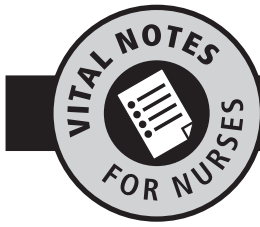


Vital Notes for Nurses: Accountability

For Brian, for always



VITAL NOTES FOR NURSES

Accountability

Helen Caulfield
Solicitor, LLB, MA, MSc



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Tel: +44 (0)1865 776868

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Preface

This introductory text sets out a framework for accountability. It is intended to show that law, ethics, employment and professional issues are complementary in nursing practice. Taken together, they form a framework against which clinical issues can be considered.

The book sets out the four pillars of accountability, and considers the structures, rights and redress of the health service. There are two detailed chapters on the concepts of negligence and consent. Application of the framework is then made in the key area of confidentiality, and in a final chapter applied also to two examples that are often contentious in nursing practice: termination of pregnancy and dying. The purpose is to set out a systematic approach and demonstrate how this can be applied to any area of nursing practice.

I have worked for nurses for over a decade, and my passion has always been to demystify the law for nurses. That wonderful sound 'aha!' when an individual or a conference of nurses suddenly realises the law is straightforward at its heart will always be my goal. As nurses gain confidence in the key principles that shape the clinical relationship, the quality of care that is given to patients and clients can only be improved.

As I have developed this framework over the past four years I have had considerable feedback from many nurses, and I am indebted to all those who have helped me expand and refine this work. Particular thanks go to my colleagues, past and present, in the legal, policy and nursing practice departments at the Royal College of Nursing from whom I never cease learning.

Any errors or omissions in this text are of course my own responsibility.

Helen Caulfield

A Framework of Accountability for Nurses

Learning objectives

This chapter sets the scene for the whole text. It describes the basic framework of accountability that can be used in all areas of nursing practice. The framework is made up of four pillars of accountability: professional, ethical, legal and employment. This framework is the key to understanding the four pillars of accountability, and their inter-relationship with each other. Taken together, they provide a complete framework of accountability for nursing practice.

The learning objectives for this chapter are to:

- understand the framework of accountability
- assess the four pillars of accountability in nursing practice
- identify the source of each of pillar of accountability
- place each pillar of accountability in the context of nursing practice
- apply the framework to real examples of nursing practice
- consider further issues arising in each example using the framework
- be confident that the framework applies to every part of nursing practice.

Introduction

It is possible that there was a time when a single source of nursing practice accountability existed. This would have meant that nurses, patients, managers, the media, government and your next door neigh-

bour all had exactly the same understanding of what was expected from a nurse.

Today it is universally clear that there is no single source of accountability for nurses; the different types of accountability for nursing practice come from an increasing range of sources. This may be from a regulatory perspective, particularly the Nursing and Midwifery Council (NMC). It may be from a legal perspective, either from legislation or from court judgments. It may be from the media, where the headlines of the day shape the overall impression of the profession of nursing. It may be from the range of agencies and government departments that send out directions and guidance to managers who in turn ask that nurses translate this into their employment practice. As a result, there are many different sources of accountability in nursing practice. Being aware of each type of accountability and the way it affects practice can be a complex issue. Where do you start?

Different bodies set standards for health care or nursing practice and they each require different levels of responsibility from nurses. Sometimes this means that nurses have to take specific action, or that nurses have to be aware of the minimum standards that are in place in the health setting in which they work. Because each body has different standards, there are different penalties they can impose if the standards that create accountability are not met. This chapter sets out in broad terms the authority, standards and penalties of each authority. The framework of accountability ensures that all these sources of authority are easy to characterise and ensures that accountability can be applied in all areas of nursing practice.

Summary

- There are many different sources of accountability.
- There is no single source of accountability for nurses.
- Different authorities create structures and standards.
- Different bodies can impose penalties on nursing practice.
- A framework of accountability gives consideration to these standards.
- This will provide a system that is easy to characterise and can be used in all areas of nursing practice.

A framework of accountability

Many nurses will ask ‘am I accountable for this?’ when they reach a point of tension in their relationships with patients, with other health care professionals and sometimes with their employers. This is a valid question whenever this tension arises. The consideration of what accountability means in nursing practice is a key part of the foundation of nursing.

