Professional Boundaries and Relationship Policy and Code of Conduct for All Staff

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1	December 2017	Associate Director of HR	Approved	On Intranet
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1. Introduction

1.1 The Trust is committed to the safeguarding adults agenda and believes that at all times people using Trust services have a right to feel safe and protected. This policy sets out the principles of professional boundaries governing relationships with service users, carers and workers.

1.2 This Policy provides information and guidance to managers and workers regarding acceptable professional and personal boundaries between individual workers and service users as well as relationships between individuals who work together.

1.3 The Trust recognises that workers need to establish a rapport with service users, their relatives and carers and are also responsible for establishing and maintaining appropriate boundaries. All relationships with service users and carers must be maintained within professional boundaries.

1.4 The Trust values and relies on the professional integrity of objective relationships between workers. To ensure that Trust business is conducted and is perceived to be conducted in a professional manner, this policy is necessary to acknowledge and manage the risks of personal relationships between workers which may overlap with professional ones.

2. Purpose

2.1 The purpose of this policy is to support the management of risk of professional or personal relationships comprising any individual (s) or the Trust, in the delivery of care to users.

3. Scope

3.1 This policy applies to all workers including employees on permanent or fixed term contracts, seconded and tupe'd staff and other persons who support and/or provide care to service users on behalf of the Trust, including volunteers, apprentices, agency workers, self-contractors and bank workers. This policy is applicable to all workers regardless of job role, banding or non-professional/professional status, registered and non-registered and includes service users employed in a professional capacity.

3.2 Workers with a 'seconded', 'student' or 'trainee' status who are not directly employed by the Trust or individuals employed by agencies will be expected to adhere to the standards required in this policy. Any contravention of this policy will be referred to the appropriate employer.

3.3 If a service user or former service user becomes a worker then the policy should be applied as if they are a "worker." Exceptions to this would only apply if another worker of the Trust has direct clinical input into their care or treatment.

4. Definition of Terms

4.1 '**Workers:** Anyone who is directly employed by the Trust or anyone who delivers care or a service on behalf of the Trust regardless of job role, title and banding, registered or professional

status. I.e. permanent, fixed term, locum or seconded basis, trainees and students, Bank workers, volunteers, agency workers, employed service users or self-employed contractor.

4.2 'Current Service User' (including carers and relatives)

4.2.1 A current service user for whom a worker is directly involved in providing care

4.2.2 A current service user who has previously had direct care

4.2.3 A current service user who has had no direct professional relationship with a worker

4.3 '**Former Service User**' - A person who has received care or treatment from the Trust, or from other organisations whose services form part of the current Trust.

4.4 '**Personal Relationship between Workers**' - For the purpose of Section 10 of this document the following relationships are defined as close personal relationships:

- Close or familiar relationships e.g. co-habitation, spouse/partner,

- Family members,

- A romantic/sexual relationship

- A business, commercial or financial relationship,

- All of above where a Trust Worker is in a close working relationship with a worker from a partner agency.

5. Responsibilities

5.1 **Trust Board** - The Board has responsibility to oversee this policy and ensure that appropriate processes and actions are in place to prevent and address any professional or personal relationships which may compromise the integrity of the Trust and/or the care provided to service users.

.5.2 **Corporate and Directorate Directors** - All Corporate and Directorate Directors are responsible for ensuring all workers are aware of this policy and their responsibilities under it.

5.3 **Workforce Committee** - The Workforce Committee are responsible for ensuring that this policy is effectively and appropriately implemented. They are also responsible for ensuring that the processes within the policy are monitored and non-compliance is acted upon.

5.4 **Line Managers** - Line managers are responsible for ensuring the information within this policy is disseminated to all staff and workers within their teams and those workers are clear about their responsibilities to maintain appropriate professional boundaries. Managers are expected to ensure the provision of any support or training relating to professional boundaries is given to

workers as appropriate. It is the responsibility of the Line Managers and Service Managers to report any alleged breaches of professional boundaries to professional bodies or other relevant external agencies. Line Managers are responsible for assessing the level of risk associated with any of the professional boundaries/personal relationships at work outlined in this policy. Line managers are responsible for producing an action plan and implementing measures to mitigate against identified risks as outlined in this policy.

