



**Health  
Information  
and Quality  
Authority**

An tÚdarás Um Fhaisnéis  
agus Cálíocht Sláinte



# Code of Conduct

May 2023

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## 1. Introduction

The Health Information and Quality Authority (HIQA) is required to have a written code of conduct for Board members and employees.<sup>1</sup> 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.<sup>2</sup> HIQA is also a prescribed body under the Ethics in Public Office Acts (1995 and 2001).

This Code is structured according to the framework set out by the Code of Practice for the Governance of State Bodies.

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, including students on placement and experts providing advice and support on project work for HIQA. Staff members are also governed by individual contracts of employment.

This Code promotes ethical behaviour for HIQA's Board, staff and those engaged on behalf of HIQA in recognition that as an organisation we are bound by proper standards of integrity, conduct and concern for public interest.

As the Board, being the governing body of HIQA, has a separate and distinct role, 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 and relevant Statutory Instruments. These activities are conducted by staff authorised under the Act and Statutory

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<sup>1</sup> Code of Practice for the Governance of State Bodies 2016, section 5

<sup>2</sup> Health Act 2007, part 11.

Instrument No 256/2018,<sup>3</sup> including inspectors of social services appointed under section 43 of the Act, inspectors appointed as authorised persons under section 70 of the Act, inspectors appointed as authorised persons under the Child Care Act, 1991 and 2001 (as amended) and inspectors appointed as authorised persons under S.I. No. 256/2018 – European Union (Basic Safety Standards for Protection Against Dangers Arising from Medical Exposure to Ionising Radiation) Regulations 2018.

Because there is a high level of interface between inspection staff and regulated entities, there is also specific guidance set out in Appendix 2.

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<sup>4</sup> that members of staff are obliged to operate within.

The Chief Inspector of Social Services has also formally outlined, through a Scheme of Determination,<sup>5</sup> 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:

**Promoting and Protecting Human Rights** – We will work to promote human rights as well as identifying, challenging and reporting on breaches of rights in health and social care services

**Putting People First** — We will put the voice and needs of people at the centre of our work and strive to identify, challenge and report on breaches to agreed standards

**Being Fair, Objective and Equitable** — We will be fair, objective and consistent in our dealing with people and organisations

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<sup>3</sup> S.I. No.256/2018 – European Union (Basic Safety Standards for Protection Against Dangers Arising from Medical Exposure to Ionising Radiation) Regulations 2018

<sup>4</sup> The Scheme of Delegation lists the statutory functions that are delegated to the CEO and onward to the Executive Management Team.

<sup>5</sup> The Scheme of Determination lists the activities for which the Chief Inspector of Social Services and their inspectors are responsible.

**Being Open and Accountable** — We will communicate the nature and outcomes of our work in an open and transparent way, accepting full responsibility for our actions

**Striving for Excellence** — We will continually innovate and improve the quality of our work through robust research, striving for methodical rigour and using the best available resources and evidence

**Promoting Quality** — We will promote quality within our own organisation and across all health and social care services

**Working Collaboratively** — We will engage and work collaboratively with all our stakeholders.

These guiding principles also reflect HIQA's commitment as an employer towards its staff and the behaviour it expects of staff when they engage and interact with each other.

With these values in mind, HIQA aims to deliver a quality service that is in the best interests of the public. These values are also essential to HIQA's workplace and therefore there is 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 and Board members in a way that reflects the requirements under the Act, for having 'proper standards of integrity, conduct and concern for the public interest'. HIQA should also be satisfied that parties contracted by HIQA have appropriate ethical standards in place.

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

- manage potential conflicts of interest or loyalty, whether actual or perceived
- promote objective decision-making
- establish appropriate standards of ethical conduct

- promote and maintain the confidence and trust of all our stakeholders
- prevent the development of unethical practices and
- 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.
- enable HIQA to provide a positive work environment where its staff feel a sense of belonging and inclusivity.

