



STATUTORY INSTRUMENTS.

**S.I. No. 497 of 2016**



PHYSIOTHERAPISTS REGISTRATION BOARD CODE OF  
PROFESSIONAL CONDUCT AND ETHICS BYE-LAW 2016

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The Physiotherapists Registration Board, in exercise of the powers conferred in it by section 31 of the Health and Social Care Professionals Act 2005 (as amended), with the approval of the Health and Social Care Professionals Council, hereby makes the following bye-law:

1. This bye-law may be cited as the Physiotherapists Registration Board Code of Professional Conduct and Ethics Bye-Law 2016.
2. The Physiotherapists Registration Board hereby adopts the Code of Professional Conduct and Ethics (the “Code”) contained in the schedule to this bye-law.
3. The Code is hereby incorporated by reference into, and forms part of, this bye-law.
4. This bye-law comes into operation on 30 September 2016.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 30th September, 2016.*

**SCHEDULE**

**Physiotherapists Registration Board**

**Code of Professional Conduct and Ethics**

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## Foreword

I am pleased to present the Code of Professional Conduct and Ethics for Physiotherapists devised by the Physiotherapists Registration Board (PRB), CORU. The code specifies the standards of ethics, conduct and performance expected of registered physiotherapists.

The Physiotherapists Registration Board was appointed on 20 May 2014 by the Minister for Health. The Board is one of twelve registration boards to be established under the Health and Social Care Professionals Act 2005. The twelve Boards and the Health and Social Care Professionals Council operate under the umbrella of CORU. The purpose of CORU is to protect the public by promoting high standards of professional conduct, professional education, training and competence among registrants.

In 2010, the Health and Social Care Professionals Council at CORU developed a framework code detailing common standards across its twelve constituent boards. The framework was reviewed and updated in 2013. The Physiotherapists Registration Board, made up of both lay members and representatives of the profession, have carefully adapted the framework with additional assistance from experts external to the Board, public consultation and international best practice.

This Code outlines the standards of ethical behaviour and conduct that the public expects from physiotherapists. Each year registrants will be asked to pledge that they comply with the Code of Professional Conduct and Ethics. It is essential that all registrants read, understand and meet the standards set out in this Code. Failure to meet the standards could result in a complaint of professional misconduct being made about the registrant. Under the Health and Social Care Professionals Act 2005, professional misconduct is defined as any act, omission or pattern of conduct of the registrant which is a breach of the code.

As the goal of the PRB is to protect the public by fostering high standards of professional conduct, education, training and competence among registrants, adopting this Code is a major milestone in this process. As the profession develops, the PRB is committed to continually reviewing these standards, in doing so, ensuring that they remain both relevant and comprehensive. We expect that all physiotherapists will comply with these standards and that the consistent application of these standards will benefit physiotherapists as practitioners and the public as service users. We look forward to working with physiotherapists, their employers and service users in realising such benefits through developments in the statutory registration process.

Anne Horgan  
Chairperson  
Physiotherapists Registration Board  
September 2016

### **About the Code**

As a registrant you must comply with this Code of Professional Conduct and Ethics. It is recognised that ethical decision-making presents challenges and it is suggested that the paradigm at Appendix A should be consulted.

Registrants must be aware that a breach or breaches of this Code could be held to be professional misconduct and could result in a disciplinary sanction being imposed following a fitness to practise inquiry.

In this document:

- ‘you must’ is used as an overriding principle or duty;
- ‘you should’ is used where the principle or duty may not apply in all cases or where there are factors outside your control affecting your ability to comply;
- the term “service users” includes service users, patients, clients and anyone else who uses your service.

Below is a summary of your responsibilities as a registrant grouped into three categories: conduct, performance and ethics.

### **Conduct**

1. Act in the best interests of service users.
2. Respect the confidentiality of service users.
3. Maintain high standards of personal conduct.
4. Provide information about conduct and competence.

