



NEW SOUTH WALES NURSES AND MIDWIVES' ASSOCIATION
AUSTRALIAN NURSING AND MIDWIFERY FEDERATION NEW SOUTH WALES BRANCH



POLICY ON MENTAL HEALTH NURSING CARE

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NSW Nurses and Midwives' Association
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Policy on Mental Health Nursing Care

THE NSW NURSES AND MIDWIVES' ASSOCIATION RECOGNISES THAT:

- All health care has a mental health component.
- Mental health care includes the promotion of health, the prevention of ill health, health maintenance, illness care, rehabilitation and long-term care and management of people with an acute and chronic mental illness. Mental health nursing care involves consumers, their families and carers and other health professionals. Mental health care is relevant to all the life stages of individuals and specific to each stage.
- Mental health nursing care is provided in a variety of settings including but not restricted to: psychiatric hospitals; mental health clinics, stand-alone facilities; emergency departments; general wards; in-patient units attached to general hospitals and correctional facilities; outpatient facilities; specialist teams in community health facilities; supported accommodation facilities; maternity services and Perinatal Mental Health Services and in the client's own environment. All persons requiring mental health care have a right to timely transfer to specialist mental health services.
- Mental health nursing care is provided in a variety of ways including, but not restricted to: direct twenty-four-hour care, community support and education, crisis intervention, consultation liaison and autonomous practice.
- Mental health nursing is an essential component in the delivery of mental health services, in that mental health nurses have the skills to provide comprehensive mental health care.
- Mental health nurses must be directly involved in the planning for, delivery and evaluation of all aspects of mental health care at health service, State and Federal Government levels.
- Mental health nursing is a nursing specialty, the qualifications for which may be obtained in a variety of ways, but will include clinical and theoretical components in mental health.

THE NSW NURSES AND MIDWIVES' ASSOCIATION ADOPTS THE POLICY THAT:

1. Mental health nursing care is provided within the legislative framework of the *NSW Mental Health Act (2007)*² as amended.
2. Mental health nursing is provided in the least restrictive manner, by observance of the rights and the needs of persons requiring care and by the provision of care which maximises human liberty and freedom whilst maintaining the nurses' duty of care.
3. All persons requiring mental health care have a right to care at a declared facility to address their needs. Where required, transportation must protect the person's rights and dignity and be the least

restrictive in the circumstances which best meets the clinical and safety needs of the person and the safety of staff involved in the transport. The mode of transport used, and agency involved, is based on risk and other circumstances at the time. This may involve transport by ambulance, police, the health service or a combination of these⁴. Health service catchment areas and funding systems should not impede a persons' access to care.

4. Mental health care must be adequately resourced to meet the needs of individuals within each community with a funding formula that correlates with the prevalence of mental disorder or mental illness and the population profile of that community.
5. Appropriate funding must be provided for health promotion and illness prevention programs which are specific to mental health and quarantined at the Local Health District service level of the public health system.
6. Mental health nursing includes: the provision of care to persons with a dual diagnosis (that is, physical illness, substance use or developmental disability, pregnancy and or maternity care, in addition to mental illness or disorder). When the primary need for care is mental illness, persons with a dual diagnosis, whatever the setting, must always have access to appropriate mental health care.
7. Mental health nursing care will be delivered by, or under the direct supervision of registered nurses with either a mental health nursing certificate or a post graduate qualification (or equivalent) in mental health.
8. Erosion of mental health nursing positions and/or services in any setting by the employment of other staff categories, however titled, is opposed.
9. To ensure a current and future qualified workforce, post registration mental health nursing courses which include theoretical and clinical components, must be available.
10. Mental health nurses must have access to continuing education appropriate to their area of speciality.
11. Mental health nurses should have access to career paths which include clinical, administrative, managerial, educative and research streams in both the public and private sector.
12. Mental health nurses are entitled to provide and receive formal clinical supervision from appropriately qualified personnel.
13. Professional lines of accountability to nursing must be maintained for mental health nurses regardless of the setting in which they function. Dual lines of accountability may be considered appropriate.
14. Mental health nurses, regardless of the setting in which they function, will be covered by nursing awards or agreements, and have access to membership of nursing professional and industrial associations.
15. Mental health nurses have the right to practice in accordance with Work Health and Safety legislation.

16. With regard to persons to whom the forensic provisions of the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020 No. 12*⁵ apply:
 - 16.1 Persons who are found not guilty of an offence by special verdict of an act proven but not criminally responsible because of mental health impairment or cognitive impairment must be accommodated in a mental health facility and not in a corrective services facility.
 - 16.2 Once it is established that a person is unfit to plead due to mental health impairment or cognitive impairment in relation to a criminal charge, that person should be provided with suitable mental health treatment until such time as they are fit to plead.
 - 16.3 A continuum of rehabilitation services should be available, whatever the setting of care, with regard to people with a mental illness to whom the forensic provisions of the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020 No. 12* as amended apply.
 - 16.4 To ensure appropriate care for persons to whom the forensic provisions of the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020 No. 12* as amended apply, post registration educational opportunities in forensic mental health care should be available.
17. Credentia³ling of mental health nurses is opposed as:
 - 17.1 Separate processes of private credentialing provided by professional organisations should not be required or used as the validation mechanism for mental health nursing practice nor for postgraduate qualifications in mental health nursing.
 - 17.2 There is no place in Australia for private credentialing by professional organisations for mental health nursing practice that leads to restrictive employment practices in the area of mental health.
 - 17.3 The Australian public should not be deprived of mental health nursing services whereby organisational jurisdictions other than the Nursing and Midwifery Board of Australia (NMBA), propose employment arrangements which are open only to individual mental health nurses who are privately credentialled by professional organisations.
 - 17.4 The preferred approach to recognise those registered nurses with postgraduate mental health nursing qualifications is endorsement by the NMBA. This entails accreditation of postgraduate programs by the Australian Nursing and Midwifery Accreditation Council.

REFERENCES:

1. [Mental Health Act \(2007\) Guide Book 5th Edition incorporating the 2015 Mental Health Act Amendments:](#)
2. [ANMF Mental Health Nursing Care Policy](#)
3. [ANMF Credentialing for nurses and midwives Position Statement](#)
4. [NSW Health, NSW Police Force Memorandum of Understanding 2018](#)
5. [Mental Health and Cognitive Impairment Forensic Provisions Act 2020 No. 12](#)