

1201- Foundations of Professional Practice

1B

Outcome 1- Discuss elements of professionalism in nursing practice

Ethics

- Ethics and laws are 2 different things.
- Ethics are NOT- laws, policies, manners, religion, morality or a gut feeling.
- Ethics aren't fixed.
- Ethics are what we should do- what's right and wrong.
- Ethics is different to everyone.
- Includes-
 - Consequentialism- the end justifies the means.
 - Deontology- motives and actions must be right.
 - Feminism- a gendered approach to moral philosophy.
 - Nurses must maintain ethical standards.
- **Ethics are-**
 - Expected behaviours- not enforced.
 - Unwritten principles.
 - Interpreted by individuals or professions.
 - Adopted by choice.
 - Not strictly enforceable.
- **Principles approach-**
 - Autonomy- respect the capacity of people to make decisions.
 - Beneficence- act in the best interests of others.
 - Non-maleficence- do no harm.
 - Justice- act equitably and accountably.

Laws

- Laws are derived from ethical principles.
- Laws govern us.
- **Laws are-**
 - Required behaviours.
 - Formal written documents.
 - Interpreted by courts or tribunals.
 - Imposed by everyone.
 - Enforceable by police and courts.
- Australia is based on a federation of states.
- **Commonwealth law-** powers are set out and limited to those listed in the constitution. Laws prevail over state laws only where there is inconsistency.
- **State law-** states have general powers to make laws for the peace, welfare and good government of the people. Laws between states vary. State laws don't need constitution to support basis of any laws.
- Australian legal system is based on common law- everything's alright to do unless there's a law restraining it.

- Laws arose from resolution of competing interests and rights and legislative laws (laws made by government by acts of parliament).

	Criminal Law	Civil Law
Source	Acts of Parliament	Common Law and Acts
Purpose	Justice and punishment	Compensation
Brings the action	The State	An individual, institution or company
Starts the action	Prosecutor	Plaintiff
Defends the action	Accused	Defendant
Standard of proof	Beyond reasonable doubt	Balance of probabilities
Outcomes	Punishment (prison, fine)	Damages

- Criminal law- manslaughter, assault.

- Civil law- competing interests.

Profession

- A disciplined group of people formally certified by a professional body.
- Who have completed a required course of studies.
- Whose competence can be measured against an established set of standards.
- Who abide by ethical standards above and beyond personal moral obligations.
- Who adhere to a code of practice and act in the interest of others.

Nurses

- Stand in a position of great privilege.
- Are expected to act ethically with skill and knowledge in the interests of their clients.
- Are held accountable.

Accountability

- **Health Practitioner Regulation National Law Act 2009-**
 - Health care professions have been regulated in Australia under the “National Law” administered by the Australian Health Practitioner Regulation Agency (AHPRA).
 - A national registration and accreditation scheme for health practitioners; and the registration of students undertaking programs of study.

Nursing and Midwifery Board of Australia Functions

- Registering nursing practitioners and students.
- Developing standards, codes and guidelines for the nursing profession.
- Handling notifications, complaints, investigations and disciplinary hearings.
- Assessing overseas trained practitioners who wish to practise in Australia.
- Approving accreditation standards and accredited courses of study.

Code of Professional Conduct for Nurses

1. Nurses practise in a safe and competent manner.
2. Nurses practise in accordance with the standards of the profession and broader health system.

3. Nurses practise and conduct themselves in accordance with laws relevant to the profession and practice of nursing.
4. Nurses respect the dignity, culture, ethnicity, values and beliefs of people receiving care and treatment, and of their colleagues.
5. Nurses treat personal information obtained in a professional capacity as private and confidential.

Code of Professional Conduct

- The purpose of the Code of Professional Conduct for Nurses in Australia is to:
 - Outline a set of minimum national standards of conduct members of the nursing profession are expected to uphold.
 - Inform the community of the standards of professional conduct it can expect nurses in Australia to uphold.
 - Provide consumer, regulatory, employing and professional bodies with a basis for evaluating the professional conduct of nurses.

Unsatisfactory Professional Conduct

- Conduct that demonstrates the knowledge, skill or judgment possessed, or care exercised, by the practitioner in the practice of the practitioner's profession is significantly below the standard reasonably expected of a practitioner of an equivalent level of training or experience.

Professional Misconduct

- Unsatisfactory professional conduct of a sufficiently serious nature to justify suspension or cancellation of the practitioner's registration; or
- More than one instance of unsatisfactory professional conduct that, when the instances are considered together, amount to conduct of a sufficiently serious nature to justify suspension or cancellation of the practitioner's registration.

Supreme Court of NSW

- "Disciplinary proceedings against members of a profession are intended to maintain proper ethical and professional standards, primarily for the protection of the public, but also for the protection of the profession".

Negligence

- Failed to act.
- Negligence is part of the common law.
- **Duty of Care:** there was a duty in the circumstances for the nurse or midwife to take care.
- **Breach of Duty:** a behaviour or inaction of the nurse or midwife in the circumstances did not meet the standard of care which a reasonable professional of similar skill and experience would meet in the circumstances.