

Policies and Procedures¹

Introduction

Regardless of what type of team the Trainee is located in, there is State legislation governing mental health practice and NSW Health policies and procedures to be followed. There will also be Area Health Service policies and procedures and Trainees will need to know where the local policy and procedure manual is located. Policies and procedures are subject to a continuous process of development and review. There are also local processes that are not documented and are part of the workplace culture. These will need to be learned from colleagues.

Policies

Policies are statements of intentions and actions that are meant to guide how a government, a department, a service or an individual works or behaves. Written policies usually consist of a set of principles, a purpose or aims/objectives or outcomes and strategies or procedures. Policies sometimes have the words 'plan', 'strategy' or 'framework' in their titles.

There are different levels of policy including:

- National policies, such as the *National Action Plan on Mental Health (2006-2011)* and the *National Drug Strategy*;
- NSW State policies, such as the *NSW Aboriginal Mental Health and Well Being Policy 2006-2010* and *A New Direction for NSW: The State Health Plan Towards 2010*
- Area Health Service policies
- Local mental health and alcohol and other drug policies

Sometimes these local policies have not been formally written down but rather have become part of the workplace culture, such as arrangements for transporting consumers locally or what people wear to work. If problems arise related to these issues, it may be necessary to develop a formal policy.

Legislation

Some policies will refer to enabling legislation that underpins them. Trainees will need to be aware of these. For example the *Occupational Health and Safety Policy* and *Workers Compensation and Injury Management Policy* both refer to the *Occupational Health and Safety Act 2000*.

¹ Based on Watson, C and Harrison, N (2006). *Aboriginal Mental Health Worker Training Program Manual*, CRCAH, Darwin, pages 63-78. Updated in 2008 by V Crawford and T Sanders and in 2010 for this Practical Guide.

There are several important pieces of legislation that Trainees will need particularly to know about: the *NSW Mental Health Act 2007* and *Children and Young Persons (Care and Protection) Act 1998*. These laws are meant to provide protection to individuals, the community and employees. If the laws are not adhered to, there are penalties attached.

Note: Some policies have attached procedures, that is, a set of instructions stating the approved and recommended steps for a particular action. Some procedures are developed at the Area Health Service level and include certain forms that need to be completed. In short, procedures are the steps employees take to make something happen. They are enabled by policies and legislation described below.

Access to policies

Trainees can access national policies and lots of other useful reports through the internet by going to the different Australian Government Department and NSW Government Department websites.

For example, to access the Australian Government Department of Health and Aging policies on mental health, go to:

<http://www.health.gov.au/internet/main/publishing.nsf/Content/Mental+Health+and+Wellbeing-1>

To access the most recent policies on licit and illicit drugs go to the National Drug Strategy website and click on 'Framework':

<http://www.nationaldrugstrategy.gov.au/>

All the NSW Health Department policies and guidelines are available at:

www.health.nsw.gov.au/policies/index.html

To find a policy directive or guideline, enter the Document Number in the search box and click 'search'. You can also use this search facility by entering a title or keywords. The Advance Search offers full text search. Or click on the links in the menu below the search box to browse for documents by date published, A-Z title index, functional group, distribution list or audience ('applicable to').

For example, click on 'functional group' under 'Clinical/Patient Services', find and click on 'Mental Health' for a list of relevant documents. The website for mental health policies and guidelines is:

www.health.nsw.gov.au/policies/groups/ps_menthealth.html

For Area Health Service policies, go through the Area Health Service intranet site and search on 'Policies and Procedures' or similar wording.

Some key NSW Health policies

The following list of policies is included to provide an idea of what is available through the NSW Health website. The website can be searched using the Document Number. Note what is written at the bottom of each Policy Directive coversheet: “Compliance with this policy directive is mandatory.” The topics covered are those that have been identified as especially important for Trainees.

Codes of Conduct

Code of Conduct-NSW Health (**Document Number: PD2005_626**)

Codes of conduct set out the standards expected of staff with NSW Health and related organisations in relation to their conduct in employment. The Code of Conduct provides a framework for decisions and actions to be made in regard to ethical conduct and outlines the minimum standard of behaviour expected from employees. It also enforces the Area Health Service’s commitment to the duty of care to all patients and clients receiving their services. In any organisation, employees need to behave in a way that promotes public confidence and trust. The community is entitled to expect that all Government services are conducted efficiently, impartially and with integrity. This obligation requires that all Area Health Service employees undertake their duties in a manner that is consistent with the provisions of the Code of Conduct and that are accountable for their decisions and general conduct.