### **Performance**

5. Address health issues related to your fitness to practise.
6. Obey laws and regulations.
7. Act within the limits of your knowledge, skills, competence and experience.
8. Keep your professional knowledge, skills and competence up to date.
9. Get informed consent from service users.
10. Communicate with service users, carers and other professionals.
11. Assist and advise colleagues, recently qualified registrants and students.
12. Teach, supervise and assess students and other professionals.
13. Supervise tasks that you give to others.

14. Keep accurate records.
15. Address health and safety risks.
16. Address risks to service users.

**Ethics**

17. Demonstrate ethical awareness.
18. Respect the rights and dignity of people.
19. Carry out your duties in a professional and ethical way.
20. Undertake research in an ethical manner.
21. Make sure that advertising is truthful, accurate and lawful.

## **Conduct**

You must always keep a high standard of conduct. Your duties are to:

### **1. Act in the best interests of service users**

You are responsible for acting in the best interests of your service user.

*1.1* You must:

- a. treat service users as individuals;
- b. respect the diversity, different cultures and values of service users;
- c. respect and, where appropriate, speak out on behalf of service users and carers;
- d. support the rights of service users to take part in all aspects of the service provided;
- e. respect the rights of service users to make informed choices about the service they receive;
- f. recognise the right of service users to have their physical modesty protected;
- g. do nothing and allow nothing to be done that might put the health or safety of a service user at risk;
- h. when working in a team, be responsible for:
  - your own professional conduct,
  - any service or professional advice you give,
  - your own failure to act,
  - any appropriate tasks you delegate, and
  - any tasks delegated to you;
- i. protect service users if you believe they are threatened by a colleague's conduct, performance or health. Service user safety must always come before personal and professional loyalties;
- j. talk to a suitable professional colleague if you become aware of any situation that puts a service user at risk.

*1.2* You must not:

- a. direct those entitled to public services to private practice for reasons of personal or commercial benefit;



- b. accept inducements, payment, gifts or benefits that could be reasonably perceived as affecting your professional judgement.

## **2. Respect the confidentiality of service users**

### **2.1 You must:**

- a. treat information about service users as confidential and use it only for the purpose for which it was given;
- b. check that people who ask for information are entitled to it;
- c. always follow 'best practice', employer guidelines and data protection laws when handling confidential service user information. Stay up to date with best practice developments;
- d. be aware that confidentiality is not absolute and familiarise yourself with the circumstances in which a breach of confidentiality is appropriate and justifiable;
- e. make sure, where you need to share service user information with a relevant colleague to give safe effective care, that the colleague knows that the information must be kept confidential;
- f. be conscious of your need to use social media and social networking in a responsible way, in particular, to avoid any breach of your obligations in the Code such as confidentiality and use of records and information under Clause 14.

### **2.2 You must not:**

- a. give personal or confidential service user information to anyone, except if the law or your professional practice obligations requires you to do so.

### **2.3 You should:**

- a. if a service user is harmed as a result of the treatment you are providing, speak openly and honestly to them as soon as possible about what has occurred;
- b. speak openly and honestly to them if anything needs to be done and any consequent changes that need to be made to their ongoing care plan.

## **3. Maintain high standards of personal conduct**

### **3.1 You must:**

- a. work openly and co-operatively with colleagues;
- b. respect the roles and expertise of other health and social care professionals and work in partnership with them;

- c. conduct yourself personally in a manner that enhances the public confidence in you and in your profession.

3.2 You must not:

- a. harm or abuse service users, carers or colleagues;
- b. neglect service users, carers or colleagues;
- c. exploit service users, carers or colleagues in any way;
- d. discriminate against service users, carers or colleagues in any way;
- e. condone discrimination by service users, carers or colleagues;
- f. form inappropriate personal relationships with service users;
- g. put yourself or others at unnecessary risk;
- h. behave in a way that would call into question your suitability to work in health and social care professional services.

