

The NMC code of professional conduct: standards for conduct, performance and ethics

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Protecting the public through professional standards

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The NMC code of professional conduct: standards for conduct, performance and ethics

The *Code of professional conduct* was published by the Nursing and Midwifery Council in April 2002 and came into effect on 1 June 2002. In August 2004 an addendum was published and the *Code of professional conduct* had its name changed to *The NMC code of professional conduct: standards for conduct, performance and ethics*. All references to “nurses, midwives and health visitors” were replaced by “nurses, midwives and specialist community public health nurses” and a new section on Indemnity Insurance was included. This updated version of the code was published in November 2004.

The NMC code of professional conduct: standards for conduct, performance and ethics

As a registered nurse, midwife or specialist community public health nurse, you are personally accountable for your practice. In caring for patients and clients, you must:

- ▶ respect the patient or client as an individual
- ▶ obtain consent before you give any treatment or care
- ▶ protect confidential information
- ▶ co-operate with others in the team
- ▶ maintain your professional knowledge and competence
- ▶ be trustworthy
- ▶ act to identify and minimise risk to patients and clients.

These are the shared values of all the United Kingdom health care regulatory bodies.

1 Introduction

- 1.1 The purpose of The NMC code of professional conduct: standards for conduct, performance and ethics is to:
 - ▶ inform the professions of the standard of professional conduct required of them in the exercise of their professional accountability and practice
 - ▶ inform the public, other professions and employers of the standard of professional conduct that they can expect of a registered practitioner.
- 1.2 As a registered nurse, midwife or specialist community public health nurse, you must:
 - ▶ protect and support the health of individual patients and clients
 - ▶ protect and support the health of the wider community
 - ▶ act in such a way that justifies the trust and confidence the public have in you
 - ▶ uphold and enhance the good reputation of the professions.
- 1.3 You are personally accountable for your practice. This means that you are answerable for your actions and omissions, regardless of advice or directions from another professional.
- 1.4 You have a duty of care to your patients and clients, who are entitled to receive safe and competent care.
- 1.5 You must adhere to the laws of the country in which you are practising.

2 As a registered nurse, midwife or specialist community public health nurse, you must respect the patient or client as an individual

- 2.1 You must recognise and respect the role of patients and clients as partners in their care and the contribution they can make to it. This

involves identifying their preferences regarding care and respecting these within the limits of professional practice, existing legislation, resources and the goals of the therapeutic relationship.

- 2.2 You are personally accountable for ensuring that you promote and protect the interests and dignity of patients and clients, irrespective of gender, age, race, ability, sexuality, economic status, lifestyle, culture and religious or political beliefs.
- 2.3 You must, at all times, maintain appropriate professional boundaries in the relationships you have with patients and clients. You must ensure that all aspects of the relationship focus exclusively upon the needs of the patient or client.
- 2.4 You must promote the interests of patients and clients. This includes helping individuals and groups gain access to health and social care, information and support relevant to their needs.
- 2.5 You must report to a relevant person or authority, at the earliest possible time, any conscientious objection that may be relevant to your professional practice. You must continue to provide care to the best of your ability until alternative arrangements are implemented.

3 As a registered nurse, midwife or specialist community public health nurse, you must obtain consent before you give any treatment or care

- 3.1 All patients and clients have a right to receive information about their condition. You must be sensitive to their needs and respect the wishes of those who refuse or are unable to receive information about their condition. Information should be accurate, truthful and presented in such a way as to make it easily understood. You may need to seek legal or professional advice or guidance from your employer, in relation to the giving or withholding of consent.
- 3.2 You must respect patients' and clients' autonomy – their right to decide whether or not to undergo any health care intervention – even where a refusal may result in harm or death to themselves or a fetus,

unless a court of law orders to the contrary. This right is protected in law, although in circumstances where the health of the fetus would be severely compromised by any refusal to give consent, it would be appropriate to discuss this matter fully within the team and with a supervisor of midwives, and possibly to seek external advice and guidance (see clause 4).

- 3.3 When obtaining valid consent, you must be sure that it is:
 - ▶ given by a legally competent person
 - ▶ given voluntarily
 - ▶ informed.
- 3.4 You should presume that every patient and client is legally competent unless otherwise assessed by a suitably qualified practitioner. A patient or client who is legally competent can understand and retain treatment information and can use it to make an informed choice.
- 3.5 Those who are legally competent may give consent in writing, orally or by co-operation. They may also refuse consent. You must ensure that all your discussions and associated decisions relating to obtaining consent are documented in the patient's or client's health care records.
- 3.6 When patients or clients are no longer legally competent and have lost the capacity to consent to or refuse treatment and care, you should try to find out whether they have previously indicated preferences in an advance statement. You must respect any refusal of treatment or care given when they were legally competent, provided that the decision is clearly applicable to the present circumstances and that there is no reason to believe that they have changed their minds. When such a statement is not available, the patients' or clients' wishes, if known, should be taken into account. If these wishes are not known, the criteria for treatment must be that it is in their best interests.
- 3.7 The principles of obtaining consent apply equally to those people who have a mental illness. Whilst you should be involved in their assessment, it will also be necessary to involve relevant people close to them; this may include a psychiatrist. When patients and clients are

detained under statutory powers (mental health acts), you must ensure that you know the circumstances and safeguards needed for providing treatment and care without consent.

