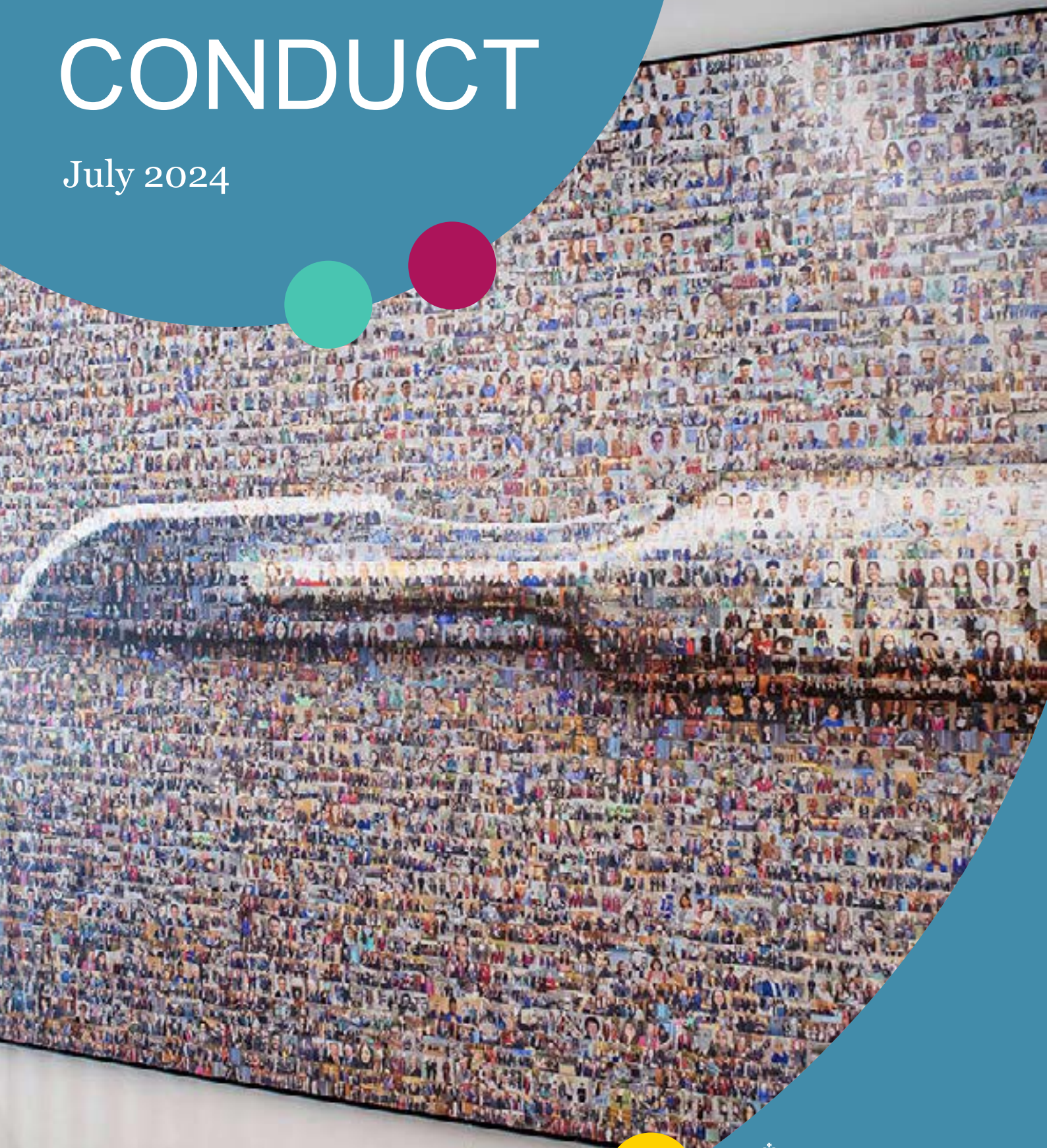


# CODE OF CONDUCT

July 2024



Royal College  
of Surgeons  
of England

ADVANCING SURGICAL CARE

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# Code of Conduct

This Code of Conduct sets out a framework of behaviour expected of members of the Royal College of Surgeons of England (the College) and non-members who are in a College appointed or elected role (outlined in Appendix 1, hereinafter 'specified non-members') and College staff. It is in alignment with and complements the standards set out in Good Surgical Practice.