**4. Provide information about conduct and competence**

4.1 You must:

- a. inform the Physiotherapists Registration Board if you have been convicted of a criminal offence (other than a 'fixed charge' driving offence under the Road Traffic Acts);
- b. inform the Physiotherapists Registration Board if you have been given an 'adult caution' by An Garda Síochána;
- c. inform the Physiotherapists Registration Board if you have been given a caution from the police in another country;
- d. inform the Physiotherapists Registration Board if your employer or another body has suspended you or placed restrictions on your practice because of concerns about your conduct or competence;
- e. co-operate with any investigations or formal inquiry into your professional conduct, the professional conduct of others, or the care or services provided to a service user, where appropriate;
- f. report, to the appropriate authority, any serious breaches of behaviour or malpractice by yourself or others. Malpractice includes negligence, incompetence, breach of contract, unprofessional behaviour, unsafe practice, causing danger to health, safety or the environment, and covering up any of these issues.

4.2 You should:

- a. inform your employer or the appropriate authority if, in your professional opinion, the practice of a colleague or colleagues is causing concern or is having a negative effect on service user care.

## **Performance**

You must always keep a high standard of performance. Your duties are to:

### **5. Address health issues related to your fitness to practise**

5.1 You must:

- a. look after your physical, emotional and psychological health and where required, seek and comply with professional advice;
- b. avoid contact with service users where your judgement or performance may be adversely affected by illness, emotional distress or medication;
- c. follow your employer's guidelines regarding personal health issues which could place service users or others at risk;
- d. either limit or change your practice or stop practising if your performance or health could have an adverse effect on service users.

### **6. Obey laws and regulations**

6.1 You must:

- a. know and work within the laws and regulations governing your practice and keep up to date with any changes in legislation or regulation;
- b. obey the laws of the country in which you live and work in all your professional and personal practice;
- c. be aware of and comply with the national guidelines and legislation for the protection of children.

### **7. Act within the limits of your knowledge, skills, competence and experience**

7.1 You must:

- a. act within the limits of your knowledge, skills, competence and experience;
- b. practise only in areas in which you have relevant competence, education, training and experience;
- c. refer the service user to a colleague or service with the appropriate skills to help the service user, if a task is beyond your knowledge, skills, competence or experience;
- d. accept that a service user has the right to a second opinion from another practitioner. If asked, you must refer the service user promptly to another practitioner;
- e. make sure you understand any request from another health or social care professional. You must only assess, intervene or treat a service user if it is in

the service user's best interest. If this is not the case, you must discuss the issue with the service user and the practitioner who made the referral before providing any service;

- f. be able to justify any decisions you make within your scope of practice. You are always accountable for what you do, what you fail to do, and your behaviour;
- g. meet professional standards of practice and work in a lawful, safe and effective manner.

## **8. Keep your professional knowledge, skills and competence up to date**

*8.1* You must:

- a. ensure that your knowledge, skills, competence and performance are of a high quality, up to date and relevant to your practice;
- b. participate in continuing professional development (CPD) on an ongoing basis by identifying your learning needs, making a personal learning plan, implementing the plan and reflecting on the learning you gained from the CPD activities;
- c. maintain clear and accurate records of your CPD;
- d. submit your CPD records for audits of compliance when requested by the Physiotherapists Registration Board;
- e. comply with the Physiotherapists Registration Board's CPD requirements.

## **9. Get informed consent from service users**

*9.1* You must:

- a. explain the assessment, intervention or treatment along with any risks and alternatives to the service user in a way the service user can understand and give informed consent, taking into account the service user's capacity to understand the information;
- b. record the service user's decisions regarding any proposed assessment, intervention or treatment. These decisions should be shared with appropriate members of the health and social care team involved in the service user's care;
- c. make sure the service user gives consent to any assessment, intervention or treatment before it is carried out;
- d. if the service user cannot give informed consent, make sure that any actions taken are in the service user's best interests;

- e. make reasonable efforts to encourage the service user to go ahead with treatment or examination that you believe is in his or her best interest;
- f. respect the service user's right to refuse treatment or examination;
- g. offer the service user a chaperone when undertaking an intimate examination;
- h. follow your employer's procedures on consent and any guidance issued by appropriate authorities;
- i. ensure your competence in gaining informed consent in line with national and institutional policies.

## **10. Communicate with service users, carers and other professionals**

*10.1* You must:

- a. communicate sensitively and effectively with service users, taking into account any special needs when communicating with children and vulnerable adults.