5.5 **All Workers** - It is the responsibility of all workers to uphold the standards outlined in this policy. If workers are unsure about a situation, incident or relationship which may be covered by this policy they must seek advice from their Line Manager, other Senior Manager, Professional Lead, Professional Registration Body, Freedom To Speak up Guardian, Union Representative or the Human Resources Department

5.6 Appropriate action will be taken against any worker who contravenes this policy. Dependent on the circumstances this could be seen as gross-misconduct or criminal behaviour which may be subject to action under the disciplinary policy and could result in summary dismissal. Where applicable, workers may also be reported to the police, their professional body and/or the Disclosure and Barring Service (DBS) and a referral made for investigation under safeguarding procedures.

6. Professional Boundaries between Workers and Current Service Users

6.1 The only appropriate relationship between a service user and a worker is a professional one that focuses upon the assessed, legitimate needs of the service user. Workers should be aware of the imbalance of power in this relationship caused by the service user's mental or physical health needs and consequent need for care, assistance, guidance and support. It is the responsibility of each worker to maintain appropriate professional boundaries within relationships at all times.

6.2 Helping and supporting others can be both physically and emotionally demanding. Appropriate boundaries are therefore required in order to allow a service user and workers to engage safely in a professional caring relationship.

6.3 Workers can also seek advice from their line manager, professional lead or professional body on how to manage approaches by service users who are trying to initiate relationships which would breach professional boundaries.

Under no circumstances should workers form intimate personal, romantic or sexual relationships with service users. Workers should not behave in a way either inside or outside of the workplace which may call into question their professional conduct or endanger the confidence service users, relatives and carers place in the Trust to deliver care.

Examples of inappropriate actions or relationships include:

6.3.1 Breaching sexual boundaries including acts, words or behaviours of a sexual nature alongside forming a sexual relationship with a service user (these could constitute offences under Sexual Offences Act 2003 and will be reported immediately to the police).

6.3.2   Friendships including friendships via texting, the internet and social networking sites. Workers must not befriend service users on social media sites and the Trust recommends that workers keep personal profiles set to private (see Social Networking Policy).

6.3.3   Divulging personal details to service users about themselves or colleagues, including personal contact details

6.3.4   Contacting service users outside the work setting.

6.3.5   Accepting significant gifts or favours (see Standards of Business Conduct Policy)

6.3.6   Entering into a financial relationship, this includes the setting up of business/organisations etc.

6.3.7   Developing inappropriate relationships with family members of a service user visited during escorted leave or assessments made at home,

6.3.8   Contacts occurring between a worker and service user which the worker seeks to conceal from other colleagues and do not form part of the agreed care plan.

The list above is not exhaustive. It has been drawn up to enable workers to know and understand the types of conduct which would be deemed inappropriate.

6.4 **Disciplinary Action**: Failure to maintain professional boundaries with service users may lead to disciplinary action being taken and dependent on the circumstances and, where appropriate, reported to the police and/or a referral to professional registration bodies being made and or referral for investigation under safeguarding procedures.

6.5 **Pre-existing Relationships:** If a close friend, partner or family member of a worker accesses services provided by the Trust it is the responsibility of the worker to maintain each relationship within its own appropriate boundary. Where personal or business relationships precede the professional relationship workers must inform their line manager at the earliest opportunity. Any such instances will be handled in a sensitive manner and the worker will be given the opportunity to discuss and explore potential conflicts. It may be appropriate for a service user to be treated by another team / professional within the team or in the case of admission, for the worker to be moved to another area of the Trust for the duration of the service user's treatment.

7. Reporting Potential Breaches of Professional Boundaries between Workers and Service Users

7.1 Where a worker becomes aware that there is a risk that they could, or have developed, a non-professional relationship with a service user they must immediately seek advice from their line manager or another senior manager.

7.2 On receipt of a report of a breach or potential breach of professional boundaries, action must be taken by line management and the worker concerned to prevent further development of a non-

professional relationship. This can include (and is not limited to), support, guidance and/or investigation under the disciplinary policy as appropriate.

