



**Health
Information
and Quality
Authority**

An tÚdarás Um Fhaisnéis
agus Cáilíocht Sláinte

CODE OF CONDUCT

5 JULY 2017

Safer Better Care





Contents

1.	Introduction	4
2.	Scope	4
3.	Guiding principles	5
4.	Purpose	6
5.	Behaviour	6
6.	Conflicts of interest	7
7.	Disclosure of interests	8
8.	Attraction of benefits and unjust enrichments	9
9.	Engagement in outside employments	11
10.	Work and environment	11
11.	Protected Disclosures Act 2014	12
12.	Loyalty	12
13.	Fairness	12
14.	Information	13
15.	Confidentiality	13
16.	Obligations	14
17.	Communication of ethical duties and the code of conduct	15
18.	Approval and review	15
	Appendix 1 - Particular requirements for Board members	17
	Appendix 2 - Standards of professional conduct and practice for authorised persons	19

1. Introduction

The Health Information and Quality Authority (HIQA) is required to have a written code of conduct for Board members and employees.¹ The Health Act 2007 (the Act) specifies that persons performing functions under the Act 'shall maintain proper standards of integrity, conduct and concern for the public interest' and sets out a number of requirements for HIQA in this regard. In addition, HIQA is required to issue its Code of Conduct to Board members, staff and members of Board Committees who are not members of the Board.² HIQA is also a prescribed body under the Ethics in Public Office Acts (1995 and 2001).

As a State body, HIQA is bound to serve in the interests of the Government, the taxpayer and its other stakeholders and to act prudently, ethically and consistently with its statutory responsibilities. Therefore, the conduct of HIQA's Board and staff is a necessary element in achieving this obligation.

The requirement for a code of conduct is in recognition of the fact that individual behaviour and practice can be a significant factor in the effectiveness of an organisation, its reputation and the level of confidence and trust the public has in it.

2. Scope

This code applies to Board members, all staff and any third parties working for or engaged on behalf of HIQA. Staff members are also governed by individual contracts of employment.

While this code may not specify all instances of inappropriate conduct, it is understood that in the conduct of HIQA's activities, the staff and Board of HIQA are bound by 'proper standards of integrity, conduct and concern for the public interest'.

As the Board, being the governing body of HIQA, has a separate and distinct role to staff, specific responsibilities for the Board are included in Appendix 1 of this document.

A key function of HIQA relates to the conduct of inspections, investigations and reviews in line with the provisions of the Act. These activities are conducted by staff authorised under the Act, including inspectors of social services appointed under section 43 of the Act and inspectors appointed as authorised persons under the Child Care Act, 1991 and 2001 (as amended). Because there is a high level of interface between inspection staff and regulated entities, there is also specific guidance set out at Appendix 2.

1 Code of Practice for the Governance of State Bodies 2016, section 5.

2 Health Act 2007, part 11.

The Act provides for the Board to delegate any of its functions or powers to the CEO. Under section 23 of the Act, the CEO is allowed to onward delegate the functions to employees of HIQA. As such, HIQA has developed and operates a Scheme of Delegation that members of staff are obliged to operate within.

The Chief Inspector of Social Services has also formally outlined, through a Scheme of Determination, the statutory functions that may be performed by inspectors of social services. This scheme is developed in line with Section 43(2) of the Act and relevant staff are obliged to act in line with its content.

3. Guiding principles

In addition to its obligations as a State body, this code is based on HIQA's values and reflects the principles of integrity and concern for public interest in accordance with the Act:

- **Put people first** — HIQA puts the needs and the voices of people who use its services at the centre of its work.
- **Be fair and objective** — HIQA strives to be fair and objective in its dealings with people and organisations, and undertakes its work without fear or favour.
- **Be open and accountable** — HIQA shares information about the nature and outcomes of its work and accepts full responsibility for its actions.
- **Be committed to excellence** — HIQA seeks to continually improve and strives for excellence in its work.
- **Work together** — HIQA engages with those funding, planning, providing and using health and social care services in developing all aspects of its work.

With these values in mind, HIQA aims to deliver a quality service that is in the best interests of the public. This places an obligation on people working for or on behalf of HIQA to comply with proper standards of conduct.

HIQA's Board and staff are committed to delivering its strategic objectives and its legal mandate with a clear focus on the rights of service users, in a way that is administratively sound, is evidence-based and embraces the principles of natural justice.

In its engagement with services relating to outcomes for service users, HIQA will use a human-rights-based approach ensuring that the principles of fairness, respect, equality, dignity and autonomy are applied in achieving best outcomes for service users.

