



STATUTORY INSTRUMENTS.

S.I. No. 527 of 2014



OCCUPATIONAL THERAPISTS REGISTRATION BOARD CODE OF
PROFESSIONAL CONDUCT AND ETHICS BYE-LAW 2014

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The Occupational Therapists Registration Board, in exercise of the powers conferred on it by section 31 of the Health and Social Care Professionals Act 2005 (as amended), with the approval of the Health and Social Care Professionals Council, hereby makes the following bye-law:

1. This bye-law may be cited as the Occupational Therapists Registration Board Code of Professional Conduct and Ethics Bye-law 2014.
2. The Occupational Therapists Registration Board hereby adopts the Code of Professional Conduct and Ethics (the “Code”) contained in the schedule to this bye-law.
3. The Code is hereby incorporated by reference into, and forms part of, this bye-law.
4. This bye-law comes into operation on 25 November 2014.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 28th November, 2014.*

SCHEDULE

Occupational Therapists Registration Board

Code of Professional Conduct and Ethics

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Foreword

I am pleased to present the Occupational Therapists Registration Board (OTRB) Code of Professional Conduct and Ethics. The Code specifies the standards of conduct, performance and ethics expected of registrants.

The OTRB was appointed in February 2013 by the Minister for Health, Dr James Reilly. The Board is one of twelve Registration Boards to be established under the Health and Social Care Professionals Act 2005. The twelve Boards and the Health and Social Care Professionals Council operate under the umbrella of CORU. The purpose of CORU is to protect the public by promoting high standards of professional conduct, professional education, training and competence among registrants.

In 2010, the Health and Social Care Professionals Council at CORU developed a framework code detailing common standards across its twelve constituent boards. The framework was reviewed and updated in 2013. The OTRB, made up of both lay members and representatives of the profession, have carefully adapted the framework with additional assistance from experts external to the Board, a public consultation and international best practice.

The Code reflects the needs of service users and the standards they can expect when dealing with the practice of occupational therapy in this State. Each year registrants will be asked to pledge that they comply with the Code of Professional Conduct and Ethics. It is essential that all registrants read, understand and meet the standards set out in this Code. Failure to meet the standards could result in a complaint of professional misconduct being made about the registrant.

Under the Health and Social Care Professionals Act 2005, professional misconduct is defined as “a breach of the code of professional conduct and ethics adopted by the registration board of that profession.”

As the goal of the OTRB is to protect the public by fostering high standards of professional conduct, education, training and competence among registrants, adopting this Code is a major milestone in this process. As the professions develop, the OTRB is committed to continually reviewing these standards and will ensure that they remain both relevant and comprehensive.

**Clodagh Nolan, Chairperson
Occupational Therapists Registration Board
November 2014**

About the Code

As a registrant you must comply with this Code of Professional Conduct and Ethics. It is recognised that ethical decision making presents challenges and it is suggested that the procedure in Appendix A should be consulted.

Registrants must be aware that a breach or breaches of this Code could be held to be professional misconduct and could result in a disciplinary sanction being imposed following a fitness to practise inquiry.

In this document:

- ‘you must’ is used as an overriding principle or duty;
- ‘you should’ is used where the principle or duty may not apply in all cases or where there are factors outside your control affecting your ability to comply;
- the term “service users” includes service users, patients, clients and anyone else who uses your service.

Below is a summary of your responsibilities as a registrant grouped into three categories: Conduct, Performance and Ethics.

Conduct

1. Act in the best interests of service users.
2. Respect the confidentiality and privacy of service users and their families.
3. Maintain high standards of personal conduct.
4. Provide information about conduct and competence.

Performance

5. Address health issues related to your fitness to practise.
6. Obey laws and regulations.
7. Act within the limits of your knowledge, skills, competence and experience.
8. Keep your professional knowledge and skills up to date.
9. Get informed consent from service users.
10. Communicate with service users, carers and other professionals.
11. Assist and advise colleagues, recently qualified registrants and students.
12. Teach, supervise and assess students and other professionals.

13. Supervise tasks that you give to others.
14. Enhance the service user experience.
15. Keep accurate records.
16. Address health and safety risks.
17. Be an advocate for service users.

Ethics

18. Demonstrate ethical awareness.
19. Respect the rights, dignity and occupational identity of people.
20. Carry out your duties in a professional and ethical way.
21. Undertake research in an ethical manner.
22. Make sure that any advertising is truthful, accurate and lawful.

Conduct

You must always maintain a high standard of conduct. Your duties are to:

1. Act in the best interests of service users

You are responsible for acting in the best interests of your service user.

