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Code of Conduct for NHS Managers

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CHLORINE FREE PAPER

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29495/*Code of Conduct for NHS Managers* can also be made available on request in braille,
on audio cassette tape, on disk, in large print, and in other languages on request.

Introduction

1. As part of the response to the Kennedy Report, the attached *Code of Conduct for NHS Managers* has been produced by a Working Group chaired by Ken Jarrold CBE.
2. The Code sets out the core standards of conduct expected of NHS managers. It will serve two purposes:
 - to guide NHS managers and employing health bodies in the work they do and the decisions and choices they have to make.
 - to reassure the public that these important decisions are being made against a background of professional standards and accountability.
3. The environment in which the Code will operate is a complex one. NHS managers have very important jobs to do and work in a very public and demanding environment. The management of the NHS calls for difficult decisions and complicated choices. The interests of individual patients have to be balanced with the interests of groups of patients and of the community as a whole. The interests of patients and staff do not always coincide. Managerial and clinical imperatives do not always suggest the same priorities. A balance has to be maintained between national and local priorities.

4. The Code should apply to all managers and should be incorporated in the contracts of senior managers at the earliest possible opportunity. A document on implementation is attached.

A handwritten signature in black ink, appearing to read 'Nigel Crisp'.

NIGEL CRISP
NHS Chief Executive

9 October 2002

Code of Conduct for NHS Managers

As an NHS manager, I will observe the following principles:

- make the care and safety of patients my first concern and act to protect them from risk;
- respect the public, patients, relatives, carers, NHS staff and partners in other agencies;
- be honest and act with integrity;
- accept responsibility for my own work and the proper performance of the people I manage;
- show my commitment to working as a team member by working with all my colleagues in the NHS and the wider community;
- take responsibility for my own learning and development.

This means in particular that:

1 I will:

- respect patient confidentiality;
- use the resources available to me in an effective, efficient and timely manner having proper regard to the best interests of the public and patients;

- be guided by the interests of the patients while ensuring a safe working environment;
 - act to protect patients from risk by putting into practice appropriate support and disciplinary procedures for staff; and
 - seek to ensure that anyone with a genuine concern is treated reasonably and fairly.
- 2 I will respect and treat with dignity and fairness, the public, patients, relatives, carers, NHS staff and partners in other agencies. In my capacity as a senior manager within the NHS I will seek to ensure that no one is unlawfully discriminated against because of their religion, belief, race, colour, gender, marital status, disability, sexual orientation, age, social and economic status or national origin. I will also seek to ensure that:
- the public are properly informed and are able to influence services;
 - patients are involved in and informed about their own care, their experience is valued, and they are involved in decisions;
 - relatives and carers are, with the informed consent of patients, involved in the care of patients;
 - partners in other agencies are invited to make their contribution to improving health and health services; and
 - NHS staff are:
 - valued as colleagues;
 - properly informed about the management of the NHS;
 - given appropriate opportunities to take part in decision-making.
 - given all reasonable protection from harassment and bullying;
 - provided with a safe working environment;
 - helped to maintain and improve their knowledge and skills and achieve their potential; and
 - helped to achieve a reasonable balance between their working and personal lives.
- 3 I will be honest and will act with integrity and probity at all times. I will not make, permit or knowingly allow to be made, any untrue or misleading statement relating to my own duties or the functions of my employer.

I will seek to ensure that:

- the best interests of the public and patients/clients are upheld in decision-making and that decisions are not improperly influenced by gifts or inducements;
- NHS resources are protected from fraud and corruption and that any incident of this kind is reported to the NHS Counter Fraud Services;
- judgements about colleagues (including appraisals and references) are consistent, fair and unbiased and are properly founded; and
- open and learning organisations are created in which concerns about people breaking the Code can be raised without fear.

