

The children, young persons and their families act 1989



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Nursing Practice and legislation

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Children, Young Persons and Their Families Act 1989

Nursing is the promotion and protection of health and wellness, it is the alleviation of suffering and the prevention of illness or injury. This essay will discuss the links between New Zealand legislation on nursing practice (Children, Young Persons and Their Families Act (CYF) 1989) and the nursing Code of Conduct. This is an important topic because children are one of the most vulnerable groups and thus they have the greatest need for health promotion, protection and care. The legislation and Code of Conduct will be unpacked and explored and the links between them will be demonstrated through the use of two case studies. The first case study will discuss youth justice in relation to legislation and the nursing Code of Conduct, and the second case study will discuss the law, the nursing role and child abuse.

The CYF Act has eleven parts in total and its purpose is to protect the rights, health and wellbeing of children and their families from harm, abuse and neglect. It also ensures that children and young people who break the law can be held responsible of their actions (Law, 2015). Part four of the CYF Act 1989 stipulates that the health and well-being of children and young people is to be promoted by encouraging them to accept responsibility for their behaviour and holding them accountable for their offending (Justice, Child offending and youth justice processes, 2015). The legislation ensures that encounters with child and youth offenders occurs in a manner which ‘ acknowledges their needs and will give them the opportunity to develop in

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responsible, beneficial and socially acceptable ways (Justice, Child offending and youth justice processes, 2015)'. The way child and youth offenders are dealt with varies depending on their age and the nature of their offending, in New Zealand child as young as ten years can be held accountable in cases of manslaughter and murder (Justice, Child offending and youth justice processes, 2015).

Part two of the CYF Act states that when a child is being abused or is suspected of being the target of abuse, people must assist the child or young person ' in order to prevent them from suffering harm, ill-treatment, abuse, neglect, and deprivation (Justice, Youth Justice Model v The Welfare Model , 2015).' As a result of this legislation New Zealand has further developed its legislation on the protection of children in the form of the Vulnerable Children Act 2014. The vulnerable children aspect of the CYF Act has had the greatest impact on the nursing Code of Conduct and thus nursing practice.

The nursing Code of Conduct was set forth by the Nursing Council of New Zealand to govern and guide everyday nursing practice under the Health Practitioners Competence Assurance Act 2003 (HPCA) (Council, 2012). The Nursing Council outline eight principles form the framework of the Code of Conduct. Firstly, principle one is discusses maintaining the dignity and individuality of health consumers and principle two that health professionals are required to respect cultural beliefs and values of those they care for. Secondly, principle three requires nurses to include the health consumer in the development and implementation of their care and principle four ensures that nurses develop, maintain, and respect the trust of the health consumer.

Thirdly, principle five relates to ensuring the privacy and confidentiality of <https://assignbuster.com/the-children-young-persons-and-their-families-act-1989/>

information provided for therapeutic purposes and principle six is to guide nurses to work collaboratively in order to provide a high standard of care. Lastly, principle seven asks that nurses act with integrity to justify health consumers' trust and principle eight is to develop and maintain public confidence in the profession. So far this essay has explored the CYF Act 1989 and the nursing Code of Conduct, and the latter portion of this essay will focus on demonstrating the interaction between legislation and the Code of Conduct through the use of case studies and scenarios.

Part four of the CYF Act focuses on youth justice, this has a significant impact on the nursing Code of Conduct. The legislation states that it is preferable if the child or young persons who commits an offence is kept in the community as long as it is practical and does not endanger the safety of the public (Legislation, 2014), according to the Code of Conduct, principle 7, the nurse's role if such a youth were to become a patient is to provide the same high standard of care given to other patients and to ensure that the actions of the patient do not adversely affect other patients' mental or physical health and wellbeing, or the safety of the staff. The Code also stipulates that violence and aggression towards patients or staff will be carefully documented and if the patient is considered dangerous then a report will be required under principle 4. An example of such a youth is Bailey Junior Kurariki who was the youngest New Zealander to ever be jailed for manslaughter at the age of 13. The CYF Act, in conjunction with the Code of Conduct, work to ensure that despite Bailey's history of violence, if he were to be admitted to hospital he would be guaranteed fair treatment without discrimination of race, gender, history or actions. This would be his right, as

set out by the Code of Rights in the Health and Disability Commissioner Act (Commissioner, 2009). Next, the reporting of suspected child abuse according to the CYF Act and the Code of Conduct.

As set out in the CYF Act any decisions made on behalf of a child or young person by the court or other person, “ the court or person must be guided by the principle that children and young people must be protected from harm and have their rights upheld (Legislation, 2014)”. The implications that this has on the Code of Conduct and on the nursing profession is that if a young patient exhibits signs of abuse then it is the nurses responsibility to document the suspected abuse and report the concern. This may appear to be unlawful according to the Privacy Act 1993, this is one of the reasons why many people do not report abuse as they view it as a breach of the person’s privacy (Henry, 2011). However, both the CYF Act and the Privacy Act allow for the reporting of suspected abuse as it is in the interest of child welfare and protection (Legislation, Privacy Act 1993, 2014; Henry, 2011). This allowance is due to New Zealand having the fifth highest rate of child abuse out of all the OECD countries (Studies, 2015). An example of child abuse in New Zealand, which went unreported and resulted in the death of the child, is the Nia Glassie case which hit the media in 2007 after her murder. After Nia’s death reports surfaced regarding people’s suspicions that something was amiss in Nia’s life, these unreported suspicions included urine and cannabis smells in her hair, as noticed by the teachers at the early childhood centre she attended (Black, 2010). During the court proceedings that followed her death, it came to light that it had been long-term and on-going abuse (Black, 2010). The other adults in the household also did not report

the abuse or take Nia to the hospital after any of the many beatings she is said to have received (Masters & Rowan, 2008). By taking Nia to the hospital the responsibility of reporting the abuse would have been extended to include the nurses and other healthcare professionals, as it is required by law, and by the Code of Conduct, that healthcare professionals report suspected child abuse in order to protect the welfare and safety of that child (Legislation, Children, Young Persons and Their Families Act 1989, 2014; Council, 2012).

In conclusion, this essay has explored the Children, Young Persons and Their Families Act 1989, which was a revolutionary piece of legislation and much needed step towards the protection of vulnerable children, through the reporting of child abuse, and also youth justice. The nursing Code of Conduct was also explored in relation to this legislation, and the effects of both the Legislation and the code were demonstrated through the use of two case studies; the Bailey Junior Kurariki case was used to illustrate youth justice and the Nia Glassie case for child abuse and protection. The main message is that both the CYF Act 1989 and the nursing Code of Conduct, as well as the Privacy Act 1993, allow for the reporting of suspected abuse in order to ensure the protection, safety and welfare of a child.

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