



Be safe

UNISON guidance on raising the issue of staffing levels and safe standards of care in the NHS

Updated December 2019

UNISON
the public service union

Introduction

UNISON has produced this guide to help all members working in the NHS feel empowered to raise their concerns about poor staffing levels and the impact on patient care. As a means of clearly articulating any concerns you wish to raise regarding staffing levels a form has been included at the back of this guide. It can also serve as a formal document that can be used as evidence which the employer can use to manage the situation effectively.

Concern over staffing levels has been longstanding and will not ease until long-term solutions are found to recruitment and retention of staff. However, few staff feel able to raise these concerns effectively or consistently, despite the requirement in the NMC Code of Conduct and The NHS Constitution to do so.

This is the third edition of UNISON's 'Be Safe' guidance and this updated document will help staff raise their concerns on staffing issues more effectively.

Background

We know that staff are often working without the proper time and resources, to provide care that meets the needs of patients. Frontline staff are having to cope with the effects of staffing shortages on care while at the same time dealing with the stress of balancing loyalty and responsibility to their employer on one hand and professional accountability to the Nursing and Midwifery Council on the other.

Employers also have a duty of care to their staff. This is not always part of a written employment contract but is both a legal obligation and as important as all other rights at work

What protects staff when raising concerns?

The **NHS Constitution**¹ places both an expectation and obligation on staff to raise concerns at the earliest opportunity. It also makes the pledge that NHS organisations 'encourage and support all staff in raising concerns at the earliest reasonable opportunity about safety, malpractice or wrongdoing at work, responding to and, where necessary, investigating the concerns raised and acting consistently with the Employment Rights Act 1996.'

The Nursing & Midwifery Council (NMC)² has also produced guidance for nurses, midwives

and nursing associates called Raising Concerns. It provides extensive advice to registrants on how to raise concerns, what support they should expect and their professional obligation to report concerns under 'The Code'³. In summary both the NHS and the NMC are supportive of staff raising concerns.

While the NMC's code outlines the professional standards expected of registrants, the principles contained within it – explicitly the principle of raising concerns immediately whenever you encounter situations that put the patient or public at risk - as well as those within the NHS constitution are ones that all staff should uphold.

Elements of the code that are specific to registrants include:

- **Acting without delay if you believe that there is a risk to patient safety or public protection**
Example: Insufficient staffing levels making a ward dangerous/unsafe or the number of patients with high dependency is not receiving the required care.
- **Telling someone in authority at the first reasonable opportunity if you experience problems that may prevent you working within the Code or other national standards**
This element of the code can be used in all circumstances, including when raising concerns about staffing levels where they are severe enough to affect provision of safe and appropriate care or if you have been asked to do something you do not feel competent to do.
- **Acknowledging and acting on all concerns raised to you, investigating, escalating or dealing with those concerns where it is appropriate for you to do so**
UNISON advises that you keep a written record of any concerns raised either by you or to you ensuring that you also record the time and date. This can be used as evidence that you have adhered to the code which protects both you and patients.
- **Raising your concerns immediately if you are being asked to practise beyond your role, experience and training**
This scenario is often indicative of insufficient staffing levels or inappropriate skill mix.

In summary, if in your professional opinion, staffing levels are affecting your ability to practise safely and to the required standards you must raise your concerns. For your own evidence and protection it is advisable for you to keep a written record with the date and time recorded.

¹ The NHS Constitution for England, Department of Health and Social Care

² NMC - Raising concerns: Guidance for nurses, midwives and nursing associates

³ NMC - The Code

You may not be the only member of staff worried about staffing levels so speak to your colleagues about jointly raising your concerns.

Registered professionals are held personally accountable for their actions and omissions in practice. If staffing levels are poor and something goes wrong it is difficult to cite poor staffing levels as a factor if they have not been raised previously and with a written record illustrating when this has been done. An accurate audit trail protects both patients and you.

How to use the unsafe conditions of practice form

You should fill in this form in addition to any local documents you are required to complete. It is advisable you keep a copy for your own records as evidence. A copy should also be sent to your local UNISON branch office.

Please complete all fields in the manner stated below.

- **To** – this should be your direct line/ward manager. If you have already raised concerns to them and no action has been taken then you can send it to the next person in your line of reporting
- **Information about you** – please ensure this is clear and accurate. Do not assume that other managers know where you work or what you do
- **Area of practice affected** – explain why you feel it's unsafe and state whether these circumstances are unusual or frequent
- **Period of time** – provide as much detail as possible. Explain if the problem was for part of a shift, a whole shift or over a greater period of time. Also look to provide the set of circumstances or incident(s) which you feel is causing the issue.
- **Number of patients, staff and skill mix** – give the number of patients and staff and also where

possible the skill mix of staff on duty during the period of time you are reporting. Where possible give a sense of the patients conditions – do not provide any personal information on the patients

- **Reason(s) for reporting** – clearly state why the circumstances are unsafe. Ensure the information you record in this section is concise and accurate. Use formal language and remember to maintain patient confidentiality.
- **Authority** – sign and print your name, give the date.

What to do next

The person in charge should investigate your concerns and respond to them, giving a reasonable explanation as to why they either support your concerns or not. It is reasonable for you to ask them to explain their views.

You should ask for this to be put to you in writing. It is good practice to have a written record of your concerns. Remember, you remain professionally accountable and therefore, should your concerns not be addressed you should discuss this with your local UNISON representative who will provide support and help escalate your concerns if required.

Stuart Tuckwood, UNISON's National Officer for Nursing says: "UNISON is fighting for a high quality health service where there are always enough nurses and care staff to give patients the care they deserve.

"From my personal experiences and from what our members tell us this is too often not the case. We need your help to fix this.

"When staffing is unsafe it's vital for patients that nurses and healthcare staff raise their concerns. UNISON will always support you, speak to your local stewards or branch secretary."

Not in UNISON?

Join today at
join.unison.org.uk
or call us free on
0800 0 857 857

Notice of Concern Form

In accordance with my responsibilities as a member of staff bound by the NHS constitution it is my duty to draw your attention to what I consider to be unsafe standards of care for patients for whom I am responsible for due to staff shortages or an inadequate skill mix. While accepting responsibility for aspects of care within my control, I must inform you that I will not be held responsible for untoward incidents or substandard levels of care which are caused or exacerbated by inadequate levels of staff or too few qualified members of staff.



Please complete in block capitals

Name:

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To:

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From:

.....

Workplace:

.....

Position:

.....

Job Title:

.....

Employer:

.....

Date:

.....

Time:

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Area of practise affected

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.....

Period of time affected eg whole shift, part of shift, (be as specific as possible)

.....

Number of patient/staff affected

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Number of staff on duty (provide further info on skill mix, experience and band if available)

.....

Reason(s) for reporting

.....

Have you reported your concerns to your line manager?

Yes

No

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If yes, what action was taken?

.....

Date and time they were informed

.....

Witnessed by

.....