
Consultation document

Consultation on revised standards of conduct, performance and ethics and guidance on social media

27 March 2023 – 16 June 2023

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Foreword

The Health and Care Professions Council (HCPC)'s Standards of conduct, performance and ethics, and the guidance that accompanies them, are integral to ensuring high quality professional practice in the 15 professions we regulate. The Standards require periodic review, with the most recent review completed in 2016. In 2022, we began the Standards' next periodic review.

This consultation provides information on the HCPC Standards of conduct, performance and ethics and the guidance on social media that sits alongside them. It discusses the key themes that we have heard throughout our discussions with registrants, service users, trade unions, professional bodies, employers, other regulatory bodies and our HCPC colleagues.

Drawing on these discussions, we propose for your consideration, an updated set of Standards of conduct, performance and ethics. Following consultation, these Standards will be accompanied by more detailed explanatory materials that aid understanding. We also propose updated social media guidance that clearly establishes how the HCPC Standard on social media can be applied in practice and the way that the Standard protects both registrants' and service users' rights.

The purpose of this review is:

1. To make any necessary updates to the current Standards that reflect changes to practice.
2. To ensure that the current Standards are fit for practice, particularly taking accessibility and relevance into account.
3. To gain insight into how we can better communicate the Standards and promote them to ensure they are fully understood by registrants.
4. To make any necessary updates to our guidance on social media to keep pace with the developments in the use of social media over the past few years.

We are grateful to the external and internal stakeholders that have participated in the review so far and provided the valuable insights that have informed the changes to the Standards and guidance. The pre-consultation workshops and online survey have been integral to our understanding of how the Standards and guidance are used in practice and how they can be improved.

This consultation lays out the results of our pre-consultation engagement and we look forward to your responses and to further engaging with your views on the updated Standards and social media guidance. The implementation of these Standards and the guidance will greatly serve registrants' ability to provide a safe and effective service to service users and enhance our ability to protect the public.

This review fits into a wider review of our Standards, which began with the Standards of Proficiency in 2019. Following the review of the Standards of conduct, performance and ethics we will review the guidance and online materials that support

them. We will also commence a review of our Standards of Education and Training in early 2024.

Introduction

The HCPC

The HCPC's statutory role is to protect the public by regulating healthcare professionals in the UK. We promote high quality professional practice, regulating over 300,000 registrants across 15 different professions by:

- setting standards for professionals' education and training and practice;
- approving education programmes which professionals must complete to register with us;
- keeping a register of professionals, known as 'registrants', who meet our standards;
- acting if professionals on our Register do not meet our standards;
- and stopping unregistered practitioners from using protected professional titles

This consultation

This consultation seeks the views of our stakeholders on draft revised Standards of conduct, performance and ethics ('the Standards') and the social media guidance that accompanies it. The Standards are an essential part of our regulatory framework and set out how we expect our registrants to behave.

They are important to all our stakeholders, from registrants and service users to education providers and trade unions and they are also essential to how the HCPC carries out its work as a regulator.

Regular review of the Standards is essential so that we can ensure that they are relevant to current practice, that they meet our regulatory goals, including the ambitions of our Corporate Strategy and Equality, Diversity and Inclusion (EDI) Strategy, and that they are clearly understood by those who use them. The guidance on social media provides information on how to implement Standard 2.7 on social media in practice.

In this document, you can find out information about the Standards and guidance, the changes we are proposing and how to respond to this consultation. The draft standards for consultation are published in this document and on our website.

The consultation runs for 12 weeks from Monday 27 March – Friday 16 June 2023.

About the Standards of conduct, performance and ethics

The Standards of conduct, performance and ethics are essential Standards that form part of our regulatory framework and set out the standards our registrants must meet.

The Standards are important because they:

- set out, in general terms, how we expect our registrants to behave.
- outline what the public should expect from their health and care professional.
- help us to make decisions about the character of professionals who apply to our Register.
- are used if someone raises a concern about a registrant's practice.
- when things go wrong, they help us to decide whether it is necessary to act.

Throughout the review we have retained the overall structure of the Standards and updated the content of their subheadings.

The current Standards of conduct performance and ethics can be found at the HCPC website: [Standards of conduct, performance and ethics | \(hcpc-uk.org\)](https://www.hcpc-uk.org/standards-of-conduct-performance-and-ethics).

The Standards of conduct, performance and ethics review

The Standards require periodic review, with the most recent review completed in 2016. In 2022, we began the Standards' next periodic review. We have been engaging with our internal and external stakeholders since July 2022. Throughout the review we have sought to understand:

- a. How the Standards are used by our stakeholders
- b. What changes to health and care practice ought to be reflected in the Standards
- c. Any concerns that our stakeholders have regarding the Standards
- d. Challenges that the health and care sector is facing and how these impact the Standards and their application.

As part of the review, we conducted desk research, hosted workshops, and conducted an online survey. The central themes throughout our pre-consultation engagement were challenging discrimination, maintaining appropriate boundaries, social media and scope of practice.