## **5. Behaviour**

Board members, staff and any parties working on behalf of HIQA 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 or loyalty
  - 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:

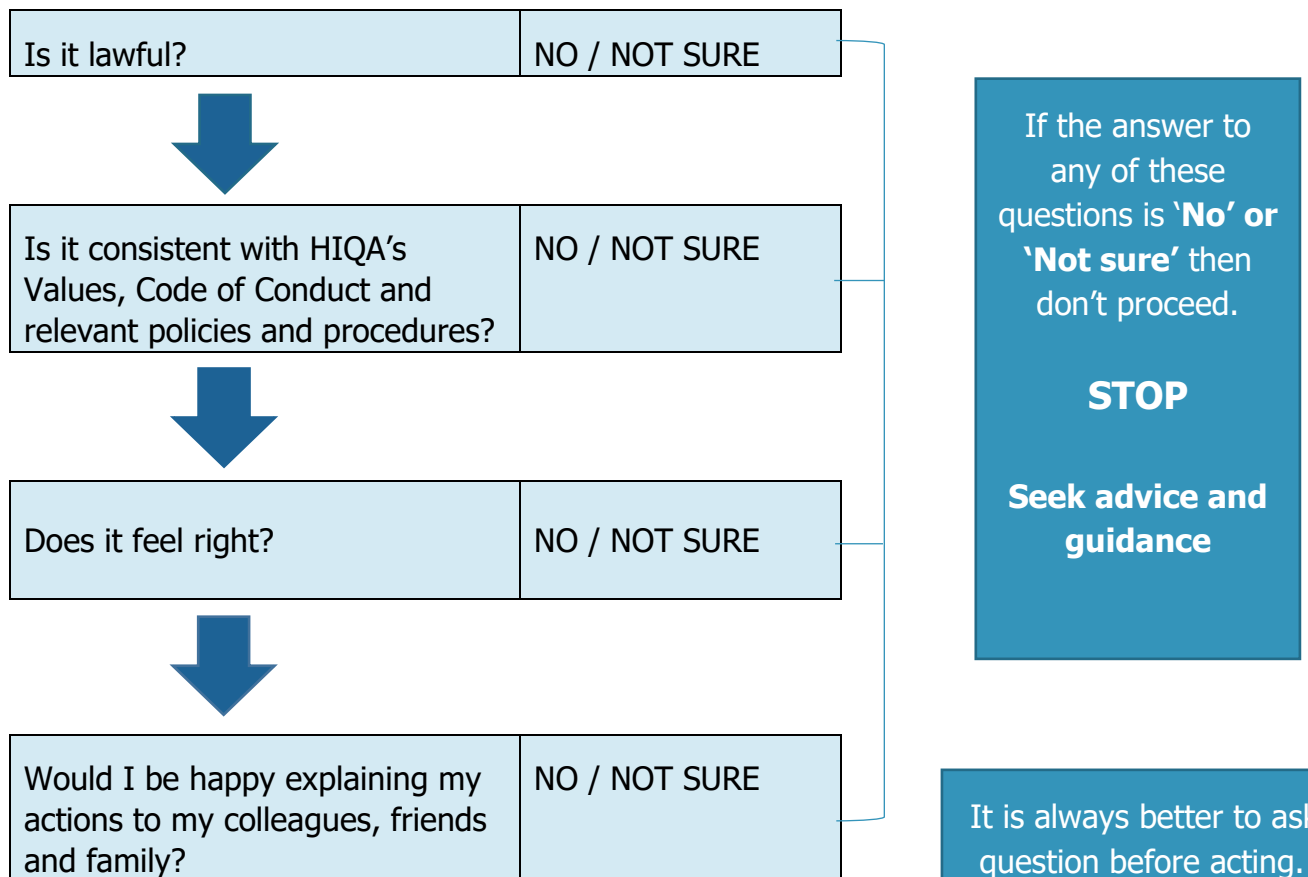
- dignity and respect in the workplace (includes managing and preventing workplace harassment, sexual harassment and bullying)
- disciplinary and grievance procedures (to assist and encourage an employee to achieve and maintain acceptable standards of conduct, performance and attendance where shortcomings are identified)
- equality policy (demonstrates HIQA's commitment to implementing and promoting employment equality) and

- a range of other corporate policies and procedures which govern key areas such as finance, procurement, human resources and protected disclosure.

Board members, staff and those working on behalf of HIQA 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. This includes behaving in a manner that promotes an understanding and awareness of diversity that will build a culture of inclusivity and belonging in the workplace. The decision-making diagram below is a guide to help staff when making ethical decisions.