- 3.8 In emergencies where treatment is necessary to preserve life, you may provide care without consent, if a patient or client is unable to give it, provided you can demonstrate that you are acting in their best interests.
- 3.9 No-one has the right to give consent on behalf of another competent adult. In relation to obtaining consent for a child, the involvement of those with parental responsibility in the consent procedure is usually necessary, but will depend on the age and understanding of the child. If the child is under the age of 16 in England and Wales, 12 in Scotland and 17 in Northern Ireland, you must be aware of legislation and local protocols relating to consent.
- 3.10 Usually the individual performing a procedure should be the person to obtain the patient's or client's consent. In certain circumstances, you may seek consent on behalf of colleagues if you have been specially trained for that specific area of practice.
- 3.11 You must ensure that the use of complementary or alternative therapies is safe and in the interests of patients and clients. This must be discussed with the team as part of the therapeutic process and the patient or client must consent to their use.

4 As a registered nurse, midwife or specialist community public health nurse, you must co-operate with others in the team

- 4.1 The team includes the patient or client, the patient's or client's family, informal carers and health and social care professionals in the National Health Service, independent and voluntary sectors.
- 4.2 You are expected to work co-operatively within teams and to respect the skills, expertise and contributions of your colleagues. You must treat them fairly and without discrimination.

- 4.3 You must communicate effectively and share your knowledge, skill and expertise with other members of the team as required for the benefit of patients and clients.
- 4.4 Health care records are a tool of communication within the team. You must ensure that the health care record for the patient or client is an accurate account of treatment, care planning and delivery. It should be consecutive, written with the involvement of the patient or client wherever practicable and completed as soon as possible after an event has occurred. It should provide clear evidence of the care planned, the decisions made, the care delivered and the information shared.
- 4.5 When working as a member of a team, you remain accountable for your professional conduct, any care you provide and any omission on your part.
- 4.6 You may be expected to delegate care delivery to others who are not registered nurses or midwives. Such delegation must not compromise existing care but must be directed to meeting the needs and serving the interests of patients and clients. You remain accountable for the appropriateness of the delegation, for ensuring that the person who does the work is able to do it and that adequate supervision or support is provided.
- 4.7 You have a duty to co-operate with internal and external investigations.

5 As a registered nurse, midwife or specialist community public health nurse, you must protect confidential information

- 5.1 You must treat information about patients and clients as confidential and use it only for the purposes for which it was given. As it is impractical to obtain consent every time you need to share information with others, you should ensure that patients and clients understand that some information may be made available to other members of the team involved in the delivery of care. You must guard against breaches of confidentiality by protecting information from improper disclosure at all times.

- 5.2 You should seek patients' and clients' wishes regarding the sharing of information with their family and others. When a patient or client is considered incapable of giving permission, you should consult relevant colleagues.
- 5.3 If you are required to disclose information outside the team that will have personal consequences for patients or clients, you must obtain their consent. If the patient or client withholds consent, or if consent cannot be obtained for whatever reason, disclosures may be made only where:
 - ▶ they can be justified in the public interest (usually where disclosure is essential to protect the patient or client or someone else from the risk of significant harm)
 - ▶ they are required by law or by order of a court.
- 5.4 Where there is an issue of child protection, you must act at all times in accordance with national and local policies.

6 As a registered nurse, midwife or specialist community public health nurse, you must maintain your professional knowledge and competence

- 6.1 You must keep your knowledge and skills up-to-date throughout your working life. In particular, you should take part regularly in learning activities that develop your competence and performance.
- 6.2 To practise competently, you must possess the knowledge, skills and abilities required for lawful, safe and effective practice without direct supervision. You must acknowledge the limits of your professional competence and only undertake practice and accept responsibilities for those activities in which you are competent.
- 6.3 If an aspect of practice is beyond your level of competence or outside your area of registration, you must obtain help and supervision from a competent practitioner until you and your employer consider that you have acquired the requisite knowledge and skill.

- 6.4 You have a duty to facilitate students of nursing, midwifery and specialist community public health nursing and others to develop their competence.
- 6.5 You have a responsibility to deliver care based on current evidence, best practice and, where applicable, validated research when it is available.