4 I will accept responsibility for my own work and the proper performance of the people I manage. I will seek to ensure that those I manage accept that they are responsible for their actions to:

- the public and their representatives by providing a reasonable and reasoned explanation of the use of resources and performance;
- patients, relatives and carers by answering questions and complaints in an open, honest and well researched way and in a manner which provides a full explanation of what has happened, and of what will be done to deal with any poor performance and, where appropriate giving an apology; and
- NHS staff and partners in other agencies by explaining and justifying decisions on the use of resources and give due and proper consideration to suggestions for improving performance, the use of resources and service delivery.

I will support and assist the Accountable Officer of my organisation in his or her responsibility to answer to Parliament, Ministers and the Department of Health in terms of fully and faithfully declaring and explaining the use of resources and the performance of the local NHS in putting national policy into practice and delivering targets.

For the avoidance of doubt, nothing in paragraphs two to four of this Code requires or authorises an NHS manager to whom this Code applies to:

- make, commit or knowingly allow to be made any unlawful disclosure;
- make, permit or knowingly allow to be made any disclosure in breach of his or her duties and obligations to his or her employer, save as permitted by law.

If there is any conflict between the above duties and obligations and this Code, the former shall prevail.

- 5 I will show my commitment to working as a team by working to create an environment in which:
 - teams of frontline staff are able to work together in the best interests of patients;
 - leadership is encouraged and developed at all levels and in all staff groups; and
 - the NHS plays its full part in community development.

- 6 I will take responsibility for my own learning and development. I will seek to:
 - take full advantage of the opportunities provided;
 - keep up to date with best practice; and
 - share my learning and development with others.

Department of Health

October 2002

Implementing the Code

IMPLEMENTING THE CODE

1. The Code should be seen in a wider context that NHS managers must follow the 'Nolan Principles on Conduct in Public Life', the 'Corporate Governance Codes of Conduct and Accountability', the 'Standards of Business Conduct', the 'Code of Practice on Openness in the NHS' and standards of good employment practice.
2. In addition many NHS managers come from professional backgrounds and must follow the code of conduct of their own professions as well as this Code.

In order to maintain consistent standards, NHS bodies need to consider suitable measures to ensure that managers who are not their employees but who

- (i) manage their staff or services; *or*
- (ii) manage units which are primarily providing services to their patients

also observe the Code.

3. It is important to respect both the rights and responsibilities of managers. To help managers to carry out the requirements of the Code, employers must provide reasonable learning and development opportunities and seek

to establish and maintain an organisational culture that values the role of managers. NHS managers have the right to be:

- treated with respect and not be unlawfully discriminated against for any reason;
- given clear, achievable targets;
- judged consistently and fairly through appraisal;
- given reasonable assistance to maintain and improve their knowledge and skills and achieve their potential through learning and development; and
- reasonably protected from harassment and bullying and helped to achieve a reasonable balance between their working and personal lives.

Breaching the Code

- 4 Alleged breaches of the Code of Conduct should be promptly considered and fairly and reasonably investigated. Individuals must be held to account for their own performance, responsibilities and conduct where employers form a reasonable and genuinely held judgement that the allegations have foundation. Investigators should consider whether there are wider system failures and organisational issues that have contributed to the problems. Activity, the purpose of which is to learn from and prevent breaches of the Code, needs to look at their wider causes.
- 5 Local employers should decide whether to investigate alleged breaches informally or under the terms of local disciplinary procedures. It is essential however that both forms of investigation should be, and be seen to be, reasonable, fair and impartial. If Chief Executives or Directors are to be investigated, the employing authority should use individuals who are employed elsewhere to conduct the investigation. The NHS Confederation, the Institute of Healthcare Management and the Healthcare Financial Management Association are among the organisations who maintain lists of people who are willing to undertake such a role.