7.3 Where colleagues are aware of the possibility that an inappropriate relationship is developing between a service user and a worker they should immediately raise it with their line manager, another senior manager or head of profession (if applicable). Should a worker not feel able to raise any concerns through the usual management channels, 'The Public Interest Disclosure and Raising Concerns' (Whistle Blowing) Policy can also be used to report concerns as well as the Trust Freedom to Speak Up Guardian.

7.4 On being informed of the possibility of an inappropriate relationship between a worker and service user the relevant manager must immediately undertake a fact finding process to discuss the issues that have been raised with the worker involved.

7.5 Once such discussions have taken place, where necessary steps should be taken to ensure that the relationship / potential relationship does not develop further. Appropriate action must be taken to ensure any issues are reported and investigated using the correct process e.g. a safeguarding referral, Serious Incident Report (SI), and/or a disciplinary investigation. Where a disciplinary investigation is deemed to be necessary the Human Resources Department should be contacted immediately.

7.6 There must be consideration of the use of safeguarding process.

8. Professional Boundaries between Workers and Former Service Users

8.1 Former service users can be harmed as a result of a sexual relationship with a healthcare professional who has been involved in their treatment.

8.2 The possibility of a sexual or personal relationship with a former service user may arise, for example, through social contact. If a worker develops a personal or sexual relationship with a former service user of the Trust they must seek guidance from their line manager at the earliest opportunity to minimise the risk of any subsequent allegations of abuse or serious misconduct which in turn may raise concerns about their professional integrity or the integrity of the Trust.

8.3 To avoid any concerns about the professional integrity of healthcare professionals who have entered into relationships with former service users of another Trust, where the healthcare professional was involved in their care as a worker of that Trust, workers must share such information with their line manager as soon as the worker is aware of the relationship.

9. Professional boundaries between workers who have or develop close personal relationships

9.1 Workers who have close personal relationships should not have a direct reporting relationship or be in the same line management chain without the relationship being known to an appropriate manager. Alternative management arrangements should be put in place to ensure that one party is not involved with any management activity or processes involving the other party e.g. appraisal, promotion, recruitment or selection.

Workers who are involved in a relationship with other colleagues need to be aware at all times of their behaviour towards each other in the work environment. The Trust expects workers involved in a close personal relationship to always behave in a professional manner when at work.

9.3 As part of the recruitment process applicants are required to declare if they are related to a Director, or have a relationship with a Director or worker of the Trust. Should a relationship develop between workers once they are undertaking duties for or on behalf of the Trust, to protect the integrity of individuals and the Trust, individuals are required to disclose such relationships at the earliest opportunity to their line manager or another senior manager.

10. Managing Identified Risk and Issues Regarding Close Personal Relationships between Workers.

10.1 Where a manager is informed of a close personal relationship between workers within the same team, line management chain or between workers closely linked by the provision of a business support services (such as finance, human resources, IM&T etc.), they **must** work with all individuals concerned to identify any potential risks and conflicts of interest from both the individuals and Trust perspective. Wherever possible an agreement should be reached in relation to the expectations and arrangement in the workplace to mitigate possible conflicts of interest (or the perception of such). In the absence of agreement the service manager must make arrangements in consultation with the other parties involved. Arrangements must be documented as to how to respond to any potential risk or conflict of interest. Options which may be considered are as follows (this list is not exhaustive);

    10.1.1 No action necessary.

    10.1.2 Changing shift patterns to ensure that working together is kept to a minimum. This would include people with children who work opposite shifts etc.

    10.1.3 Changing the duties of one or both of the parties. This can be built into the off duty/health roster.

    10.1.4 Changing the line manager relationship in specified circumstances. For example supervision would be carried out by another suitably qualified employee in line with the documented support form, for example supervision documentation.

    10.1.5 Changing any mentor/trainee relationship in specified circumstances as above.

    10.1.6 Re-deployment

10.2 All of the above (including no action necessary) must be objectively justifiable in terms of service need and the risks being considered ensuring this is formally documented.

10.3 Working arrangements to avoid conflicts of interest (or the perception of them) must be reviewed at agreed intervals and as and when service changes dictate.

