



# RCP500

## Code of Conduct

**RCP500, the 500th anniversary celebration of the Royal College of Physicians gives us the opportunity to explore and learn from our history,\* both in how we can apply this learning to the professional health of physicians in the 21st century and in how we conduct ourselves.**

This document is intended to provide a clear set of expectations as to how RCP members, fellows and other healthcare professionals conduct themselves when working for or representing the RCP. The standards identified should be seen as an adjunct to guidance provided by the GMC and published in documents such as *Good medical practice*,<sup>1</sup> *Leadership and management for all doctors*<sup>2</sup> and *Doctors' use of social media*,<sup>3</sup> in addition to the Nolan principles of public life.<sup>4</sup> The document does not diminish an individual's duty to act in accordance with their employing organisation's requirements and their contract of employment.

The broader topic of medical professionalism is currently being addressed by the RCP in a separate publication. The RCP is also undertaking work on values and engagement relating to RCP staff and the principles in that document will align with the standards listed below.

The final version of this document will be considered in the review of bye-laws that is currently in progress and may result in a change to Bye-law 168 and/or resolution.

\* See Appendix 1 RCP500: A historical record of RCP conduct over the past 500 years by Andrew Macleod, RCP censor

### Standards

The following standards apply to all members, fellows and other healthcare professionals when representing the RCP, working on the RCP's behalf or attending an RCP event (business or social, in any location).

The standards relate to all forms of communication including written, verbal, non-verbal, electronic and social media, especially where the professional concerned could be deemed to be representing the RCP or if there are potential implications for the RCP's reputation.

Members, fellows and other healthcare professionals have collective responsibility to maintain these standards. They should be aware that if they fail to meet them, after full ascertainment of the circumstances, steps may be taken to address their behaviour and appropriate sanctions applied.

...it is certain that our Colledge can by no means be more firmly established and continued, then by good Laws, honest Governours, and Manners, and the singular Virtues and Learning of the Collegues.'

Royal College of Physicians' Statutes, 1555

The care of the patient is our first concern; how we conduct ourselves directly impacts on this care'

RCP censors





Royal College  
of Physicians

- >> Treat others with respect and consideration
- >> Recognise and value diversity and individual differences
- >> Behave with integrity, honesty, kindness and patience
- >> Be a role model for professional behaviours
- >> Undertake our work in good conscience and to the best of our ability
- >> Foster collaborative and supportive working with others
- >> Promote trust and a just culture
- >> Hold ourselves and others accountable for professional and personal behaviours
- >> Take responsibility for the stewardship of our position of authority, mindful of our impact on others
- >> Respect the RCP's standards and rules and be a guardian of its reputation

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We promise to seek to provide the highest standards of patient care at all times, working with others to treat patients in the manner in which we would wish to be treated ourselves, and to involve patients, their families and carers in decisions about their care'

RCP500 Charter



# RCP500 Code of Conduct

## The Code of Conduct is to be included in:

- >> fellowship proposal criteria
- >> new member and fellow ceremonies
- >> Bye-law 168/resolutions amendment.

## How concerns about conduct may be escalated

Escalation of concerns needs to be without fear of reprisal and in accordance with the RCP's whistleblowing policy.

The RCP has a leaflet outlining all staff's rights and responsibilities, and this may assist, in addition to the new code of conduct, in the identification and reporting of substandard behaviour.<sup>5</sup>

When concerns are registered, a clear process must be followed.

The RCP's ability to set rules concerning disciplinary issues derives from its Bye-law 168 and there is further clarification of the process in the document, *Procedure for the conduct and discipline of fellows and members* (April 2014). This procedure 'has been drawn up to describe the process that will be followed if any member of the RCP breaks its rules or brings it into disrepute' and will be used 'when a member's behaviour or conduct is regarded as unacceptable to a degree that makes informal measures inappropriate' (p 1). One of the definitions of a breach of discipline is acting 'in a dishonourable or unprofessional manner' (p 3). The document clarifies that the matter should be referred to the registrar, who will investigate the circumstances; in doing so, the registrar may call upon the censors or other fellows as appropriate.