You must:

- a. treat each service user as an individual in a client-centred manner;
- b. respect diversity, different cultures and values;
- c. respect and, where appropriate, speak out on behalf of service users;
- d. recognise and respect the role of carers;
- e. support the service user's right to take part in all aspects of the service provided and to make informed choices about the service they receive;
- f. do nothing and allow nothing to be done that might put the health or safety of a service user at risk;
- g. when working in a team, be responsible for:
 - your own professional conduct,
 - any service or professional advice you give,
 - your own failure to act,
 - any appropriate tasks which you delegate, and
 - any tasks delegated to you;
- h. protect service users if you believe they are threatened by a colleague's conduct, performance or health. Service user safety must always come before personal and professional loyalties;
- i. talk to a suitable professional colleague if you become aware of any situation that puts a service user at risk.

You must not:

- a. for reasons of personal or commercial benefit, direct public service users to private practice;
- b. accept inducements, payment, gifts or benefits that could be reasonably perceived as affecting your professional judgement.

2. Respect the confidentiality and privacy of service users and their families

You must:

- a. treat information about service users as confidential and use it only for the purpose for which it was given;
- b. check that people who ask for information are entitled to it;
- c. be aware of your obligations to children, vulnerable adults and older people under child protection and other laws;
- d. always follow 'best practice', employer guidelines and data protection laws when handling confidential service user information. Stay up to date with best practice developments in relation to confidentiality and data protection;
- e. be aware confidentiality is not absolute;
- f. familiarise yourself with the circumstances in which a breach of confidentiality is appropriate and justifiable;
- g. be conscious of your need to use social media and social networking in a responsible way, in particular, to avoid any breach of your obligations in this Code such as confidentiality under clause 2 and use of records and information under clause 15.

You must not:

give personal or confidential service user information to anyone, except if the law or your professional practice obligations requires you to do so.

Disclosure of information to colleagues:

If you need to share service user information with a relevant colleague to give safe and effective service, you must make sure that they know that the information must be kept confidential.

3. Maintain high standards of personal conduct

You must:

- a. work openly and co-operatively with colleagues;
- b. conduct yourself with dignity and integrity towards service users and colleagues;
- c. respect the roles and expertise of other health and social care professionals and work in partnership with them.

You must not:

- a. harm, abuse or neglect service users, carers or colleagues;
- b. exploit or discriminate against service users, carers or colleagues in any way;
- c. form inappropriate personal relationships with service users;
- d. condone discrimination by service users, carers or colleagues;
- e. put yourself or others at unnecessary risk;
- f. behave in a way that would call into question your suitability to work in health and social care professional services;
- g. engage in any conduct that is likely to damage the public's confidence in you or in your profession.

4. Provide information about conduct and competence

You must:

- a. inform the Occupational Therapists Registration Board if you have been convicted of a criminal offence (other than a 'fixed charge' driving offence under the Road Traffic Acts). You must also inform the Board if you have been given an 'adult caution' by An Garda Síochána or a caution from the police in another country;
- b. inform the Occupational Therapists Registration Board if your employer or another body has suspended you or placed restrictions on your practice because of concerns about your conduct or competence. You must co-operate with any investigations or formal inquiry into your professional conduct;
- c. report any serious breaches of behaviour or malpractice by yourself or others. Malpractice includes negligence, incompetence, breach of contract, unprofessional behaviour causing danger to health, safety or the environment, and covering up any of these issues.

You should:

inform your employer if, in your professional opinion, the practice of colleagues may be unsafe or have a negative effect on service user care.

Performance

You must always keep a high standard of performance. Your duties are to:

5. Address health issues related to your fitness to practise

You must:

- a. look after your physical, emotional and psychological health and avoid contact with service users if you are ill, emotionally distressed or on medication which may affect your judgement or performance;
- b. follow your employer's guidelines regarding personal health issues which could place service users or others at risk;
- c. limit your practice or stop practising if your performance or health could have a negative effect on service users.

6. Obey laws and regulations

You must:

- a. know and work within the laws and regulations governing your practice and keep up to date with any changes in legislation or regulation;
- b. obey the laws of the country in which you live and work in all your professional and personal practice.

7. Act within the limits of your knowledge, skills, competence and experience

You must:

- a. act within the limits of your knowledge, skills, competence and experience;
- b. practise only in areas in which you have relevant competence, education, training and experience. If a task is beyond your knowledge, skills or experience, you must refer the service user to a colleague or service who has the skills to help him or her;
- c. accept that a service user has the right to a second opinion from another practitioner. If asked, you must refer the service user promptly to another practitioner;
- d. make sure you understand any request from another health or social care professional. You must only assess, intervene or treat a service user if it is in the service user's best interest. If this is not the case, you must discuss the issue with the service user and the practitioner who made the referral to justify referral before providing any service;

- e. be able to justify any decisions you make within your scope of practice. You are always accountable for what you do, what you fail to do, and your behaviour;
- f. meet professional standards of practice and work in a lawful, safe and effective manner.