10.4 Any information disclosed should remain confidential and should not be disclosed to

other parties without the permission of those involved unless the disclosure resulted in concerns about the provision of care to service users.

11. Professional boundaries and the use of social networking websites and media

11.1 Workers should be cautious about what they post on social networking sites. Most social networking sites do allow users to customise privacy and permission settings, thus workers should give consideration to the permissions set and who is allowed to view their personal profiles. The Trust strongly recommends that workers set their personal profiles to private.

11.2 **The use of workers personal social media to interact with Service Users is not permitted.** If a service user instigates interaction with a worker via the use of social media the worker must inform the service user that this is not permitted and inform their line manager immediately.

See the Trust's Social Networking Policy for more guidance on the appropriate use of social media in a work setting.

12. Training

12.1 All managers are expected to disseminate information in relation to this policy to their staff.

Code of Conduct for All Staff

13. Introduction

13.1.   This section of the policy sets out a Code of Conduct for all staff at the East London NHS Foundation Trust (herein referred to as ELFT). It details the values and standards that underpin all that we do in our daily working lives and the expected behaviours from all of our staff.

14. Aim of the Code of Conduct

14.1.   The aim of the Code of Conduct is to make clear the key behaviours that are acceptable and unacceptable in the workplace. It is written as a set of general principles or standards rather than detailed prescriptions.

14.2.   These standards and behaviours are not an exhaustive list and the Code of Conduct operates alongside other relevant Trust policies including but not limited to the Professional Boundaries at Work Policy, Dress Code Policy, Raising Concerns (Whistleblowing) Policy, Disciplinary Policy, Dignity at Work Policy and the Standards of Business Conduct Policy.

14.3.   This code has been designed to supplement rather than replace professional standards of behaviour and codes of conduct including but not limited to the GMC Code of Conduct, NMC Code of Conduct, and HCPC Code of Conduct.

15. Scope of Code of Conduct

15.1.   This Code of Conduct is applicable to all staff at ELFT including substantive staff, staff on fixed term contracts, staff on honorary contracts, bank staff, agency staff, contractors, students, volunteers, secondees.

16. Duties

16.1.   **It is the responsibility of all staff to:**

16.1.1. Read the code of conduct and discuss with their line manager, any issues they are unsure about.

16.1.2. To ensure their behaviour is consistent with the Code of Conduct and other relevant policies.

16.1.3. Take appropriate action when they directly experience or observe behaviour, which they consider to be inappropriate by keeping a factual record of the incident (e.g. date, time, location, nature of the behaviour and witnesses) and to report this to their line manager or HR department or staff side representative or freedom to speak up guardian.

16.1.4. If appropriate, ask the person responsible for the behaviour to stop behaving in a certain way. This action should only be taken if the staff member is comfortable with interacting directly with the person responsible for the behaviour.

16.1.5. Acknowledge that they have read and understood the Code of Conduct (Appendix A).

16.2. **It is the responsibility of line managers and supervisors to ensure:**

16.2.1. Staff have access to copies of the Code of Conduct

16.2.2. The requirements of the Code of Conduct are reflected in the day to day management of their staff

16.2.3. Use the annual appraisal and supervision to discuss the code of conduct and/or behavioural expectations

16.2.4. Provide constructive feedback to staff about their behaviour

16.2.5. Take all necessary steps to resolve any conflicts that arise in the workplace

16.2.6. Appropriately deal with staff who do not meet the expected code of conduct or behavioural standards using the most appropriate policy and if in doubt to seek advice from the HR department.

17. Trust Values, Vision and Behavioural Framework

17.1. The Trust understands that different behaviours are acceptable in different environments. To provide guidance to staff, ELFT expect all staff to follow the Trust Values, the Trust Vision and the Behavioural Framework.

17.2. ELFT has three core **values** that underpin everything we do. The core values are:

❖ **We Care** – everyone is entitled to the highest quality care.
❖ **We Respect** – everyone should be treated with kindness and respect.
❖ **We are Inclusive** – everyone should have access to our services when they need them, and we actively seek suggestions from all on how we can improve.