During our pre-consultation research we reviewed the Standards in relation to changes in the health and care sector since the last review in 2016. We also discussed the Standards with other health and care regulators to understand their experiences and changes they were making to their ethics and behavioural standards.

The key themes that arose from this research included:

- The importance of equality, diversity and inclusion in health and care and challenging discrimination in health and care settings
- Maintaining professional boundaries and safeguarding service users and carers
- The use of social media and social networking
- Sustainability in health and care settings

We also hosted pre-consultation workshops with 7 stakeholder groups and a conducted a public online survey (see appendix 1 for more information).

The key themes evident throughout our pre-consultation workshops were:

- Accessibility of the Standards and the need for additional materials that accompany them
- The subtle balance between simple and inclusive language and nuanced culturally inclusive language
- The growing variety of social networking applications including WhatsApp and LinkedIn and the impact that could have on privacy and confidentiality.
- How registrants apply equality, diversity and inclusion commitments, particularly appropriate ways to challenge discrimination.
- Alignment with other HCPC Standards such as the Standards of Proficiency as well as with the Standards of other regulators.

The key themes from our pre-consultation survey were:

- Registrant well-being and mental health
- Appropriate conduct between registrants/colleagues
- Guidance and support for whistle-blowers
- Tackling misinformation on social media

These themes were prevalent throughout our stakeholder engagement exercises and as a result, have been reflected in the changes that we are proposing to the Standards. We are appreciative of the time and energy that all our stakeholders dedicated to engaging with us on this topic.

About the revised Standards

The changes that we have made to the Standards are reflective of the themes discussed throughout our pre-consultation engagement with stakeholders. They have also been guided by internal research regarding the current Standards and changes in the health and care sector. To ensure that these changes are fully understood, we have produced a [Proposed changes commentary](#) document that lists each change and discusses the rationale for each change. You can also download a full version of the

[Revised Standards of conduct performance and ethics](#). Below, you will find a set of questions to guide your response to the consultation.

Consultation questions – Standards of conduct performance and ethics

Q1: Do the revised Standards make it clear what the appropriate boundaries are between a registrant and service users or carers?

Q2: Do the revised Standards support registrants in maintaining their own well-being?

Q3: Do the revised Standards ensure that registrants maintain a practice that promotes equal, fair, and inclusive treatment?

Q4: Are the revised Standards clear about what registrants must do when things go wrong?

Q5: Is the language used in the revised Standards accessible and clear?

Q6: Does the structure of the revised Standards promote understanding and easy reading?

Q7: Are the revised Standards clear about the appropriate use of social media and how this relates to registrant practice?

Q8: Should improving sustainability in health and care practice be a part of the Standards?
a) If so, what ought to be included in the Standard?

Q9: Do you consider there are any aspects of our proposals that could result in equality and diversity implications for groups or individuals based on one or more of the following protected characteristics – age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation – as defined by the Equality Act 2010?

Q10: Do you have additional comments about any of the proposed changes to the Standards, or regarding the Standards of conduct performance and ethics in general?

About the HCPC guidance on social media

The HCPC guidance on social media sets out information about how we expect our registrants to behave on social media and networking platforms. It is a valuable resource to registrants, as well as other HCPC stakeholders such as trade unions and service users. It helps them to understand what 'appropriate and responsible' social media use looks like in practice and how to operationalise our Standards.

The current guidance sets out five key areas for stakeholders to understand about appropriate and responsible social media use:

- Respect confidentiality
- Communicate appropriately
- Be honest and trustworthy
- Maintain appropriate boundaries
- Benefits of social media

It provides examples on how to use social media appropriately. It does not address all scenarios a registrant may experience when using social media. Instead, we aim to provide enough examples and additional information for registrants to use their judgement to determine the appropriate action throughout their practice and use of social media.

The guidance is also accompanied by additional online resources such as case studies. Throughout our pre-consultation stakeholder activities, we heard from a range of stakeholders – particularly registrants – that these case studies are especially valuable tools in building a better understanding of the application of the Standards.

The review of the HCPC guidance on social media

HCPC guidance requires periodic review to ensure that it is up to date and in line with current Standards. We felt it was particularly important to review our social media guidance alongside our Standards to reflect any changes we make to the Standards and to capture changes to how health and care professionals use social media.

Social media has greatly expanded in recent years to include a wider variety of platforms – for example the rise of media sharing platforms such as Instagram and TikTok and networking platforms such as WhatsApp. Alongside this expansion, there are more health and care professionals using social media, and audiences on social media have grown.

These changes bring new challenges to the forefront. For example, ensuring that registrant rights to freedom of speech are protected when they are using social media platforms. Our social media guidance requires strengthening to ensure that these changes and the new challenges they bring, are appropriately reflected.