Some would say that being accountable means being responsible, and as a consequence taking the blame when something goes wrong. This approach to accountability reduces its scope and may lead to defensive nursing practice. This happens when nurses are worried that they may be singled out for criticism. Defensive practice may lead to an overreliance on protocols at the expense of clinical judgement. It may happen where the safest option is chosen for the patient, even though a newer approach may lead to better health outcomes.

A wider view of accountability is that it is an inherent confidence as a professional that allows a nurse to take pride in being transparent about the way he or she has carried out their practice. It requires that nurses make informed decisions about what approach to use. It means that nurses engage with clients and patients to agree on a joint approach with confidence and assurance.

This book is based on a framework of accountability that considers approaches based on four pillars that set out different types of authority in nursing practice:

- professional
- ethical
- law
- employment.

This chapter summarises the main issues under each of these four pillars. Each pillar then has its own chapter so that a more detailed assessment of the framework of accountability can be given.

Summary

- Nurses have different ways of understanding accountability.
- Some nurses think being accountable is the same as being blamed.
- Others think being accountable is being responsible for the actions of others.
- Defensive practice can arise if nurses believe being accountable is the same as being blamed.
- Some believe being accountable is the distinguishing mark of a profession.
- A professional who is accountable can be confident and assured.
- Nurses have to respond to different types of authority.
- All these authorities provide a collective sense of accountability.
- This framework of accountability is made up of four pillars: professional, ethical, legal and employment.
- The four pillars of accountability are set out in general terms in this chapter.
- Each pillar of accountability is described in more detail in individual chapters.

- Areas of specific nursing practice are set out in detail in later chapters with a close assessment of their relationship with the framework of accountability.

Activity

What does being accountable mean to you as an individual? Write down the influences that have led you to this view.

Ask your colleagues at work what they think being accountable means. Does this change your mind?

Keep a note of the responses at this stage. When you reach the end of this book, repeat this activity and see if your responses have altered.

**The first pillar of accountability:
professional accountability**

Professional accountability is at the heart of nursing practice. This consists of an ethos in nursing that is based on promoting the welfare and wellbeing of patients through nursing care. Professional accountability allows nurses to work within a framework of practice and to follow principles of conduct that maintain the patient's trust in the individual nurse and support for the nursing profession as a whole.

This drive to demonstrate professional accountability led to the creation of a body that was responsible for setting the standards of conduct and practice for nurses. This is the regulatory body for nurses and midwives. It has taken on different names over the last hundred years, and is currently the Nursing and Midwifery Council (NMC).

One of the functions of the NMC is to create the limits on professional accountability in nursing and midwifery practice. The most obvious way that the NMC does this is by publishing the Code of Professional Conduct (NMC, 2002). This covers all nurses and midwives who are on the register.

The NMC Code of Professional Conduct clause 1.3 states that '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.'

The NMC may publish other standards or guidance for those on the register. These also form part of the framework of professional accountability for nurses and midwives. This is a personal relationship between the nurse and the regulator that cannot be delegated to another person.

Summary

- Professional accountability creates a framework of practice.
- Professional accountability creates principles of conduct.

- The body that sets standards for nurses has existed for nearly a century.
- This body is now known as the Nursing and Midwifery Council (NMC).
- The NMC sets limits on professional accountability in nursing practice.
- The NMC Code of Professional Conduct provides the minimum standard of professional behaviour required from nurses and midwives.
- The NMC Code of Professional Conduct is personal to every nurse or midwife.
- The relationship between the nurse or midwife and the NMC is a personal relationship, and cannot be delegated to another nurse or midwife.

Case study 1.1: Professional accountability

Sally Ann is a staff nurse in an oncology unit. She has been registered with the NMC since she qualified in 1998. She is well regarded at work and is in line for a promotion. She has been so busy at work that she has put off updating her portfolio, and she has not attended any study days. When it is time for her to re-register with the NMC, she realises that she has not completed her continuing professional development (CPD) requirements.

What do you think are the main issues for Sally Ann in her professional accountability at this stage?

Sally Ann decides to lie about her continuing education. She completes the form for the NMC and states that she has completed the minimum requirements for continuing professional development.

Does this change the main issues in professional accountability?

Commentary

The commentary on this case study can be found at the end of the chapter.

Activity

Look at the NMC website (www.nmc-uk.org). There is a section on publications. Which publications set out your limits on accountability? Do you have a copy that is easily to hand for you to reference in your work?

The second pillar of accountability: ethical accountability

Ethical values will form part of the framework of accountability in nursing practice. These ethical values will come from different sources.