All members are required to adhere to the Code of Conduct as a condition of their membership. Failure to do so may result in the removal of RCS England membership and/or fellowship.

All specified non-members are required to adhere to the Code of Conduct as a condition of their role. Failure to do so may result in the removal of their College appointed or elected roles.

All College staff are required to adhere to the Code of Conduct as a condition of their employment. Failure to do so may result in a disciplinary process.

## 1. Introduction

It is a privilege to be able to serve the College, and membership brings professional benefits. These benefits carry with them responsibilities and obligations to act in accordance with the highest standards as members or specified non-members.

Those who are members or specified non-members of the College or College staff are deemed to represent the College, and their actions can uphold the reputation of the College or bring it into disrepute. All members are thus required to adhere to the provisions set out in this **Code of Conduct** which forms a condition of membership. All specified non-members (**outlined in Appendix 1**) are required as a condition of appointment to their role to adhere to the Code of Conduct.

All College members and specified non-members must be aware of their obligations under the Code and comply with its provisions.

This Code acknowledges that such individuals will be identified with the College when acting in any capacity for, or on behalf of, the College and sets out the appropriate standards of conduct. These standards will apply whenever undertaking or participating in activities on behalf of, or as a representative of, the College, whether in a paid or unpaid capacity and regardless of geographical location.

In addition to the Code, each member or specified non-member must be aware of the specific jurisdictional requirements and legal responsibilities relevant to the country or territory in which they operate. Where any provision of the Code conflicts with the law, the law will always take precedence.

All members or specified non-members must be familiar with and comply with any relevant code(s) of conduct relevant to their practice, including those relating to surgical specialty societies, associations and colleges (referred to hereinafter as 'associated professional organisations').



## 1.2 Breaches of the Code of Conduct

The College promotes and enforces the standards specified within this Code, adherence to which is deemed to constitute a condition of membership or appointed/elected role for specified non-members. Those who are found to have breached the Code through non-compliance with any of its provisions may be subject to sanctions outlined in the Code itself and/or in relevant policies up to and including the removal or suspension of membership or appointed/elected role.

### 1.2.1 Making a Complaint

The College takes all complaints and allegations regarding breaches of the Code seriously.

The College has processes in place to assess and, in some circumstances, to investigate complaints.

Anyone, including members of the public, can raise a concern about a member or specified non-member if they are in breach of the code by emailing [chiefexecutive@rcseng.ac.uk](mailto:chiefexecutive@rcseng.ac.uk)

Special reporting procedures are in operation where a concern or complaint relates to sexual misconduct, sexual harassment and/or bullying. The College's Sexual Misconduct, Sexual Harassment and Bullying Prevention and Action Policy, coming later in 2024, will cover the reporting mechanisms in these cases.

Staff members of the College can report breaches of the Code of Conduct by contacting the HR team at [rcshr@rcseng.ac.uk](mailto:rcshr@rcseng.ac.uk)

For complaints about an NHS hospital, private hospital or individual surgeons please refer to [Making a complaint — Royal College of Surgeons \(rcseng.ac.uk\)](#)



## 2. Standards of Professional Behaviour

The following standards of professional behaviour are expected of all members and specified non-members and staff of the College when undertaking or participating in activities in which the individual is acting on behalf of or representing the College, whether in a paid or unpaid capacity.

### 2.1 College Values

The expected standards align with the College's values of collaboration, respect, and excellence:

#### Collaboration

We embrace our collective responsibilities, working collaboratively and as one College.

##### Behaviours

- We work together, using our collective expertise and experience to effect positive change.
- We are open, honest, transparent and straightforward in our language and actions, acting with sincerity and delivering on our commitments.
- We take our responsibilities to each other, to patient care and to the environment seriously and we act with this in mind across our work.

#### Respect

We value every person we come into contact with at the College as an individual, respect their aspirations and commitments in life, and seek to understand and meet their physical and wellbeing needs.