*10.2* You should:

- a. communicate sensitively and effectively with the carers and the families, or the guardian/s where applicable, of service users, taking into account any special needs when communicating with children and vulnerable adults;
- b. co-operate and share your knowledge and expertise with colleagues and students for the benefit of service users.

## **11. Assist and advise colleagues, recently qualified registrants and students**

*11.1* You should:

- a. help and advise colleagues, recently qualified registrants and students in your profession to develop the professional skills, values, courtesies, attitudes and behaviour they will need when dealing with service users, carers and staff.

## **12. Teach, supervise and assess students and other professionals**

*12.1* You must:

- a. if you are involved in supervising, teaching, training, appraising and assessing students in your profession, do so fairly and respectfully using agreed criteria.

*12.2* You should:

- a. meet your professional obligation to teach, train and mentor other health care workers in specified practice areas.

### **13. Supervise tasks that you give to others**

#### *13.1* You must:

- a. acknowledge that service users have the right to assume that the person providing assessment, intervention or treatment to them has the knowledge, skills and competence to do so;
- b. only delegate to a person who you believe to have the knowledge, skills, competencies and experience to carry out the task safely and effectively;
- c. always continue to give adequate and appropriate supervision, if you delegate a task;
- d. understand that you are accountable for any task you delegate to another practitioner and responsible for any task you delegate to a student or others;
- e. understand that if a student or another practitioner is unwilling to carry out a task because they do not think they are capable of doing so safely and effectively, you must not force them to do so. If their refusal raises a disciplinary or training issue, you must deal with this separately. The service user must never be put at unnecessary risk.

#### *13.2* You must not:

- a. ask anyone to do anything which is outside their knowledge, skills, competencies and experience unless they are supervised by an experienced practitioner.

### **14. Keep accurate records**

#### *14.1* You must:

- a. keep clear and accurate records in line with the policies and procedures set out in your workplace and any guidelines issued by appropriate authorities;
- b. make sure that all service user encounters are recorded and that all records are:
  - complete,
  - legible (if handwritten),
  - identifiable as being made by you,
  - chronological
  - dated and timed,
  - completed as soon as practicable following assessment, intervention or treatment;

- clear and factual.
- c. use appropriate, respectful and non-judgmental language;
- d. use terms, abbreviations and acronyms that are consistent with policies in your workplace;
- e. if you supervise students, review each student's entries in the records and record that you have done so;
- f. protect information in records against loss, damage or access by anyone who is not allowed to access them;
- g. make sure that if records are updated or corrected, the information that was there before is not erased or made difficult to read;
- h. store records in accordance with the relevant legislation;
- i. retain records for the time period required by law;
- j. ensure that records are retrievable for service users throughout the designated retention period;
- k. ensure that disposal of records is in accordance with the law as it pertains at the time;
- l. ensure that financial records pertaining to service users are in accordance with the relevant legislation.

Records are all information collected, processed and held in manual, electronic or any other format pertaining to the service user and service user care. Records include data (within the meaning of the Data Protection Acts 1988 and 2003, as updated from time to time), demographics, clinical data, images, unique identification, investigation, samples, correspondence and communications relating to the service user and their care.

## **15. Address health and safety risks**

*15.1* You must:

- a. follow risk assessment policies and procedures to assess potential risks in the workplace and your areas of practice;
- b. deal safely with any risks of infection;
- c. take any steps needed to minimise, reduce or eliminate the risks you identify;
- d. inform colleagues and the authorities about the outcomes and implications of risk assessments;
- e. read and understand the safety statement of your institution, department or practice;



- f. have appropriate and adequate professional indemnity insurance;
- g. in circumstances where, following a risk assessment, you perceive that a service user poses a risk to your safety, take appropriate measures to protect yourself and others and make reasonable efforts, if appropriate, to go ahead with the examination or treatment of the service user.

**16. Address risks to service users**

*16.1* You should:

- a. inform the proper authorities about any concerns you may have about risks to service user safety and quality of care.

