

Council – 20 May 2009

Raising concerns about service standards

Executive summary and recommendations

Introduction

In March 2009 two separate reports were published by the Healthcare Commission and the Parliamentary and Health Service Ombudsman. Both reports investigated the failure of patient service delivery. While not specifically referred to in the two reports, they indirectly raise the issue of what action a registrant should take in circumstances where they become aware of a system failure.

In a separate but connected development, in April 2009 a nurse was struck off the register of the Nursing and Midwifery Council following a tribunal relating to the disclosure of information to an external body following her concerns about the treatment of patients by others.

The Health Professions Council's (HPC) Standards of Conduct, Performance and Ethics address the need for registrants to protect patients and what to do if they believe that need to report concerns. However, the three incidents raise the question of whether or not the HPC needs to consider either revising its standards or publishing detailed guidance on the issue.

This paper seeks the views of the Council on how to proceed.

Healthcare Commission

In March 2009 the Healthcare Commission (HCC) published a report into their investigation into the Mid Staffordshire NHS Foundation Trust. The report details a number of failures in the delivery of services to patients.

The 172 page report can be downloaded from:

http://www.cqc.org.uk/db/documents/Investigation_into_Mid_Staffordshire_NHS_Foundation_Trust.pdf.

The 11 page summary of the report is on pages 3 to 13.

It should be noted that the responsibilities of the HCC were taken over by the Care Quality Commission from April 2009 and details of the CQC can be found on their web site:

www.cqc.org.uk.

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2009-05-11	a	CER	PPR	Raising concerns about service standards	Publication DD: None	Public RD: None

Parliamentary and Health Service Ombudsman

In March 2009 the Parliamentary and Health Service Ombudsman published a 71 page report on six separate service failures. The report entitled ***Six lives: the provision of public services to people with learning disabilities*** can be found on the Ombudsman web site:

http://www.ombudsman.org.uk/pdfs/Six_Lives_Part_1_%20Overview.pdf

A seven page Overview Summary is on pages 7 to 13.

Nursing and Midwifery Council and Margaret Haywood

In April 2009 a Fitness to Practise tribunal of the Nursing and Midwifery Council struck a nurse, Margaret Haywood, from their register. The tribunal concerned the disclosure of information to the BBC Panorama documentary relating to provision of services at an NHS hospital. The decision of the tribunal has been extensively reported in the media. A petition has been signed by 25,000 people objecting to the outcome of the case. There have been street protests outside the NMC offices and the Minister of Health, Ben Bradshaw, has been quoted as saying that the treatment of Ms Haywood had been “unduly harsh”.

The transcript of the tribunal’s decision can be found on the NMC web site:

<http://www.nmc-uk.org/aDisplayDocument.aspx?DocumentID=5753>.

A statement on the case can be found on the NMC web site: <http://www.nmc-uk.org/aArticle.aspx?ArticleID=3668>.

HPC’s Standards of Conduct, Performance and Ethics

The HPC’s Standards of Conduct, Performance and Ethics make a number of specific references to the responsibilities of registrants to patients in their and others’ care and what to do if they have concerns about risks to patients . In particular, the standards state:

“You must act in the best interests of your service users.”

“You must not do anything, or allow anything to be done, that you believe will put the health or safety of a service user in danger. This includes both your own actions and those of other people.”

“As soon as you become aware of any situation that puts a service user in danger, you should discuss the matter with a senior colleague or another appropriate person.”

The HPC has also published confidentiality guidance which builds upon the standards of conduct, performance and ethics and includes a section on disclosure without consent and public interest disclosure.

Conclusion

In light of the two reports and the NMC tribunal should the HPC take any action? In particular should the HPC publish guidance to registrants on what to do if they are concerned about potentially unacceptable standards of service?

Decision

The Council is requested to advise the Executive what, if any, initiative should be taken and in particular, if the Executive should either:

Take no specific action

or

Undertake further research on the issue and prepare a draft guidance document on the issue to be completed for consideration by the Council meeting on 10 December 2009. No consultation would be undertaken before the consideration of the draft guidance by the Council.

Background information

Reports as detailed above

Resource implications

None

Financial implications

None

Appendices

None

Date of paper

8 May 2009