

Health Service Executive



Framework for the Corporate and Financial Governance of the Health Service Executive

Codes of Standards and Behaviour

Document 2.1

Version 1: Created September 2006
Version 2: Updated November 2007 and December 2008
Version 3: Published June 2009

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1. Introduction

The philosophy of the HSE is one of loyal and impartial service for the benefit of the state and the people of Ireland.

To work in the public service is to work for the common good. The traditional values of the public service - honesty, impartiality and integrity - are about serving this common good. Standards of probity are high and must be maintained. These values must be the basis for the official actions of employees.

This Code of Standards and Behaviour for the HSE is being introduced in accordance with section 25(3) of the Health Act 2004 and the Ethics in Public Office Acts 1995 to 2001 and applies to all employees of the HSE, organisations funded by the HSE and suppliers of service. The development of a new code recognises explicitly that, within the major modernisation programme which is currently underway in the HSE, there is a need to restate and promote core public service values so as to marry the best of the old with the new. New systems for providing quality customer service, for devolving responsibility to departments/offices and managers, for managing performance and for using information technology are all posing challenges to existing policies and practices.

Changes to the regulatory environment and new human resource management systems will also have a major impact on the way the HSE operates. To get the best from the new ways of doing business, they have to be grounded in a public service ethos which sets out clearly the standards expected and ways in which employees will achieve them.

To underpin the change process, an integrated approach to the values, standards and behaviour of employees is now being adopted through this HSE Code. The Code of Standards and Behaviour sets out a clear framework within which employees must work. It sets out in a single document the principles which should govern the behaviour of employees and the values which the HSE espouses.

It builds on the principles set out in “The Ombudsman’s Guide to Standards of Best Practice for Public Servants”. It is not intended to be an exhaustive list of guidelines for all possible eventualities. Individual departments and offices, and bodies funded by the HSE, will wish to provide additional guidance as appropriate for their own employees relevant to their own particular circumstances.

References to employee/s in the suite of documents forming the HSE’s Governance Framework relate to employees directly employed, whether in a permanent or temporary capacity, by the HSE (as defined under Section 22 of the Health Act, 2004). However, the HSE expects those employed indirectly or providing services or advice to, or on behalf of, the HSE to also meet the standards set out for employees.

Board members are expected to comply with the spirit of this code, recognising that they will have outside interests. Separate guidance is given to board members in the Terms of Reference of the HSE board, the principal thrust of which is that they should not have a conflict of interest by serving with the HSE or an agency funded by the HSE.

This Framework for the Corporate and Financial Governance of the HSE was first approved by the HSE Board at its meeting held on 7th September 2006. Version 2 was approved at the Board meeting held on 1st November 2007. This update of the policy was approved by the Audit Committee and will be included as one of the amendments to be submitted to the Board for approval as part of the 2009 review of the Governance Framework. The Framework was approved by the Minister for Health and Children on 26th March 2008.

The Code will be kept under review by the Human Resources Directorate and the HSE Audit Committee will approve any amendments as required.

This Policy is part of a suite of policies and should be read in conjunction with:

- Policy on Good Faith Reporting
- Policy on Fraud

2. The HSE Code of Standards and Behaviour - An Overview

2.1 The Code in Context

Employees can be justly proud of the high standards of conduct which have characterised their service to the public over many years and enabled them to carry out the mission of the HSE. The HSE Code of Standards and Behaviour is an important element of the overall framework within which all employees are expected to work. It sets out the standards required of employees in the discharge of their duties. These standards of behaviour and values will support a high quality public service, based on high levels of personal performance and responsibility.

2.2 Main features of the Code

In the performance of their duties employees must:

- (a) Maintain high standards in service delivery by:
 - discharging responsibilities conscientiously, honestly and impartially;
 - always acting within the law; and
 - performing their duties with efficiency, diligence and courtesy.
- (b) Observe appropriate behaviour at work by:
 - dealing with the public sympathetically, fairly and promptly; and
 - treating their colleagues with respect.
- (c) Maintain the highest standards of probity by:
 - conducting themselves with honesty, impartiality and integrity;
 - never seeking to use improper influence, in particular, never seeking to use political influence to affect decisions concerning their official positions;
 - abiding by guidelines in respect of offers of gifts or hospitality; and
 - avoiding conflicts of interest.

- (d) Support and be loyal to the HSE by:
- supporting colleagues and the HSE in the performance of its functions;
 - promoting the goals and objectives of the HSE and not undermining any of them through action or omission.
 - seeking to resolve grievances and concerns through agreed channels (this includes The Good Faith Reporting Policy code and the provisions in the Health Act 2007 which would be external channels).
 - ensuring any actions taken maintain public confidence in the HSE and its good name

2.3 Application of the Code

The provisions of the Code relate to employees directly employed, whether in a permanent or temporary capacity, by the HSE (as defined under Section 22 of the Health Act, 2004). Employees of agencies funded by the HSE and those engaged in any capacity to provide services or advice to, or on behalf of the HSE and its funded agencies on a consulting basis are also expected to meet the standards set out in this code. The requirements in relation to confidentiality will also apply upon retirement/resignation.

