

NON-GOVERNMENTAL ORGANIZATION

NO. 11

18 JANUARY 2019

PROCEDURAL REGULATIONS PERTAINING TO THE FUNCTIONING OF THE OFFICE OF HEALTH STANDARDS COMPLIANCE AND HANDLING OF COMPLAINTS BY THE OMBUD**CODE OF CONDUCT FOR INSPECTORS**

I, Dr Sipiwe Mndaweni, the Chief Executive Officer of the Office of Health standards Compliance, in terms of regulation 10(2) of the Procedural Regulations Pertaining to the Functioning of the Office of Health Standards Compliance and Handling of Complaints by the Ombud published in *Government Gazette* No. 40396, Notice No. 1365 of 2 November 2016, hereby publish the Code of Conduct for Inspectors contained in the Schedule hereto.

**DR SIPHIWE MNDAWENI****CHIEF EXECUTIVE OFFICER: OFFICE OF HEALTH STANDARDS COMPLIANCE**

DATE: 27/11/2018

SCHEDULE

1. Definitions

- 1.1 “Code of Conduct” means the Code of Conduct for Inspectors of the Office;
- 1.2 “Office” means the Office of Health Standards Compliance established by section 77(1) of the Act; and
- 1.3 “the Act” means the National Health Act, 2003 (Act No. 61 of 2003).

2. Background

- 2.1 The Chief Executive Officer of the Office is required to develop and enforce a Code of Conduct for Inspectors, which must be signed by all the inspectors prior to the commencement of their duties.
- 2.2 This document sets out the standards of professional and ethical conduct expected of all the Inspectors.

3. Purpose

- 3.1 The primary purpose of the Code of Conduct is to promote exemplary conduct.
- 3.2 In carrying out their statutory functions, inspectors are required to adhere to certain standards of professional and ethical conduct. It sets the standard on actions, appearance, conduct and demeanor.

4. Values and Principles

- 4.1 The Code of Conduct underpins the following set of values and principles which govern the functioning of Inspectors:
 - 4.1.1 Act as the champion of the public and of health users to restore credibility and trust, by protecting the public interests.
 - 4.1.2 Protect and promote the health and safety of users of health services in the Republic.

- 4.1.3 Respect healthcare users and their families as well as healthcare staff.
- 4.1.4 Strive for effectiveness in achieving health system change and social impact.
- 4.1.5 Promote excellence, innovation and efficiency in healthcare operations.
- 4.1.6 Promote fairness and commitment to intellectual honesty, displayed through competency.
- 4.1.7 Promote transparency while respecting the right to confidentiality, through objectivity.
- 4.1.8 Achieve the highest standards of ethical behaviour, teamwork and collaboration.
- 4.1.9 Promote professionalism, ethics, compassion, diversity, and social responsibility through exemplary personal conduct and skillfulness.

5 Scope

The Code of Conduct applies to all Inspectors of the Office appointed in terms of section 80(2) of the Act, when conducting their official duties.

6. Compliance with laws and regulations

6.1 An Inspector must –

- 6.1.1 commit to ensuring that she or he has a sound understanding of all relevant laws, regulations, norms and standards and policies in order to carry out her or his duties professionally.
- 6.1.2 exercise her or his powers within the ambit of the law and other regulatory prescripts.
- 6.1.3 evaluate health establishments in accordance with the prescribed norms and standards.
- 6.1.4 abide by the Constitution and other relevant laws, regulations, norms and standards, policies and guidelines, in the performance of her or his duties.

7. Conduct towards health users and the public

7.1 An Inspector must: -

- 7.1.1 respect and protect the dignity and rights of health users.
- 7.1.2 not unfairly discriminate against any person based on race, gender, ethnic or social origin, colour, sexual orientation, age, disability, religion, political persuasion, conscience, belief, culture, language, or geographical location.
- 7.1.3 respect the rights of all health users to freedom and security of the person.
- 7.1.4 respect the rights of all health users to privacy, including confidentiality.
- 7.1.5 be polite and accessible to health users, the public and healthcare staff.
- 7.1.6 put the interests of health users and the public first in the execution of her or his duties.

8. Conduct towards the Office

8.1 An Inspector must-

- 8.1.1 protect and uphold the integrity of the Office.
- 8.1.2 co-operate with other employees to advance the interest of the Office.
- 8.1.3 execute all lawful instructions issued by persons who are officially authorised to give them.
- 8.1.4 deal fairly, professionally and equitably with other employees, irrespective of race, gender, ethnic or social origin, colour, sexual orientation, age, disability, religion, political persuasion, conscience, belief, culture or language.
- 8.1.5 not use her or his influence or abuse her or his authority when dealing with colleagues.
- 8.1.6 not conduct herself or himself in a manner that could jeopardize or harm the name or image of the Office.