##### Behaviours

- We treat everyone we meet with kindness and integrity, and we seek to promote these behaviours in others.
- We actively seek a range of views and experiences across our work, and we listen to and make everyone feel a valued part of the team.

#### Excellence

We aspire to excellence and success. We share learning from our experiences, apply feedback into practice, and commit to continual improvement.

##### Behaviours

- We work hard to be the best at what we do, recognising and celebrating effort and achievement and reflecting on our work so we can learn and improve.
- We value and invest in research, education and training to drive excellence and put improvements in surgical practice, dentistry and patient care at the heart of our work.
- We always seek to learn and discover more, valuing knowledge and scientific evidence, and basing our decisions on insights, facts and experience.



## 2.2 Good Standing

In pursuance of the College's values and as a condition of membership of the College or appointed/elected role, all members and specified non-members must ensure that they remain in good standing with the appropriate regulatory bodies and associated professional organisations, as well as with the College itself.

A member or specified non-member must immediately notify the Chief Executive of the College in writing at [chiefexecutive@rcseng.ac.uk](mailto:chiefexecutive@rcseng.ac.uk) if:

- a.** for any reason, a member's or specified non-member's status changes so that they are not in good standing with a regulatory body and/or associated professional organisation for any reason.
- b.** a member/specified non-member is placed under investigation by the GMC/GDC, any other regulatory body or associated professional organisation, or by an employer.
- c.** a member/specified non-member is facing disciplinary action of any kind from the GMC, any other regulatory body or affiliated professional organisation, or an employer.
- d.** membership or fellowship of an associated professional organisation is withdrawn following a disciplinary hearing.
- e.** a member/specified non-member is charged with a criminal offence.

### 2.2.1 Investigations

The College has powers to carry out its own investigations into certain types of alleged behaviours related to the terms and conditions of membership of the College, including dishonesty, misrepresentation or withholding information, and other breaches of this Code.

In cases of alleged sexual misconduct, including sexual harassment and all other forms of bullying and harassment, the College has powers to carry out its own investigations where the alleged perpetrator is a College member or specified non-member and the alleged misconduct took place on College premises and/or the individual was acting in their capacity as a College appointed or elected role-holder.

The College will reserve the right to report allegations of sexual misconduct, including sexual harassment and all other forms of bullying and harassment made against a member or specified non-member, to the alleged perpetrator's employer so that, where appropriate, an investigation can be conducted under the terms of employment. For the purposes of such investigations, the College will cooperate fully with the relevant Investigating Officer.



## 2.2.2 Sanctions

1. Failure to comply with the above notification requirements may result in the immediate withdrawal of membership or appointed/elected role.
2. If, following an investigation by the College itself, or on the basis of a completed investigation by an employer, the GMC/GDC, any other regulatory body or associated professional organisation, a member or specified non-member is found to be no longer in good standing with the College, membership of the College or appointed/elected role will be withdrawn.
3. If the College is the body responsible for the investigation, related information, including the findings and any applicable sanctions, may/will be communicated to the individual's employer, the GMC/GDC and/or any other associated professional organisation of which they are a member or specified non-member.
4. Where an investigation by the GMC/GDC, any other regulatory body or associated professional organisation or an employer is ongoing, the College will withhold taking any action until the investigation is completed and the outcome is known.
5. Any member or specified non-member who finds themselves to be no longer in good standing with the GMC/GDC, any other regulatory body or whose membership or fellowship of an associated professional organisation is withdrawn following a disciplinary hearing will have their membership of the College or appointed/elected role withdrawn.

## 2.3 Personal Relationships with Colleagues and Staff members

All members and specified non-members are expected to conduct themselves in accordance with the College's values of collaboration, respect and excellence in all their relationships with colleagues and staff members of the College at all times. The Code's provisions on interpersonal relationships will apply to working time and related activities as well as to all circumstances in which the individual is undertaking or participating in activities in which they are acting on behalf of or representing the College, whether in a paid or unpaid capacity.

The following requirements are designed to safeguard professional relationships and ensure that all in the surgical workforce and wider health professions are confident that relationships will be conducted with integrity. They support the College's commitment to create an environment within which it is able to exercise its duty of care to all members, event delegates, exam candidates and course participants, trainees, students, staff members and others.