7 As a registered nurse, midwife or specialist community public health nurse, you must be trustworthy

- 7.1 You must behave in a way that upholds the reputation of the professions. Behaviour that compromises this reputation may call your registration into question even if it is not directly connected to your professional practice.
- 7.2 You must ensure that your registration status is not used in the promotion of commercial products or services, declare any financial or other interests in relevant organisations providing such goods or services and ensure that your professional judgement is not influenced by any commercial considerations.
- 7.3 When providing advice regarding any product or service relating to your professional role or area of practice, you must be aware of the risk that, on account of your professional title or qualification, you could be perceived by the patient or client as endorsing the product. You should fully explain the advantages and disadvantages of alternative products so that the patient or client can make an informed choice. Where you recommend a specific product, you must ensure that your advice is based on evidence and is not for your own commercial gain.
- 7.4 You must refuse any gift, favour or hospitality that might be interpreted, now or in the future, as an attempt to obtain preferential consideration.
- 7.5 You must neither ask for nor accept loans from patients, clients or their relatives and friends.

8 As a registered nurse, midwife or specialist community public health nurse, you must act to identify and minimise the risk to patients and clients

- 8.1 You must work with other members of the team to promote health care environments that are conducive to safe, therapeutic and ethical practice.
- 8.2 You must act quickly to protect patients and clients from risk if you have good reason to believe that you or a colleague, from your own or another profession, may not be fit to practise for reasons of conduct, health or competence. You should be aware of the terms of legislation that offer protection for people who raise concerns about health and safety issues.
- 8.3 Where you cannot remedy circumstances in the environment of care that could jeopardise standards of practice, you must report them to a senior person with sufficient authority to manage them and also, in the case of midwifery, to the supervisor of midwives. This must be supported by a written record.
- 8.4 When working as a manager, you have a duty toward patients and clients, colleagues, the wider community and the organisation in which you and your colleagues work. When facing professional dilemmas, your first consideration in all activities must be the interests and safety of patients and clients.
- 8.5 In an emergency, in or outside the work setting, you have a professional duty to provide care. The care provided would be judged against what could reasonably be expected from someone with your knowledge, skills and abilities when placed in those particular circumstances.

9 Indemnity insurance

- 9.1 The NMC recommends that a registered nurse, midwife or specialist community public health nurse, in advising, treating and caring for

patients/clients, has professional indemnity insurance. This is in the interests of clients, patients and registrants in the event of claims of professional negligence.

- 9.2 Some employers accept vicarious liability for the negligent acts and/or omissions of their employees. Such cover does not normally extend to activities undertaken outside the registrant's employment. Independent practice would not normally be covered by vicarious liability, while agency work may not. It is the individual registrant's responsibility to establish their insurance status and take appropriate action.
- 9.3 In situations where employers do not accept vicarious liability, the NMC recommends that registrants obtain adequate professional indemnity insurance. If unable to secure professional indemnity insurance, a registrant will need to demonstrate that all their clients/patients are fully informed of this fact and the implications this might have in the event of a claim for professional negligence.

Glossary

Accountable	Responsible for something or to someone.
Care	To provide help or comfort.
Competent	Possessing the skills and abilities required for lawful, safe and effective professional practice without direct supervision.
Patient and client	Any individual or group using a health service.
Reasonable	The case of Bolam v Friern Hospital Management Committee (1957) produced the following definition of what is reasonable. "The test is the standard of the ordinary skilled man exercising and professing to have that special skill. A man need not possess the highest expert skill at the risk of being found negligent... it is sufficient if he exercises the skill of an ordinary man exercising that particular art." This definition is supported and clarified by the case of Bolitho v City and Hackney Health Authority (1993).

Summary

As a registered nurse, midwife or specialist community public health nurse, you must:

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Further information

The *NMC code of professional conduct: standards for conduct, performance and ethics* is available on the Nursing and Midwifery Council's website at www.nmc-uk.org. Printed copies can be obtained by writing to the Publications Department, Nursing and Midwifery Council, 23 Portland Place, London W1B 1PZ, by fax on 020 7436 2924 or by e-mail at publications@nmc-uk.org.

A wide range of NMC standards and guidance publications expand upon and develop many of the professional issues and themes identified in *The NMC code of professional conduct: standards for conduct, performance and ethics*. All are available on the NMC's website. A list of current NMC publications is available either on the website or on request from the Publications Department as above.

Enquiries about the issues addressed in *The NMC code of professional conduct: standards for conduct, performance and ethics* should be directed in the first instance to the NMC's professional advice service at the address above, by e-mail at advice@nmc-uk.org, by telephone on 020 73336541/6550/6553 or by fax on 020 73336538.

The Nursing and Midwifery Council will keep *The NMC code of professional conduct: standards for conduct, performance and ethics* under review and any comments, suggestions or requests for further clarification are welcome, both from practitioners and members of the public. These should be addressed to the Director of Registration and Standards, NMC, 23 Portland Place, London W1B 1PZ.

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