

## Fact sheet - Public consultation on revised codes of conduct

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23 January 2017

### Public consultation on revised *Code of conduct for nurses in Australia* and revised *Code of conduct for midwives in Australia*

#### Overview

The Nursing and Midwifery Board of Australia (NMBA) sets the national standards, codes and guidelines that nurses and midwives must meet for registration in Australia. These standards, codes and guidelines provide nurses, midwives, employers and the public with information about the minimum standards required to practise as a nurse or midwife in Australia. The NMBA has initiated a process for the review, development, consultation and approval of all nursing and midwifery standards, codes and guidelines and this review is part of that structured process.

#### How are the Codes of conduct used?

The *Code of conduct for nurses in Australia* and the *Code of conduct for midwives in Australia* (the Codes) set out the legal requirements, professional behaviour and conduct expectations for nurses and midwives in all practice settings, in Australia. The Codes describe the principles of professional behaviour that guide safe practice, and clearly outline the conduct expected of nurses and midwives by their colleagues and the broader community.

The Codes are used:

- to support individual nurses and/or midwives in the delivery of safe practice and fulfilling their professional roles
- as a guide for the public and consumers of health services about the standard of conduct and behaviour they should expect from nurses and/or midwives
- to help the NMBA protect the public, in setting and maintaining the standards set out in the Code and to ensure safe and effective practice
- when evaluating the professional conduct of nurses and/or midwives. If professional conduct varies significantly from the values outlined in the Codes, nurses and/or midwives should be prepared to explain and justify their decisions and actions. Serious or repeated failure to abide by the codes may have consequences for registration and may be considered as unsatisfactory professional performance, unprofessional conduct or professional misconduct<sup>1</sup>, and
- as a resource for activities which aim to enhance the culture of professionalism in the Australian health system. This includes use, for example, in administration and policy development by health services and other institutions, as well as in nursing and/or midwifery education, and the orientation, induction and supervision of students.

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<sup>1</sup> As defined in the National Law, with the exception of NSW where the definitions of unsatisfactory professional conduct and professional misconduct are defined in the [Health Practitioner Regulation National Law](#) (NSW)

## How have the revised Codes of conduct been developed?

The Codes are research-based using relevant literature and evidence to provide the direction and platform for content, structure and language. In addition to the under-pinning research, the NMBA has worked and consulted extensively with the professions and stakeholders in the development of the Codes. The NMBA has:

- adopted a number of recommendations from the review of the relevant literature that include:
  - to base the revised Codes on the National Scheme's multi-profession common Code of conduct
  - to reduce the publication of multiple documents by incorporating content on professional boundaries in the revised Codes, and
  - to include a number of areas on contemporary conduct not addressed in the current Codes.
- undertaken analysis of notification (complaint) data on conduct, behaviour and boundaries for nurses and midwives to ensure contemporary conduct issues are captured in the Codes
- held workshops with key groups to discuss issues about conduct and behaviour
- received high-level input and direction from key stakeholder working groups (one each for nursing and midwifery) in the areas of content, presentation, terminology and cultural consideration and a specialist group for literacy, plain English and cultural appropriateness, and
- used *qualitative* findings from the *thematic* analysis of focus group sessions held in 13 metropolitan and rural/regional locations across the country to garner the perceptions, opinions, beliefs, and attitudes of nurses, midwives and consumers on the codes of conduct.

## What are the key features of the revised Codes of conduct?

### Content and structure

The Codes are structured into four domains and framed around seven principles of conduct, each with an explanatory value statement. Practical guidance accompanies each value statement to demonstrate how to apply it in practice.

The Codes seven principles of conduct:

1. Legal compliance
2. Person-centred practice
3. Cultural practice and respectful relationships
4. Professional behaviour
5. Teaching, supervision and assessing
6. Research in health
7. Promote health and wellbeing

Underpinning the Codes is the expectation that nurses and midwives will exercise their professional judgement to deliver the best possible outcomes in practice.

## What else has changed?

### Language

The style adopted is a more directive language for stipulations about conduct and boundaries and uses a more balanced mix of positive and negative statements. The use of 'must not' is used where it is necessary to provide clear practical application of the Code.

### Terminology

1. 'Professional relationship' has been adopted in replacement of 'therapeutic relationship' and 'partnership'.
2. 'Person' or 'people' is used in the Codes and refers to those individuals who have entered into a professional relationship with a nurse and/or midwife. 'Person' extends the applicability of the Codes to nurses and midwives who engage in practice outside of a clinical setting and supports the intended broad application of the Codes. It captures all those with whom the nurse and/or midwife engages and enables the broadening context of nursing and midwifery practice. Further rationale for its use is:
  - a. The Codes set out the professional behaviour and conduct expectations for all nurses and midwives.
  - b. The Codes are used when evaluating the professional conduct of nurses and midwives and can be applied across the broad and dynamic scope and context of nursing and midwifery practice that includes clinical, education, research, administration, management, advisory roles, regulation or policy development.
  - c. For midwives, it recognises the changing demographic of the family and community groups and the changes in the use of gender specific terms, which limits the nature of the evolution and expansion of professional midwifery relationships.

### Public consultation participation

The NMBA values your input to the review of the Codes and seeks your participation in this consultation. You can participate by completing the online [survey](#) by close of business on **10 March 2017**.