you do is accurate.</p>	9. Be honest and trustworthy.	<ul style="list-style-type: none"> <li>• We have combined the content (where still needed) of these four standards into one revised standard.</li> <li>• We have modernised reference to 'personal conduct' in the existing standards to refer to registrants making sure that their conduct justifies public trust and confidence in them and their profession (9.1).</li> <li>• We have taken the principles articulated in the existing standard on advertising to set out standards which apply to all registrants – about being honest in their practice (9.2 to 9.4).</li> <li>• We have removed the content in standard four in the existing standards, which was about the circumstances in which we might remove someone from the Register or decline an application for registration. This content is</li> </ul>

		<p>guidance rather than a standard and is now found in the 'Guidance on health and character'.</p> <ul style="list-style-type: none"> <li>• We have updated the information that we require registrants to give us to include if they are charged with a criminal offence (9.5).</li> </ul>
<p>5. You must keep your professional knowledge and skills up to date.</p> <p>6. You must act within the limits of your knowledge, skills and experience and, if necessary, refer the matter to another practitioner.</p>	<p>3. Work within the limits of your knowledge and skills.</p>	<ul style="list-style-type: none"> <li>• We have combined the content of these two existing standards into one revised standard.</li> <li>• We have removed some of the content on referrals in standard six of the existing standards. We have proposed a standard which we consider is applicable to all of the professions we regulate (3.2).</li> <li>• We have added a new standard about registrants keeping up to date and following any law, regulations or guidance which apply to their practice (3.4). This replaces inconsistent references to other legislation and guidance in the existing standards.</li> <li>• We have added a new standard about the importance of registrants seeking and listening to feedback</li> </ul>

		from others to improve their practice (3.5).
7. You must communicate properly and effectively with service users and practitioners.	2. Communicate appropriate and effectively.	<ul style="list-style-type: none"> <li>• We have set out what we mean by appropriate and effective communication with service users and carers (2.1-2.4).</li> <li>• We have added a new standard to be more explicit about the expectation that registrants will share relevant information with colleagues (for example, when they are working as part of a multi-disciplinary team which is treating or caring for a service user) (2.6).</li> <li>• We have added a new standard about appropriate and responsible communication, including use of social media and networking sites (2.7).</li> </ul>
8. You must effectively supervise tasks that you have asked other people to carry out.	4. Delegate appropriately.	<ul style="list-style-type: none"> <li>• We have reworded the standard to focus on its content – delegation. The existing standard is sometimes not well understood because it refers to ‘supervision’.</li> </ul>

		<ul style="list-style-type: none"> <li>• We have replaced references to 'supervision' with 'oversight and support' (4.2).</li> </ul>
9. You must get informed consent to provide care or services (so far as possible).	Make sure you have consent (1.4).	<ul style="list-style-type: none"> <li>• A dedicated standard on consent has been removed and replaced with 1.4 under standard one.</li> <li>• We have proposed the wording in 1.4 to make sure that the standard is applicable to all of the professions we register including those where service users do not always engage freely. The new wording is also inclusive of emergency situations where consent may not be possible or necessary or other situations where service users may lack capacity to consent.</li> </ul>
10. You must keep accurate records.	10. Keep records of your work.	<ul style="list-style-type: none"> <li>• The content of this standard has been updated to be clearer and applicable to both paper-based and electronic record keeping.</li> <li>• Some content, for example, requirements to countersign records of students, has been removed. We considered that this content was in excess of that required in standards of this type</li> </ul>

		and would be better determined locally.
<p>11. You must deal fairly and safely with the risks of infection.</p> <p>You must limit your work and stop practising if your performance or judgement is affected by your health.</p>	<p>6. Manage risk (in particular 6.3 on managing your health).</p>	<ul style="list-style-type: none"> <li>• We have removed the standard on infection control because we consider that it is unnecessary and that some of the content is out of date and not applicable to all professions. The dedicated standard on health has also been removed.</li> <li>• The relevant content / underlying principles of these standards are captured elsewhere in the draft. The wording of 6.3 in particular requires registrants to manage their health. The wording is inclusive of all health conditions which might put others at risk, including infectious diseases.</li> </ul>