

Conduct & Confidentiality Guidelines

Introduction

Derby Choice is a network of independent accredited, trusted approved providers in Derby and Derbyshire. Whilst we have a management committee to oversee the network's strategic direction, promotion and administration, Derby Choice is not an organisation and it does not have a constitution. The network offers accredited providers working in health and social care to support people with additional needs and disabilities and an opportunity to raise our collective and individual profiles. The network also gives us the opportunity to share information and collaborate with our peers. The network is member-managed, it is not run by or connected to any organisation.

Each individual accredited provider operates independently. In order to join Derby Choice, you confirm that your enterprise meets the criteria as accredited support provider, that your business is fit for purpose and that you accept these Guidelines created for the successful co-operation of Derby Choice members. Your declaration and the information you have provided will be accepted by the other network members in good faith.

Whilst wishing to present a co-operative joint profile, Derby Choice members are also competitors in the social care market place. The ethos from the outset has been one of mutual respect, support and collaboration. These **Conduct & Confidentiality Guidelines** aim to help us negotiate sometimes confusing situations and complex working relationships.

Conduct

Declaration

As a member of Derby Choice your declaration will be accepted by other network members and you will be expected to accept their declarations equally. Accredited provider takes responsibility for their organisation to make sure they do not impacted on one another negatively. In the eyes of the public, there is a risk that the name of the Derby Choice network could be adversely affected by the actions of a single accredited provider.

If accredited providers information or activities are called into question at any time, the concern should be referred to the Derby Choice Management Committee (DCMC) and they will agree how the situation should be managed. If they agree that accredited provider has incorrect information/accreditation, does not meet the criteria or has acted to the detriment of Derby Choice, the application will be rejected or the information will be removed from the web site. This would only be done following discussion and an opportunity by the provider to address the concern. In the event of a dispute the decision of the DCMC would be final.

The network and the web site must remain representative of genuine accredited provider as per the criteria and the declaration, and any decisions by the DCMC would be made in the best interests of the network and to preserve its integrity.

Membership

The membership of Derby Choice is open to any accredited provider on condition that the criteria are met. Derby is a small city and it is quite likely that accredited providers' may well know each other personally or by reputation. Any existing antagonisms between accredited providers' should not be brought into Derby Choice or allowed to develop within the network. Any genuine concerns about another accredited provider and only those that could adversely impact Derby Choice should be brought to the attention of the DCMC. Network members have all invested in Derby Choice via the web site and all members are equal.

Direct competition

It is possible that two accredited providers may find themselves in direct competition for the same work. In the spirit of competition you should use whatever means you have to promote your enterprise to secure the work. Your promotion should be about positive presentation of your enterprise with no reference to your competitor. This would avoid any risk of presenting accredited provider competitor in a negative light. You should be afforded the same courtesy.

Dispute

Should a dispute arise between two accredited providers for whatever reason, in the interests of the business of each and the Derby Choice network overall, every effort should be made to resolve it without adverse publicity within or outside of the network. It may be difficult to see how this could be achieved especially as each accredited provider would feel they were in the right. In such situations, it is often the case that both would be right to some degree or that there has been an unfortunate reliance on misinformation. The following are suggestions to help resolve a dispute between accredited providers.

If you have a grievance against another accredited provider

- **Consider the root cause of your grievance.**

- **Is it borne out of first-hand knowledge on your part?**
 - Reflect on how you came by the knowledge and how reliable it really is.
 - Could your perception be impaired by anything personal?
 - Could you see it in another light?

- **Is it borne wholly or in part out of second-hand information?**
 - Just because people say things with conviction, doesn't make them true.
 - If second-hand information is being relied upon, what was the source of that information?
 - How much can you trust that source or that they have perceived and conveyed it accurately?
 - Second-hand information has always passed through someone else's perception filter.

- Consider anything they might have to gain by passing on that information to you?
 - Could they be embroiling you in their own grievance?
 - Might they have an issue with you?
 - Can you clarify the information first hand?
- **Can you talk to the other accredited providers and air your grievance?**
- Wait until you have calmed down and reflected on the points above.
 - Write down what you want to say so that you are clear and won't be distracted.
 - Prepare the other accredited provider so they have some idea about what to expect. This will give them time to present their side clearly and to understand that you intend to approach it in an appropriate manner.
 - Commit to presenting your concerns in a professional way.
 - Have someone with you for support if it would help but make sure whoever supports you will not antagonise the other accredited provider.
 - If a discussion becomes heated because emotions run high, take time out, a short break or suggest another time to meet and continue.
 - Try not to storm out of a meeting or lose your cool, recovery would only become much harder.
 - If you have lost your cool, however right you are, apologise to open the door to further discussion. You would only be apologising for losing your cool.
 - If you both lost your cool, apologise first for that, don't wait for them even if they lost it first! Sometimes it's important to be the bigger person to move things on.
- **If resolution between you seems unlikely, consider an impartial mediator.**
- You could ask another accredited provider or a member of the DCMC.
 - You could ask someone external but consider the implications for the confidentiality of your discussion.