4. Purpose

The purpose of this code is to guide the behaviour of staff, Board members, or parties engaged by HIQA, in a way that reflects the requirements under the Act, for having 'proper standards of integrity, conduct and concern for the public interest'.

This document sets out guidelines to be followed in order to:

- avoid potential conflicts of interest, whether actual or perceived
- promote objective decision-making
- establish appropriate standards of ethical conduct
- promote and maintain the confidence and trust of the people we work with
- prevent the development of unethical practices
- enable HIQA to provide a courteous, professional and efficient service to the public, to providers of health and social care services and their staff, and all other stakeholders.

5. Behaviour

Board members and staff are expected in the performance of their duties to:

- maintain high standards in service delivery by:
 - always acting within the law
 - performing with efficiency, diligence and courtesy
 - working in the best interests of HIQA and its stakeholders
- maintain high standards of probity by:
 - acting honestly, impartially and with integrity
 - not using a position of employment or appointment to exert improper influence over decisions
 - complying with requirements in this code regarding ethics and conflicts of interest
 - behaving appropriately by treating all stakeholders and colleagues fairly and with courtesy and respect.

In this context, HIQA has developed specific policies and procedures including:

- dignity and respect in the workplace
- disciplinary and grievance procedures
- equality policy and
- a range of other corporate policies and procedures which govern key areas such as finance, procurement, human resources and protected disclosure.

Board members and staff are expected to behave appropriately in accordance with relevant policies and the principles and requirements set out in this Code and in the policies and procedures established by HIQA.

6. Conflicts of interest

This section of the code of conduct includes the obligations of Board members and staff under the Ethics in Public Office legislation and should be read in conjunction with HIQA's Conflict of Interests Policy and Procedure and relevant HR policies.

HIQA recognises that Board membership and employment in a public sector body can provide opportunities for potential conflict of interests to arise and has developed a policy and procedure to govern such instances. All staff, whether or not they are a designated employee under the Ethics in Public Office Acts, must declare any personal or other interest in any service, which could involve a conflict of interest or could compromise, or potentially conflict with, or appear to compromise, his or her professional judgment, objectivity or independence.

Circumstances³ that may give rise to a conflict of interest include, but are not limited to:

- a Board member or staff member or a family member holding an interest directly or indirectly in groups or enterprises which deal commercially and or contractually with HIQA
- the potential for a Board member or staff member or a member of his or her family to influence procurement decisions and the award of contracts to suppliers with which he or she is associated directly or indirectly; Board and staff members are required to withdraw from any procurement or contract selection or award process in any such cases

3 In such circumstances, Board members and the Chief Executive are required to declare such an interest to the Chairperson of the Board; the Chairperson should make his declaration to the Deputy Chairperson or if not present, another Board member; staff members are required to declare such interest to the Chief Executive.

- the potential for a Board member or staff member or a family member to influence any aspect of HIQA's business be it for the benefit of an individual, a corporate body or any other association with which he or she has a connection
- a family member or relative of a Board or staff member operating a facility for which HIQA has a regulatory role; Board and staff members are required to withdraw from any instances relating to inspections, investigations or reviews where a conflict of interest arises
- persons appointed as authorised persons under section 43 or section 70 of the Health Act 2007 or under the Child Care Act, 1991 and 2001 carrying out their regulatory functions and having a link or relationship with a regulated entity, for example, through past employment or personal relationships with persons involved in the management of a designated centre.

The conflict of interest policy and procedure should be followed in such cases.

7. Disclosure of interests

7a. Board member disclosures

To avoid conflicts of interest and the possibility of unjust enrichments, each Board member furnishes to the Secretary of the Board details of his or her employment and all other business interests including shareholdings which could involve a conflict of interest or could materially influence his or her functions as a member of the Board. Interests of family and other connected persons or bodies are also declared. This information is held in a Register of Interests and is accessible only by the Chairperson, Chief Executive and the Secretary of the Board.

Where individual Board members become aware of non-compliance with such obligations, they should immediately bring this to the attention of their fellow Board members with a view to having the matter addressed. The matter should also be brought to the attention of the Minister for Health by the Chairperson.

It is recognised that the interests of a Board member and persons connected with him or her can change at short notice. Therefore, a Board member should, in cases where he or she receives documents relating to his or her relevant interests or of those connected with him or her, return these documents to the Secretary to the Board at the earliest opportunity.

7b. Staff disclosures

The Chief Executive and certain members of staff (those who hold a designated position of employment, at principal officer level and above and those that have an interface with commercial or regulated entities) are also required to comply with the Ethics in Public Office legislation.

