

Guide on Professional Conduct

Professional conduct guidance provides clear documentation of the ethical and moral principles expected from the Jersey Care Commission (the Commission).

The aim of these principles is to provide the public with trust and confidence that officers of the Commission work to the highest standard of professionalism; which in turn supports and upholds the Commission's ability to regulate.

PROFESSIONAL CONDUCT GUIDANCE AT A GLANCE

Working as a registered practitioner in a regulated field comes with a high set of standards that everyone must meet. You must act with integrity, be ethical and have strong moral principles.

In addition to following these principles you must also demonstrate high standards of professionalism in everything you do.

WHY PROFESSIONAL CONDUCT GUIDELINES ARE IMPORTANT

For the Commission to be effective, its far reaching powers must be exercised in the interests of good regulation, rather than for any personal purposes of the individuals concerned.

When working for a regulator such as the Commission, often you will have powers beyond those of the general public. As a result it is a big responsibility not to be taken lightly; your conduct and decisions impact public trust and confidence.

Some useful questions to consider:

Would your decision making approach be different if it was shared publicly by the media or on social media?

Does the decision you have made provide the best possible outcome with the least amount of harm?

Will the decision you have made adhere to the regulatory standards set?

Is the decision you have made lawful?

Does the decision you have made meet all relevant documented approaches, codes of conduct, guidance and regulations that the Commission adheres to.

Could the decision you have made impact your ability to carry out your regulatory role effectively and with integrity?

Is the decision you have made without bias and have you treated all those affected fairly?

WHAT IS PROFESSIONAL CONDUCT?

Professional conduct outlines the way in which you act, both in your professional role and in your personal life. Your conduct can have a big impact on the Commission's ability to regulate and is an important part of building public trust and confidence with the public.

There are seven key areas you must be aware of in this regard.

Legally aware	<p>Do you obey all laws?</p> <p>Do you know and follow the principles of natural justice?</p> <p>Do you know and follow all Commission policies and processes?</p>
Professionally aware	<p>Do you always act in the spirit of public service?</p> <p>Do you follow the Commission's Code of Conduct principles?</p> <p>Do you conduct yourself in a way that upholds your professional position?</p> <p>Do you undertake continuous learning and development to improve your professional expertise?</p>
Risk aware	<p>Do you proactively identify actual, potential and perceived conflicts of interest and raise them with the relevant person at the Commission?</p> <p>Do you consider how others outside your position may perceive your actions?</p> <p>Do you avoid actions that may put you and the Commission's integrity at risk?</p>
Media aware	<p>Do you know and understand the Commission's media policy?</p> <p>Do you proactively manage your personal social media profile in a way that represents the values and guidelines of the Commission?</p> <p>Do you act in a way that would stand up to public scrutiny?</p>
Politically aware	<p>Do you understand the Commission's relationship to the Government of Jersey?</p> <p>Do you understand the priorities of the Commission and how this relates to the Government of Jersey?</p> <p>Do you understand the position of the Government of Jersey in relation to key laws that govern the Commission?</p> <p>Do you ensure your decisions and actions are not influenced by the interests of others?</p> <p>Do you remain impartial and politically neutral to your work and on public platforms such as social media?</p>
Culturally aware	<p>Do you consider the cultural position of those you are interacting with in your role?</p> <p>Do you work to see the world from those your are interacting withs perspective?</p> <p>Do you treat everyone with sensitivity and respect?</p> <p>Do you proactively build your knowledge and understanding of those outside your cultural position?</p>
Personally aware	<p>Are you aware of any person or activity in your personal life that could impact your effectiveness in your professional position?</p> <p>What do you share on social media platforms and is this in line with the Commission's values and guidelines?</p> <p>Do you have an approach in place to ensure you and your family's privacy?</p>

When reviewing your decision making against these principles, the principles of natural justice can support fair decision making.

Bias	<p>In your professional capacity everyone you interact with must be treated fairly and impartially. It is particularly important to consider unconscious bias and the impact this may have on your decision making.</p>
Fair hearing	<p>Every person has the right to be heard and to present evidence in a case where a decision may adversely affect them.</p>
Evidence	<p>All decisions carried out in your professional capacity must be based on evidence that can be documented and publicly scrutinised.</p>

CONFLICTS OF INTEREST

Decision makers within the Commission may be members of organisations and/or associations which may connect them with people who may also be known to them at work; particularly when working and living on a small island.

Officers within the Commission will have held previous roles in areas regulated by the Commission and may have played a part in the governance of regulatory activities. This breadth of experience is an asset in decision making and ensures that Commission decisions are made in the context of an understanding of the service being provided.

Officers will act with the utmost professionalism when dealing with a service with which they have had a prior relationship, but unless there is a serious concern of a conflict (for example a previous disagreement with a manager of the relevant service) this shall not be deemed to be a conflict of interest. Any concerns regarding a potential conflict of interest shall be raised with the Chief Inspector or Deputy Chief Inspector, who shall make a decision as to whether there is a conflict of interest.

WHY CONFLICT OF INTEREST GUIDELINES ARE IMPORTANT

The Commission is entrusted with far reaching powers. To be effective, these need to be exercised in the interests of good regulation, rather than for any personal purposes of the individuals concerned. The Commission has access to confidential information therefore professional conduct influences how your decisions are received. This must be used only in the interests of good regulation, rather than for the personal purposes of those aware of it.

WHAT REQUIREMENTS ARE IN PLACE?

The Regulation of Care (Jersey) Law 2014 has many components. To support the effective application of the law, there are a number of requirements which ensure checks and balances are in place, such as the requirement for the Commission to be structured in a specific way as States Employment Board (SEB) employees, Officers are also required to comply with the SEB conflict of interest policy.

However, these provisions do not diminish the need for the Commission to have its own internal arrangements to deal adequately with potential conflicts of interest.

These internal processes are an essential element in enabling the regulators to command public confidence. It is really important to providing assurance that regulation involving practitioners is not self-interested regulation.

Regulatory decisions cannot command confidence, and therefore cannot be effectively supported and enforced, unless they are taken, and can be seen to be taken, with full information and free from any suggestion of improper influence.

WHAT IS THE CODE OF CONDUCT?

When conflicts of interest do arise they should be identified and effectively dealt with. This guide is designed to maintain justified confidence in the regulatory system, by ensuring that:

- those providing information can be confident that it will be properly handled; and
- regulatory decisions are not improperly influenced by conflicts of interest.

In setting out these overall standards, this Code of Conduct is designed to encapsulate the standards which would apply under the Regulation of Care (Jersey) Law 2014 and the Conflicts of Interest policy. This demonstrates the well-considered arrangements in place to deal with conflicts of interest and to reflect the high standards of integrity expected of professionals.

WHAT DO I DO IF I HAVE CONCERNS?

In a small community, the opportunity for conflicts of interest can be significant. Therefore we not only adopt this Code and its supporting procedures, but also commit to reviewing our operation and effectiveness from time to time and to make any necessary adjustments. If you are unsure if something may be considered a conflict of interest, in the first instance you can raise this with your line manager.