Guidelines to mediate a dispute

- This is not a simple thing to do, so be sure you are prepared to see it through.
- Consider whether or not you are truly neutral about the accredited s concerned.
- Choose neutral territory for the discussion that is mutually convenient.
- A discussion should be no longer than one hour. If more time is required, it should be arranged for a different day.
- Let them decide who speaks first. If they can't, suggest the one or the other in an impartial manner.
- You must remain neutral throughout the discussion.
- Should you feel some bias, admit it to both parties and consider its implications. Give each party an equal amount of time to state their position.
- Tell them that they must not interrupt each other during these initial statements, progress can only be made if each side feels heard.
- Initially they should speak to you to avoid confrontation with the other but, if things are going well, you could suggest that they may wish to direct what they are saying to the other party. If this doesn't work, tell them to direct what they are saying back to you until they can.

- Ask each one to consider what the other had said and identify any aspects they agree with, they disagree with and what they feel is not relevant.
- People with grievances often go off at tangents and introduce numerous extra bits of information. Try to keep the parties focused on the key points of their dispute.
- Encourage each to see, even if they don't accept it, what the other's point is.
- If they have reached some understanding, reiterate it and get them to confirm that it is a genuine understanding. Saying it themselves will help them to acknowledge it.
- Can they genuinely agree to disagree about aspects that cannot be resolved?
- Can they agree that the dispute has been resolved?
- It is unlikely that one hour would be sufficient. Even if the issues have been resolved, a follow up meeting to confirm the outcome could be a good idea, with or without the mediator.
- The mediator should confirm that both parties will keep the issues confidential where relevant and that they will do the same.

If a dispute affected Derby Choice as a network

- If such a dispute cannot be resolved the DCMC should discuss and consider what would be the most appropriate outcome in the interests of Derby Choice.

- **If a dispute were between a Derby Choice member and an organisation outside the network**
 - The Derby Choice member should make every effort to resolve the dispute using the information above.
 - If the accredited provider has done all it can but the organisation remains antagonistic, the accredited provider should maintain a dignified silence.
 - If there is some kind of negative impact upon the Derby Choice network, the DCMC and other members should consider very carefully whether or not they should support the accredited provider.
 - Even if the accredited provider were deemed to be 'in the right', the DCMC and its members should consider the impact of their engagement in the dispute as it could have more serious ramifications for Derby Choice.
 - It might, however, be in the interests of Derby Choice for the DCMC to support the accredited provider and even to make the network's position clear.
 - It is a judgement call and would always be best to discuss with other network or DCMC members before decisions are made.
 - The DCMC would only need to consider whether or not the accredited should stay within Derby Choice if it were the accredited that remained antagonistic and the dispute were causing ongoing issues for the network.

Confidentiality

The provider forum and member information

Membership will give you access to information about Derby Choice and other accredited providers through the provider forum. There may also be other situations in which you would gain intelligence about other accredited providers. All such information should be considered confidential.

Derby Choice is a private network and no individual or organisation outside of Derby Choice has any right to access information Derby Choice wishes to keep confidential. The DCMC must be free to discuss and plan for Derby Choice, and share that with all accredited s through the meeting minutes and the provider forum, without risk that it will be shared externally. Equally you should be free to share information with the expectation that it will be kept confidential.

As part of the declaration, you will state that they accept these Guidelines and within that the confidentiality of the provider forum.

Conflicts of interest

Within these Guidelines, a conflict of interest would be when the interests of some aspect of accredited provider's enterprise conflicts with those of Derby Choice. It is unlikely that your interests would directly come into conflict with those of Derby Choice because Derby Choice is about the promotion and profile of accredited providers. However, accredited provider may collaborate with an external organisation whose interests could potentially conflict with those of Derby Choice. This would most likely be about information the accredited provider was party to from either one or the other that would impact the other and would potentially split their loyalties.

You would need to consider the implications for the external organisation or Derby Choice of not sharing the information. Would it be in any way detrimental to them or you? Equally, you should consider any detriment if the information were shared.

If it were Derby Choice information, you could advise the DCMC about the conflict and ask them to consider whether or not you could share the confidential information. It would be highly unlikely that the decision would be that you could not share it. However, if for any reason that were the position of the DCMC, you would need to consider how this would affect your position with the external organisation and with Derby Choice.

If you felt compelled to share the information against the DCMC's decision, you should advise them. Finding the balance between the interests of your enterprise and those of Derby Choice may not always be easy and, if a balance cannot be achieved, you should consider very carefully whether or not you should stay within the network. If the DCMC felt that accredited provider's decision compromised Derby Choice, they may decide to end the accredited provider's membership. There is no reason why this should be in any way acrimonious, conflicts of interest arise and accredited provider would need to decide what decision was in the best interests of their own enterprise.

Summary

Derby Choice is a network of accredited providers that rely completely upon the respect and integrity of fellow accredited providers. Derby Choice membership is based upon factual information only and accredited provider's declaration that their information is complete and accurate will be accepted. Situations that challenge the good will of one accredited provider towards another should be managed sensitively with a commitment to finding the best possible outcome.

Evidence that a potential or existing accredited provider could damage the reputation of Derby Choice should be presented to the DCMC for consideration. This would place a considerable amount of responsibility upon the DCMC and DCMC members need to remain neutral and act in the best interests of Derby Choice. DCMC members who felt they could not be neutral should not be party to discussion or decision-making. The DCMC may consider that a DCMC member would not be neutral and, subject to a majority vote, that DCMC member may be excluded from the discussion and decision-making.

Exclusion from Derby Choice should only be as a last resort and based upon sufficient evidence, albeit circumstantial, that Derby Choice were at risk of being compromised in some way.