Whistleblowing (Public interest disclosure) Policy

Introduction

1. The Council and Chief Executive of the NMC are committed to running the organisation in the best way possible and to do so we need your help. We have this policy to reassure you that it is safe and acceptable to speak up and so that you can raise any concern you may have about wrongdoing or malpractice at an early stage and in the right way. Rather than waiting for proof, we would prefer that you raise a matter when it is still a concern.

2. This policy applies to all people who work for us; whether full-time or part-time, employed through an agency or as a contractor. If you have a whistleblowing concern, please let us know.

Definition of whistleblowing

3. In this policy, whistleblowing is defined as a worker raising a concern about wrongdoing, risk or malpractice with someone in authority either internally or externally (for example, to a regulator, media, MP).

4. A “concern” usually presents a risk to others; is discovered either by witnessing or hearing about the event; has a tailored response rather than being dealt with using a rigid process; and is normally of interest to the wider public not just to the person who is raising the concern.

5. The event may have occurred in the past, or be in train or about to happen. Some examples of concerns include; a criminal offence; a failure to comply with any legal obligation; a failure by colleagues to comply with internal policies or requirements; a miscarriage of justice; any matter of detriment to the NMC’s core public protection role; a danger to the health and safety of an individual; damage to the environment; or a deliberate cover-up of any of the above.

6. If something is troubling you and you think we should know about or look into it, please use this policy. If, however, you wish to make a complaint about your employment or how you have been treated, please use the Grievance policy and / or the Harassment and bullying policy, which you can get from your manager or the HR Policies page on the NMC iNet. If you have a concern about financial misconduct or fraud, please see our Anti-Fraud and Anti-Bribery policy. This Whistleblowing Policy is primarily for concerns where the public interest is at risk, which includes a risk to the wider public, customers, staff or the organisation itself.

Assurances

7. If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of reprisal as a result. We will not tolerate the harassment or victimisation of anyone raising a genuine concern. We consider such behaviour a disciplinary matter. Provided you are raising a genuine concern,
it does not matter if you are mistaken. Of course we do not extend this assurance to someone who maliciously raises a matter they know is untrue.

8. With these assurances, we hope you will raise your concern openly. However, we recognise that there may be circumstances when you would prefer to protect your anonymity. If this is the case, please say so at the outset. If you ask us not to disclose your identity, we will not do so without your consent unless required by law. You should understand that there may be times when we are unable to resolve a concern without revealing your identity, for example where your personal evidence is essential. In such cases, we will discuss with you whether and how the matter can best proceed.

9. Please remember that if you raise a concern anonymously, it will be much more difficult for us to investigate the matter and we cannot provide feedback.

How to raise a concern

10. Please remember that you do not need to have firm evidence of malpractice before raising a concern. However we do ask that you explain as fully as you can the information or circumstances that gave rise to your concern.

Step one

11. We hope you will feel able to raise any concern first with your manager or team leader. This may be done verbally or in writing.

12. If your manager has not undertaken whistleblowing training, they must report the concern to someone who has been trained. This will probably be the director of your directorate (if appropriate), or it may be one of the officers named below.

13. As the governance team is responsible for managing and reporting on the use of this policy, all whistleblowing concerns must eventually be advised to the Assistant Director of Governance. If the concern relates directly to the governance team, it should be reported to the Chief Executive.

Step two

14. If you feel unable to raise the matter with your manager, for whatever reason, you can raise the matter with:

14.1. Fionnuala Gill, Assistant Director, Governance, Ph: 020 7681 5842, Fionnuala.Gill@nmc-uk.org;

14.2. Chief Executive and Registrar, Ph: 020 7681 5871;

14.3. Marta Phillips, Chair of the Audit Committee, martaphillips@me.com; or

14.4. Robert Parry, Council Member, robbob.parry@gmail.com.
15. These people have been given special responsibility and training to deal with whistleblowing concerns.

16. There will be a discussion with you about confidentiality and the lengths to which it extends. If you want to raise the matter anonymously, please say so at the outset so that appropriate arrangements can be made.

What will happen after you raise a concern

17. An outline of the process that will be followed is contained in accompanying guidelines (TRIM Ref 4303595). We will acknowledge receipt of your concern within two working days. We will assess it and consider what action may be appropriate. This may involve an informal review, an internal inquiry or a more formal investigation. We will tell you who will be handling the matter, how you can contact them, and what further assistance we may need from you. We will write to you summarising our understanding of your concern and setting out how we propose to handle it, and provide a timetable for feedback. We will do our best to provide feedback to you in a way you would prefer. If we have misunderstood the concern or there is any information missing please let us know.

18. Our aim is to complete investigations in 20 working days unless exceptional circumstances prevent this, in which case we will ensure that you are informed of the expected timetable.

19. If we think your concern falls more properly within our grievance, bullying and harassment or other relevant policy, we will advise you how you can take your concern forward.

20. Whenever possible, we will give you feedback on the findings and recommendations from the investigation, provided this would not infringe on a duty of confidence we owe to another person.

21. While we cannot guarantee that we will respond to all matters in the way that you might wish, we will strive to handle the matter fairly and properly.

22. If at any stage you experience reprisal, harassment or victimisation for raising a genuine concern please contact the person you raised the concern with, your line manager, the Assistant Director of Governance, or the Director of Resources.

23. Support is available through the Employee Assistance Programme (EAP). Information about EAP will be provided as part of the investigation process, or you can find information on the iNet or through Human Resources.

Reporting concerns externally

24. In exceptional circumstances, or where attempts to raise matters internally have been exhausted, you may wish to raise your concern with an external organisation. This could include the:
24.1. Charity Commission for England and Wales (which also covers Northern Ireland at present), or;
24.2. The Office of the Scottish Charity Regulator;
24.3. Professional Standards Authority for Health and Social Care (PSA).

Independent advice

25. If you are unsure about raising a concern you can get independent advice from Protect on 020 3117 2520 or by email at whistle@protect-advice.org.uk. Their lawyers can talk you through your options and can help you raise a concern about malpractice at work.

Monitoring of our whistleblowing practices

26. The Audit Committee is responsible for this policy and will review it periodically. The Assistant Director, Governance will maintain confidential records of all matters raised through the whistleblowing policy. All instances of the whistleblowing policy having been invoked will be reported to the Audit Committee along with outcomes. The Assistant Director, Governance will also arrange for audits to be conducted on the implementation of this policy to ensure that it is being appropriately applied.

27. If you have any comments or questions, please do not hesitate to contact the Assistant Director, Governance.

Other considerations

28. Any settlement agreement the NMC makes with an employee must not include a clause which precludes a worker from making a protected disclosure (this is required by the Employment Rights Act 1996 section 43J).

29. The NMC is committed to ensuring that team relationships are not damaged as a result of raising a whistleblowing concern, or that relationships are actively repaired once any investigation is complete.

Approved by the Audit Committee on 1 November 2017