Whistleblowing (Public interest disclosure) Policy

Introduction

1. The Council and Executive want the NMC to be fair, open and to learn when things go wrong. To do this we need your help. We have developed 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 risk or malpractice at an early stage and in the right way. We would prefer that you raise a matter when you become concerned about it, rather than waiting for proof. You may feel worried about raising a concern or being involved in an investigation, and we understand this, but please don’t be put off.

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 means a worker raising a concern about wrongdoing, risk or malpractice with someone in authority either internally at the NMC or externally (for example, to a regulator, media, MP).

4. This Whistleblowing Policy is primarily for concerns where the public interest is at risk, which includes a risk to the public, patients, customers, staff or the organisation itself. 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 happening now, or be 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 that may damage 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.

Assurances

7. If you raise a concern in good faith 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 concern. We consider such behaviour a disciplinary matter. Provided you are raising a concern in good faith, 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 speak to someone confidentially first. Confidentiality means that while you are willing for your identity to be known to the person you report your concern to, you do not want anyone else to know your identity. 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. If you decide to raise a concern anonymously and we do not know who you are, 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.

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. There will be a discussion with you about confidentiality and what this means in practical terms.

13. 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.

14. 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 by the manager you raised the concern with. If the concern relates directly to the governance team, it should be reported to the Chief Executive.

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

15.1. Fionnuala Gill, Assistant Director, Governance;

15.2. The Chief Executive and Registrar;

15.3. Marta Phillips, Chair of the Audit Committee; or
15.4. Robert Parry, Council Member. [Contact details are available to NMC staff in the version of this policy on the iNet.]

16. These people have been given special responsibility and training to deal with whistleblowing concerns.

What will happen after you raise a concern

17. Further information and an outline of the process that will be followed is contained in accompanying guidance for staff (TRIM Ref 4303595). We have also developed guidance for managers to help them identify what steps to take when a team member raises a concern (TRIM Ref 5606257).

18. 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.

19. Our aim is to complete investigations in 20 working days unless exceptional circumstances prevent this, in which case we will tell you the expected timetable.

20. 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.

21. 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.

22. 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.

23. If at any stage you experience reprisal, harassment or victimisation for raising a concern please contact the person you raised the concern with, your line manager, the Assistant Director of Governance, or the Director of People and Organisational Development.

24. 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.
Independent advice

25. If you are unsure about raising a concern you can get independent advice from Protect on 020 7404 6609 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.

Reporting concerns externally

26. While we hope this policy gives you the assurance you need to raise your concern internally with us, we recognise that there may be circumstances where you feel unable to do so and you consider reporting a concern to an external body. We would rather you raised the concern externally than not at all. This could include the:

26.1. Charity Commission for England and Wales (which also covers Northern Ireland at present);

26.2. Office of the Scottish Charity Regulator; or

26.3. Professional Standards Authority for Health and Social Care (PSA).

27. Again, we suggest you contact Protect before reporting a concern externally. They will be able to advise you on such an option if you wish.

Monitoring of our whistleblowing practices

28. 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 are 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.

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

Other information

30. Your employment rights are protected under section 43J of the Employment Rights Act 1996. This means that if you leave the NMC and you sign a contract at your departure that includes a non-disclosure or confidentiality agreement, we cannot and will not stop you from raising a whistleblowing concern after you have left the NMC.

31. We are 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.
How we handle the information you provide to us (GDPR)

32. We will process the data you give us in accordance with the General Data Protection Regulation (GDPR) for the purposes of addressing or investigating your concern.

33. Information about data collection, storage and processing is contained in the Privacy Notice for Employees and Contractors.

Approved by the Audit Committee on 31 October 2018.