

# Ethical and legal principles in nursing | reflective essay



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This following piece of reflection will be written by using the ' what' model of structured reflection (Driscoll, 2007). The essay will focus on a practice based scenario and will include two ethical principles, these being, Non-Maleficence and Beneficence. It will also cover two legal principles; The Mental Capacity Act and Consent. In order to maintain patient's confidentiality (Nursing and Midwifery Council 2008) a pseudonym name will be used throughout this reflective account and the patient will be referred to as Jean.

As a trainee assistant practitioner I am accountable in my practice to identify and minimise risk to the patient when carrying out care. It is also my duty to ensure my knowledge and skills are maintained, thus providing equal care to all patients. Furthermore consent must be obtained from the patient prior to carrying out any care.

I was asked by the community district nursing team to obtain a blood sample from an 88 year old lady who needed a diabetic review . This investigation will identify any potential problems associated with diabetes (Diabetes UK). Having this test is essential for the well being of the patient. Jean has type 2 diabetes and her condition is controlled by insulin therapy. Having this test is important for the well being of the patient.

The nursing midwifery council state " that obtaining patients consent is necessary before you can give treatment or care" (2002). It is important to obtain consent and failure to do so could be viewed as physical assault on a patient (Lavery 2005). Consent should not be taken for granted and an explanation should be given to the patient prior to the procedure. This

ensures that Patients are competent to make an informed decision and have the legal right to decline treatment at any time during their treatment.

Jean also has a form of dementia and due to this; she experiences memory loss and confusion. According to Frude “ the general onset of dementia is one of progressive deterioration in the forgetfulness stages the person experiences difficulty in recalling events” (2000. p. 285). Within my role as a trainee assistant practitioner I have the responsibility to understand the Mental Capacity Act 2005 and to respect people rights and provide care within the realms of the law.

A patient who lacks mental capacity is a person whose brain has been affected from an illness, in this case dementia. The Mental capacity act 2005 is to protect people who are unable to make decision for themselves. The Code of Practice states that “ last power of attorney can be used to appoint attorney to make decisions about personal welfare” (2005 . p120)

A person with a personal welfare of lasting power attorney can make a medical or treatment decision for another person. The office of the public guardian has a register for lasting power of attorney this is a legal document which people must be registered (Alzheimer’s society 2010).

It is my responsibility to ensure that patients who lack capacity have the correct support in place so that they can assert their rights. In this case Jean had nominated her daughter to be her lasting power of attorney. Jean now moved in with her daughter and her family. I asked Jeans daughter for permission to take a blood sample from her mother and she gave her

consent. However when I approached Jean to explain what I was going to do  
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she seemed very confused and became aggressive towards me. I was told in report that Jean can get confused, but no mention of her being aggressive. I felt very uneasy and made the decision with the support of Jeans daughter, not to take the blood sample.

Hendick states “ the principle of non-maleficence imposes duty to do no harm or to minimize harm” (2001 p 22). As Jean was obviously distressed and I did not want to cause her any discomfort I decided not to carry out the procedure. My intention was also not to put Jean or myself at any risk from taking the blood sample as it could lead to either one of us being harmed from a needle stick injury.

Hendick states “ beneficence means that you must act in the way that benefits others, and have both moral and legal duty to do good” (2004 p72). Obviously having the test done is in Jean’s best interests as her doctor needs to have recent blood values to ensure she is receiving the correct treatment. I believe however, that I acted in Jean’s best interests by postponing her blood test to another day finding out from her daughter what the best time of day for Jean, when she would be likely to be more relaxed and approachable. Her daughter had agreed with this decision, another date was arranged

As a trainee Assistant Practitioner, I ensure that I abide by ethical and legal principles in all aspects of my role. I feel that it is something that is incorporated into my job often without me even realising. For example, I would never carry out any procedure without gaining the patients consent. This could be verbal or non verbal.

I will inform the senior member of staff about the situation I was in and fill in an incident form. I will also ensure other team members are aware of Jean's aggression and to ensure that we call her daughter before we visit in the future. Hopefully my next visit will be more successful with better communication skills by planning the visit with her daughter

I feel that I learnt a great deal about the Mental Capacity Act through my care of Jean and will continue to increase my skills and knowledge. I will continue to give Jean the care and support she needs. I will ask my Primary Care Trust for any future study days on the Equality Act that has come into force from October 2010, and then I will be able to understand how the act could be relevant within my practice.

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