

36 In some cases of legal incapacity, such as when a patient is in a persistent vegetative state, certain decisions will need court authority. Court authority may also be necessary or desirable in decisions concerning selective non-treatment of handicapped infants, dealing with certain circumstances of neonate care or sterilisation of a mentally handicapped individual.

Mental Health Acts

37 If you are involved in the care or treatment of patients or clients detained under statutory powers in the Mental Health Acts, you must get to know the circumstances and safeguards needed for providing treatment and care without consent.

Making concerns known

38 Employers have a duty to provide the resources needed for patient and client care, but the numerous requests to the UKCC for advice on this subject indicate that the environment in which care is provided is not always adequate. You may find yourself unable to provide good care because of a lack of adequate resources. Also, you may be afraid to speak out for fear of losing your job. However, if you do not report your concerns, you may be in breach of the Code of Professional Conduct. You may also have concerns over inappropriate behaviour by a colleague and feel it necessary to make your concerns known. You will need to report your concerns to the appropriate person or authority, depending on the type of concerns. You may feel it necessary to discuss these decisions with other colleagues or a membership organisation.

39 The clauses of the code which relate specifically to these issues are numbers 11, 12 and 13:

"As a registered nurse, midwife and health visitor, you are personally accountable for your practice and, in the exercise of your professional accountability, must ...

11 report to an appropriate person or authority, having regard to the physical, psychological and social effects on patients and clients, any circumstances in the environment of care which could jeopardise standards of practice;

12 report to an appropriate person or authority any circumstances in which safe and appropriate care for patients and clients cannot be provided;

13 report to an appropriate person or authority where it appears that the health or safety of colleagues is at risk, as such circumstances may compromise standards of practice and care;"

40 These clauses give advice on the minimum action to be taken. This will help to make sure that those who manage resources and staff have all the

information they need to provide an adequate and appropriate standard of care. You must not be deterred from reporting your concerns, even if you believe that resources are not available or that no action will be taken. You should make your report verbally and/or in writing and, where available, follow local procedures. The manager (who may also be registered with us) should assess the report and communicate it to senior managers where appropriate. This is important because if, subsequently, any complaint is made about the registered practitioners involved in providing care, this may require senior managers to justify their actions if inadequate resources are seen to affect the situation.

- 41 As outlined in clauses 11, 12 and 13 of the code, the registered practitioner's role is to make sure that safe and appropriate care is provided. This means:
- promoting staff support throughout health care settings;
 - telling senior colleagues about unacceptable standards;
 - supporting and advising colleagues at risk;
 - reporting circumstances in the environment which could jeopardise standards of practice;
 - making sure that local procedures are in place, challenged and/or changed;
 - being aware of new codes, charters and registration body guidelines;
 - keeping accurate records and
 - when necessary, obtaining guidance on how to present information to management.

Working together

42 The UKCC recognises the complexity of health care and stresses the need to appreciate the contribution of professional health care staff, students, supporting staff and also voluntary and independent agencies. Providing care is a multi-professional, multi-agency activity which, in order to be effective, must be based on mutual understanding, trust, respect and co-operation. Patients and clients are equal partners in their care and therefore have the right to be involved in the health care team's decisions.

43 Under clause 6 and clause 14 of the Code of Professional Conduct:

"As a registered nurse, midwife or health visitor, you are personally accountable for your practice and, in the exercise of your professional accountability, must ...

- 6 work in a collaborative and co-operative manner with health care professionals and others involved in providing care, and recognise and respect their particular contributions within the care team; ...
- 14 assist professional colleagues, in the context of your own knowledge, experience and sphere of responsibility, to develop their professional competence and assist others in the care team, including informal carers, to contribute safely to a degree appropriate to their roles;"

These clauses emphasise the importance of support and co-operation and also the importance of avoiding disputes and promoting good relationships and a spirit of co-operation and mutual respect within the health and social care team. It is clearly impossible for any one profession to possess all the knowledge, skills and resources needed to meet the total health care needs of society. Good care should be the product of a good team.

- 44 Good team work is important but co-operation and collaboration are not always easily achieved, for example, if:
- individual members of the team have their own specific and separate objectives or