Ethics Summative Assignment

Part 1- Professionalism in Nursing

The Nursing and Midwifery Code (NMC) sets out standards for professionalism that all registered nurses are to uphold. Nurse Judge did not entirely disregard the Code during the course of the incident and the ensuing trial; she upheld some of the standards but did not uphold others.

Nurse Judge acted in a way that was alleged to have caused the patient, who had limited ability to communicate, to become agitated and upset. This goes directly against point 20.5 of the NMC Code which says that people with vulnerability should not be taken advantage of, or “cause them upset or distress” (Nursing and Midwifery Council , 2015). During this incident she did not act in a professional manner and hence did not adhere to the Code. It was witnessed that her actions directly caused the patient to become more distressed and agitated.

In comparison Nurse Judge adhered to the Code by co-operating with the investigation and did not appear to inhibit the course of the investigation. By co-operating she upheld Standard 23 “Cooperate with all investigations and audits”.

The NMC investigation found that Nurse Judge had not upheld Standard 20 “Uphold the reputation of your profession at all times” (Nursing and Midwifery Council , 2015) this is broken down into 10 key points in order to achieve the standard. Nurse Judge did not uphold point 20.1 “keep to and uphold the standards and values set out in the Code”, by not upholding other standards she does not meet this standard. The next point involves “treating people fairly and without discrimination, bullying or harassment”, Nurse Judge’s actions could be seen to be discriminatory, if the patient had been able to communicate she may not have treated him in the manner she did as he would have been able to tell other people. Whether or not harassment has taken place cannot be shown as there is a lack of evidence as to whether Nurse Judge’s intimidation of the patient has occurred on more than one occasion. Point 20.4 “keep to the laws of the country in which you are practising” it could be said that Nurse Judge has upheld this point as she was found not guilty of common law assault in a court of law. This does however mean she did not break the law but they were unable to prove without a doubt that she assaulted the Patient.

From the information provided on this occasion about Nurse Judge it is clear that she did not act in a professional manner during the course of her provision of care. She upheld many of the professional standards but breached the ones that in my opinion can have a much greater impact on the patients’ that are under her care. Witness statements alleged that Nurse Judge stopped her actions each time someone else entered the room, to me this shows that she knew what she was doing and it was not right as she did not want others to see her doing this. She did not uphold the Code and brought disrepute to the Nursing profession.

Part 2- Ethics in Nursing (523 words)

Reading through the case from the Professional Standard’s Authority (PSA) I felt that there are several wrongs and rights of this case, these encompass the ethical principles of justice, non-maleficence, beneficence and integrity. When thinking of integrity, the qualities a person must possess are honesty and moral principles. The witnesses in this case are both practising social workers and should act with integrity at all times. I believe that although they are both professionals with many years of experience working with people who have Mental Health Conditions’ they may not be considered the best witnesses. This is due to social workers potentially looking for abuse where there is none. When the PSA made their decision to strike Nurse Judge from the Register they were partially relying on these witness statements. As these statements had not been reliable enough to prosecute her with assault then I do not believe they are reliable enough to erase her from the register for physical abuse.

As already mentioned in the above section Nurse Judge acted to cause agitation or distress to the Patient. The PSA decided that the actions taken by Nurse Judge that caused the Patient to become agitated amounted to emotional abuse. I consider this to be a part of the case that was correct, as she was witnessed to have stop what she was doing when other people were in the room. This shows she knew her actions were inappropriate, or she would have allowed other members of staff to see her carrying out the so called “distraction technique”. Nurse Judge’s actions go directly against the ethical principle of nonmaleficence, or first do no harm. She acted in a way that was visibly causing distress to someone who would be unable to report her actions. Nurse Judge did also not display the quality of beneficence, she did not appear to show any kindness or good towards the Patient. These are key qualities and principles that need to be shown and followed within the nursing profession.

Nurse Judge maintained throughout the multiple court and panel proceedings that she had not done anything wrong, and that the key issue that day was having agency staff on shift. The NMC did not highlight her lack of reflection as a large cause for concern and barrier to her continuing to be on the Register. When the PSA took the case, they highlighted Nurse Judge’s lack of reflection as a major issue in relation to remaining on the Register. They did not believe she had shown any “insight, remorse or remediation” (Professional Standards Authority, 2016). The incident occurred in October 2013, some 3 years before the NMC held the hearing on Nurse Judge’s misconduct. That allowed more than sufficient time for Nurse Judge to reflect on the incident and to take meaningful steps to develop her skills for dealing with challenging behaviour. Therefore, I think that it is right that her lack of reflection was a factor in her removal for the Register as she did not show any signs that this incident would not reoccur and it did not seem that she thought she had done anything wrong.

Part 3- Legal Role of the Regulatory Body in Nursing (468 words)

The function of the NMC is to decide on and uphold the professional standard in nursing and ensure “the Code” is being upheld by all registrants. The NMCs role within the Philomena Judge case was to consider Philomena Judge’s actions or inactions and decide which Standards from the Code had not been upheld and the penalties that should be brought against her. The NMC decided that Philomena Judge was not fit to practise and would be suspended from the Register for a minimum of one year. During this time, she should undertake training on how to deescalate situations and reflect on the actions she took during the incident and how she would act to prevent this from happening in the future. Only once this was complete would they consider allowing her to practise as a nurse again.

The NMC ruled that Philomena Judge’s behaviour amounted to serious misconduct and that the three charges of; “struck patient A with your hand”, “on one or more occasions struck Patient A with a mop/broom/brush handle” and “inappropriate use of a mop/broom/brush handle in the course of providing care to Patient A” (Nursing and Midwifery Council, 2016) were all proven. Based on this the NMC panel decided that Nurse Judge knew her actions to be abusive and that they were carried out deliberately. I disagree with the NMCs ruling that Nurse Judge should stay on the Register, as they had said themselves that her actions constituted abuse and they were not satisfied her actions would not be repeated. By saying her actions may be repeated they are allowing her opportunity to inflict emotional abuse and possibly physical abuse on another Patient.

The Professional Standards Authority for Health and Social Care (PSA) then decided that they were not satisfied with the outcome of the NMCs case and took Nurse Judge and the NMC to court. I agree with the PSA’s decision to strike Philomena Judge from the Register but I do not agree that the court costs should be paid by her. She had already been out of work for nearly four years and has to pay her own legal costs, I think that the costs should have all been claimed from the NMC. I believe this as the NMC should have struck her from the Register and the additional costs would not have been incurred. When the PSA decided to overrule the NMC’s decision they take away their autonomy and it could mean that future rulings that they make could hold less authority in the eyes of the public. Nurse Judge had 30 years of unblemished service as a nurse but this does not mean her actions should go unpunished, with such a long career she should have known what she was doing was wrong and that she was acting with malice.

# Bibliography

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