9. Conduct towards health establishments and healthcare staff

9.1 An Inspector must: -

- 9.1.1 carry out her or his duties in a courteous and non-discriminatory manner, with a minimum level of disruption necessary.
- 9.1.2 maintain a mutually respectful and collegial relationship with healthcare staff in health establishments.
- 9.1.3 apply her or his knowledge, skills and experience in a competent and professional manner, to the best of her or his ability.
- 9.1.4 gather, interpret and report on evidence concerning health establishment with the highest levels of professionalism.
- 9.1.5 objectivity perform her or his duties with the highest degree of reasonableness, fairness and accuracy to make a balanced assessment of a health establishment's compliance with the law.
- 9.1.6 provide the health establishments with timely, accessible and accurate information regarding compliance or non-compliance and steps to be taken to comply with the prescribed norms and standards.
- 9.1.7 be unbiased and impartial, not allowing her or his evaluations to be unduly influenced by predetermined views, values or attitudes, instead be guided by the evidence gained during inspections in her or his decision-making.
- 9.1.8 consider all evidence against a set of predefined principles to ensure that she or he is consistent and fair in her or his judgement.
- 9.1.9 give honest, impartial and constructive feedback to health establishments after inspections.

10. Personal conduct

10.1 An inspector must-

- 10.1.1 behave and dress in a manner that enhances the reputation of the Office.
- 10.1.2 be punctual at all times.

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- 10.1.3 present herself or himself in a professional wear and behave in a professional manner.
 - 10.1.4 uphold highest professional standards in her or his work.
 - 10.1.5 maintain and develop own professional competence.
 - 10.1.6 not make use of any substance having an intoxicating effect while performing her or his duties, except prescribed medication.
 - 10.1.7 refrain from party political activities during the execution of duties.
 - 10.1.8 use appropriate channels to communicate her or his grievances or to direct representations.
 - 10.1.9 Delete any evidence, including photos and other images that were captured on any electronic devices while conducting formal duties, once such evidence is stored as part of inspections record.
 - 10.1.10 maintain confidentiality in relation to all classified information or documents or information or documents that are considered as confidential or secret.
 - 10.1.11 constantly seek to enhance her or his efficiency and effectiveness in the carrying out of her or his duties.
 - 10.1.12 maintain satisfactory levels of competence and constantly seek to improve her or his proficiency through ongoing training and self-development as determined by the Office.
 - 10.1.13 perform her or his work with honesty, integrity, diligence and responsibility.
 - 10.1.14 apply her or his decisions, methods, principles and outcomes based on clear and consistent norms and value
 - 10.1.15 not knowingly be part of any illegal activity or engage in any act that may put the Office into disrepute.
 - 10.1.16 not make any false or misleading representation or engage in deceptive or unconscionable conduct in relation to her or his functions.
 - 10.1.17 maintain utmost privacy in the use, handling, storage and protection of information acquired during her or his duties.

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- 10.1.18 not be involved in any act of intimidation or violence during inspections.
- 10.1.19 only use her or his title in relation to official business.
- 10.1.20 not use her or his position to benefit herself or himself or others.
- 10.1.21 avoid situations that could give an impression of impropriety during inspections.
- 10.1.22 not give preferential treatment to any health establishment and avoid situations that raise the suspicion of preferential treatment.

11. Conflict of interest

11.1 An inspector must—

- 11.1.1 declare any personal or other interest in any matter that is the subject of an inspection or investigation, which could compromise, or appear to compromise, her or his professional judgement, objectivity or independence.
- 11.1.2 not use any information gained through inspections for personal gain or for the gain of others.
- 11.1.3 be honest and accountable in dealing with allocated funds and use the Office's property and other resources effectively, efficiently, and only for authorized purposes.
- 11.1.4 not, without approval, undertake remunerative work outside his or her official duties or use office equipment for such work.
- 11.1.5 guard against activities or relationships which may create a conflict of interest in the performance of her or his duties and disclose any financial or personal conflicts of interest.
- 11.1.6 not permit herself or himself to be exploited in any manner.

- 11.1.7 observe all relevant laws, regulations, policies and norms and standards in the execution of her or his functions or performance of her or his powers.
- 11.1.8 not use a cell phone or access any social media platform during inspection other than for work related or emergency purposes.

12. Acceptance of gifts, hospitality and services

- 12.1 An inspector may not accept personal gifts, hospitality or services which would, or might appear to place him or her under any obligation.
- 12.2 An Inspector must declare any gift by a health establishment and return any inappropriate gift or gifts that are not generally made available to the public at social events or promotions.

13. Reporting of unprofessional, illegal or unethical conduct.

13.1 An inspector must: -

- 13.1.1 report to the appropriate authorities, fraud, corruption, nepotism, mal-administration or any other act which constitutes an offence, or which is prejudicial to the public interests.
- 13.1.2 report to the Office any conduct of a colleague, which she or he considers to be unsafe, illegal, unethical or in conflict with the provisions of this Code of Conduct.

14. Confidentiality

14.1 An Inspector must-

- 14.1.1 respect the confidentiality of information obtained during the performance of her or his duties.

- 14.1.2 not disclose such information to any person unless required to do so by law or by an order of Court.

15. Reporting

15.1 An inspector must-

- 15.1.1 report her or his findings in an objective and transparent manner.
- 15.1.2 not knowingly understate or overstate the significance of any reported condition.

16. Record keeping

An inspector must maintain clear and accurate records in an accessible and secure manner.

17. Contravention of the Code of Conduct

An inspector will be guilty of misconduct if she or he contravenes any provision of this Code of Conduct or fails to comply with any provision thereof.