Where the Chief Executive considers he or she might have a conflict of interest, he should advise the Chairperson.

Certain staff members are required to:

- make an annual statement of interests if he or she holds a designated position of employment (principal officer level and above)
- make an annual statement if he or she has an interface with a commercial or regulated entities
- declare to their line manager if they become aware of an interest which could be, or perceived to be, a conflict of interest with their official functions.

Staff statements under the Ethics Acts shall be maintained by the director of the function, or a person designated by the director. Statements shall be reviewed by the director or line manager as appropriate and consideration given to the circumstances in accordance with the policy and procedure for managing conflicts of interest.

8. Attraction of benefits and unjust enrichments

Board and staff members may attract benefits⁴ in cash or in kind over and above normal remuneration (for example, fees for membership of other Boards, salary, travel, subsistence) in respect of associations and activities arising purely and solely by virtue of their position in the organisation.

In such cases, Board members and the Chief Executive are required to make disclosures to the Chairperson of the Board. Staff members are required to similarly disclose such instances to his or her line manager.

4 Benefit: includes a) a right, privilege, office or dignity and any forbearance to demand money or money's worth or a valuable thing b) any aid, vote, consent or influence or pretended aid, vote, consent or influence c) any promise or procurement of or agreement or endeavour to procure, or the holding out of any expectation of, any gift, loan, fee, reward or other aforesaid, or other advantage and the avoidance of a loss, liability, penalty, forfeiture, punishment or other disadvantage.

Board and staff members may be exposed to the possibility of inviting and or attracting offers of personal enrichments due to the nature of their duties and responsibilities. Such enrichments, when established to be materially significant⁵ and calculated to engender or reward bias, are prohibited.

There may be occasions where a token is offered to a staff member in recognition for participating in an event (such as presenting to an academic facility or at a conference). Where this does not benefit the donor and is not of material significance, it may be accepted.

Staff conducting inspections, investigations or reviews must not accept any personal gift⁶, favour, loan, prize, inducement, hospitality or other benefit in relation to:

- anything done
- or to be done
- or omitted to be done

in connection with the performance of their duties which may be seen to compromise their integrity, fairness or independence or which would, or might appear to, place them under any obligation.

Similarly, staff who interface with commercial entities must also comply with this requirement.

5 No definition is provided for 'materially significant'. However the definition of 'material interest' may be used as a guide in this instance: 'where a person or a connected person has a material interest in a matter if the consequence or effect a) of the performance by the person of a function of his or her office, directorship, designated position, or position as special adviser, as the case may be, or b) of any decision made in relation to or in the course or as a result of the performance of such a function by the person, concerning that matter may be to confer on or withhold from the person or the connected person, a significant benefit or impose on the person a significant loss, liability, penalty, forfeiture, punishment or other disadvantage without also conferring it on, withholding it from or imposing it on persons in general or a class of persons which is of a significant size having regard to all the circumstances and of which the person or the connected person is a member.'

6 Gift: means a gift of money or other property, excluding a donation (within the meaning of the Electoral Act 1997).



9. Engagement in outside employments

Should staff members engage in outside employments, consultancies or businesses, such activities should not:

- interfere with or diminish the capacity of the relevant staff member to discharge his or her duties and responsibilities
- result in non-compliance with the terms and conditions of the Organisation of Working Time Act, 1997
- result in diminution in hours worked by the relevant staff member for the organisation to levels below those contracted for, or effort required to enable him or her undertake duties and responsibilities assigned
- relate to, or be associated with, his or her position in the organisation.

10. Work and environment

HIQA's strategic objectives are delivered by staff who work to a very high standard. HIQA recognises that it has a duty to develop and support its staff and therefore it has established corporate policies and procedures in line with Government policy to ensure an appropriate working environment.

Board members and staff are reminded that when carrying out their duties they are required to comply with relevant policies, procedures and operational guidance.

Board members and staff are expected to place the highest priority on promoting and preserving the health and safety of all employees of HIQA by, for example:

- ensuring that staff members' concerns are fully considered.
- minimising any detrimental impact of operations on the environment
- promoting the development of a culture of 'speaking up' whereby staff can raise concerns regarding serious wrongdoing in the workplace without fear of reprisal.

11. **Protected Disclosures Act 2014**

Procedures for staff wishing to make protected disclosures are set out in a Protected Disclosures Policy and Procedure available on the staff intranet. Dedicated recipients of protected disclosures are included in the procedure.

12. **Loyalty**

Board members and staff acknowledge their responsibility to be loyal to HIQA and fully committed in all its business activities while mindful that HIQA itself must at all times take into account the interest of all stakeholders.