17.3. Furthermore, The Trust's mission is to improve the quality of life for all that we serve and by 2022 we will build on our success and lead on the delivery of integrated care. ELFT will do this by working purposefully in collaboration with our communities and our partners, always striving towards continuous improvement in everything we do.In order to achieve our vision ELFT's main priorities are:

❖ Improving Population Health Outcomes
❖ Improving the Experience of Care
❖ Improving the Experience of Staff
❖ Improving Value

17.4. The behavioural framework (Appendix B) further demonstrates the expectation from all staff that underpin all that we do in our daily working lives and behaviours that we expect from all of our staff.

18. The Code of Conduct – 10 Key Professional Standards

18.1. In addition to the Trust core values, vision and behavioural framework as detailed in section 17, there are 10 key standards that are expected of staff and are considered to be central to improving patient and staff experience. These reflect the vision and values of ELFT. These are:

- To never put a service user at risk either physically, mentally, financially, emotionally or sexually.

- To understand that the staff-patient relationship is not equal and that all staff are in a unique position of trust, care, responsibility, authority and influence with service users.

- To provide good, strong and trusting relationships with service users and understand that you should be friendly but you are not "friends".

- To maintain and adhere to boundaries of the profession and to personal and social boundaries including social media boundaries.

- To dress in accordance with ELFT Dress Code Policy.

- To work co-operatively within teams and to treat your colleagues with dignity and respect.

- To avoid using your official position or information acquired in the course of your employment to further your private interests.

- To be accountable for all of your actions by making sure you can answer for your actions or omissions.

- To implement all statutory and mandatory training in the workplace.

- To undertake duties in line with your role and responsibilities.

19. Failure To Follow The Code of Conduct

19.1. Failure to follow the Code of Conduct may result in disciplinary/capability action.

20. Dissemination And Implementation Of Policy

20.1. The Code of Conduct will be introduced to staff by:

- ❖ Induction
- ❖ Chief Executive/Director briefings accessible by all staff
- ❖ Electronic communications
- ❖ Line Managers
- ❖ Intranet

21. Process For Monitoring Compliance And Effectiveness

21.1. The following processes will be used to monitor the impact of the code:

- ❖ Patient complaints
- ❖ Patient survey
- ❖ Patient experience tracker
- ❖ Staff survey
- ❖ Informal and Formal Employee Relations cases

ELFT Behavioural Framework

VALUE	INDIVIDUAL
We Care	
Empathy	I use empathy to understand others' feelings and respond appropriately.
Understanding impact of actions	I use self-awareness to understand the impact of my actions on others and can adapt my behaviour according to the person and situation I am dealing with.
Kindness	My language, tone and actions are always kind and considerate when dealing with patients and service users, their families and my colleagues.
Going the extra mile	I regularly go the extra mile to play my part in delivering the best possible care for our patients and service users.
Listening	I make time to ask how people are and to listen carefully to them when they talk to me.
We respect	
I can put myself in your shoes	I recognise that we are all different and always try to put myself in others' shoes to see things from their perspective.
Trustworthy	I am honest and always act with integrity.
Active listening	I listen actively and with an open mind to patients, service users, families and colleagues, asking questions to help me understand their point of view.
Respecting dignity and privacy	I am always looking for ways to protect the dignity and privacy of patients and service users.
Managing expectations	I deliver on my promises; when I can't deliver what is expected of me by colleagues, patients, service users or families, I am clear about what they can expect and why.
We are inclusive	
Having a can-do attitude & solution oriented approach	I am quick to find solutions to problems and am always positive about what can be done to deliver the highest standard of care.
Flexibility	I am flexible and adaptable when things change and do my bit to make change successful.
Knowing when change is necessary	I recognise when change is necessary to improve things.
Removing barriers	Where barriers exist between people, whether physical or emotional, I do my best to remove them.
Recognising difference	I treat everyone as a unique and valued individual, recognising, accepting and celebrating difference.
Involvement in Quality Improvement (QI)	
Curiosity	I am always looking for ways to improve the services that I provide
Dedication	I work hard to deliver what is expected of me and set high standards for myself.