## **Ethics**

You must always keep a high standard of ethics. Your duties are to:

### **17. Demonstrate ethical awareness**

*17.1* You must:

- a. make sure you read and understand this Code of Professional Conduct and Ethics.

*17.2* You must not:

- a. enter into any agreement or contract or accept any gift that might cause you to breach this Code.

*17.3* You should:

- a. be aware of the wider need to use limited resources as efficiently and responsibly as is practicable. You have a duty to assist in the efficient and effective use of resources and to give advice on their appropriate allocation, whilst balancing your duty of care to the individual.
- b. take particular care when ethical issues arise. (Please see Appendix A for a suggested procedure for ethical decision-making).

### **18. Respect the rights and dignity of people**

*18.1* You must:

- a. always show, through your practice and conduct, respect for the rights, modesty and dignity of all individuals.

*18.2* You must not:

- a. in particular, discriminate against a person on the basis of:
  - gender,
  - family status,
  - civil status,
  - age,
  - disability,
  - sexual orientation,
  - religion,
  - ethnicity, or

- membership of the Traveller Community;

as identified under the Equal Status Act, as updated from time to time.

## **19. Carry out your duties in a professional and ethical way**

*19.1* You must:

- carry out your duties and responsibilities in a professional and ethical way to protect the public;
- always behave with integrity and honesty;
- recognise that if there is a conflict of interest between the service user and the safeguarding of children or other vulnerable people, safeguarding should take precedence;
- recognise that if there is a conflict between this Code of Professional Conduct and Ethics and your work environment, your obligation is to the Code.

*19.2* You must not:

- misrepresent yourself or any product you promote;
- exploit service users for commercial gain.

## **20. Undertake research in an ethical manner**

*20.1* You must:

- protect and destroy data in line with relevant legislation;
- obtain informed consent from research participants in line with the procedures laid down by the relevant research ethics committees;
- treat all information gathered during the research confidentially and make sure that participants cannot be identified through their data;
- make sure you do not distort or misuse clinical or research findings;
- make sure that a service user's refusal to take part in research does not influence the delivery of service to that service user in any way.

*20.2* You should:

- take part in research or support the research of others where possible;
- submit research proposals to the relevant research ethics committees and get ethical approval before starting the research;
- disseminate or circulate the research findings widely to further the evidence base of the profession and to improve service user examination and treatment;

- d. follow accepted guidelines in scientific journals concerning intellectual property, copyright and acknowledging the work of others.

**21. Make sure that any advertising is truthful, accurate and lawful**

*21.1* You should:

- a. make sure that any advertising is truthful, accurate, lawful and does not mislead;
- b. provide full and accurate fee information to the service user or potential services user, in advance of agreeing to provide your services.

## Appendix A

### Suggested procedure for ethical decision-making

1. Identify the problem and gather as much information as you can. Ask yourself if it is an ethical, professional, clinical or legal problem.
2. Review the Code of Professional Conduct and Ethics and identify the relevant parts. Check other professional guidelines too such as those of the Health Service Executive or government departments as well as any relevant legislation.
3. Discuss the issue with professional colleagues.
4. Consider asking your professional body for advice.
5. Evaluate the rights, responsibilities and welfare of everyone affected. Remember that your first obligation is to the service user.
6. Keep notes at each stage of the process.
7. Consider different solutions and decisions.
8. Evaluate and document the potential consequences of each option.
9. Choose the best solution or decision based on your professional judgment.
10. Put the solution or decision into practice, informing all the people affected.
11. Remember that you are responsible, as an autonomous practitioner, for the consequences of the solution or decision that you choose.

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GIVEN under the seal of the Physiotherapists Registration Board  
28 September 2016.

ANNE HORGAN,  
Chairperson, Physiotherapists Registration Board.

and

RUTH WHELAN,  
Member, Physiotherapists Registration Board.

EXPLANATORY NOTE

*(This note is not part of the bye-law and does not purport to be a legal interpretation).*

This bye-law adopts the Code of Professional Conduct and Ethics agreed by the Physiotherapists Registration Board.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó  
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