- See also the supporting document: Excerpt of the *NSW Health Code of Conduct*
- See University Study and Support Chapter for reference to CSU’s *The Student Charter*

What happens if a Code of Conduct has been breached?

It is expected that employees will behave in accordance with the NSW Health Code of Conduct or their employer’s Code of Conduct. Charles Sturt University clearly states in its Charter what it expects of students.

If it is determined that an employee has committed a breach of conduct or a student has not behaved in accordance with the University expectations, there are certain consequences.

Breaches of the NSW Health Code of Conduct may lead to disciplinary action and breaches of certain sections of the Code of Conduct, where the conditions reflect the requirements of legislation, may be punishable under law.

Depending on the seriousness of the activity, misconduct at the University may result in disciplinary action or expulsion.

- For more information, see the CSU's *Student Academic Misconduct Policy* and *Student General Misconduct Policy* at http://www.csu.edu.au/acad_sec/ccinfo/mis.htm

Use of NSW Health Communication Systems

Communications - Use & Management of Misuse of NSW Health Communications Systems (Document Number PD2009_076)

NSW Health communication systems and devices are provided for work use. However, their use for limited personal and non-work purposes is permitted, consistent with the Government's commitment to the development of a responsive and flexible NSW public sector in which there is recognition of family and community responsibilities of staff.

Note: Users of the NSW Health communication systems will be monitored, particularly the use of email and Internet, and investigated as part of NSW Health's responsibility to implement control mechanisms.

This Policy recognises the following principles, which are also reflected in the NSW Health Code of Conduct:

- communication systems and devices in NSW Health are provided for work use
- all work related information must be kept private and confidential
- every member of staff has a responsibility to be lawful, ethical and efficient in their use of public property and services
- every member of staff has a responsibility to be productive in the use of their work time
- staff are also private citizens with individual personal needs and obligations, who may need to make occasional use of employer communication systems for personal purposes
- there is a limit to the extent to which employer communication systems may properly be used for personal purposes which is determined by management and is reflective of the principles inherent in balancing work and family responsibilities
- staff should be provided with policies that clearly outline their rights and obligations on the use of communication systems and devices
- inappropriate or unlawful use by staff of communication systems and devices can, if made public, damage the reputation of, and public confidence in, NSW Health, and
- the use of NSW Health communication systems will be monitored and breaches of this Policy Directive will be investigated and may result in disciplinary action (page 1).

Confidentiality and Privacy

Privacy Manual (Version 2) – NSW Health (**Document Number: PD2005_593**)

Confidentiality and privacy are important issues with regard to how client/patient information is managed. The Privacy Manual provides operational guidance for health service staff as well as the legislative obligations imposed by the *Health Records and Information Privacy Act 2002*. The document outlines procedures to support compliance with the Act in any activity that involves personal health information.

With reference to confidentiality, the Privacy Manual states: “Health service providers owe patients a common law duty of confidentiality in relation to information obtained as part of the treating relationship”. See section 4.3.1 ‘Duties of confidentiality’.

Note: There are circumstances when sharing client information is appropriate and legitimate. Discuss these circumstances with the Line Manager and/or Clinical Supervisor.

Documentation of Client Care

Mental Health Clinical Documentation (**Document Number: PD2010_018**)

There is a policy directing the mandatory implementation of standardised Mental Health Clinical Documentation modules to document mental health care. The implementation of the modules is supported by guidelines and other policies identified in the policy directive. Health services are also expected to have local guidelines and procedures to assist clinicians “to embed the documentation within local clinical practice and business processes...” (page1).

Protecting Children and Young People

Protecting Children and Young People (**Document Number: PD2005_299**)

There is a policy directive that “outlines the responsibilities of public health organisations and health workers in protecting and supporting children and young people and operationalises the responsibilities of NSW Health under the Children and Young Persons (Care and Protection) Act 1998.” When reading this Policy Directive, staff should also refer to IB2010_005 for information on changes to legislation and the DoCs Risk of Significant Harm Report form (see below).

