

Consultation on the Osteopathic Council's Proposed Code of Conduct

Introduction

The Osteopathic Council has recently introduced a *Code of Conduct* to ensure it is setting appropriate standards of ethical conduct for osteopaths to protect the health and safety of health consumers. The Council is required to set standards of ethical conduct to be observed by osteopaths under section 118 of the Health Practitioners Competence Assurance Act 2003.

The Code is a set of standards set by the Council in consultation with the profession, the public and other stakeholders that describes the behaviour and conduct that osteopaths are expected to uphold. It provides guidance on appropriate behaviour and can be used by health consumers, osteopaths, employers and other health practitioners to evaluate the conduct of osteopaths.

Osteopaths must be able to be held accountable for their practice by health consumers, employers, the Health and Disability Commissioner, the Health Practitioners Disciplinary Tribunal and other agencies as well as the Osteopathic Council. Some conduct that falls below a standard expected of an osteopath may be managed through the remedial competence review process rather than by a disciplinary process.

Professional codes

Standards of ethical conduct for professionals are usually contained in codes developed by regulators or professional associations. Codes fall into three broad categories: codes of ethics, codes of conduct and codes of practice.

Code of ethics

A Code of Ethics was developed by the Osteopathic Council in 2009. This code was intended to provide a common standard for all osteopaths to follow and a benchmark for the public on the standard of practice they can expect from an osteopath. Since the development of this Code there have been changes in the expectations of health consumers and Tribunal decisions across all professions about professional behaviour that means the Council is required to provide more guidance on the behaviour and conduct of the profession, particularly in the area of professional boundaries. The Code of Conduct will replace the current Code of Ethics.

Codes of conduct

Codes of conduct have been developed by regulators to provide guidance to the public and to practitioners to assist in determining professional misconduct. These documents prescribe minimum standards of behaviour for the profession and contain authoritative statements that are legally enforceable. They may also contain some aspirational statements and ideal value statements, but these are not intended to have any legal effect.

Development of a new draft code of conduct

In 2018 the development of a Code of Conduct was the focus of the three regional conferences held in Auckland, Christchurch and Wellington. At that conference there was general support for

adopting the Code of Conduct that had been developed for nurses, with some changes that reflect osteopathic practice.

In early 2020, the Council consulted on this initial Code of Conduct, leading to the development of the current version. This was approved by Council and released in April 2020.

Revision of the code of conduct

In 2020, the Council considered how they might better engage with Te Tiriti o Waitangi and work toward becoming more responsive to Māori. Through this work, the Council noted that the Code of Conduct could benefit from greater reference to expectations around engaging with Te Tiriti for both the Council and the profession.

The Council sought further advice in this matter, which led to the revisions presented in this consultation. This updated draft Code of Conduct now specifically notes Council's acknowledgement of Te Tiriti o Waitangi and sets out the articles and principles that guide Council and the profession in engaging with their responsibilities and obligations under Te Tiriti.

In addition, Principle 2 of the Code of Conduct now includes an expectation that Council and the profession will demonstrate this commitment to Te Tiriti o Waitangi in their professional work.

The Council has developed the changes highlighted in the attached draft Code of Conduct and seeks your opinion on these proposed changes to this policy by **15 November 2021**.

Consultation Questions

1. Do you agree with the additions set out in the draft Code of Conduct? If not, what changes to the proposed additions do you think would be suitable?
2. Are there any other suggestions you would like to make to improve this Code of Conduct?