Throughout the review we wanted to ensure that we understood:

- How registrant use of social media has changed
- Stakeholder use of the guidance and whether it meets its intended purpose effectively
- Any concerns that HCPC stakeholders have in relation to the use of social media by registrants
- Recent case law and the impact on how registrants ought to use social media

Some of the comments we heard from stakeholders include:

“Use of social media and networking needs to reflect the reality of communication – for example WhatsApp groups are not social networks, nor social media – but are also not necessarily private communications. How is this addressed?”

“It is not clear how to use it [social media] outside a work environment and what [registrants] can share without breaching confidentiality.”

“More guidance is needed on Social Media usage, especially in respect of equality diversity and inclusion.”

We also heard that the guidance is a valuable tool to registrants and other stakeholders such as education providers, trade unions and HCPC colleagues to help them better apply the HCPC Standards to real life scenarios.

The revised guidance on social media

The proposed revisions to the guidance on social media are reflective of the feedback we received from stakeholders during our pre-consultation engagement. The key themes evident within the changes are maintaining boundaries, communicating responsibly, challenging discrimination and tackling misinformation. The proposed changes also reflect the changes that we have made to the Standards.

We have retained the original purpose of the guidance – to explain how registrants can use social media in a way that meets HCPC Standards. It is focused on putting our proposed new Standards into practice. Specifically:

2.7 You must use media sharing networks appropriately and responsibly, ensuring that information shared is accurate and true to your knowledge;

2.8 You must use social networking sites appropriately and responsibly, maintaining professional boundaries and protecting service user/carer privacy.

We have changed the guidance to refer to different kinds of social media including social networks and media sharing sites. This includes updates to the top tips and examples of how to use social media. This better captures the current nature of social media use.

We have also added new references to registrant rights to freely express themselves on social media within the limits of meeting their legal obligations to other social media users, their colleagues, and service users. This ensures that registrants understand when their fitness to practice may be called into question by their social media use.

Other changes we have made include an explanation of the importance of registrants protecting social media users from misinformation. We have provided examples of how registrants can ensure all information they share is – to their knowledge – accurate and true. We have also added examples of the impact on social media audiences when misinformation is spread.

To ensure that these changes are fully understood, we have produced a [Social media commentary](#) document that lists each change and discusses the rationale for each change. You can also download a full version of the revised [Guidance on social media](#). Below, you will find a set of questions to guide your response to the consultation.

Consultation questions – HCPC guidance on social media

Q1: Do the proposed updates to the HCPC social media guidance provide sufficient advice regarding the application of Standard 2.7 in practice?

Q2: Do the proposed updates make it clear the circumstances that could lead to a registrant's social media posts to be considered by HCPC?

Q3: Do the proposed updates make clear the circumstances in which a registrant's social media posts may call into question their fitness to practice?

Q4: Do the proposed updates make it clear how a registrant must use social media in a way that protects a service user's privacy?

Q5: Do the proposed updates make it clear how a registrant must use social media in a way that protects a service user's protected characteristics?

Q6: Do the proposed updates make it clear how a registrant must use social media in a way that does not lead to the unfair treatment of service users or their carers?

Q7: Do the proposed updates make it clear that HCPC supports a registrant's right to freedom of expression?

Q8: Do the proposed updates clearly distinguish between the use of social media in a professional and non-professional capacity?

How to respond to the consultation

Whether you are a registrant, service user or are responding on behalf of an organisation such as a professional body, employer or trade union, we welcome your views on the proposed Standards. Your feedback will be used to develop the Standards before their final publication in September 2023.

To respond to this consultation and find out more information please visit our [website](#). We encourage responses from all interested parties.

This consultation will close at **23:59 on Friday 16 June 2023**.

If you are unable to respond using the online platform, or would like a version in Welsh or in an alternative format, please email consultation@hcpc-uk.org or write to:

Health and Care Professions Council,

Park House, 184-186 Kennington Park Road

London, SE11 4BU

Appendix 1

The external stakeholder groups that we engaged with include:

- a. Professional bodies
- b. Education Providers
- c. Trade Unions
- d. NHS Employers
- e. EDI Forum
- f. Service users and Patient Interest Groups
- g. Other health regulators

Our pre-consultation engagement activities were:

- a. Presentation to professional bodies quarterly meeting in June 2022: this outlined the approach for the review and asked professional bodies for any early views. Responses were positive and encouraging around the review taking place and they were eager for further engagement.
- b. A workshop discussion at the EDI Forum in July 2022: the approach to the review was discussed with attendees and through polling and breakout groups they were encouraged to give their views of the current Standards. Engagement was positive and provided valuable data for inclusion in our analysis of the Standards.
- c. Pre-consultation workshops with each stakeholder group took place from 1 September 2022 until 7 September 2022. These workshops supported understanding of the Standards and promoted quality engagement with proposed areas of change. They were held online and attended by 109 people across a range of stakeholder groups.
- d. A pre-consultation online survey for external stakeholders ran from 12 August 2022 until 9 September 2022 and received 146 responses. It gathered information regarding stakeholder understanding of the Standards and provided an opportunity for them to raise any concerns.