**The following is a good guide to think through what is right for you and for HIQA:**

If the right thing to do is not clear or if you see or become aware of something that causes concern, ask yourself the following questions:



If the answers to all of these questions is 'Yes' then it is probably okay to proceed but if you have any doubts, you should speak to your manager and where appropriate, a designated contact person or Human Resources.

## 6. Conflicts of Interest or Loyalty

This section of the Code 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 or loyalty to arise and has developed a policy and procedure to govern such instances. All staff, whether or not they are a designated employee<sup>6</sup> 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, their professional judgment, objectivity or independence.

Circumstances<sup>7</sup> that may give rise to a conflict of interest include, but are not limited to:

- A Board member or staff member or their family members / relatives 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 their family members / relatives 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.
- The potential for a Board member or staff member or their family members / relatives 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 Board member or staff member or their family members / relatives operating a facility or having a material or financial interest in 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, the Child Care Act 1991 and 2001 or statutory Instrument No 256/2018, carrying out their regulatory functions and having an ongoing link or relationship with a regulated entity, for example, through recent past

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<sup>6</sup> staff who hold a designated position of employment, at principal officer level and above and those that have an interface with commercial or regulated entities

<sup>7</sup> 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 their declaration to the Deputy Chairperson or if not present, another Board member; staff members are required to declare such interest to the Chief Executive.



employment or personal relationships with persons involved in the management of a designated centre.

Conflicts of loyalty can arise where an employee/board member or a third party working on behalf of HIQA may be involved in decisions and may be (or perceived to be) potentially influenced by considerations other than the organisation's best interests.

When making a decision, Board members and staff should be impartial and should be able to demonstrate that their decisions are independent and free from bias. Being impartial means that decisions are based on objective criteria which are not influenced by personal feelings or any other external factors. (If a decision-maker has any financial or any other personal interest in the outcome of a decision, they will not be impartial or be seen to be impartial).

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

## **7. Disclosure of interests**

### **7.1 Board member disclosures**

To avoid conflicts of interest and the possibility of unjust enrichments (financial and non-financial), each Board member furnishes to the Secretary of the Board details of their employment and all other business interests including shareholdings which could involve a conflict of interest or could materially influence their 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.

A statement of material interest arises when a function is to be performed and the Board member or someone connected to them has a material interest in the matter to which it relates. Where individual Board members become aware of such a circumstance, they should immediately bring this to the attention of the Chairperson. A statement must be furnished to the other Board members of the public body.<sup>8</sup> A written record from the Board member will be maintained on the Register of Interests. The Conflict of Interest Policy and Procedure outlines the process for these matters.

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

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<sup>8</sup> Appendix B, Code of Practice for the Governance of State Bodies 2016

## 7.2 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.

Designated employees are required to:

- Make an annual statement of interest 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 or Head of the function, or a person designated by the Director/Head. 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. Gifts and Hospitality

Board and staff members may be offered gifts or hospitality due to the nature of their duties and responsibilities. Such enrichments, when established to be materially significant<sup>9</sup> and calculated to engender or reward bias, are prohibited.

### Gifts

HIQA staff and Board members may accept gifts of modest value (e.g. diaries, pens, etc.) Any gifts of more significant value should be refused or, if such refusal would

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<sup>9</sup> 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 their 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.'

cause offence, handed over to his/her Department Head.<sup>10</sup> Gifts of nominal value that are generally considered as common business or social courtesies are acceptable as long as they are reasonable in type, frequency and value.

Board and staff members should avoid giving or receiving gifts or benefits which might affect, or appear to affect, the ability of the donor or the recipient to make independent judgment on business transactions.

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 faculty or at a conference). Where this does not benefit the donor and is not of material significance, it may be accepted.

### **Hospitality**

Board and staff members should avoid giving or receiving hospitality or preferential treatment which might affect, or appear to affect, the ability of the donor or the recipient to make independent judgment on business transactions.

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 their line manager.

Board and staff members are responsible for their decisions connected with the offer or acceptance of gifts or hospitality and for avoiding the risk of damage to public confidence to HIQA.

It is usually appropriate to refuse offers except normal hospitality associated with your duties and which would reasonably be regarded as inappropriate to refuse, for example, a business lunch.

