

Professional Liaison Group for the review of the standards of conduct, performance and ethics – 2 June 2014

Thematic review: Social media

Executive summary and recommendations

Introduction

The first stage of the review of the standards of conduct, performance and ethics included a number of research and consultancy activities engaging a range of stakeholders about the standards.

The topic of social media and its use in practice by health and care professionals was identified as a key theme from the research findings given its prevalence in stakeholders' discussion on the standards.

This paper sets out the background, research findings, our current approach and the approaches of other regulators to the use of social media. The paper also outlines the Executive's recommendations on this issue and provides a number of considerations for discussion the professional, liaison group.

Decision

The professional liaison group is invited to discuss the attached paper and consider the recommendations made by the Executive in section seven and eight.

Background information

None

Resource implications

None

Financial implications

None

Appendices

- Article outlining our approach and guidance to registrants' use of social media

Date of paper

19 May 2014

Review of the standards of conduct, performance and ethics

Social media

1. Introduction

- 1.1 The findings from the research activities undertaken during the first stage of the review of the standards of conduct, performance and ethics have been synthesised into a number of key themes.
- 1.2 These themes are to be considered by the Professional Liaison Group for the review of the standards of conduct, performance and ethics at its meetings between June and December 2014.
- 1.3 This paper sets out the background, research findings, our current approach and the approaches of other regulators to the use of social media by health and care professionals. The final sections of the paper outline the Executive's recommendations on this topic and key points for the group to consider and discuss.

2. Background

- 2.1 In recent years the popularity of social media has grown rapidly. The widespread use of social networking sites, blogs and internet forums has produced a number of benefits for both health and care professionals and their service users across the health and social care sector. Social media is utilised by our registrants in practice to varying degrees depending on their profession and workplace setting.
- 2.2 Though the majority of professionals utilise social media without encountering any difficulties, we have experienced a number of fitness to practise complaints related to a registrant's use of social media. The use of social media in the health and social care sector more generally has also prompted media interest and research into examples of activity that may raise fitness to practise issues.
- 2.3 While as a regulator we only need to be concerned with the extreme cases of misuse of social media, the safe and effective use of social media in health and social care remains of some debate in the sector.
- 2.4 Professional regulators, bodies and associations have produced guidance for professionals outlining key considerations for those professionals utilising social media in their practice. Further protocols have been developed at a local level and employers often produce policies of their own in relation to their employees' use of social media.

3. Current approach

3.1 We recognise social media to be a useful way of communicating and sharing information. For example, some dietitians utilise social media as a professional medium of communication to promote healthy lifestyles. We would not consider use of this technology by registrants in line with our standards of conduct, performance and ethics to pose a problem to their registration.

3.2 At present, the standards of conduct, performance and ethics do not explicitly refer to social media. However, the standards cover a number of principles we would expect registrant's to apply to their use of social media. This includes:

'1 You must act in the best interests of service users.

'You are personally responsible for making sure that you promote and protect the best interests of your service users. You must respect and take into account these factors when providing care or a service, and must not abuse the relationship you have with a service user...

'You must not do anything, or allow someone else to do anything, that you have good reason to believe will put the health, safety or wellbeing of a service user in danger. This includes both your own actions and those of other people...'

'2 You must respect the confidentiality of service users.

'You must treat the information about service users as confidential and use it only for purposes they have provided for. You must not knowingly release any personal or confidential information to anyone who is not entitled to it... You must only use information about a service user:

- to continue to care about a service user; or
- for purposes where that person has given you permission to use the information or the law allows you to do so.

'You must also keep to the conditions of any relevant data-protection laws and always follow best practice for handling confidential information...'

'3 You must keep to high standards of personal conduct.

'You must keep high standards of personal conduct, as well as professional conduct. You should be aware that poor conduct outside of your professional life may still affect someone's confidence in you and your profession.'

'9 You must get informed consent to provide care or services (so far as possible).

