

Conscientious objection

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.

Whilst there is no statutory definition of conscientious objection and the law does not give an interpretation of 'participation in treatment', in law registrants do have the right to conscientiously object to take part in the following two areas of care only. These are:

- * The Abortion Act 1967 (Scotland, England and Wales) which gives registrants the right to refuse to have direct involvement in abortion procedures.
- * The Human Fertilisation and Embryology Act 1990 which gives registrants the right to refuse to participate in technological procedures to achieve conception and pregnancy.

Registrants who do conscientiously object under the above two Acts are reminded that they are accountable for whatever decision they make and could be called upon to justify their objection within the law.

Article 4(2) of the Abortion Act 1967 and Article 38(2) of the Human Fertilisation and Embryology Act 1990 state that:

"In any legal proceedings the burden of proof of conscientious objection shall rest on the person claiming to rely on it."

In Scotland, however, the burden of proof does not rest with the objector if he or she swears an oath before a court of law explaining that he/she has an objection.

The NMC standard relating to conscientious objection is contained within Clause 2.5 of *The NMC code of professional conduct: standards for conduct, performance and ethics*. This states:
"You must report to a relevant person or authority, at the earliest possible time, any conscientious objection that may be relevant to your professional practice. You must continue to provide care to the best of your ability until alternative arrangements are implemented."

Registrants do not have the right to refuse to take part in emergency treatment. In any emergency, registrants would be expected to provide care.

Registrants should give careful consideration when deciding whether or not to accept employment in an area that carries out treatment or procedures to which they object. Registrants who raise a conscientious objection to being involved in certain aspects of care or treatment must do so at the earliest possible time, in order for managers to arrange alternative arrangements. In certain circumstances, this may mean providing counselling for the staff involved in these decisions.

A-Z advice sheet

Refusing to be involved in the care of patients because of their condition or behaviour is unacceptable. The NMC expects all registrants to be non-judgmental when providing care.

Clause 2.2 of the Code is specific on this point. It states:

"You are personally accountable for ensuring that you promote and protect the interests and dignity of patients and clients, irrespective of gender, age, race, ability, sexuality, economic status, lifestyle, culture and religious or political beliefs."

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 Accountability

NMC advice sheet on Duty of care

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.