Offers of expenses and other costs (delegate fees, speaking fees) for contributing to, or attending, academic, scientific, policy, commercial sector or company conferences, policy fora or research events should be declined.

## **9. Engagement in outside employments**

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

- Conflict, interfere with or diminish the capacity of the relevant Board or staff member to discharge their duties and responsibilities.
- Result in non-compliance with the terms and conditions of the Organisation of

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<sup>10</sup> Gifts to Civil Servants – Standards in Public Office Commission.

Working Time Act, 1997 (staff members).

- 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 them to undertake duties and responsibilities assigned.
- Relate to, or be associated with, their position in the organisation.

## **10. Work and environment**

HIQA's strategic objectives are delivered by staff who work to a 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.

HIQA has introduced an interim blended working model. A range of supports and guidance have been established to facilitate staff to work effectively from home. Staff members, whether working in the office or remotely are required to comply with the interim blended working policy and all relevant corporate policies and procedures.

Board members and staff are expected to place the highest priority on promoting staff wellbeing and preserving their health and safety by, for example:

- minimising any detrimental impact of operations on the environment
- ensuring that staff members' concerns are fully considered and
- promoting the development of a culture of 'speaking up' whereby staff can raise concerns regarding serious wrongdoing in the workplace without fear of reprisal
- promoting HIQA's well-being programme and advancing initiatives in areas of diversity and inclusion.

## **11. Protected Disclosure**

HIQA encourages all staff members to "speak up" about wrongdoing in the workplace. Staff are encouraged to raise genuine concerns about possible relevant wrongdoing at the earliest opportunity and in an appropriate way both formally and informally.

For staff who wish to avail of the protections of the Protected Disclosures Act 2014,

as amended, HIQA has established procedures for the reporting of a protected disclosure that ensure that the person making the disclosure can do so in a safe and confidential manner.

HIQA has also established procedures for the making of a protected disclosure by workers in a service that HIQA regulates and monitors.

All staff are encouraged to report concerns where they have a reasonable belief that they have information about a relevant wrongdoing, which has come to their attention in a work related context. HIQA takes all reports seriously and will address them appropriately.

## **12. Diversity and Inclusion**

As a public sector body, HIQA is committed to fulfilling our public sector, equality and human rights duties under the Irish Human Rights and Equality Act 2014. This legislation places a statutory obligation on HIQA to eliminate discrimination, promote equality of opportunity and protect the human rights of those to whom they provide services and of staff when carrying out their daily work.

HIQA celebrates diversity and aims to create an inclusive environment where everyone feels respected, valued, encouraged to contribute, and feels confident that they belong at HIQA. HIQA promotes Diversity and Inclusion through its equality policy, complying with current legislation by encouraging initiatives such as the Diversity and Inclusion Working Group which supports and promotes diversity and inclusion across HIQA.

## **13. Human Rights**

HIQA is committed to upholding and promoting internationally recognised human rights<sup>11</sup> for the services we regulate and for all employees of HIQA. When performing its functions, HIQA also has a statutory obligation to eliminate discrimination, promote equality of opportunity and treatment of its staff and the persons to whom it provides services, and protect the human rights of its staff and the people to whom it provides services<sup>12</sup> under Section 42, Irish Human Rights Equality Commission Act 2014.

HIQA is committed to creating and maintaining an environment in which the Board and all staff are treated with integrity and respect, and difference is valued. By creating a corporate culture in which harassment or discriminatory treatment of any

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<sup>11</sup> This includes the Irish Constitution, the European Convention on Human Rights Act 2003, the Charter of Fundamental Rights of the European Union and Freedom and the United Nations International Human Rights Treaties.

<sup>12</sup> Section 42 Irish Human Rights and Equality Commission Act 2014

form is not tolerated, everyone is afforded the opportunity to contribute fully to their role in HIQA.

In doing our job as a regulator we will ensure that standards, guidance and inspection methodologies are underpinned by the principles of equality and human rights to increase awareness and understanding of human rights and equality in the services and stakeholders that we engage with. We will take action and report where we find the rights of people who use services are being infringed upon or threatened.

All employees have a duty to respect human rights and to ensure that their actions do not infringe on the rights of others.

