

Reporting staffing concerns

Guidance for members of the
UNISON nursing family

Introduction

Healthcare professionals, including nurses, midwives and nursing associates, need to work in teams with safe staffing levels. Managing without safe staffing levels or an appropriate mix of skills and experiences puts patients at risk and creates a poor working environment.

You have a special responsibility to protect your patients and clients by speaking up and reporting concerns about staffing. But this can be complex and challenging to do. This guide for UNISON nurses, midwives and nursing associates aims to empower you to raise staffing concerns safely and effectively.

This guide explains the context to speaking up and the main policies, law and regulations that you should be aware of. Advice is given on who to seek support from, along with how and where to report concerns.

UNISON is actively campaigning for safe staffing levels across the UK. Our 'Only Enough is Enough' campaign, led by local UNISON branches, is helping staff to raise concerns and forcing employers to take action. Find out more about the campaign and if your local hospital is involved at **unison.org.uk/onlyenoughisenough**

The responsibility to speak up when staffing is not safe

As a registered nurse, midwife or nursing associate, you are bound to act in line with the NMC Code. As well as outlining the requirements to raising concerns the code also has important considerations for managers and others who may receive warnings or complaints related to staffing problems.

The NMC code requires registrants to:

Share information

8.6 *Share information to identify and reduce risk*

Act if you believe there are risks to patients or the public

16.1 *Raise and, if necessary, escalate any concerns you may have about patient or public safety, or the level of care people are receiving in your workplace or any other health and care setting and use the channels available to you in line with our guidance and your local working practices*

16.3 *Tell someone in authority at the first reasonable opportunity if you experience problems that may prevent you working within the Code or other national standards, taking prompt action to tackle the causes of concern if you can*

Listen to concerns and support those speaking up

16.4 *Acknowledge and act on all concerns raised to you, investigating, escalating or dealing with those concerns where it is appropriate for you to do so*

16.6 *Protect anyone you have management responsibility for from any harm, detriment, victimisation or unwarranted treatment after a concern is raised*

Manage resources effectively and maintain a high quality of care

25.1 *Identify priorities, manage time, staff and resources effectively and deal with risk to make sure that the quality of care or service you deliver is maintained and improved, putting the needs of those receiving care or services first*

The NMC publishes helpful guidance for registrants on raising concerns. We encourage you to read this online - www.nmc.org.uk/raisingconcerns



Policies and legislation

Health and social care are regulated differently in the various parts of the UK. These are some short summaries of some of the key elements you should be aware of depending on where you practice.

England

The National Quality Board sets expectations for safe staffing levels in the NHS in England. Their guidance on **'Safe, sustainable and productive staffing'** requires that *'Escalation policies and contingency plans are in place for when staffing capacity and capability fall short of what is needed for safe, effective and compassionate care, and staff are aware of the steps to take where capacity problems cannot be resolved.'*

NHS organisations in England should have policies in place that help staff to escalate staffing concerns and should provide training to their employees on using these. Ask to see your organisation's policy and familiarise yourself with it.

Scotland

The Scottish Parliament passed the **Health and Care (Staffing) Act** in 2019. This came into effect in 2024 and requires health and care organisations to have appropriate staffing numbers of the right skill mix at all times.

It also requires providers to be able to identify staffing risks in real time and to have policies in place to address these. Organisations should provide training to staff on escalating and reporting concerns related to staffing. Check in with your organisation or UNISON branch to learn more.

Find out more about UNISON Scotland's work on safe staffing at <https://unison-scotland.org/nhs-safe-staffing-campaign/>

Northern Ireland

Following industrial action by UNISON and other healthcare unions, the Northern Ireland Assembly is committed to developing and implementing safe staffing legislation. This is not yet in force as of August 2024.

'Delivering Care: Nurse Staffing Levels in Northern Ireland', published by the NI Department of Health in 2014, sets out how nurse staffing levels must be determined and should be read by nursing and midwifery staff.

Cymru / Wales

Cymru / Wales was the first part of the UK to enact nurse staffing legislation. The **Nurse Staffing Levels (Wales) Act 2016** sets legal duties for Health Boards on deploying sufficient nurses and outlines specific requirements for determining nurse staffing levels in several adult in-patient care settings.

The legislation recognises that the professional judgement of staff is important in calculating staffing levels. Senior nurses should involve ward staff in determining staffing levels and hospital boards need to report regularly on how they have responded to staffing shortages.

Section 25B of the legislation also stipulates a requirement for boards to inform patients of the nurse staffing levels in the organisation. Staff should be aware of this legislation and how they can report concerns on staffing.