Application of Code

- 6 This Code codifies and articulates certain important contractual obligations that apply to everyone holding management positions. These include Chief Executives and Directors who as part of their duties are personally accountable for achieving high quality patient care. The Department of Health will in the next few months issue a proposed new framework of pay and contractual arrangements for the most senior NHS managers. Under this framework the job evaluation scheme being developed as part of the 'Agenda for Change' negotiations is likely to be

used as the basis for identifying which other managerial posts (in addition to Chief Executives and Directors) should be automatically covered by the Code. The new framework will also specify compliance with the Code as one of the core contractual provisions that should apply to all senior managers.

- 7 For all posts at Chief Executive/Director level and all other posts identified as in paragraph 6 above, acting consistently with the Code of Conduct for NHS Managers Directions 2002, employers should:
- include the Code in new employment contracts;
 - incorporate the Code into the employment contracts of existing postholders at the earliest practicable opportunity.

Action

- 8 Employers are asked to:
- (i) incorporate the Code into the employment contracts of Chief Executives and Directors at the earliest practicable opportunity *and* include the Code in the employment contracts of new appointments to that group;
 - (ii) identify any other senior managerial posts, i.e. with levels of responsibility and accountability similar to those of Director-level posts, to which they consider the Code should apply. (The new framework for pay and contractual arrangements will help more tightly define this group in due course.)
 - (iii) investigate alleged breaches of the Code by those to whom the Code applies promptly and reasonably as at paragraphs four to five;
 - (iv) provide a supportive environment to managers (see paragraph three above).

October 2002

NATIONAL HEALTH SERVICE ACT 1977
NATIONAL HEALTH SERVICE AND COMMUNITY CARE ACT 1990

The Code of Conduct for NHS Managers Directions 2002

The Secretary of State for Health, in exercise of the powers conferred by section 17(a), paragraph 10(1) of Schedule 5(b) and paragraph 8(3) of Schedule 5A(c) to the National Health Service Act 1977, and paragraph 16(5) of Schedule 2 to the National Health Service and Community Care Act 1990(b), hereby gives the following Directions:

Application, commencement, interpretation

1.-(1) These Directions apply to all NHS bodies in England and shall come into force on 9 October 2002.

(2) These Directions shall be referred to as The Code of Conduct for NHS Managers Directions 2002.

(3) In these Directions “NHS bodies” means:

- (i) Strategic Health Authorities
- (ii) Special Health Authorities
- (iii) NHS Trusts
- (iv) Primary Care Trusts

Implementation of Code of Conduct for NHS Managers

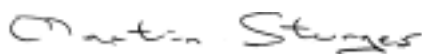
2. NHS bodies shall take all reasonable steps to comply with the requirements set out in the *Code of Conduct for NHS Managers* appended to these Directions.

Effect of Direction 2

3. The fact of compliance or non-compliance with Direction 2 shall in itself have no effect on the validity or enforceability of a contract entered into by an NHS body to which these Directions apply.

Signed by authority of the Secretary of State for Health

M G Sturges



4 October 2002

Department of Health

(a) 1977 c. 49. Section 17 was substituted by section 12(1) of the Health Act 1999 (c.8) and was amended by Schedule 5, Part 1, paragraph 5(1) and (3), to the Health and Social Care Act 2001 (c.15) and by Schedule 1, paragraph 7 to the NHS Reform and Health Care Professions Act 2002 (c.17).

(b) Paragraph 10(1) of Schedule 5(b) and paragraph 8(3) of Schedule 5A(c) to the National Health Service Act 1977 (1977 c.49), and paragraph 16(5) of Schedule 2 to the National Health Service and Community Care Act 1990 were amended by section 6 of the Health and Social Care Act 2001 (c.15).

Working Group Members

Ken Jarrold CBE

Chief Executive
County Durham and Tees Strategic Health Authority

Dr Gill Morgan

Chief Executive
NHS Confederation

Stuart Marples

Chief Executive
Institute of Healthcare Management

Professor Jenny Simpson OBE

Chief Executive
British Association of Medical Managers

John Flook

Chairman
Healthcare Financial Management Association

Penny Humphris

Director
NHS Leadership Centre