

## **Raising and escalating concerns: Guidance for nurses and midwives**

The Nursing & Midwifery Council exists to safeguard the health and wellbeing of the public. As a nurse or midwife you also have a duty to do this. You must put the public's interests first and act to protect them if you consider they may be at risk, and therefore it is important that you know how to raise and escalate your concerns appropriately.

### **Introduction**

If you have a concern about what is happening at work, you may feel happy and confident to raise this concern or you may feel hesitant about raising it in case you are seen to be disloyal or are worried you may be victimised by your colleagues or managers. The welfare of others in your care must always be your primary concern and *The code: Standards of conduct, performance and ethics for nurses and midwives* (2008) (the code) supports you in this.

Raising or escalating your concern immediately or in a timely manner will help to prevent minor issues becoming serious ones, thus serving to safeguard the public and improve standards of care. We do expect you to raise concerns but recognise that you may need support and may wish to seek independent advice before you proceed.

This guidance explains the processes you should follow when raising a concern and also provides information about the legislation in this area. The guidance is for all nurses and midwives including pre-registration students. However, if you are a self-employed nurse or midwife we recommend that you do seek additional advice (see 'Where can I access further advice?' below). Where applicable, this guidance should be read in conjunction with local authority safeguarding policies.

Throughout this document, there are references to the independent organisations that can provide confidential advice. These include professional bodies, trade unions and Public Concern at Work (PCaW). You can find information and contact details for all of these organisations at the end of this publication.

### **The difference between raising a concern and making a complaint**

You would raise a concern when you are worried about an issue that affects others, and are acting to draw attention to the situation in order to protect them. In these circumstances, you should follow your employer's whistleblowing policy. If you are complaining personally to your employer about how you have been treated at work, you should follow your employer's complaints or grievance procedure.

In both cases, if the relevant policy is inaccessible or you are unsure what to do, you should contact your union, professional body, PCaW (or if you are a student your university) for independent advice.

## **Your role in raising concerns**

As a nurse or midwife, you have a professional obligation to report concerns from your workplace. The code stipulates:

- you must act without delay if you believe that you, a colleague or anyone else may be putting someone at risk
- you must inform someone in authority if you experience problems that prevent you working within this code or other nationally agreed standards
- you must report your concerns in writing if problems in the environment of care are putting people at risk.

Failure to comply with the code may bring your fitness to practise into question and endanger your registration.

In line with the code, we expect nurses and midwives to work with others to safeguard the health and wellbeing of those in their care. Therefore, this guidance is applicable to a wide range of situations, not just where concerns relate to individual nurses and midwives.

Examples may include:

- danger or risk to health and safety
- issues regarding care delivery (by nurses, midwives or other staff member)
- issues related to the environment of care, such as staffing problems
- issues related to the health of colleagues
- misuse or unavailability of medical equipment
- financial malpractice.

If you witness or suspect there is some wrongdoing or malpractice taking place or about to take place, it is important that you keep calm and look at your organisation's whistleblowing policy. You do not have to gather evidence or become a private investigator. If you are unsure about what to do at any stage, please get independent advice from your union, professional body or PCaW.

## **Respecting an individual's right to confidentiality**

The code states that people in your care have the right to confidentiality and the right to expect that the information they have given to a nurse or midwife is only used for the purpose for which it was given. You should only disclose information to a third party outside the healthcare team if you have received their informed consent. In very exceptional circumstances, disclosures without consent may be justified if you believe someone may be at risk of harm. These decisions are complex and you must assess each case individually. Before making a disclosure which might reveal an individual's identity without their consent, you should always seek advice from us, your professional body, trade union or PCaW. You should also read our confidentiality advice sheet which explains this issue in more detail.

## **Can I be guaranteed confidentiality when raising a concern?**

We recommend that you raise your concern openly and give your name. This makes it easier for your concern to be investigated, and for you to be protected under the law. There may be a situation when you wish to be assured of confidentiality. In this case, it is important to read your employer's whistleblowing policy regarding confidentiality carefully. You should understand that there could be practical or legal limits to this confidentiality. If the risk to others is not immediate, we advise you to seek advice from your professional body, trade union, PCaW (or if you are a student your university) before raising your concern. They can help you raise the concern, or in some cases, do so on your behalf.

## **How do I raise a concern?**

Normally you will be able to raise your concern internally through the various stages outlined below. There also may be times where you have to consider raising a concern directly with a regulator and this is also covered below. However, if you are worried about how or whether to raise your concern, it could help to discuss it informally with a senior, impartial member of staff such as your:

- clinical supervisor
- supervisor of midwives
- mentor
- link tutor or practice placement manager
- university tutor.

Alternatively it is valuable to seek early advice on how to raise a concern from a representative from your professional body, trade union, or PCaW. They have a wealth of expertise and can provide independent and confidential support during this process. A flowchart showing the process is included below.

### **Stage one: Check your employer's policy**

Wherever possible, you should follow your employer's whistleblowing policy or local safeguarding procedures. These should provide clear advice on how to raise your concern, and give details of a nominated person who acts as the contact in the organisation. If you cannot find these policies, or they seem unclear, you should seek advice from your professional body, trade union, or PCaW.

### **Stage two: Raise your concern internally**

If your employer has a policy, it is most likely that you will normally be expected to raise your concern internally first. This could be with your line manager, ward manager or practice manager. If you feel unable to do this (perhaps because your concern relates to them), raise your concern with the internal person nominated in the policy. If you want your identity to remain confidential, you should state this at this stage.

You should keep a clear written record of your concern and any steps that you have taken to resolve them. You should also keep a record of any written or verbal communication that you send or receive from your employer, whilst respecting people's right to confidentiality. Your employer should inform you of how they propose to handle your concern, and state a timeframe in which they will feedback to you. The timeframe in which you can expect a

response will vary depending on the nature and seriousness of your concern, but this timing should be agreed by the employer at the time of reporting.

### **Stage three: Escalating your concern internally**

Your organisation's policy should provide options for you to raise your concern outside the management line or to escalate a concern which has been raised through your immediate superior or nominated person. If the concern has been raised but it is not addressed in a reasonable timeframe or you are not satisfied with the response, you should raise your concern with someone higher within your employing organisation. For example, you could escalate your concern with your department manager, director of midwifery or director of nursing.

### **Stage four: Escalating your concern to a regulator**

If you have escalated your concern internally but feel it has not been addressed in a reasonable timeframe, or feel unable to raise your concern at any level in your organisation, or you feel there is an immediate risk to someone in your care, you may consider that you need to raise your concern outside your place of work. This should be with a recognised organisation that has the authority to investigate the issue (see 'Regulators' below).

To ensure you receive appropriate support and guidance in such circumstances, you should seek advice from your professional body, trade union, or PCaW. If you have not already done so, you may wish to consider informing your employer of your actions at the earliest opportunity.