If the matter cannot be resolved informally, or the matter is of sufficient gravity, the registrar may need to initiate a disciplinary investigation into the member's conduct. Stage two (disciplinary panel) involves referral to the senior censor and consultation with the censors regarding appointment of a panel; stage three (appeals panel) is overseen by the president and will involve councillors who are representative of the fellowship as a whole.

NB: The RCP's *Disciplinary and capability policy and procedure* (September 2011) outlines the disciplinary procedures related to matters of conduct and capability for all members of staff.

There are various stages to the process involving informal and formal attempts to resolve matters, including written warnings and disciplinary hearings. Cases involving gross misconduct will usually lead to summary dismissal.

The type of behaviours described in these disciplinary policies particularly reference gross misconduct and are rarely used.

The RCP500 Code of Conduct provides the standards of conduct expected of its members and fellows and those working on behalf of, or representing, the RCP. Breaching these standards may not amount to gross misconduct but may still result in poor and/or inappropriate behaviours that others should not be expected to tolerate.

Gross misconduct should be escalated as outlined in the existing RCP disciplinary policies.

Escalation of poor and/or inappropriate behaviours may follow a number of different routes. This may be through the line manager, to an executive director, to a senior officer, to a censor, and/or through existing disciplinary policies, via HR or a member of the Employees' Forum.

## Investigation

Local resolution may be possible, for example, for one-off unexpected poor conduct where a genuine apology has been offered and accepted.

However, where this is not possible, and/or where conduct is sufficiently poor or inappropriate and/or where there is a pattern of such conduct, this should be escalated to the registrar for investigation.

The registrar will undertake any investigation at his/her discretion and, using balanced judgement, will make a decision of any appropriate sanction. The registrar may decide to escalate for further investigation to the censors.

Where a concern has been raised regarding a senior officer, investigation should involve the CEO, censors and an external party.

All decisions will be agreed by the registrar, president and censors.

A record will be kept of the decision and held within the Membership Support and Global Engagement Department (MSGE).

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## Sanctions

Sanctions are addressed in the document, *Procedure for the conduct and discipline of fellows and members* (April 2014) and in particular in the appendix, which refers to Bye-law 168.

Sanctions include:

- >> admonishment
- >> reprimand
- >> suspension of fellowship, membership, licentiateship, affiliate membership or associateship of the RCP for such period and on such terms as may be determined
- >> permanent removal of fellowship, membership, licentiateship, affiliate membership or associateship of the RCP.

The member concerned will be informed of this decision in writing (and informed of the right and process of appeal). The RCP may also disclose to the GMC any information relating to a disciplinary offence (alleged or proven) and any proceedings taken or penalty imposed in connection with this.

## Range of potential sanctions (at registrar's discretion)

- >> No action to be taken
- >> Verbal warning
- >> Written warning
- >> Suspension of membership/fellowship
- >> Withdrawal of membership/fellowship
- >> Suspend/may not participate as RCP faculty (eg education/clinical)
- >> Suspend/may not represent and/or act on behalf of RCP (eg as examiner)
- >> May not stand for college office
- >> Responsible officer informed
- >> Referral to GMC

## Provision of support for professional health

- >> Mentoring
- >> National Clinical Assessment Service
- >> Employee Assistance Programme
- >> NHS Practitioner Health Programme

## References

- 1 General Medical Council. *Good medical practice*. London: GMC, 2013.
- 2 General Medical Council. *Leadership and management for all doctors*. London: GMC, 2012.
- 3 General Medical Council. *Doctors' use of social media*. London: GMC, 2013.
- 4 See RCP document: *Nolan principles of public life: Guidance to trustees and holders of RCP positions*.
- 5 RCP leaflet: *Setting the highest standards: Our values, and your rights and responsibilities as employees*.

## RCP500: A historical record of RCP conduct over the past 500 years

Andrew Macleod, RCP censor

### History

- 1520:** Original statutes lost and unknown. Probably revised 1523, 1524, 1541 and 1543
- 1555:** John Caius (Keyes) edition, ?heavily amended, in Latin, seemingly earliest available. Bodleian MS. Ashmole 1826.
- 1647:** New statutes in Latin
- 1693:** John Badger's publication: The statutes of the Colledge of Physicians London (#1)

Wellcome **Bib name / number:** Wing (2nd ed., 1994) / R2123

John Badger presents his plea to become a fellow of the College to Parliament, and then 'I will give to you an Advertisement publish'd by the Colledge of Physicians London, in the Gazette; (*N 2325, 1<sup>st</sup> March 1687*) and publish'd by the consent of the whole Colledge in 1688.'