The Code forms part of the terms of employment of all employees.

Employees are expected to comply with the Code at all times. Breaches of the code will constitute a breach of the terms of employment and may result in disciplinary action being pursued in accordance with agreed procedures.

The terms and conditions of existing employees will be updated using the agreed HR processes. Each new employee will receive a copy of the Code.

An employee can obtain clarification on any aspect of the Code from the HR Department and induction courses will include instructions on the provisions of the Code.”

3. Requirements of the Code

- (a) Employees cannot be members of either House of the Oireachtas or the European Parliament.

An employee, who is or becomes a member of either House of the Oireachtas, or the European Parliament is immediately seconded from employment with the HSE until they cease to be a member (section 22 of the Health Act 2004).

A person who is or becomes a member of either House of the Oireachtas, the European Parliament or a local authority is not eligible for appointment as a board member or Chief Executive Officer. In addition, a member of either House of the Oireachtas, or the European Parliament is not eligible for appointment as an employee of the HSE (sections 11, 17 and 27 of the Health Act 2004).

- (b) Employees must be impartial in the performance of their duties.

It is each employee's responsibility to carry out his/her duties in a party political neutral manner. Public political activities should not, under any circumstances, be undertaken in paid HSE hours by any employee.

Employees should ensure that views expressed by them or actions taken related to their public political activities are not presented or interpreted as official comment on behalf of the HSE, but that they are their own or those of the political organisation they are representing. Neither should such views or actions compromise their due of loyalty to the HSE (**see paragraph 2.2 (d) above**).

An employee may, in his/her role as a trade union representative, make a statement in that capacity, but will ensure that such a statement is not presented as official comment on behalf of the HSE.

- (c) Employees must respect the constraints of the law.
- (d) Employees must not improperly disclose, during or following termination of employment, information gained in the course of their work.

Employees may have access to or hear information concerning the medical or personal affairs of patients and/or employees, or other health service business. Such records and information are strictly confidential and can only be divulged or discussed in the performance of normal duty. Disclosure of records or information under various statutory provisions (e.g. Freedom of Information Acts 1997 and 2003; Data Protection Acts 2001 and 2003; the Health Acts 1947 to 2007) will be made in accordance with HSE policies, procedures and protocols.

- (e) Employees must maintain high standards of service in all of their dealings with the public.

- (f) Employees who are convicted of criminal offences, or given the benefit of the Probation Act when tried for a criminal offence, must report that fact to the HSE. The employee must make such a report to his/her supervisor (who, in turn, will advise the Director of Human Resources) or directly to the Director of Human Resources.
- (g) Employees must attend at work as required and comply with the terms of sick leave regulations.
- (h) Employees are required to have due regard for State resources to ensure proper, effective and efficient use of public money.
- (i) Employees should show due respect to their colleagues including their beliefs and values.
- (j) The use of their official positions by employees to benefit themselves or others with whom they have personal or business ties is not allowed. Employees are also forbidden to seek to influence decisions on matters pertaining to their official positions other than through established procedures.
- (k) Employees may not engage in outside business or activity which would in any way conflict with the interests of their departments/offices. Employees shall not accept an appointment, or particular consultancy project, where the employees concerned believe that the nature and terms of such appointment could lead to a conflict of interest or the perception of such, without first obtaining the approval of the Human Resources Department of HSE.
- (l) Employees should not receive benefits of any kind from a third party which might reasonably be seen to compromise their personal judgement or integrity. Any benefits received should be of nominal value. All gifts and benefits received must be disclosed to the employee's superior.
- (m) Employees should not accept hospitality of any kind from a third party which might reasonably be seen to compromise their personal judgement or integrity. Within the general framework of guidelines set out in the Code, every care must be taken to ensure that:
 - (i) any acceptance of hospitality does not influence, or is seen to influence, the discharging of official functions and
 - (ii) that there are clear and appropriate standards in place which have been notified to all employees in relation to payment for work on behalf of outside bodies. Any hospitality received should be of nominal value. All hospitality received must be disclosed to the employee's superior.
- (n) Employees must not seek contracts with government departments or offices for supply of goods or services whether for their own benefit or for the benefit of any company with which they may have an involvement in a private capacity, unless specifically sanctioned by the CEO of the HSE.

4. Summary responsibilities

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| All | To expect to be dealt with properly, fairly, openly, and impartially at all times and if not to make an appropriate report. |
| Employees | To go about their duties in a way that is consistent with this Code. |
| Line Managers | To lead by example and take seriously any breaches that are brought to their attention. |
| Human Resources | To ensure that all employees are made aware of this Code, are given appropriate guidance and are immediately updated on any changes, and to act responsibly upon any reported breaches. |
| Internal Audit | To include a review of the operation of this Code as part of: (a) its overall Governance review and (b) its regular operational reviews. |
| Audit Committee | To approve this Code (and its updates), receive reports on compliance and report to the board on its operation. |

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