Delegation and accountability

SUPPLEMENTARY INFORMATION TO THE NMC CODE
Introduction

The Nursing and Midwifery Council will soon become the regulator of nursing associates, as well as nurses and midwives. We propose that nursing associates will uphold the same Code as nurses and midwives – we’re consulting people about this between 9 April and 2 July 2018.

Our legislation needs to be changed so that we can regulate a new profession. When that is complete, we hope to open a new nursing associate part of our register in January 2019.

We’ve heard from nurses and those training to becoming nursing associates that they’d welcome support to understand what the regulation of nursing associates means for them when they are working together. We’ve put together this material to help people think about situations when they are delegating tasks, or being given tasks to do by colleagues.
Definitions

- Delegation is defined as the transfer to a competent individual, of the authority to perform a specific task in a specified situation.
- Accountability is the principle that individuals and organisations are responsible for their actions and may be required to explain them to others.

Delegation of tasks from one individual to another occurs commonly in all health and care settings.

Delegation of an activity may be from:

- one registered professional to another.
- a registered professional to an unregulated member of staff.
- a registered or unregistered person to a carer or family member.

As registered professionals, nurses and midwives are accountable for all aspects of their practice, including accountability for what they choose to delegate, and agreement, or not, to undertake activities which are delegated to them. This will also be applicable to nursing associates.

What does the Code say about delegation?

The NMC Code sets out expectations of people on our register when they delegate to others. These requirements apply, regardless of who the activity is being delegated to. This may be another registered professional, a non-registered colleague, or a patient or carer.

These expectations are that people on the NMC register:

- only delegate tasks and duties that are within the other person’s scope of competence, making sure that they fully understand the instructions.
- make sure that everyone they delegate tasks to are adequately supervised and supported so they can provide safe and compassionate care.
- confirm that the outcome of any task delegated to someone else meets the required standard.
What does this mean in practice?

If you are delegating a task, it is your responsibility to make sure that:

• delegation does not harm the interests of people in your care
• the task is within the other person’s scope of competence
• the person you are delegating to understands the boundaries of their own competence
• the person you are delegating to understands the task
• the person you are delegating to is clear about the circumstances in which they must refer back to you
• you take reasonable steps to identify any risks and whether any supervision might be necessary
• you take reasonable steps to monitor the outcome of the delegated task.

Safe delegation from nurses to nursing associates

We have been asked whether the forthcoming regulation of nursing associates will change anything about accountability and delegation.

In relation to delegating activities to nursing associates, nurses (and others) can be assured that nursing associates will:

• have met the NMC’s standards of proficiency for nursing associates
• know and uphold the same professional Code as nurses and midwives (subject to consultation)
• revalidate every three years, providing evidence of their continued ability to practice safely and effectively.

Nurses should also be aware that the nursing associate standards of proficiency will set out the knowledge and skills required to join the nursing associate part of the register. In common with other professionals, nursing associates may develop additional competences, and health and care providers may have local policies and governance allowing suitably trained staff to undertake additional procedures. In the future, a nurse delegating to a nursing associate should be familiar with:

• the nursing associate standards of proficiency
• any additional assured competences achieved by the nursing associate to whom they are delegating a task
• any national guidance about the deployment of nursing associates
• local policies and procedures that may allow nursing associates to carry out additional procedures if trained and competent to do so.
The NMC Code requirements in relation to accepting delegated activities

The NMC Code sets out the responsibilities of people on our register when they accept a delegated task. It states that nurses and midwives (and, in the future, nursing associates) must, as appropriate:

• make sure that patient and public safety is not affected. You work within the limits of your competence, exercising your professional ‘duty of candour’ and raising concerns immediately whenever you come across situations that put patients or public safety at risk.

• make a timely referral to another practitioner when any action, care or treatment is required.

• ask for help from a suitably qualified and experienced health and care professional to carry out any action or procedure that is beyond the limits of your competence.

• complete the necessary training before carrying out a new role.

Implications of the requirements of the Code in relation to accepting delegated tasks

If you are on the NMC register, and someone is delegating aspects of treatment and care to you, it is your responsibility to make sure that:

• you understand the task and can perform it safely

• it is within the limits of your competence

• you understand your role in making decisions about the care or treatment in question

• you are clear about the expectations of the colleague who has delegated treatment or care to you and the circumstances in which you should provide updates and/or escalate to them.

1 Between 9 April and 2 July 2018 we’re consulting on our proposal that the NMC Code should apply to nursing associates when they join our register. We’ve produced a new introduction to the Code, but the standards that follow remain broadly the same.
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When issues or incidents arise:

- If there is a risk of patient harm, or actual harm, an employer or service provider will want to review the decisions and actions of both parties and establish whether the root cause of an incident was unsafe delegation and/or inappropriate acceptance of a task. This may raise concerns about the practice of one, or both parties, depending on the circumstances.

- If an incident is sufficiently serious to raise a regulatory concern, and is referred to the NMC for investigation, we will consider whether more than one person on our register may have a case to answer.

Summary

The responsibilities of nurses and nursing associates where delegation is concerned do not change in circumstances where the person delegating and the person accepting a delegated task are both registered professionals. As a registered professional, whether you are someone delegating a task, or receiving a delegated task, you are accountable for your conduct and practice.