Loyalty in this context means acting in the best interests of HIQA, acting honestly and responsibly in relation to HIQA's business activities and exercising care, skill and diligence in carrying out our roles.

13. **Fairness**

Board members and staff shall:

- comply with employment equality and equal status legislation
- commit to fairness in all business dealings
- treat stakeholders equitably.

Staff and Board members are therefore required to:

- act professionally in the discharge of their duties
- make fair decisions based on evidence
- give reasons for decisions made
- demonstrate lack of bias
- provide a fair hearing for all parties in matters of dispute.

14. Information

The Board and staff shall facilitate access to information relating to HIQA in a way that is open and that enhances accountability to the public.

The Board and staff shall comply with relevant statutory provisions relating to access of information, including the Freedom of Information Acts 1997, 2003 and 2014, as amended and the Data Protection Acts 1988 and 2016, as amended.

Queries about the release of information under the provisions of the Freedom of Information Acts 1997, 2003 and 2014, as amended, should be directed to HIQA's Freedom of Information Officer in writing.

Staff are expected to:

- maintain clear and accurate records in an accessible and secure format
- honour a commitment not to acquire information by improper means
- observe appropriate prior consultation procedures with third parties where it is proposed to release sensitive information in the public interest
- minimise documentation gathered where possible and
- ensure they are in line with HIQA's standard operating procedures regarding document collection and or storage and retention.

15. Confidentiality

Due to the nature of their positions, all Board and certain staff members are privy to information and material which may be sensitive or confidential to the organisation and its clients and are therefore required to maintain confidentiality in such matters (unless disclosure is required by law). This includes:

- commercially sensitive information (including, but not limited to, future plans or details of major organisational or other changes such as restructuring)
- personal information
- information received in confidence by HIQA.

Staff conducting inspections, investigations or reviews must respect the confidentiality of information with due regard to reporting obligations particularly in relation to the protection of children and potentially vulnerable adults.

The requirement not to disclose privileged or confidential information does not cease when membership of the Board or staff employment ceases. Duty of ongoing non-disclosure of privileged or confidential information is confirmed in writing on appointment of members to the Board and all staff on their appointment to roles in HIQA. Former Board and staff members are required to dispose of any documentation they hold relating to the business of HIQA.

The Board Secretary will communicate with all retiring and or resigning Board members in terms of these and other obligations (see Functions and Duties of Board Secretary).

16. Obligations

In accordance with this code, there is an obligation on Board members and staff to commit to the highest standards of ethics and demonstrate commitment and loyalty to HIQA in the implementation of its activities.

Accordingly, the Board and staff of HIQA will endeavour to:

- fulfil all regulatory and statutory obligations imposed on it
- comply with all tendering and purchasing procedures in accordance with best business practice as well as complying with prescribed levels of authority for sanctioning any relevant expenditure
- adhere to controls to prevent fraud, including those for ensuring compliance with claiming expenses for business travel
- refrain from using HIQA's resources for personal gain
- cooperate with internal audit or any other organisational reviews
- comply with procedures in relation to conflict of interest situations, including instances relating to the acceptance of positions and or consultancies post-employment or resignation to avoid conflicts of interest or breaches of confidentiality.

17. **Communication of ethical duties and the code of conduct**

All Board members and staff shall be provided with a copy of this code of conduct and information on disclosure of interests. Written confirmation of understanding and commitment to comply with same will be required.

An explanatory booklet providing practical guidance and direction will be circulated, covering such areas as gifts, entertainment and other ethical considerations which arise routinely.

Breaches in compliance to the code of conduct will be managed in accordance with relevant corporate policies.

18. **Approval and review**

This code of conduct was approved by the Board of HIQA on 5 July 2017. The code will be subject to review every three years or when revised Government guidance is issued.



Brian McEnery
HIQA Board Chairperson



Phelim Quinn
HIQA CEO

This document should be read in conjunction with HIQA's Code of Governance and the following policies and procedures

- Freedom Of Information policy and procedure
- Data Protection
- Conflict of Interest
- Protected Disclosure
- Standing Orders of the Board
- Functions and Duties of the Board Secretary
- Disciplinary Policy
- Grievance Policy
- Equality Policy
- Dignity and respect in the Workplace.

Operational policies and procedures particular to an individual's area of responsibility are also relevant in the context of delivering on the principles underpinning this code of conduct.

Appendix 1

Particular requirements for Board members

Board members are bound to act in accordance with the role of the Board (the governing body) under the Health Act 2007.

