



Staffing for safe and effective care: an opportunity to change the law now

RCN MEMBER BRIEFING

What's the issue?

At the moment, it's not clear in law who is responsible for making sure there are enough registered nurses and nursing staff to meet the needs of our population in England. What's more, nobody can be held to account for making sure that there are enough staff to deliver the safe and effective care people need and deserve. Without clarity, health and care services are in a workforce crisis. There are now almost 40,000 vacant nursing posts in England, in the NHS alone.

Earlier this year, the RCN welcomed the NHS Long Term Plan, which sets out an ambitious direction for health and care services in England. NHS England and NHS Improvement have since set out proposals for changes to legislation to help deliver this plan. NHS England and NHS Improvement are currently consulting on their proposals. Most of the suggested changes focus on efforts to support integration and collaboration, giving more power to local leaders in health and care.

What's missing?

This consultation is a major and unexpected opportunity to have accountability for workforce clarified in the main law for the health and care system in England. At the moment, there are no explicit duties for the Secretary of State for Health and Social Care to ensure that there are enough registered nurses and nursing staff to meet the needs of the population. At every level of decision making about the health and social care workforce, from Government level to local

provider, any decisions about nurse staffing must be informed by legislation; nursing regulation requirements; national, regional and local policy; research evidence; professional guidance; the needs of patients, including the complexity and acuity of care needs; the care environment; and nursing professional judgement.

National organisations, such as Health Education England, have some responsibilities, but in practice they don't have the right powers to take action to increase the supply of nurses and nursing staff. The Board of every provider should be accountable for decisions they take about staffing their services, but they don't have power to fix or increase the national workforce supply and are struggling to recruit and retain. Nurses, nursing staff and local leaders shouldn't be held to account for things they can't control, especially when national decision-makers are not held accountable at all.

What needs to change?

We are the most trusted profession in the UK, and our members have been explicit in their mandate that we must secure accountability for workforce in law. Everyone has a chance, now, to input directly into the consultation, and tell NHS England and NHS Improvement that the following duties must be added to the Health and Social Care Act.

Within Government

The Secretary of State for Health and Social Care should be accountable to Parliament for making sure there is an adequate supply of health and care staff

to provide safe and effective care, with regard for the wider workforce needs across all publicly commissioned and funded health and care services. This should be based on an assessment of population needs, now and in the future. To do this there needs to be a fully costed and funded national workforce strategy.

National organisations

National organisations such as NHS England, NHS Improvement and Health Education England should have clearly defined powers related to the workforce. This has to include explicit duties for workforce planning, support for the health and care system to implement plans, and powers to increase workforce supply in response to demand. Funding should empower these agencies to deliver their duties in full.

Regional and local organisations

We think integrated care systems provide a good opportunity for supporting and coordinating local workforce activities. They are well placed to understand local needs and workforce requirements, and communicate this to national organisations. Clinical commissioning groups should have a legal duty to understand local needs and plan to ensure there is workforce to meet these needs. They should be responsible for escalating concerns about workforce and data gaps into the national system. And they should have responsibilities for delivering clear objectives as part of a national workforce strategy.

Providers of publicly commissioned and funded health and social care services should be responsible for and demonstrate corporate accountability for the decisions they make on workforce to ensure that services are safe and effective, underpinned by evidence. Their decisions regarding nurse and nursing staffing for safe and effective care should be based on assessment of local needs, evidence, workforce planning tools, and the professional judgement of senior nurses. These decisions would ensure that vacant posts are recruited to, and that shifts are staffed according to patient need and acuity. Providers should be required to regularly report on staffing levels and skill mix.

What difference would this make?

At the moment, it's not clear in law who is responsible for what, and there isn't a joined-up approach to workforce from the system.

If all of these responsibilities were in place, we believe that it is more likely that the system would come together to make decisions about how the workforce can be best utilised to deliver a comprehensive, quality care service to meet the needs of the population. Without these changes, the workforce crisis is likely to continue, with patients facing greater risk to their safety.

All of these positions are directly drawn from the RCN's principles for legislation for staffing for safe and effective care, published in [Staffing for Safe and Effective Care: Nursing on the Brink](#) in May 2018.

What can I do?

This is an opportunity not to be missed, and if we do, we think it will be a lot harder to make change later. This is our chance to address the workforce crisis and make sure that this avoidable crisis doesn't happen again, once and for all. It is our moment to send a clear and positive signal to hundreds of thousands of our members, nursing staff and colleagues across the health and care system – that help is on the way.

Tell NHS England and NHS Improvement what needs to be included in their proposals. We've created a letter outlining our main priorities, drawn directly from the principles our members made, which you can send to the consultation team.

TAKE ACTION NOW AT:

<https://rcn.eaction.org.uk/NHS-consultation>