8. Keep your professional knowledge and skills up to date

You must:

- a. ensure your professional knowledge, skills and performance are of a high quality, based on the best available evidence, up to date and relevant to your practice;
- b. participate in continuing professional development (CPD) on an on-going basis by identifying your learning needs, making a personal learning plan, implementing the plan and reflecting on the learning you gained from the CPD activities;
- c. maintain clear and accurate records of your CPD and submit your records for audits of compliance when requested by the Occupational Therapists Registration Board;
- d. comply with the Occupational Therapists Registration Board's Continuing Professional Development requirements.

You should:

seek and engage in supervision in professional practice on an on-going and regular basis.

9. Get informed consent from service users

You must:

- a. explain the assessment, intervention or treatment along with any risks and alternatives to the service user in a way the service user can understand and give informed consent taking into account the service user's capacity to understand the information;
- b. record the service user's decisions regarding any proposed assessment, intervention or treatment. These decisions should be shared with appropriate members of the health and social care team involved in the service user's care;
- c. make sure the service user gives consent to any assessment, intervention or treatment before it is carried out. If or where a service user cannot give informed consent, make sure that any actions taken are in the service user's best interests;

- d. make reasonable efforts to encourage the service user to go ahead with assessment, intervention or treatment that you believe is in their best interest. However, you must respect the service user's right to refuse treatment or examination;
- e. follow your employer's procedures on consent and any guidance issued by appropriate authorities.

10. Communicate with service users, carers and other professionals

You must:

communicate sensitively and effectively with service users taking into account any special needs when communicating with children and vulnerable adults.

You should:

- a. communicate sensitively and effectively with carers and the families of service users, taking into account any special needs when communicating with children and vulnerable adults;
- b. co-operate and share your knowledge and expertise with colleagues and students for the benefit of service users;
- c. if a service user suffers harm, speak openly and honestly to them as soon as possible about what happened, their condition and their on-going care plan.

11. Assist and advise colleagues, recently qualified registrants and students

You should:

assist and advise colleagues, recently qualified registrants and students in your profession to develop the professional knowledge, skills, values, courtesies, attitudes and behaviour they will need when dealing with service users, carers and staff.

12. Teach, supervise and assess students and other professionals

If you are involved, you must:

be willing to supervise, teach, train, appraise and assess students in your profession and do so fairly and respectfully using agreed criteria.

You should:

meet your professional obligation to teach, train and mentor other health and social care professionals in specified practice areas.

13. Supervise tasks that you give to others

You must:

- a. acknowledge that service users have the right to assume that the person providing assessment, intervention or treatment to them has the knowledge, skills and competence to do so;
- b. only delegate to a person who you believe to have the knowledge, skills and experience to carry out the task safely and effectively;
- c. always continue to give adequate and appropriate supervision, if you delegate a task;
- d. understand that you are accountable for any task you delegate to another practitioner and responsible for any task you delegate to a student or others;
- e. understand that if a student or another practitioner is unwilling to carry out a task because they do not think they are capable of doing so safely and effectively, you must not force them to do so. If their refusal raises a disciplinary or training issue, you must deal with this separately. The service user must never be put at unnecessary risk.

You must not:

ask anyone to do anything which is outside their knowledge, skills and experience unless they are supervised by an experienced practitioner.

14. Enhance the service user experience

You should:

- a. contribute to the development of your profession in a way that improves the service user experience;
- b. be willing to work in collaboration with service users, professionals, support staff and others to optimise and enhance service user care.

15. Keep accurate records

You must:

- a. keep clear and accurate records in line with the policies and procedures set out in your workplace;
- b. make sure that all records are:
 - complete,
 - legible (if handwritten),

- identifiable as being made by you,
 - dated and timed,
 - prepared as soon as practicable following assessment, intervention or treatment, and
 - clear and factual;
- c. if you supervise students, review each student's entries in the records and record that you have done so;
 - d. protect information in records against loss, damage or access by anyone who is not allowed to access them;
 - e. make sure that if records are updated, the information that was there before is not erased or made difficult to read;
 - f. hold and use records according to relevant legislation.

Records are all information collected, processed and held in manual, electronic or any format pertaining to the service user and service user care. Records include data (within the meaning of the Data Protection Acts 1988 and 2003), demographics, clinical data, images, unique identification, investigation, samples, correspondence and communications relating to the service user and their care.