## 2.3.1 Disclosure of Personal Relationships

Members and specified non-members are required to disclose any type of close personal relationship with event delegates, exam candidates and course participants, trainee or student, or any type of close personal relationship with another member, specified non-member or College staff member, which could be perceived as presenting a conflict of interest to the College. This will enable appropriate management of the situation and help to avoid any actual or potential conflict of interest that could compromise members' judgment, decisions, or actions around College-related activities.

### Close personal relationships include:

- Intimate relationships – including all sexual or romantic contact, whether in person and/or online or via means of other electronic or written communication, one-off or longer-term.
- Close friendships, including personal relationships which extend beyond usual work, study, or extracurricular/leisure activities through which individuals may be acquainted. It, therefore, involves close friendships where individuals are well-acquainted and engage frequently in activities together which are unrelated to work or study. It does not cover work-related group activity such as out of work socialising with colleagues.
- Family relationships – including partners, spouses and children.

Members and specified non-members who undertake work for the College, whether in a paid or unpaid capacity, must not abuse their position in any way, including by making any form of sexual advance towards staff, event delegates, exam candidates, course participants, students or trainees, pressurising students or trainees into intimate relationships, or through any form of sexual harassment, coercive/controlling or predatory behaviour (coming later in 2024, our Policy on Sexual Misconduct, Sexual Harassment and Bullying Prevention and Action will provide further information).

All forms of non-consensual relationship are prohibited and may be subject to criminal investigation.

The College recognises the inherent imbalance of power between staff, members, or specified non-members (including trainers, supervisors and examiners) and event delegates, exam candidates, course participants, students and trainees, and therefore:

Intimate relationships between staff, members, or specified non-members and students or trainees, including event delegates, exam candidates and course participants, are **strongly discouraged** in cases where there is a professional connection or proximity between the member, specified non-member and the student or trainee including event delegates, exam candidates and course participants, for example where the member or specified non-member teaches or supervises in the same hospital trust as the student or trainee.

A disclosure of a close personal relationship should be made to [chiefexecutive@rcseng.ac.uk](mailto:chiefexecutive@rcseng.ac.uk), who will ensure measures are put in place to prevent actual or potential conflicts of interest while dealing with the matter in a manner that aims to protect the dignity and privacy of all parties.

Failure to comply with the disclosure of a close personal relationship may amount to a breach of this Code.





## 2.4 Sexual Misconduct, Sexual Harassment and Bullying

The College's Sexual Misconduct, Sexual Harassment and Bullying Prevention and Action Policy, coming later in 2024, provides clear definitions of what constitutes relevant behaviours and sets out how they should be reported and the different means by which such reports will be handled by the College. It also provides details of the system of cross-reporting to other competent organisations, including the GMC/GDC, other regulators and associated professional organisations, as well as to the alleged perpetrator's employer.

All members and specified non-members are expected to familiarise themselves with and adhere to the provisions of the Policy and any updates to it as they are communicated and to undertake associated mandatory training as and when required. Failure to do so will amount to a breach of this Code.

All forms of bullying and harassment are breaches of this Code. Any allegations of such behaviour will be treated with the utmost seriousness and all appropriate actions taken.

The College will work to eradicate sexual misconduct, including sexual harassment, within the surgical workforce and wider health professions. Such behaviours will not be tolerated, and where any such behaviour is found to have occurred, this may result in the removal of the perpetrator's membership or appointed/elected role.

## 2.5 Standards of Clinical Practice

All members and specified non-members are expected to follow **Good Surgical Practice** which provides clear and assessable standards for individual surgeons and their practice.



## 2.6 Teaching, Examining, Instructing and Training

All parts of this Code will apply to members and specified non-members who are engaged in the delivery of teaching, supervision, instructing and training, including examining and assessment on behalf of the College under any arrangement, whether paid or unpaid.

In addition to adherence to all provisions of the Code, those who engage in teaching, supervision, instructing and examining for any purposes in their capacity as members or specified non-members are expected to comply with the following requirements:

Treat College staff, examiners, faculty, candidates, participants and any other persons with respect and courtesy.

