

NMC Briefing

Appropriate staffing in health and care settings

What is the NMC's interest in staffing?

The importance of appropriate staffing was reinforced by the Francis Reports into failings at Mid Staffordshire NHS Foundation Trust in England. Appropriate staffing plays an important part in the delivery of safe and effective health and care. Safe staffing can be a complex area and has to take account of multiple factors. It must be matched to patients' needs and is about skill-mix as well as numbers, about other staff as well as nurses, and other settings as well as hospitals. It is the responsibility of health and care providers, which are regulated by system regulators in the four countries of the UK.

As a professional regulator it is not the job of the NMC to set or assure standards related to appropriate staffing.

However, it is a matter that has a bearing on what we do in a number of ways. This briefing sets out some of the regulatory considerations raised by this issue.

What does the Code for nurses and midwives say that relates to staffing?

The Code sets out the core standards of ethics and practice expected from nurses and midwives. It is intended to support registrants in ensuring their practice meets the standard required of the professions.

Environmental factors like staffing levels can affect nurses' or midwives' ability to uphold the values of the Code. The Code says that:

You must put the interests of people using or needing nursing or midwifery services first. You must make their care and safety your main concern and make sure that their dignity is preserved.

This primary duty means that nurses and midwives should be vigilant about safety and quality:

You must work with colleagues to evaluate the quality of your work and that of the team.

You must work with colleagues to preserve the safety of those receiving care.

It also means that they have a professional duty to act or speak out if quality and safety may be compromised:

You must act without delay if you believe that there is a risk to patient safety or public protection.

You must 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 healthcare setting and use the channels available to you in line with our guidance and your local working practices.

We require nurses and midwives to uphold existing legislation and nationally agreed standards as well as the Code:

You must 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.

For nurses and midwives in England, this would include existing guidance developed by the National Institute for Health and Clinical Excellence (NICE) on safe staffing, and the National Quality Board/Chief Nursing Officer's 2013 guidance, *How to ensure the right people, with the right skills, are in the right place at the right time.*

For nurses and midwives in Wales, this would include provisions in the Nurse Staffing Levels (Wales) Act 2016.

What does the NMC's guidance on Raising Concerns say?

Our Raising Concerns guidance contains a list of examples of concerns that should be raised, including:

Issues to do with care in general, such as concerns over resources, products, people, staffing or the organisation as a whole

The Code, senior registrants and staffing

Appropriate staffing is a collective responsibility of boards and executive teams. Registrants who hold senior positions such as director of nursing are not individually responsible for appropriate staffing, and staffing concerns do not automatically imply a concern about executive level registrants. However, the Code states that:

You must provide leadership to make sure people's wellbeing is protected and to improve their experiences of the healthcare system.

You must 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.

You must 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.

Nurses and midwives must always be able to justify their decisions and actions, should a concern about their fitness to practise be raised. For senior registrants, this may include decisions about how staffing requirements were set, what mechanisms for monitoring these were in place and how well concerns were listened to.

We have always been clear that the Code applies to every registered nurse and midwife whatever their role and scope of practice, including directors of nursing who are members of leadership teams responsible for safe staffing. Recent fitness to practise cases demonstrate that managers and directors can be sanctioned for presiding over poor care just as frontline nurses and midwives can be sanctioned for delivering poor care.

Staffing and fitness to practise

Our fitness to practise processes routinely test and weigh evidence about the responsibility of nurses and midwives and the impact of the care environment. If a nurse is referred to the NMC on the basis of an allegation to do with staffing we may explore whether the registrant:

- raised concerns
- assessed evidence of risk to patients
- sought to mitigate risk

We understand that taking the right decisions about staffing on the ground is not always straightforward. For example, closing a ward to admissions may be in the best interests of patients already admitted and being treated, but may not be in the interests of those waiting for admission in A&E. Also, nurses may be advising operational managers rather than in direct charge. Professional accountability means being prepared to account for tricky decisions and being able to give a robust account of acting on good evidence and in the best interests of patients.

Expectations of registrants will depend on their role and level of seniority – there may be higher expectations of a director of nursing in this regard than of a ward manager, for example. However, all registrants should be aware of their individual and collective responsibilities.

Staffing and education

We set and monitor standards for the education of nurses and midwives, which takes place in higher education institutions (HEIs) and in healthcare settings. Pressures on staffing can have an impact on practice placement settings, where they may make it harder for nurses and midwives to dedicate time to supporting students. We require HEIs to monitor and mitigate risks to practice placements. If we have evidence that

staffing levels may be affecting the training environment, we may ask education providers to investigate and provide assurance.

Recruitment challenges and registrations

People must be registered with the NMC to practise as a nurse or midwife in the UK. We uphold the public interest by setting standards for entry to the register and being consistent in their application.

Registration is an important safeguard, but employers have the primary responsibility to make sure they employ staff with the right skills and experience in the right posts.

Staff shortages may lead employers to recruit overseas. Overseas nurses are a valuable resource for UK healthcare providers. It typically takes longer to register overseas applicants to the register. Although EU applications are usually quicker than non-EU applications, employers need to take responsibility in the interest of patients for checks on matters such as language competence in addition to those carried out by the regulator as part of the registration process.

Regulators have challenging targets for completing registrations because our performance has a direct impact on the front line. But in order to protect the public we must not cut corners when it comes to making sure applicants are who they say they are, and are qualified to do the work of registered nurses and midwives.

However, there are things we can do to help:

- Provide clear guidance on the information we need to manage initial registrations and renewals
- Be proportionate – only require what is necessary to protect the public
- Process registrations as quickly as possible, consonant with taking the necessary steps to check eligibility
- Collaborate as appropriate with workforce bodies leading recruitment and returning campaigns

Working with others

We will inform the appropriate system regulator if we uncover concerns about a provider when we are investigating a fitness to practise referral or as part of our work in quality-assuring nurse and midwifery training. Such concerns could include claims of unsafe staffing or the suppression of concerns raised by staff. We also encourage system regulators to inform us if they have concerns about the conduct or practice of individual nurses and midwives in respect of staffing or any other matter covered by the Code.

Safe staffing on the NMC website: <http://www.nmc.org.uk/safe-staffing>

References

2nd Francis report

<http://www.midstaffspublicinquiry.com/report>

DH (2013) Hard Truths

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/270103/35810_Cm_8777_Vol_2_accessible_v0.2.pdf

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<http://www.england.nhs.uk/wp-content/uploads/2013/11/nqb-how-to-guid.pdf>

Safety data (June 2014)

<http://www.nhs.uk/safety>

Nurse Staffing Levels (Wales) Act 2016

<http://senedd.assembly.wales/mglIssueHistoryHome.aspx?lId=11778>

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