## **14. Loyalty**

Board members and staff acknowledge their responsibility to be fully committed to all of HIQA's business activities while mindful that HIQA itself must at all times take into account the interests 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.

Conflicts of loyalty can arise (see section 6) and these should be handled in line with the conflict of interest policy and procedure.

## **15. 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
- ensure decisions are procedurally fair
- make fair decisions based on evidence and relevant information
- give reasons for decisions made

- be impartial and demonstrate lack of bias
- provide a fair hearing for all parties in matters of dispute.

## **16. Stakeholder Engagement**

In the context of the principle of fairness, HIQA has established good stakeholder engagement practices and will continue to develop these so that feedback can be utilised so that improvements can be made and benefit can be achieved for both the stakeholder and HIQA.

## **17. Principles of Good Decision-making**

Board members and staff make important decisions which can affect people's rights. As a public body, HIQA has a positive obligation to apply best practice in decision making. There are fundamental principles of good decision making which come from our constitution, our legislation and which have also been developed by the Irish court system..

In carrying out its existing and future functions, HIQA must comply with administrative law, the body of law which governs the exercise of public functions.

HIQA employees make important decisions which are subject to administrative law on a day to day basis. While HIQA has robust processes for decision-making in place, it recognises the importance of applying learnings from our courts to further emphasise good decision-making principles in our processes and decisions.

HIQA has therefore adopted an approach for embedding principles in decision-making as part of its commitment to quality improvement. This will lead to better outcomes for the people who use the services we monitor or regulate.

## **18. 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 General Data Protection Regulation 2016, Data Sharing and Governance Act 2019, Freedom of Information Acts 2014 (as amended) and the Data Protection Acts 1998 and 2018 (as amended).

Queries about the release of information under the provisions of the Freedom of Information Acts 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.
- Restrict documentation gathered to the necessary core minimum.
- To ensure they are in line with HIQA's policies, standard operating procedures regarding document collection and or storage, security and retention.

## **19. Confidentiality**

Due to the nature of their positions, all Board and certain staff members may be privy to information and material which may be sensitive or confidential to the organisation and its clients. The unauthorised disclosure of confidential information is prohibited under section 84 of the Health Act 2007 (as amended) and staff and the Board 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).



## **20. 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 has established controls to:

- Fulfil all regulatory and statutory obligations imposed on them.
- 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.
- HIQA has a zero tolerance stance on bribery and corruption and aims to prevent fraud and corruption, 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.

It is the policy of HIQA to promote a culture of integrity and honesty and to safeguard HIQA's resources by ensuring that opportunities for fraud, bribery and corruption are reduced to the lowest possible level of risk.

## **21. 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.

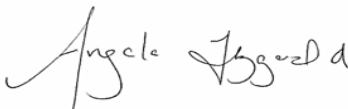
**22.0 Approval and review**

This code of conduct was approved by the Board of HIQA on 24 May 2023. The code will be subject to review every three years or when revised Government guidance is issued.



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**Pat O'Mahony**  
Board Chairperson



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**Angela Fitzgerald**  
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 and inspectors of social services**

The Chief Inspector of Social Services and Director of Healthcare Regulation requires their 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.

### **Authorisations, appointments and identification**

The Health Information and Quality Authority (HIQA), in accordance with the Health Act 2007 (as amended) and S.I. No. 256/2018 – European Union (Basic Safety Standards for Protection Against Dangers Arising from Medical Exposure to Ionising Radiation) Regulations 2018, 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.

### **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 inspector or 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, inspectors or authorised persons may need to observe care delivery such as wound dressing or moving between bed and bathroom. In these circumstances, the inspector or 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 them.
- Not use or disclose information acquired in their professional capacity for any purpose unconnected with the performance of their duty.
- Inform the Chief Inspector of Social Services and or Director of Healthcare Regulation 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 or of obstructing an authorised person or inspector.

## **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.

## **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.



## Health Information and Quality Authority

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**For further information please contact:**

Health Information and Quality Authority

Dublin Regional Office

George's Court

George's Lane

Smithfield Dublin 7

D07 E98Y

Phone: +353 (0) 1 814 7400

Email: [info@hiqa.ie](mailto:info@hiqa.ie)

[www.hiqa.ie](http://www.hiqa.ie)

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