He then presents presumably the 1555 'Statutes (or By-Laws) of the Colledge of Physicians of London' in Latin with English translation by the side, although the reign of Henry VIII would have finished in 1547. Sir George Clark, in *A History of the RCP* (1964), believes he was confused by the date which is really 1563 (vol 1, p89).

Whereas by the Private Grace of our most Sovereign King HENRY VIII. And by the Publick Decrees of Parliament, It is ordained, That a Colledge of Physicians of London, be Established....'

Chapters are as follows:

- Chapter I.** 'Of Creating the Electors'
- Chapter II.** 'Of the President and his Office.'
- Chapter III.** 'Of the Pro-President.'
- Chapter IV.** 'Of the Consiliarii or Assistants.'
- Chapter V.** 'Of the Censors.'
- '...Let their Office be to inquire after all persons practising Physick, ... to examine, correct, and govern them, and if need be ... to persecute, to inquire their Methods of Cure, to condemn their Medicines, to search the Apothecaries Shops, to judge of their Medicines, to burn, or any other ways to destroy the corrupt, ...'
- Chapter VI.** 'Of the Manner and Time of the Comitia or Meetings, and of the Caduceator or Beadle.'
- Chapter VII.** 'Of the Ordinary and Extraordinary Times of Meetings...'
- Chapter VIII.** 'Of the Making and Abrogating of Statutes, ...'
- Chapter IX.** 'The Office of the Treasurer.'
- Chapter X.** 'Of the Register.' (Duties of the Registrar)
- Chapter XI.** 'Of the Candidates.'
- 'Neither for intreaty, nor rewards, nor on any other cause, shall you give Medicines which cause Abortion or Miscarriage, nor poisons of any kind of destruction, or to an ill use,....You shall persecute by all honest means the unlearned, Empiricks and Imposters, ...'

# Appendix 1

**Chapter XII.** 'Of the Fellows.'

'You shall not give what may cause abortion,... You shall read diligently within a year the five first books of Galen... You shall persecute by all honest means the unlearned,...

**Chapter XIII.** 'Letters testimonial of those that practise thorow the whole kingdom of England.'

**Chapter XIV.** 'Of suppressing Quacks.'

'...it lies on us,...that we take care of the health and security of the people.....that we punish not only by fine and imprisonment...' Includes 'Form of Letter to the Magistrates'

**Chapter XV.** 'Of the Permissives or Licentiates to Practise.'

**Chapter XVI.** 'The Form of the Examinations of the Fellows and Candidates...'

**Chapter XVII.** 'Of the Place and Dignity of the President and all the Fellows.'

**Chapter XVIII.** 'Of Anatomical Administration and the Chirurgical Lecture.'

**Chapter XIX.** 'Of the Ornament and Cloathing of Physicians.'

'We appoint according to the advice of Hyppocrates, that all fellows be cloathed with a decent Garb, as often as they come to the College, or go forth in publick...'

**Chapter XX.** 'Of Funeral Ceremonies.'

**Chapter XXI.** 'Of Feastings.'

**Chapter XXII:** 'Of Moral Conversation and Penal Statutes.'

'No Colleague shall by name accuse another either of ignorance or ill practice, or any villany, or ignominious crime, or publickly reproach and of the Colledge.'

'Let every physician be content with an honest Reward, according to the Condition of the Sick and his Labour.'

'No Phisician who shall be called second to a sick person, shall cause the former Phisician to be turned away...he shall in no manner dispraise the former Phisician, neither by Countenance, Gesture, Suspicious Silence, or by any other means blame his Actions to the Sick, or By-Standers, and that not Deceitfully by the name of Honesty and Goodness, but (what chiefly pertains to the matter) of a Skilfull and Intelligent Physician...'

