



Be Safe

UNISON campaign for
better standards of care

a million
voices
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Our NHS
Our Future

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**UNISON**
the public service union

Introduction

UNISON has produced this guide to help all members of the nursing family (nurses, midwives, healthcare assistants and health visitors) to raise their concerns about poor staffing levels and the impact on patient care. This form is aimed at registered staff but can be used by anyone wanting to raise these issues.

Time and time again staff raise concerns about the impact which staffing levels have on their ability to care for patients. However few feel able to raise these concerns effectively or consistently, despite the requirement in the NMC Code of Conduct¹ and The NHS Constitution² to do so.

UNISON first produced guidance in October 1999, however practice has moved on since then so this new document will help staff raise their concerns on staffing issues more effectively. Included in this document is a form for reporting concerns to managers or employers.

Background

We know that staff are working without the proper resources to provide care that meets the needs of patients. So nurses, midwives and health visitors are at the sharp end of having to cope with the effects of these staffing shortages on care. At the same time they are 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. UNISON's publication the Duty of Care³ provides staff with detailed guidance on a range of matters, including sample letters. We would urge staff to read it and make use of it. It can be found at unison.org.uk/healthcare/dutyofcare.

Employers also have a duty of care to their staff. This is not always part of a written employment contract but is as important as statutory and other rights.

What protects staff when raising concerns?

NHS Constitution⁴ now places an expectation that staff should raise their concerns at the earliest opportunity. It also pledges that NHS organisations should support staff when raising concerns by ensuring their concerns are fully investigated and there is someone independent, outside their team to speak to. The NHS Constitution states that "staff have the right to raise any genuine concern you may have about a risk, malpractice or wrongdoing at work (such as a risk to patient safety, fraud or breaches of patient confidentiality), which may affect patients,

the public, other staff or the organisation itself, at the earliest reasonable opportunity."

Nursing & Midwifery Council (NMC) has guidance for nurses and midwives called Raising and Escalating Concerns⁵. This advises registrants on how to raise concerns but also reminds them of their professional obligation under the code. The form included in this document will help staff to clearly articulate the concerns they have regarding staffing levels, however as a formal document it can also be used as evidence and to enable the employer or manager to respond more effectively. This information can be used by anyone irrespective of their role.

The NMC's code, outlines the professional standards expected of registrants; it is also one of the means used to assess a registrant's performance during fitness to practice hearings. While nurses and midwives are accountable to it, the principles contained in it are ones that all staff should uphold

Elements of the code relevant to registrants concerns about staffing levels include:

As a nurse or midwife you have a duty to report any concerns about your workplace which put the safety of the people in your care or the public at risk

● 2.1 You must act without delay if you believe that you, a colleague, or anyone else may be putting someone at risk – while on the face of it this may not appear to refer to a staffing level issue, it is the element of the code you can use when urgent action is needed.

For example - staffing levels make the ward dangerous, you observe someone striking a patient, or the numbers of patients and their levels of dependency make it an unsafe area to practice.

● 2.2 You must inform someone in authority if you experience problems that prevent you working within this code or other nationally agreed standards – this element of the code can be used in all circumstances including when raising concerns about staffing levels.

For example - staffing levels are so poor you cannot provide safe and appropriate care, or you have been asked to do something that you have not been trained to do.

● 2.3 You must report your concerns in writing if problems in the environment of care are putting people at risk. This element of the code is clearly telling you that you must raise concerns - it's not personal and you're not being difficult your professional code requires you to raise these concerns.

For example – you have faulty or insufficient equipment to care for patients safely and effectively or a bed collapses.

● 2.4 As a professional, you are accountable for actions and omissions in your practice and must always be able to justify your decisions – if you do not raise concerns and something goes wrong you may find your employer using this element of the code to assess if your actions breached the code.

The code also states that people in your care must be able to trust you with their health and wellbeing. To justify that trust you must:

● make the care of people your first concern, treating them as individuals and respecting their dignity – if in your professional opinion staffing levels affect your ability to meet this standard you should raise your concern

● work with others to protect and promote the health and well being of those in your care, their families and carers and the wider community – you may not be the only member of staff worried about staffing levels, so talk to your colleagues and jointly raise concerns about staffing levels

● as a professional you are personally accountable for actions and omissions in your practice and must always be able to justify your decisions – if staffing levels are poor and something goes wrong, it's hard subsequently to state staffing levels were an issue if there is no audit trail of your concerns. So this is about protecting 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.