'You must explain to service users the care or services you are planning to provide, any risks involved and any other possible options... You must keep to your employers' procedures on consent and be aware of any guidance issued by the appropriate authority in the country you practise in.'

'13 You must behave with honesty and integrity and make sure that your behaviour does not damage the public's confidence in you or your profession.

'You must justify the trust that other people place in you by acting with honesty and integrity at all times. You must not get involved in any behaviour or activity which is likely to damage the public's confidence in you or your profession.'

'14 You must make sure that any advertising you do is accurate.

'Any advertising you do in relation to your professional activities must be accurate. Advertisements must not be misleading, false, unfair or exaggerated. In particular, you should not claim your personal skills, equipment or facilities are better than anyone else's, unless you can prove this is true.

'If you are involved in advertising or promoting any product or service, you must make sure that you use your knowledge, skills and experience in an accurate and responsible way. You must not make or support unjustifiable statements relating to particular products..'

The standards of conduct, performance and ethics are available in full on our website: www.hpc-uk.org/aboutregistration/standards/standardsofconductperformanceandethics/

- 3.3 For example, based on the standards we would expect registrants to think about the information they were sharing online and consider whether it was appropriate. We would also expect any opinions or views posted in forums, on blogs or social media sites to be appropriate and not offensive.
- 3.4 We expect registrants as autonomous professionals to use their professional judgement about the way in which they may utilise social media and ensure that any usage is in line with the principles articulated in the standards. We would also expect registrants to be utilising social media in line with local protocols and policies of employers.
- 3.5 We do not currently produce any formal guidance on the specific issue of social media. In April 2011 we outlined our approach in our In Focus newsletter distributed to registrants and available on our website. The article, appended to this paper, covers our approach outlined above and highlights that further guidance is produced by professional bodies on this issue.
- 3.6 To help registrants understand our requirements in relation to confidentiality we have produced formal guidance on this topic which includes advice about identifiable and anonymised information and implied and express consent, which is relevant to the use of social media in practice.

This guidance is available on our website: <http://www.hcpc-uk.org/assets/documents/100023F1GuidanceonconfidentialityFINAL.pdf>

- 3.7 As outlined in the background to this paper, we only need to be concerned with extreme uses of social media which do not align with the principles

outlined in our standards of conduct, performance and ethics. Our standards of acceptance for fitness to practise allegations outlines that allegations which relate to a registrants' participation in internet social networks should be treated in a similar manner to any other allegation. However, when considering such an allegation, we need to consider whether the identity of a registrant can be established with certainty and whether the allegation relates to comments which are taken out of context.

3.8 We have received a small number of allegations in relation to a registrant's use of social media which have progressed to a fitness to practise hearing. These include cases which have failed to uphold the confidentiality of service users, or have inappropriately made and published offensive and derogatory comments in the public sphere. The following examples provides an indication of the issues that social media raise.

- Dietitian posted information about a patient's diagnoses, care, medication, and personal circumstances, and published information about colleagues and their place of work on their personal blog.
- Paramedic breached confidentiality by uploading a patient's x-ray to a social networking site.
- Clinical scientist posted derogatory comments about a colleague's practice using an alias on a professional forum.
- Occupational therapist posted derogatory comments about their place of work and manager on a social networking site.

4. Research findings

4.1 Most research undertaken with registrants, employers and professional body audiences included discussion of the use of social media by health and social care professionals. The majority of these participants considered that further advice and guidance for registrants about a professional use of social media was necessary.

4.2 Participants commenting on this topic cited the same issues in relation to social media. These included maintaining high standards of conduct, professional boundaries, confidentiality and public confidence, as well as undertaking any advertising appropriately.

- Based on interviews with registrants, the Focus Group considered that guidance setting out appropriate use of social media was particularly important in relation to of professional boundaries and cited the technology as a mechanism that could inappropriately blur the boundaries between the professional and personal if not appropriately utilised.

