Whistleblowing (Public interest disclosure) Policy

Introduction

1 The NMC is committed to an environment of openness, transparency and accountability. In doing so we would expect and encourage anyone who has concerns about any aspect of the work of the NMC to come forward and raise them.

2 We guarantee that concerns raised in line with the procedure detailed below will be handled sensitively and in confidence.

Benefits of having such a policy

3 To reinforce our values by being accountable and fair.

4 To help reinforce the need for financial probity.

5 To ensure the organisation is run appropriately.

6 To help protect the NMC’s reputation.

Definition of whistleblowing

7 ‘Whistleblowing’ is often understood as reporting a concern outside the organisation because, for various reasons, the employee does not wish or feel able to raise the matter internally. The whistleblowing policy aims to encourage and enable staff and other persons that fall within the scope of the policy to raise serious concerns by ‘blowing the whistle’ within the organisation rather than overlooking a problem or raising the issue externally.

8 Whistleblowing is provided for under the Public Interest Disclosure Act 1998. The Act is designed to protect individuals who make certain disclosures of information in the public interest; to allow such individuals to bring action in respect of victimisation; and for connected purposes.

Scope of the policy

9 This policy provides guidelines to all individuals who work with and on behalf of the NMC including workers, council and committee members, local supervising authority (LSA) reviewers, subcontractors, and fitness to practise panel members, who feel they need to raise a concern relating to the NMC.

10 This policy does not apply to personal grievances, complaints of bullying or harassment, disciplinary matters or other aspects of the working relationship, which are all covered by separate policies or procedures.
Key responsibilities

11 The Audit Committee is responsible for reviewing the NMC’s public interest disclosure (whistle-blowing) procedure.

12 The Executive Board (the Chief Executive and Directors) are responsible for determining and implementing the public interest disclosure (whistle-blowing) procedure and ensuring that the procedure is presented to the Audit Committee for periodic review.

13 Managers are responsible for familiarising themselves with the whistleblowing policy and reporting concerns from staff in accordance with the policy.

14 Staff are responsible for:
   - Reading and complying with the whistleblowing policy.
   - Reporting concerns appropriately.

Raising concerns

15 Where possible, you should raise any concern in the first instance with the person you are most directly accountable to. If this is not possible or you feel it is not appropriate, there are a number of other people you can approach, namely:

15.1 The Assistant Director, Governance and Planning.

15.2 The Chief Executive and Registrar.

15.3 The Chair of the Council.

16 As per the provisions of the Anti-Fraud and Anti-Bribery policy, any instances of suspected fraud and bribery must be reported either to the person you are most directly accountable to or, if this is not or does not feel appropriate, to the Director of Corporate Services.

17 You may raise a concern relating to events or issues in the past, present or future. Some examples of concerns are shown below:

17.1 A criminal offence such as fraud and / or corruption.

17.2 A failure to comply with any legal obligation.

17.3 A failure by colleagues to comply with internal policies or requirements.

17.4 A miscarriage of justice.

17.5 Any matter of detriment to the NMC’s core public protection role.

17.6 A danger to the health and safety of an individual.
17.7 Damage to the environment.

17.8 A deliberate cover-up of any of the above.

18 Any disclosure must be made - in the reasonable belief of the person making the disclosure - as being made in the public interest in order to benefit from protection under the policy. You should raise concerns of any nature including those which you consider to be confidential.

19 Any issues relating to your employment contract should be pursued under the NMC’s internal grievance policy.

20 Any issues relating to a supplier contract should follow the appropriate dispute resolution clauses set out in that contract.

21 If allegations are made in the public interest, but it is not confirmed by the investigation, no action will be taken against the whistle blower. If, however the allegation was considered to be made frivolously, maliciously or for personal gain, disciplinary action may be taken against the individual.

**NMC response plan to concerns raised under the whistleblowing policy**

22 Concerns, once raised, will be investigated. Feedback will be given to you about the outcome of the investigation and, where possible, on any proposed action. However, the NMC will not breach its own duty of confidentiality to others in providing this information.

23 The person who investigates the concern will make all reasonable attempts to protect your identity, but you must accept that this cannot be guaranteed. You will not be required to attend any subsequent disciplinary procedure against the individual(s) you have reported should you not wish to.

24 Concerns can be raised on a totally anonymous basis. However this may mean that in such cases it is not possible to investigate the concern.

**Complaints against the Executive and / or Council members**

25 The Chair of the Council is, in the first instance, responsible for addressing concerns raised against Directors and the Chief Executive. This applies equally to any disclosure against members of the Council. Should any individual wish to ‘blow the whistle’ on the Chair of the Council, concerns should be addressed in the first instance to the Vice Chair (s) of the Council.

**Treatment by the employer**

26 Workers (employees, temporary agency workers, sub-contractors and external secondees) have specific protection under the Public Interest Disclosure Act 1998. Workers must not receive detrimental treatment nor be dismissed for bringing to
our attention circumstances connected with their work which they reasonably believe are harmful or potentially harmful. We give our assurance that all individuals who raise a genuine concern in the public interest will be treated sensitively, their concerns will be taken seriously and they will not suffer any form of detriment, victimisation or retribution.

27 Similarly, the NMC will ensure that whistleblowers are protected from suffering a detriment, bullying or harassment from another employee.

**Exceptional circumstances**

28 The NMC encourages all those to whom the policy is applicable to raise concerns internally and will treat all concerns seriously and diligently.

29 In exceptional circumstances, where attempts to raise matters internally have been exhausted, you may consider raising your concern to the most appropriate external organisation. This might be one of the following.

29.1 Charity Commission.

29.2 Professional Standards Authority (PSA)

29.3 Public Concern at Work.

30 If you make wider disclosures of this type you will only be protected under the Public Interest Disclosure Act 1998 if the disclosure is made in the public interest and is not made for personal gain.

31 Individuals should give serious consideration to the issues of confidentiality for others who might be involved in raising concerns outside of the organisation. Under its duty of care to staff, members and partners, the NMC would need to consider action under its disciplinary procedure if it appeared that disclosure had resulted in a breach of this duty of care. Concerns proved to be unfounded or misplaced after they have been published could be defamatory.

**Monitoring of the policy**

32 The Assistant Director, Governance and Planning 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.

33 The whistleblowing policy is adopted by the Executive Board and is subject to periodic review by the Audit Committee to ensure that the policy is effective and is responsive to emerging patterns and good practice.
Independent advice

34 ‘Public Concern at Work’ is a charity that offers free and confidential help and also the possibility of free legal advice where concerns relate to ‘serious malpractice threatening the public or threatening the public interest’. They can be contacted at:

Public Concern at Work
3rd Floor, Bank Chambers
6 - 10 Borough High Street
London SE1 9QQ
Website: www.pca.co.uk
Telephone: 020 7404 6609