Be mindful of cultural sensitivities when teaching, examining, instructing and training, especially outside the UK. The College will provide an update on local sensitivities as appropriate/required.

Be mindful of and respect personal space.

Adhere to the requirements of the course/assessment outline and associated course/ assessment guidance.

Dress in a professional and appropriate fashion for the relevant activity.

Not to discuss candidates or participants inappropriately.

Not to discuss sensitive matters where such comments may be overheard.

Respond to enquiries relating to the role in a timely manner and/or alert the relevant College contact if unavailable to deliver in the capacity of the role.

Contribute to evaluation requests to allow ongoing improvements to College processes and products.



## 2.7 Maintaining Professional Standards

### Confidentiality

- Respect the confidentiality of information received and assessments made during a College activity, such as an examination or interview.
- Not to disclose for personal purposes or to a third party, except with the prior written authority of the Chief Executive of the College or as required by law, any sensitive information or course/assessment materials accessed in an elected or College appointed role, even if no longer active in the role.
- Not to make any public statements, including via social media, relating to the affairs of RCS England without prior consultation with RCS England's communications team, with the exception of publicising or promoting courses/events or information in the public domain.

### Health and safety

- Have close regard for the health, safety and welfare of self, colleagues and examination candidates, and course and conference delegates.
- Abide by the requirements of the Human Tissue Act 2004 (if applicable to the role).

### Conflict of interest

- Immediately disclose actual or potential conflicts of interest or commercial connections.

### Commitment

- Maintain skills and knowledge by ensuring availability for carrying out an appointed role on a regular basis as specified.

### Data protection

- Protect any data that is shared during the course of carrying out an appointed role, according to the General Data Protection Regulation 2016/679.
- Maintain personal website account with accurate information.
- Agree that the College may be in contact with invitations to act in a role and regarding any other matters that directly relate to the College appointed role.



# Appendix 1

‘Members’ as outlined in standing rule 2, includes fellows, members, associates, affiliates and surgical team members.

‘Specified non-members’ include all those who are not members (as defined above) who are:

- members of committees and sub-committees of the Council or the FDS Board;
- examiners;
- lay examiners;
- Invited Council members;
- Directors of Professional Affairs (now Regional Directors);
- Surgical Tutors; and
- any other roles or appointments of Council, including, without limitation, any appointment to represent the College on an external body.

## **Clinical leadership and voluntary roles**

- Examiners
- Convenors
- Clinical lead
- Working group member
- College Assessors
- Faculty and Course Director
- Plarr’s Lives of Fellows chair and writers
- Library and Archives volunteers
- Museum volunteers
- Surgical Specialty Association reviewers
- Quality Assurance Operational Group (QAOG) reviewers
- IRM reviewers
- Global Advisors
- any other roles and appointments that represent the College



# Code of Conduct

## **I will:**

- adhere to the provisions of this Code of Conduct whenever acting on behalf of or representing the Royal College of Surgeons of England;
- undertake to improve my knowledge and skills by participating in relevant training and other educational opportunities as and when appropriate and to continuously evaluate and reflect on my performance continuously;
- always be respectful of my colleagues, staff members, event delegates, exam candidates, course participants, trainees and students and readily offer them my assistance and support;
- work to eradicate all forms of sexual misconduct, including sexual harassment, and all other forms of bullying and harassment within the surgical workforce and within the broader medical professions.

## **I understand that the College will:**

- assist me with any enquiries that I may have in relation to my role;
- provide supporting materials that will enable me to fulfil my role in a timely manner;
- pay reasonable and agreed expenses within a reasonable time frame;
- recognise my contribution through a variety of mechanisms;
- keep me up to date and informed of College news and developments;
- assist me with any aspect of my role, including travel, accommodation and subsistence enquiries;
- where appropriate, provide certificates as proof of participation;
- provide other forms of proof of participation as and when requested;
- suggest other opportunities for involvement in projects that may contribute to my professional development;
- provide testimonials where appropriate of my contributions;
- notify me of opportunities to fulfil my role internationally as required;
- inform me of events and networking opportunities that I can attend through taking on this role.





# Intellectual property, copyright and media consent

In relation to all 'works' relating to being a faculty member, course director or product development working group member.