KEEP THEM SAFE - Making a Child Protection Report (Document Number: IB2010_005)

This information bulletin provides advice on how changes arising from "Keep Them Safe - A shared approach to child wellbeing 2009 - 2014" apply to NSW Health child protection related policies. It is to be read in conjunction with all existing child protection policies. This information bulletin outlines requirements as introduced by new legislation in the *Children & Young Persons (Care and Protection) Act 1998* under Keep Them Safe. All child protection policies will be reviewed during 2010.

Note: Following the release of Community Services Risk of Significant Harm Report Form PD2006_109 Protecting Children and Young People - DoCS Risk of Harm Report Form is now obsolete.

KEEP THEM SAFE – Information Exchange (Document Number: PD2010_013)

“This policy statement introduces new legislative requirements for NSW Health staff in relation to the exchange of information with other human services and justice agencies, to ensure the safety, welfare and wellbeing of children and young people in NSW.

These changes are being introduced under *Keep Them Safe - A shared approach to child wellbeing 2009 - 2014*, the NSW Government's response to the Report of the Special Commission of the Inquiry into Child Protection Services in NSW .”

“The new legislation introduced as part of *Keep Them Safe* is intended to free up information exchange between certain human service and justice agencies including NSW Health, to facilitate improved interagency collaboration” (page 1).

Occupational health and safety

Occupational Health and Safety Policy and Workers Compensation and Injury Management Policy (**Document Number: PD2005_360**)

The policy directive on occupational health and safety has the purpose “to inform staff of the legislative framework and responsibilities relating to occupational health and safety and to explain how occupational health and safety is managed in the Department (page 1).

Response to Violence

Zero Tolerance Response to Violence in the NSW Health Workplace (**Document Number: PD2005_315**)

“The purpose of this policy is to ensure that in all violent incidents, appropriate action is consistently taken to protect health service staff, patients and visitors and health service property from the effects of violent behaviour.”

Performance management and appraisal or ‘managing for performance’

Performance Managing for a Better Practice Approach for NSW Health (**Document Number: PD2005_180**)

The NSW Department of Health has developed a policy that sets out the key features that should be reflected in all Health Services policies related to their ‘managing for performance’ system (page 3). Managing for performance is “a process that commences with the recruitment and orientation of an individual and involves an on-going cycle of planning, coaching and reviewing individual, work team and organisational performance within the context of the organisation’s goals and strategies” (page 4).

Note: each Area Health Service will have a policy and procedures for implementing this policy directive, available from Human Resources and through the intranet.

Learning and Development

Learning and Development Leave Policy (**Document Number: PD2006_066**)

This policy directive states that “employers must develop strategies to ensure that all staff within their Division/organisation can access appropriate learning opportunities” (page 2). The policy covers such matters as accountabilities, eligibility, accrual of leave, approval and review processes, payment for leave, workers’ compensation, financial assistance, data collection and enquires.

Note: a Learning and Development enrolment form will be available through the Learning and Development units in each Area Health Service and through the intranet.

Employment: Conduct and Ethics

The following website has a list of policy directives and guidelines covering conduct and ethics:

www.health.nsw.gov.au/policies/groups/pers_conduct.html

Employment: Entitlements

A list of policies that cover conditions of employment is available at:

www.health.nsw.gov.au/policies/groups/pers_conditions.html

Policies related to different types of leave are accessible at:

www.health.nsw.gov.au/policies/groups/pers_leave.html

Some key legislation

Trainees will be able to access legislation relevant to the NSW Health Department by going to: www.legislation.nsw.gov.au/maintop/scanact/inforce/NONE/0

In particular, legislation related to mental health and child protection is available on the site. To access, under ‘Browse In Force’, click on the letter M and then scroll down the list to ‘Mental Health Act 2007 No 8’ and click on it. The Contents are listed in the left hand column and the text on the right hand side of the screen.