In discharging their duties as members of the governing body, the distinction between the role of the Board and the role of the Executive Management Team must be recognised, with the Board's focus on oversight of the delivery of HIQA's functions, strategy and ensuring that appropriate controls are in place for effective delivery of HIQA's remit.

Board members should act on a fully informed and ethical basis, in good faith, with due diligence and care and in the best interests of HIQA, having regard to its legal responsibilities and Government objectives. This includes compliance with legislative requirements under Ethics in Public Office, Freedom of Information, Government travel policy and other relevant public sector legislation.

The Board should lead by example and ensure that good standards of governance and ethical behaviour permeate all levels of the organisation.

Board members should act to safeguard the collective responsibility and authority of the Board and not act as representatives of another body or individual.

Board members should treat as confidential all information made available to them during their tenure. This requirement continues after tenure ceases.

Upon expiry of the Board member's tenure, all documentation and equipment must be returned to HIQA.

Members should not meet to discuss HIQA's business, or act as a lobby or sub-group of the Board unless it is in line with an appropriately constituted committee of the Board.

The Chairperson is the sole spokesperson for the HIQA Board and no other member of the Board should speak unless authorised to do so by the Chairperson.

Board members must use all reasonable endeavours to attend all Board meetings and any committees of which they are a member.

Board members have a responsibility to be well informed, prepare well for meetings, read all papers in advance of meetings and seek advice or support from the Board Secretary where necessary.

Board members are expected to actively contribute to the business of the Board and relevant committees.

Board members must adhere to the standing orders and terms of reference for Board and Board committees.

On both appointment and departure, Board members must provide a statement of interest in relation to any interests that could involve or be perceived as involving a conflict of interest.

During their tenure, if a circumstance arises where a conflict or perceived conflict arises, the Board member should disclose the circumstance. Any changes during the Boards members' tenure regarding the Board members' business interests should be furnished to the Secretary.

Board members are expected to behave with courtesy and respect toward colleagues and staff.

Appendix 2

Standards of professional conduct and practice for authorised persons

The Director of Regulation requires his or her staff to adhere to the code of conduct set out in this document at all times. Items of particular significance for staff responsible for conducting regulatory functions are set out below.

1. Authorisations, appointments and identification

The Health Information and Quality Authority (HIQA), in accordance with the Health Act 2007 (as amended), requires that all staff exercising statutory powers shall produce a copy of their certificate of appointment or authorisation, and carry personal identification provided by the Authority, when exercising their functions.

2. Inspection and investigation processes

Staff conducting inspections, investigations or reviews must carry out their work within the legislative and regulatory framework relevant to the regulated service.

Staff conducting inspections, investigations or reviews shall carry out their duties in a courteous and non-discriminatory manner, with the minimum level of disruption necessary to the centre or service and with respect to the dignity, privacy and rights of people using the service.

Each authorised person is committed to respectful observation of care and to promoting the safety, wellbeing, dignity, privacy and comfort of each individual.

However, on occasion in exceptional circumstances either inadvertently or by way of triangulating evidence, authorised persons may need to observe care delivery such as wound dressing or moving between bed and bathroom. In these circumstances, the authorised person must take into account the residents and patients' rights and seek the informed consent of any such person, or their representative, before observing any personal care delivered to that person. The inspector or authorised person conducting inspections, investigations or reviews must also:

- make themselves available to any member of management, staff, user of services, family member or carer who might wish to speak to him or her
- not use or disclose information acquired in their professional capacity for any purpose unconnected with the performance of their duty

- inform the Director of Regulation or Deputy Director of any instance of which they become aware that a person carrying out an inspection, review or investigation may have committed an offence or acted improperly in the course of an inspection, review or investigation
- give clear reasons for any decisions and judgments made in accordance with the principles of fair procedures
- carry out their functions honestly, fairly, impartially and objectively without fear, favour, bias or prejudice
- explain — where voluntary cooperation is not forthcoming and powers are required to be exercised explicitly (for example, in entering a premises or in removing items or in exceptional circumstances executing a warrant) — the reason for the exercise of the power is first explained to any relevant person and they are advised of the consequences of refusing to cooperate and of obstructing an authorised person or inspector.

3. Judgments

Staff conducting inspections, investigations or reviews must:

- ensure that judgments accurately and reliably reflect the quality of service provided
- demonstrate a clear link between judgments reached and the evidence on which they are based
- be as open as possible about judgments made and the basis for judgments, restricting information only when the interests of others clearly demand so.

4. Reporting

Staff conducting inspections, investigations or reviews shall ensure that a full record of the inspection, investigation or review has been made. Reports on findings shall be made in an objective and transparent manner and shall not knowingly understate or overstate the significance of reported conditions.



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