The Focus Group research report is available on our website:
www.hpc-uk.org/publications/research/index.asp?id=733

- Similar comments were made around the distinction between professional and personal conduct at employer events and an event attended by professional body representatives. These participants commented that the standards should emphasise that the high standards expected of professionals refer not only to behaviour outside of work but also of that online. Standard 3 and 13 (quoted above) about maintaining high standards of personal and professional conduct and public confidence in the profession were specifically referenced by some.
- Registrants participating in workshops on the standards were keen to see social media referenced in relation to confidentiality, an issue also commented on by employer audiences. Some cited standard 2 (quoted above) in relation to maintaining confidentiality and suggested it also included advice about using identifiable and anonymous information online.
- Registrants participating in the Focus Group's research also referred to advertising in relation to social media and considered that that standard 14 in relation to advertising could usefully contain guidance about promoting products and services online.
- A few colleagues in the Fitness to Practise Department also considered that further guidance on this topic is necessary given cases resulting from an inappropriate use of social media. In particular they referred to issues of confidentiality and professional boundaries.

4.3 However stakeholders across the board were divided as to the way in which further guidance about social media should be provided.

- A few suggested that this be achieved through the introduction of a specific standard on social media covering the issues discussed above.
- A number suggested that references to social media be included in already existing standards, particularly in relation to confidentiality and high standards of personal conduct. This was the approach recommended by the Focus Group's findings and the majority of registrants attending events held about the standards.
- Others considered that this issue was best covered in guidance separate to the standards of conduct, performance and ethics, which cover broad and overarching principles. This approach was favoured by some employers and professional body representatives who further commented that the longevity of the standards may be impacted on by a reference to social media which is a changeable and developing technology.

5. Other relevant considerations

5.1 A number of respondents to recent consultations on the changes to the standards of proficiency suggested that an additional standard be included to

ensure that social media was used appropriately in practice. These comments were not considered during the revisions to the standards of proficiency as they refer to conduct and professional behaviour more appropriate for consideration during the review of the standards of conduct, performance and ethics.

5.2 In recent years the Policy Department has received a small number of enquiries regarding our approach to a registrant’s use of social media. This has included employers looking for steering when considering their organisational approach and registrants seeking advice.

5.3 We have also received a small number of requests to present to large audiences of registrants and employers about our approach to social media.

6. Other standards and guidance

6.1 Health and social regulators in the UK adopt different approaches to covering social media in their respective standards and/or guidance. The table below outlines the position of each of the other regulators.

Regulator	Approach on social media
General Medical Council (GMC)	The GMC has no specific standard on social media but standards in its Good Medical Practice and Confidentiality guidance refer briefly to social media and internet forums. The GMC produces three pages of specific guidance on applying their standards to social media covering aspects such as: confidentiality, professional boundaries, respect for colleagues, anonymity and conflicts of interest.
Nursing and Midwifery Council (NMC)	The NMC’s standards do not currently reference social media. Their website currently includes some brief advice for registrants stating that the high standards expected in The Code should be applied to use of social networking sites. The advice includes an inexhaustive list of examples of inappropriate use of social media. It also provides a small amount of advice for employers and educators producing policies on this issue and investigating related complaints. The NMC is currently revising their code and the initial draft for consultation includes the following standard: ‘use social networking sites and other forms of electronic communication responsibly and in line with NMC guidance.’
General Dental Council (GDC)	The current conduct Standards for the Dental Team includes a standard on social media in relation to confidentiality: ‘you must not post any information or comments about patients on social networking or blogging sites. If you use professional social media to discuss anonymised cases for the purpose of discussing best practice you must be careful that the patient or patients cannot be identified. See our website

	for further guidance on social networking.’ The GDC’s two pages of further guidance applies other aspects of the standards to the use of social media. This includes sections on anonymity, professional boundaries, personal use, security and professional reputation.
Scottish Social Care Council (SSCC)	The current standards for Scottish social workers do not include a reference to social media. Instead they produce three pages of guidance available on their website about applying principles of confidentiality, conflicts of interest, self-disclosure and dual relationships.
Northern Ireland Social Care Council (NISCC)	The NISCC does not currently have any standards or published guidance on the topic of social media. However, they are currently considering the possibility of doing so as part of their current review of their Code of Practice.

