Advocacy and autonomy

The primary function of the Nursing and Midwifery Council (NMC) is to 'protect the public' by setting professional standards and giving advice and guidance to registered nurses, midwives and specialist community public health nurses (registrants).

The NMC code of professional conduct: standards for conduct, performance and ethics (the Code) is designed either to be used on its own or in conjunction with other NMC guidelines. When used with these other guidelines, the Code is an effective tool that leads to a much greater understanding of the principles of providing nursing and midwifery care.

Registrants have a responsibility to deliver safe and effective care based on current evidence, best practice, and where applicable, validated research.

Every patient has the right to make their own decisions regarding their health care.

Clause 2 of the Code clearly states:
"As a registered nurse, midwife or specialist community public health nurse, you must respect the patient or client as an individual."

Advocacy is concerned with promoting and protecting the interests of patients/clients, many of whom may be vulnerable and incapable of protecting their own interests. They may lack the support of family and friends.

Registrants can promote patient/client advocacy by providing information and ensuring that the patient/client feels confident they are sufficiently informed to make their own decisions. The wishes of the patient/client should be taken into account when care is being planned or provided, and the patient's/client's decisions should be supported.

Registrants must never practice in such a way that assumes they know what is best for their patient/client, as this creates dependency and the potential to compromise practitioner-client boundaries. The relationship should be a caring and therapeutic one at all times, with the patient/client at the centre of the care.

Advocacy also involves providing support if the patient/client refuses treatment or care, or withdraws their consent. Other health care professionals, family members, legal advisers, voluntary agencies and advocates appointed by the courts may also be involved in safeguarding the interests of patient/client. When protecting and respecting patient/client autonomy a registrant must:
* Respect their right to decide whether or not to undergo any health care intervention, even where a refusal may result in harm or death to them or a foetus.
* Ensure that patients/clients are given sufficient, relevant information to enable them to make informed decisions regarding their care or treatment, and to respect their participation when making such decisions.
* Use their professional judgement, often in conjunction with colleagues, to decide whether a patient/client is capable of making an informed decision about their treatment or care.
When respecting patient/client autonomy, registrants need to be aware of any legal implications. A patient or client's right to accept or refuse treatment and care may change in law, depending on their age and health.

Particular attention to the legal position of children must be sought, as their right to give consent or refuse treatment or care varies in the four countries of the UK, depending on their age.

It is advised that local policies should be developed or amended using the information outlined above. Information on updated advice sheets will be published in NMC News.

Further information
The NMC code of professional conduct: standards for conduct, performance and ethics (2004)
NMC advice sheet on Delegation
NMC advice sheet on Consent
Department of Health (England) www.dh.gov.uk
The Scottish Executive www.scotland.gov.uk
The Welsh Assembly www.wales.gov.uk
Department of Health and Social Services and Patient Safety of Northern Ireland www.dhsspsni.gov.uk
Health and Personal Social Services in Northern Ireland www.n-i.nhs.uk
Community and District Nurses Association www.cdna-online.org.uk
Community Practitioners and Health Visitors Association www.amicus-cphva.org
Royal College of Nursing www.rcn.org.uk
Royal College of Midwives www.rcm.org.uk
UNISON www.unison.org.uk

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If this advice sheet has been unable to answer your question please e-mail advice@nmc-uk.org or call one of the staff at the NMC Professional Advisory Service on 020 7333 6541/6550/6553. When e-mailing the service, please remember to give your name.

All communications are dealt with as quickly as possible, but please note that it can take up to 10 working days to deal with correspondence. A query by e-mail can take just as long to process as a written letter.