Mental Health Act 2007 No 8

The objects of this Act are:

- (a) to provide for the care, treatment and control of persons who are mentally ill or mentally disordered, and

- (b) to facilitate the care, treatment and control of those persons through community care facilities, and
- (c) to facilitate the provision of hospital care for those persons on a voluntary basis where appropriate and, in a limited number of situations, on an involuntary basis, and
- (d) while protecting the civil rights of those persons, to give an opportunity for those persons to have access to appropriate care, and
- (e) to facilitate the involvement of those persons, and persons caring for them, in decisions involving appropriate care, treatment and control.

<http://www.legislation.nsw.gov.au/maintop/view/inforce/act+8+2007+cd+0+N>

Children and Young Persons (Care and Protection) Act 1998 No 157

The objects of this Act are to provide:

- (a) that children and young persons receive such care and protection as is necessary for their safety, welfare and well-being, having regard to the capacity of their parents or other persons responsible for them, and
- (b) that all institutions, services and facilities responsible for the care and protection of children and young persons provide an environment for them that is free of violence and exploitation and provide services that foster their health, developmental needs, spirituality, self-respect and dignity, and
- (c) that appropriate assistance is rendered to parents and other persons responsible for children and young persons in the performance of their child-rearing responsibilities in order to promote a safe and nurturing environment.

<http://www.legislation.nsw.gov.au/maintop/view/inforce/act+157+1998+cd+0+N>

Privacy and Personal Information Protection Act 1998 and Health Records and Information Privacy Act 2002 No 71

Employees of NSW Health are bound by law and by a strict code of conduct to keep any personal information obtained during the course of work confidential. Privacy obligations in NSW arise from two separate laws: the *Privacy and Personal Information Protection Act 1998* that regulates personal information in the public sector and the *Health Records and Information Privacy Act 2002* that regulates personal health information. It was developed to ensure privacy law better reflect the information and confidentiality needs that arise in Health.

Privacy and Personal Information Protection Act 1998

<http://www.legislation.nsw.gov.au/maintop/view/inforce/act+133+1998+cd+0+N>

Health Records and Information Privacy Act 2002 No 71

<http://www.legislation.nsw.gov.au/maintop/view/inforce/act+71+2002+cd+0+N>

Note: the Privacy Manual (**Document Number: PD2005_593**) was referred to under ‘Policy’. The Manual provides guidance to health service staff regarding the management of personal health information.

Guardianship Act 1987

General principles

It is the duty of everyone exercising functions under this Act with respect to persons who have disabilities to observe the following principles:

- (a) the welfare and interests of such persons should be given paramount consideration,
- (b) the freedom of decision and freedom of action of such persons should be restricted as little as possible,
- (c) such persons should be encouraged, as far as possible, to live a normal life in the community,
- (d) the views of such persons in relation to the exercise of those functions should be taken into consideration,
- (e) the importance of preserving the family relationships and the cultural and linguistic environments of such persons should be recognised,
- (f) such persons should be encouraged, as far as possible, to be self-reliant in matters relating to their personal, domestic and financial affairs,
- (g) such persons should be protected from neglect, abuse and exploitation,
- (h) the community should be encouraged to apply and promote these principles.

Procedures

Suicide Risk Assessment

Useful documents for undertaking suicide risk assessment can be found at the NSW Health website under ‘Publications and Reports’. The Suicide Risk Assessment and Management Protocols for NSW Health can be found at:

www.health.nsw.gov.au/pubs/2005/suicide_risk.html

There are also related links to specific protocols for specific settings such as community mental health services and emergency departments.

Grievances

Grievance - Effective Workplace Resolution (**Document Number: PD2010_007**)

“The purpose of the policy, and supporting procedures, is to ensure that the Department and the NSW public health system have, in place, systems that encourage early grievance reporting and ensure, as far as possible, speedy and effective local resolution” (page 1). The

policy directive states that the aim is to ensure that local workplace grievance management systems are able to “facilitate prompt, fair, confidential and flexible management of all workplace grievances”. Early reporting and resolution of grievances can prevent them developing into a serious matter.

There are several useful attachments to the policy including rights and responsibilities in grievance management, initial assessment of complaints made by staff, sample workplace grievance reporting template and an implementation checklist.

Note: each Area Health Service will have a policy and procedures for dealing with grievances, available through Human Resources and the intranet.