How to speak up effectively about staffing concerns

1. Know your local policy and escalation procedure

Staffing is a constant challenge for those in nursing and midwifery teams. You should be familiar with how staffing levels are determined in your organisation and make sure you understand your role in the procedure that exists for reporting staffing concerns.

2. Report your concerns

If at any time you believe you do not have adequate staffing numbers or an appropriate skill-mix you should report this according to your organisation's policy. If you are uncertain about how to do this, you should report your concerns to your line manager or the person with clinical responsibility for the shift.

3. Keep records

Record-keeping is an integral part of nursing and midwifery practice, recognised in the NMC Code. Maintaining accurate, timely records helps to justify your decision making and will support your position in any future investigation or process.

As soon as possible after reporting concerns you should record what you have done accurately, securely and confidentially. You could do this in writing by keeping a private logbook of concerns. You could also record the concerns electronically by saving files on your personal computer or on a drive.

A helpful record would note the date, time and what exactly prompted your concerns. Consider writing down what happened; why you were worried; how you reported it; when and to who.

If doing so you must be careful not to store any information which could identify patients or violate their right to privacy and confidentiality; noting dates and times will help you remember events in the future without recording identifiable information.

4. Contact your UNISON branch

Your local UNISON branch will always be happy to hear from you and it is helpful for UNISON reps and stewards to understand your workplace concerns.

Your UNISON branch will be familiar with the local staffing and escalation policies and can help you to ensure they are enforced. If you are not satisfied with the response from your employer and are still worried about staffing, a UNISON steward can help you to consider your next steps and how to safely raise further concerns.

5. Consider raising concerns formally or whistle-blowing

If you have ongoing concerns about staffing levels that are not being resolved you should consider carefully whether you need to raise these further internally. You should discuss carefully with a UNISON steward who else in your organisation would be an appropriate person to report to. The executive nurse leader in your organisation holds accountability for the safety of nurse staffing; you may be justified in taking concerns directly to them.

Ultimately, if the organisation employing you is putting patient safety at risk and ignoring your concerns you may be justified in reporting your concerns externally. You could consider reporting to the care regulator in your part of the UK, at times care staff have even whistle-blowed to the media. Whistle-blowing like this could have important personal consequences so you should take thorough advice from a UNISON steward and consider your actions carefully before doing so.



Supporting staff to raise concerns

Patients are safer and staff feel more respected and valued in workplaces where everyone can speak up with confidence. UNISON supports our members in speaking up and wants healthcare workplaces to instigate just and learning cultures, where organisations listen to concerns and learn from them.

It is unacceptable to intimidate or persecute health workers for raising legitimate concerns about staffing levels and safety. Sections 16.4 and 16.6 of the NMC Code make it clear that registrants have duties to act on concerns raised and to protect those raising concerns from victimisation. Report to your UNISON branch if a manager is preventing you from speaking up with your concerns.

“Nurses and midwives know when insufficient staffing levels compromise patient safety. It’s crucial that employers act upon their concerns but too often staff are not listened to – or worse – they are victimised just for speaking out. We want all our members to be able to speak up safely. Nurses and midwives should know their rights and their responsibilities and we will work together in UNISON to improve staffing levels for all.”

**Stuart Tuckwood,
UNISON national officer for nursing**

‘Only Enough is Enough’



Unsafe staffing levels will only be tackled if we work together. UNISON Health branches are actively campaigning to improve nursing and midwifery staffing. Every year our branches collect data from members on staffing levels throughout our safe staffing month. They then use this data to campaign and hold employers to account for poor staffing levels.

Find out if your branch is participating and get involved. Read more at unison.org.uk/onlyenoughisenough

Your participation in the campaign is powerful but you must remember it is no substitute for formally reporting your concerns to your employer. You must continue to act in accordance with the responsibilities outlined above.

Share your experiences

Involving your local UNISON branch and getting the support of a steward is vital in making sure you can speak up with confidence.

As part of our 'Only Enough is Enough' campaign UNISON is continuing to publish reports and call on governments to take national action to solve the staffing crisis in the NHS.

If you would like to share your experience of safe staffing or reporting concerns please scan the QR code below and complete our online form. Your experiences will be used to help inform our campaigns. No personal information will be shared without your permission.



unsn.uk/staffingconcerns

As a reminder, sharing your experience directly with UNISON does not substitute for reporting your staffing concerns formally as outlined above.

Join UNISON

Work in nursing or midwifery but not in UNISON yet? We are the union for the whole nursing family. Join the union fighting for safe staffing levels and speak up with confidence.

join.unison.org.uk