'If there be only two Physicians, let the Junior refer to the Senior, or let them call a third, to whom the business may be referred;'

'Let every Physician be content with an honest reward.'

'Let none teach the People Medicines, or tell their names to them...lest by the abuse of them the People may be injured;'

'Moreover, We will that to each Scrowl (or Receipt as they call them) every one write the Day of the Month, Name of the Sick and his Own Name.'

'It is indeed ridiculous and foolish, only from the Inspection of Urine, ...to attempt to Divine anything Certain or Solid,...and for this reason we forbid all Persons Practising Physick, that they do not prescribe any Medicine to those Idiots and Silly Women who carry the Pispots of Sick Persons about, unless they have first known the Sick Person; or at least shall be plainly and fully instructed by those who ask advice concerning the Disease and its circumstances.'

'... We exort and beseech all the Fellows that they have a diligent prospect every way, and act prudently, ... but that they determine all things for the Praise, Glory, Honour, and Perpetuity of the Society; because it is certain that our Colledge can by no means be more firmly established and continued, then by good Laws, honest Governours, and Manners, and the singular Virtues and Learning of the Collegues.'

FINIS.'

# Appendix 1

**1687:** Then follows, again in Latin with parallel English translation:

‘The new statutes of the President of the Colledge, or Commonalty of the Faculty of Physick of London,... signed with the Common Seal... the 28th of September ... 1687.’

- ‘1. That none... reveal or divulge the Secrets of the Colledge,...’
- ‘2. Let no Physician, whether Fellow or Candidate, or Licentiate, consult with an Empirick, or who is rejected by the Colledge,...’
- ‘3. Let no Phisician who shall be called second to a sick person, cause the former Phisician to be repelled or put by,...’
- ‘4. If to visit the same sick person, two or more Phisicians should meet together,...’

And so on up to no: 16: these largely redefine the penalties and fines quoted in the first 1555 document, with no further comment on conduct, and asks that ‘every year on the same day,... ten men be chose out of the Fellows... and it may be lawful for them to handle matters of any sort.... To execute and perform all other things that ... Prince James the Second ... hath committed to our charge.’

## Current bye-laws, regulations, and resolutions (2016)

Relevant parts:

### 1. Bye-laws

Revised April 2016 (taking account of changes agreed at the Annual General Meeting of fellows held on 21 March 2016).

#### Bye-law 52

- (c) ... Written notice of any such meeting shall be given to the Censors, President and Registrar. No business shall be conducted thereat unless at least three Censors and the President and the Registrar are present. Save as provided in these Bye-laws or as determined from time to time by the Council, the Censors may determine their own procedure.
- (d) The Censors shall from time to time review the arrangements and rules made by the Council under Bye-Law 168 and, if they think fit, shall make a report to the Council making recommendations for changes to such arrangements or rules; perform any duties and functions conferred on them by or pursuant to Bye-Law 168; ...

#### Bye-law 161

If two or more physicians, Fellows, Members or Licentiates of the College, be called in consultation, they shall confer together with the utmost forbearance, and no one of them shall prescribe, or even suggest, in the presence of the patient, or the patient’s attendants, any opinion as to what ought to be done, before the method of treatment has been determined by consultation between them and their colleagues. If any difference of opinion should arise, the greatest moderation and forbearance shall be observed, and the fact of such difference of opinion shall be communicated to the patient or attendants by the physician who was first in attendance, in order that it may distress the patient and friends as little as possible.