A copy of the form should also be sent to your local UNISON office, and make sure that you keep a completed copy of the form for your own records.

● **To** – this should be your local manager. However, if you have already raised concerns and they have not been acted upon it can be sent to the next person in your line of reporting.

● **Information about you** – please make sure 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 recurring.

● **Period of time** – give as much information as you can. For example explain if this is a whole shift or a particular incident or set of circumstances which impacted on staffing levels

● **Numbers of patients, staff and skill mix** – describe who was working, the skill mix for the period of time and also the number of patients. You should also give a sense of the patients' conditions.

● **Special notes** – here you need to clearly say why you feel the circumstances are unsafe and you can continue on a separate sheet if necessary. You must ensure that the information you record is accurate, maintains patient confidentiality and articulates clearly why you feel compelled to take this course of action. Do not use emotive language, remember this is a legal record of your concerns

● **Authority** – sign it, print your name and date it before sending it to the relevant manager.

What to do next

The manager should investigate your concerns and respond to them; they should give a reasoned explanation as to why they either support your concerns or not. It's reasonable for you to ask them to explain their views.

You should ask for this to be put in writing, it is always good practice to have a written record of your concerns. In assessing their response, you will need to take into account that you remain professionally accountable and all elements of the code continue to apply. Should your concerns not all be addressed you should discuss this with your local UNISON representative, who can help you escalate your concerns to the next level.

Gail Adams, UNISON Head of Nursing explains: "In my experience staff have a reliable gut instinct which means that if their ward or area doesn't feel safe it probably isn't. I would urge anyone, no matter who they are or how often they are concerned, to always document and raise their concerns. There is always a local UNISON representative who can help you do this. But, please never ignore your instincts in these matters as the consequences if you do can be very serious for patients, service users or you. You can get more advice and information at unison.org.uk/healthcare".

1 Nursing & Midwifery Council, The Code, 2008

2 The NHS Constitution for England, Department of Health, March 2012

3 Duty of Care, UNISON, revised, April 2011

4 NHS Constitution for England, revised March 2012

5 NMC Raising & escalating concerns, guidance for nurses and midwives, November 2010

Notice of unsafe/
unacceptable
conditions for
practice although the
evidence provided
relates to the NMC
code students and
healthcare assistants
can also use it
to articulate their
concerns.

PRINT NAME	
To
From
Workplace
Position
Job title
Employer
Date	Time
.....

In accordance with my responsibilities as a registered nurse/midwife/health visitor, it is my duty to draw your attention to what I consider to be unsafe standards of care for the patients/clients in my care due to staff shortages. 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.

I would refer to the following NMC documents as a reminder of my professional accountability:

- (1)** The code of conduct
- (2)** Midwives rules and standards
- (4)** Raising and escalating concerns guidance

The responsibilities of nurses and midwives in relation to managing risk are that they:

- must act without delay if they believe that you, a colleague or anyone else may be putting someone at risk
- must inform someone in authority if they experience problems that prevent you working within this code or other nationally agreed standards
- must report their concerns in writing if problems in the environment of care are putting people at risk
- make the care of people their first concern, treating them as individuals and respecting their dignity
- work with others to protect and promote the health and well being of those in their care, their families and carers and the wider community
- provide high standards of practice and care at all times
- be open and honest, act with integrity and uphold the reputation of the profession.



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registration body.

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Area of practice affected

.....
Period of time concerned including date

.....
Number of patients/clients affected

.....
Number grade and experience of staff on duty

.....
Special notes, eg medical emergencies/high dependency/violent patients

.....
Name and status of manager informed and action taken

.....
Date and time informed

.....
Witnessed by

.....
I am sending a copy of this to my local UNISON representative.

Where more than one individual is affected, each one should sign this form

Name (please print)

Signature

.....
Name (please print)

.....
Signature

.....
Name (please print)

.....
Signature

.....
Name (please print)

.....
Signature

.....
We look forward to hearing from you. We would appreciate if you could treat this matter urgently and come back with us with a detailed response.