



Delegation by registered nurses

The skill mix of nursing care staff working in all care settings requires clear guidelines for registered nurses who delegate¹ aspects of nursing care to enrolled nurses, assistants in nursing^{2*} and other workers whose role falls under the delegation and supervision of the registered nurse^{**}. Delegations are made to meet the needs of the person receiving care and to ensure timely, safe and effective access to healthcare services. It is a consultative, multi-level process requiring rational decision-making, consent from the parties involved following risk assessment. Delegation may only take place after education and an assessment of competence¹.

Delegation is different from allocation or assignment, which involves asking another person to care for one or more individuals on the assumption that the required activities of care are normally within that person's responsibility and scope of practice. This is the case for a registered nurse allocating care to another registered nurse. However, the principles that apply to delegation may also apply to allocation.

The practice of registered nurses, midwives and enrolled nurses³ is governed by the Nursing and Midwifery Board of Australia (NMBA) pursuant to the *Health Practitioner Regulation National Law Act 2009* (as enacted in each state and territory)². Assistants in nursing are not regulated by the NMBA. The registered nurse delegating care to an assistant in nursing or any other unregistered person is responsible for determining that the delegation is appropriate, and that the outcome is evaluated and recorded.

Delegation by registered nurses must be guided by the *NMBA's Decision-making framework for nursing and midwifery*³.

The purpose of this guideline is to:

- clarify the role and obligation of registered nurses when delegating aspects of nursing care;
- guide registered nurses through the issues to be considered in delegating aspects of nursing care; and
- clarify the role and obligation of employers in the delegation of aspects of nursing care by nurses.

The Australian Nursing and Midwifery Federation provides the following guidance for delegation:

1. Nursing care needs of the person are assessed by registered nurses who develop and document a plan of care, and make informed decisions relating to delegation of any nursing activity in that plan of care to another person.
2. The preferences, wellbeing and interests of the person are central to the assessment and plan of care developed by the registered nurse.
3. Registered nurses must be familiar with the NMBA *Standards for practice for enrolled nurses* in order to be confident that a delegated activity is within the scope of enrolled nursing practice.
4. A registered nurse must not delegate to an enrolled nurse, an assistant in nursing or other worker whose role falls under the delegation and supervision of the registered nurse, to perform aspects of nursing care:
 - a) where the registered nurse reasonably believes the skill or competency level of the enrolled nurse, assistant in nursing or other worker whose role falls under the delegation and supervision of the registered nurse is inadequate; or
 - b) where the registered nurse reasonably believes the nursing care is outside the scope of practice of the enrolled nurse or the role of the assistant in nursing or other worker whose role falls under the delegation and supervision of the registered nurse; or

* The term assistant in nursing also refers to care workers (however titled)

** This includes, but is not limited to, Aboriginal health workers, Aboriginal and Torres Strait Islander Health Practitioners and employed undergraduate students of nursing (however titled).