- 6.2 The remaining regulators do not currently reference social media in their standards or guidance.
- 6.3 A number of professional bodies produce substantive profession-specific guidance for some of the professions that we regulate – e.g. the British Association of Social Workers, the College of Occupational Therapists and the Chartered Society of Physiotherapy.
- 6.4 A range of local protocols have been produced on this issue to provide guidance registrants on their use of social media in their work.

7. Executive recommendations

- 7.1 The Executive recommends that a standard on social media is not introduced as a new standard, nor is social media referenced in already existing standards. The Executive considers this to be an appropriate and proportionate response for the following reasons.
- Findings from the research activities highlighted that references to social media in the standards were not universally requested by participants. Indeed some participants suggested that social media should not be specifically included in the standards.
 - Use of social media does not introduce new ethical considerations for registrants, but instead requires the application of already existing principles to a new area of practice. Many of the issues participants in the research raised in relation to social media are already covered in the standards. This includes issues of confidentiality and consent, professional conduct, professional boundaries and advertising.

- The safe and ethical use of social media remains a topical area of debate and many opinions exist about the way in which professionals should and should not be utilising the technology.
- Currently, only the GDC includes a specific standard on social media in their respective code of conduct and only the NMC has proposed its inclusion in their revised standards. The GMC is the only regulator to include any reference to social media in standards in the absence of a dedicated standard on the topic.
- Further, the introduction of a specific references to this issue would be contrary to the broad, overarching nature of the existing standards which outline principles that should govern more specific areas of practice.

8. PLG considerations

- 8.1 On the basis of the Executive's recommendation, the PLG may wish to consider the following questions as part of their discussion on this topic.
1. What principles should be maintained in the standards to ensure that social media is sufficiently covered?
 2. Should any further principles be introduced to ensure that the standards cover the issues in relation to social media?
 3. In light of research participants' comments should the production of guidance on social media issue be further considered?

Focus on standards – social networking sites

More and more people are using social networking sites or blogs to communicate with friends and family. Registrants, educators and individuals studying to join the professions we regulate sometimes contact us to ask our views on the use of these sites. We recognise that these sites are a useful way of communicating and sharing information with friends and colleagues. Information placed on social networking sites is in the public domain and can therefore be viewed by other people.

We rarely need to take action over a registrant's use of social networking sites. We would only take action about a registrant using such a site if it raised concerns about their fitness to practise. For example, if we found out that a registrant had put confidential information about a service user in their blog or on their Facebook page.

You should make sure that when you use the sites, your usage is consistent with the standards that we set. The relevant standards from the standards of conduct, performance and ethics are as follows.

- You must act in the best interests of service users.
- You must respect the confidentiality of service users.
- You must keep high standards of personal conduct.
- You must behave with honesty and integrity and make sure that your behaviour does not damage the public's confidence in you or your profession.

The full standards of conduct, performance and ethics are available on our website at www.hcpc-uk.org/publications. If you are a student, you can find similar principles in the guidance for students on conduct and ethics, which is also available on our website.

When you post information on social networking sites, think about whether it is appropriate to share that information. If the information is confidential and is about your service user, patient, client or colleague, you should not put it on a site. This could include information about their personal life, health or circumstances.

You may use social networking sites to share your views and opinions. Again, this is not something that we would normally be concerned about. However, we might need to take action if the comments posted were offensive, for example if they were racist or sexually explicit.

Social networking sites are a part of many registrants' and students' everyday life. We do not have any concerns about you using these sites, so long as you do so within the standards that we set.

This article is part of a series looking at our standards. We would welcome any comments you may have about this article or any suggestions of topics for the future. You can contact us by emailing policy@hcpc-uk.org