# Appendix 1

## Bye-law 168

- (a) In these Bye-laws, a “disciplinary offence” shall occur if any Fellow, Member, Licentiate, Affiliate or Associate has;
- >> committed any misconduct affecting his professional or personal standing or bringing discredit to the College; or
  - >> has performed his work incompetently (and whether by act or omission) to such an extent or on such number of occasions as to affect his professional or personal standing or to bring discredit to the College; or
  - >> has acted in any respect in a dishonourable or unprofessional manner; or
  - >> has violated any Statute, Bye-Law, Regulation or Rule of the College; or
  - >> has obtained the status of Fellow, Member, Affiliate or Licentiate by fraud, false statement, or imposition.
- (b) If an allegation is made or it is made known to the Censors that a Fellow, Member, Licentiate, Affiliate or Associate may have committed a disciplinary offence, the Censors shall make such arrangements as may appear to them appropriate for investigating matters and, if it seems appropriate, for taking disciplinary proceedings and determining whether or not a disciplinary offence has been committed by such Fellow, Member, Licentiate, Affiliate or Associate and, if so, what (if any) disciplinary penalty should be imposed and for considering any appeal by such Fellow, Member, Licentiate, Affiliate or Associate. Without limiting their powers to make such arrangements, the Censors may from time to time make disciplinary and appeal rules and procedures and may appoint disciplinary and appeals panels in connection therewith. The Censors may or may not, as they think fit, act personally in connection with such disciplinary matters.
- (c) The disciplinary penalties that may be imposed shall be (and shall be limited to):
- >> admonishment;
  - >> reprimand;
  - >> suspension of fellowship, membership, licentiateship, affiliate membership, or associateship of the College for such period and on such terms (including terms relating to forfeiture of rights or privileges and removal from the list of Fellows, Members, Licentiates or Associates) as may be determined; or
  - >> permanent removal of fellowship, membership, licentiateship, affiliate membership, or associateship of the College.
- (d) In making the arrangements contemplated by this Bye-law, the Censors:
- >> shall provide for a right for a Fellow, Member, Licentiate, Affiliate or Associate alleged to have committed a disciplinary offence to appear personally before the persons determining whether or not a disciplinary offence has been committed...
- (e) Should the General Medical Council order sanctions in the form of erasure or suspension from the Medical Register, or issue of a warning, or imposition of conditions, then the following steps will be taken by the College...
- (f) Whether or not a Fellow, Member, Licentiate, Affiliate or Associate is found to have committed a disciplinary offence, the College may disclose to the General Medical Council any information relating to a disciplinary offence (or alleged disciplinary offence) and any proceedings taken or penalty imposed in connection therewith.

# Appendix 1

## 2. Regulations and resolutions

### V. RESOLUTIONS as to the duties and conduct of fellows, members, and licentiates

The RCP, from time to time, when circumstances have arisen in which it has seemed to be conducive to the honour and dignity of the RCP to indicate the fitting conduct of fellows, members, licentiates, affiliates, or associates, has given expression to the collective opinion of the RCP in the form of a resolution, but without the formal enactment of a bye-law or regulation.

(See also Chapter 33).

#### 1. Against designations implying special modes of treatment

On 27 December 1881 the RCP passed the following resolution:

‘That while the College has no desire to fetter the opinion of its members in reference to any Theories they may see fit to adopt in connection with the Practice of Medicine, it nevertheless considers it desirable to express its opinion that the assumption or acceptance by members of the Profession of designations implying the adoption of special modes of treatment, is opposed to those principles of the freedom and dignity of the Profession which should govern the relations of its members to each other and to the public.

The College therefore expects that all its Fellows, Members, and Licentiates will uphold these principles by discountenancing those who trade upon such designations.’

#### 2. Against advertising medical works and giving laudatory certificates

On 27 July 1882 the RCP passed the following resolution:

‘That the system of extensively advertising Medical Works, and that the custom of giving, whether for publication or not, laudatory Certificates of Medicinal and other Preparations, or of Medical or Surgical Appliances, is misleading to the public, derogatory to the dignity to the Profession, and contrary to the traditions and Resolutions of the Royal College of Physicians.’

#### 3. Against advertising

On 30 October 1958 the RCP passed the following resolution:

‘That it is undesirable that any Fellow, Member or Licentiate of the College should in any way advertise himself, or permit himself to be advertised.’

#### 4. Financial interests

*(Repealed 2000 AGM)*

#### 5. Confidentiality of proposals to the fellowship

Two Reports of the College on Admission to the Fellowship, approved by the RCP in April 1971 and October 1974, have emphasised that members must not know that their names are being proposed for the fellowship.

Fellows and members are reminded of the terms of Bye-Law 32:

‘No candidate shall canvass for votes directly or indirectly for Membership, Fellowship or any office, distinction, advancement or promotion in the College, or in any Faculty or Joint Faculty of the College.’