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- c) where the registered nurse is not able to provide direct or indirect supervision of the enrolled nurse, assistant in nursing or other worker whose role falls under the delegation and supervision of the registered nurse; or
 - d) where the registered nurse will be unable to evaluate the aspect of care provided.
5. Each registered nurse and enrolled nurse is responsible for their own practice and conduct under the National Law. Registered nurse's responsibilities include taking an informed, responsible approach to delegation. The registered nurse remains accountable for delegated aspects of nursing care.
 6. Registered nurses and enrolled nurses cannot assume that the policies, protocols and practices of the employer are always in accordance with legislative requirements. Registered nurses and enrolled nurses should seek advice or assistance from the ANMF state and territory branches, the NMBA and other relevant organisations in matters relating to regulation and other legislation.
 7. In accepting any delegated nursing activity, the enrolled nurse, assistant in nursing or other worker whose role falls under the delegation and supervision of the registered nurse is making an undertaking to personally perform that activity. A delegated activity may not be re-delegated to another person by the person to whom the registered nurse has delegated the aspects of nursing care.
 8. Enrolled nurses work under the supervision and delegation of a named and accessible registered nurse. In accepting delegated aspects of nursing care, enrolled nurses are accepting responsibility and accountability for delivery of those aspects of nursing care.
 9. Enrolled nurses, assistants in nursing and other workers whose role falls under the delegation and supervision of the registered nurse have a responsibility to advise the delegating registered nurse if they are not confident or competent to provide any aspect of the delegated nursing care or if it is not within their scope of practice or role.
 10. Enrolled nurses, assistants in nursing and other workers whose role falls under the delegation and supervision of the registered nurse assist registered nurses by providing delegated aspects of nursing care within the limits specified by their education, training and experience, and in accordance with legislation.
 11. Enrolled nurses, assistants in nursing and other workers whose role falls under the delegation and supervision of the registered nurse work within a ~~nursing care~~ plan of care developed by registered nurses and work under registered nurse supervision at all times. This supervision may be direct or indirect.
 12. Assistants in nursing and other workers whose role falls under the delegation and supervision of the registered nurse are accountable to registered nurses for all delegated activities.
 13. Employers are responsible for ensuring that all employees are competent to carry out the role for which they have been employed.
 14. Employers must acknowledge that they do not employ assistants in nursing and other workers whose role falls under the delegation and supervision of the registered nurse to provide nursing care. Rather, they employ them to assist the registered nurse in the provision of delegated nursing care. It is the registered nurse alone who determines if and when the assistant in nursing or other worker whose role falls under the delegation and supervision of the registered nurse may be delegated an aspect of nursing care.
 15. Employers are responsible for ensuring that registered nurses have access to information regarding the safety and competence for practice of each assistant in nursing and other worker whose role falls under the delegation and supervision of the registered nurse, to whom they may consider delegating aspects of nursing care.



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16. Employers are responsible for ensuring that registered nurses are not required to delegate aspects of nursing care to assistants in nursing or other workers whose role falls under the delegation and supervision of the registered nurse where this is expressly prohibited by state or territory Acts or Regulations, professional standards or guidelines, contrary to any industrial instrument, or where the registered nurse considers the assistant in nursing or other worker whose role falls under the delegation and supervision of the registered nurse is not competent to provide the delegated aspects of nursing care.
17. Employers are responsible for ensuring agency or workplace policies, protocols and practices in relation to delegation are in line with state and territory legislation, industrial instruments, and the NMBA *Decision-making framework for nursing and midwifery*⁴.
18. Subject to meeting minimum staffing levels and skill-mix, mandated by statute or applicable industrial instruments, employers should consult with nursing staff, in determining staffing levels and skill mix that are adequate and appropriate to meet the nursing care needs of the person. This includes enabling the registered nurse to evaluate the outcomes of all delegated care. Employers must provide staffing levels and skill mix that enable registered nurses to practice in accordance with the NMBA *Registered nurse standards for practice*⁵, consistent with research on safe nurse staffing levels.
19. Employers are responsible for providing resources and infrastructure for the continuing professional development of all nursing staff involved in the delivery of care.

Endorsed November 2004

Reviewed and re-endorsed December 2007

Reviewed and re-endorsed June 2011

Reviewed and re-endorsed May 2015

Reviewed and re-endorsed August 2018

Reviewed and re-endorsed August 2021

References

1. Nursing and Midwifery Board of Australia (2020). The Guide to delegation decisions. In *Decision-making framework for nursing and midwifery*, p 9. Melbourne: NMBA. Available at <https://www.nursingmidwiferyboard.gov.au/Codes-Guidelines-Statements/Frameworks.aspx>
2. *Health Practitioner Regulation National Law Act 2009*. Available at <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2009-045>
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4. Ibid.
5. Nursing and Midwifery Board of Australia (2016). *Registered nurse standards for practice*. Melbourne, NMBA. Available at <https://www.nursingmidwiferyboard.gov.au/Codes-Guidelines-Statements/Professional-standards/registered-nurse-standards-for-practice.aspx>