## Intellectual Property

I *assign* the following rights, with full title guarantee to the work and future work, to RCS England:

- All intellectual property rights of the work.
- Any registered intellectual property rights connected with the work.
- All goodwill attached to these intellectual property rights.
- The exclusive right for RCS England to use the intellectual property rights.
- The right to sue for damages and other remedies for infringement of any of these rights.

I *warrant*:

- The work is my original work.
- It has not been copied from any other source.
- I am the sole owner of all intellectual property rights in the work.
- I have not licensed or assigned any rights to the work to any third party.
- My work does not infringe the statutory or common law rights of any third party.

I *indemnify* RCS England against any loss, damages or costs sustained in relation to any breach by me of these warranties.

I *agree* to provide reasonable assistance to RCS England in pursuing any infringement of intellectual property rights relating to these works.

I *irrevocably and unconditionally waive*, in favour of RCS England, the moral rights conferred on me by the Copyright Designs and Patents Act 1988 in respect of any Intellectual Property Rights in which the copyright is vested in RCS England. This waiver shall extend to any licensee or successor in title to such copyright. The parties hereto agree that when used by RCS England the work shall carry an acknowledgement that the assignor is the author of the work.

## Copyright

I hereby grant RCS England a licence to use material(s) contributed by me for educational and/or marketing purposes via web-based and other digital/print methods. In the event that any materials supplied by me contain the work of third party individuals or organisations, I understand that it is my responsibility to secure the relevant permissions and/or licences which will allow me to grant such a licence. RCS England will not be held responsible for any

individual's failure to obtain the necessary permissions, licences and/or consents, and I indemnify RCS England against any loss, damages or costs sustained in relation to any failure to do so.

I accept that the subsequent use may be in a number of media, including but not limited to print, digital and electronic use by RCS England and/or by agents authorised by RCS England.

In the event that I do not own the copyright for any materials that I give to RCS England, I will declare this at the earliest opportunity and work with RCS England to identify the copyright owners and seek their permission or find alternative materials that do not require copyright.

In particular, any images, data or representation of patients must have their permission.

## Media Consent

I consent to the capture of:

- Still images (photographs)
- Moving images (film/video)
- Audio recordings

RCS England may process this personal data in the making of the image(s) and/or recording(s) available for use for educational and/or marketing purposes in appropriate file formats via web-based and/or other digital and/or print methods.

I understand that:

- Editing may be required by RCS England or by agents authorised by RCS England for quality or technical purposes;
- Edited subsections may be used in other RCS England materials for purposes stated above;
- The image(s) and/or recording(s) will be stored securely in appropriate file formats on servers belonging to RCS England and/or its authorised agents.



## Non-disclosure agreement

1. RCS England intends to disclose information to the Recipient for the purpose of:
  - a) teaching on RCS England courses;
  - b) developing new content for RCS England products;
  - c) re-developing content for RCS England products.
2. The Recipient undertakes not to use the information for any purpose except those identified above without first obtaining the written agreement of RCS England.
3. The Recipient undertakes to keep the information secure and not to disclose it to any third party.
4. The undertakings in clauses 2 and 3 above apply to all of the information disclosed by RCS England to the Recipient, regardless of the way or form in which it is disclosed or recorded, but they do not apply to:
  - a) any information which is, or in future comes into, the public domain (unless as a result of the breach of this Agreement); or
  - b) any information which is already known to the Recipient and which was not subject to any obligation of confidence before it was disclosed to the Recipient by RCS England.
5. Nothing in this agreement will prevent the Recipient from making any disclosure of the information required by law or by any competent authority.
6. The Recipient will, on request from RCS England, return all copies and records of the information to RCS England and will not retain any copies or records of the information.
7. Neither this agreement nor the supply of any information grants the Recipient any licence, interest or right in respect of any intellectual property rights of RCS England except the right to copy the information solely for the purposes identified in clause 1.
8. The undertakings in clauses 2 and 3 will continue in force indefinitely from the date of this agreement.
9. This agreement is governed by, and is to be construed in accordance with, English law. The English Courts will have non-exclusive jurisdiction to deal with any dispute which has arisen or may arise out of, or in connection with, this agreement.