16. Address health and safety risks

You must:

- a. follow risk assessment policies and procedures to assess potential risks in the workplace and your areas of practice;
- b. take any steps needed to minimise, reduce or eliminate the risks you identify;
- c. inform colleagues and the authorities about the outcomes and implications of risk assessments;
- d. read and understand your institution's or department's safety statement.

17. Be an advocate for service users

You should promote occupational justice in your practice by:

- a. advocating on behalf of service users to enable full occupational engagement and participation in everyday life;
- b. informing the proper authorities of any concerns you have about service user safety and quality of service.

Ethics

You must always keep a high standard of ethics. Your duties are to:

18. Demonstrate ethical awareness

You must:

- a. make sure you read and understand this Code of Professional Conduct and Ethics;
- b. if there is a conflict between this Code of Professional Conduct and Ethics and a registrant's work environment, the registrant's obligation is to the Code.

You must not:

enter into any agreement or contract or accept any gift that might cause you to breach this Code.

You should:

- a. be aware of the wider need to use limited resources as efficiently and responsibly as is practicable. You have a duty to assist in the efficient and effective use of resources and to give advice on their appropriate allocation, whilst balancing your duty of care to the individual;
- b. take particular care when ethical issues arise. (Please see Appendix A for a suggested procedure for ethical decision-making.)

19. Respect the rights, dignity and occupational identity of people

You must:

- a. always show, through your practice and conduct, respect for the rights and dignity of all individuals as identified under the Equal Status Act as updated from time to time, regardless of their:
 - gender,
 - family status,
 - civil status,
 - age,
 - disability,
 - sexual orientation,
 - religious beliefs,
 - race, colour, nationality, ethnic or national origin, or
 - membership of the Traveller Community;
- b. always respect the occupational identity of people (those roles, occupations and activities that people identify themselves as engaging in, in everyday life).

20. Carry out your duties in a professional and ethical way

You must:

- a. carry out your duties and responsibilities in a professional and ethical way to protect the public;
- b. always behave with integrity and honesty;
- c. recognise that if there is a conflict of interest between the service user and the safeguarding of children or other vulnerable people, safeguarding should take precedence.

21. Undertake research in an ethical manner

You must:

- a. make sure that the welfare of each research participant is not adversely affected;
- b. collect, protect and securely destroy data in line with relevant legislation;
- c. obtain informed consent from research participants in line with the procedures laid down by the ethics committee.

You should:

- a. take part in research or support the research of others where possible;
- b. submit research proposals to the relevant research ethics committees and get ethical approval before starting the research;
- c. unless otherwise agreed with them, treat all information gathered confidentially and make sure that participants cannot be recognised through their data;
- d. disseminate or circulate the research findings widely to further improve the evidence base of the profession and/or to improve service user assessment and treatment;
- e. follow accepted guidelines concerning intellectual property, copyright and acknowledging the work of others in publishing and disseminating research;
- f. make sure you do not distort or misuse clinical or research findings;
- g. make sure that a service user's refusal to take part in research does not influence the delivery of service to that service user in any way.

22. Make sure that any advertising is truthful, accurate and lawful

You should:

- a. make sure that any advertising is truthful, accurate and lawful;
- b. provide full and accurate fee information to the service user or potential service user, in advance of agreeing to provide your service(s);
- c. only advertise, promote or recommend a product or service that is based on your objective clinical reasoning of the service user's needs.

Appendix A

Suggested procedure for ethical decision-making

1. Identify the problem and gather as much information as you can. Ask yourself if it is an ethical, professional, clinical or legal problem.
2. Review the Code of Professional Conduct and Ethics and identify the relevant parts. Check other professional guidelines too such as those of the Health Service Executive or government departments as well as any relevant legislation.
3. Discuss the issue with professional colleagues.
4. Consider asking your professional body for advice.
5. Evaluate the rights, responsibilities and welfare of everyone affected. Remember that your first obligation is to the service user.
6. Keep notes at each stage of the process.
7. Consider different solutions and decisions.
8. Evaluate and document the potential consequences of each option.
9. Choose the best solution or decision based on your professional judgement.
10. Put the solution or decision into practice, informing all the people affected.
11. Remember that you are responsible, as an autonomous practitioner, for the consequences of the solution or decision that you choose.

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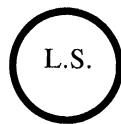
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GIVEN under the seal of the Occupational Therapists Registration Board,
25 November 2014.

CLODAGH NOLAN,
Chairperson, Occupational Therapists Registration Board.

and

GAYNOR BEYER,
Member, Occupational Therapists Registration Board.

EXPLANATORY NOTE

(This note is not part of the bye-law and does not purport to be a legal interpretation).

This bye-law adopts the Code of Professional Conduct and Ethics for Occupational Therapists agreed by the Occupational Therapists Registration Board.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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