Open Council (Extraordinary) 21 October 2025

MEETING

21 October 2025 12:00 BST

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Meeting of the Council (extraordinary)

To be held at **12:00** on Tuesday 21 October 2025
23 Portland Place, London W1B 1PZ

Agenda

Ron Barclay-Smith
Chair of the Council

Jacqueline Maunder
Council Secretary

1	**Welcome and Chair's opening remarks**	NMC/25/100	**12:00**
2	**Apologies for absence**	NMC/25/101	
3	**Declarations of interest**	NMC/25/102	

Matter for decision

4	**Request for approval to launch a public consultation** Executive Director, Strategy and Insight **4.1 On proposals to increase the fees** **4.2 On proposed Fitness to Practise rule changes**	NMC/25/103	**12:00-12:30** *(30 mins)*

Matter for discussion

5	**Independent reviews** Executive Director, Strategy and Insight	NMC/25/104	**12:30-12:45** *(15 mins)*
6	**Questions from observers** Chair	NMC/25/105 **(Oral)**	**12:45-13:00** *(15 mins)*

CLOSE 13:00

Item 4.1
NMC/25/103
21 October 2025

Council

Consultation on proposals to increase registration fees

Action requested:	**This paper seeks Council's approval to launch a consultation in autumn 2025 on proposals to increase registration fees.** **For decision** The Council is **recommended** to approve the launch of a consultation on proposals to increase registration fees in autumn 2025.
Key background and decision trail:	1. On 30 July 2024, the Executive Board discussed options available to the NMC to maintain financial sustainability. The Board agreed to propose an across-the-board increase to the annual registration fee. 2. On 5 November 2024, the Executive Board set a desired implementation date for the proposed new fees of 1 October 2026 with a 12-week public consultation starting in autumn 2025. 3. The budget paper approved by Council in March 2025 emphasised the financial pressures and uncertainties we face and the continuing need to review the fee level. 4. On 13 May 2025, the Executive Board agreed to propose a flat rate increase to the annual registration fee. It also agreed to propose to Council an increase to all other registration fees. 5. On 10 June 2025, Council met in confidential session and endorsed the decision to propose a flat rate increase to the annual registration fee and all other fees. There was support for indicating in the consultation document that our preference in future was to have smaller, more regular fee increases. 6. On 2 September 2025, the Executive Board agreed to seek Council's permission to consult on proposals to increase the registration fees.

Key questions:	**Questions this paper addresses:** • The rationale for the proposals to increase the registration fee. • The arrangements for consultation The plan for implementation of proposed new fees.	
Annexes:	None.	
Further information:	If you require clarification about any point in the paper or would like further information, please contact the author or the director named below.	
	Author: Razia Karim razia.karim@nmc-uk.org	Executive Director: Emma Westcott emma.westcott@nmc-uk.org

Consultation on proposals to increase the fees

Discussion

1 We are seeking Council approval to consult on an increase to the registration fees and to launch the consultation in autumn 2025.

2 Any changes to the fees will require amendments to the NMC (Fees) Rules 2004.

3 We have not increased the registration fees[1] since 2015 in recognition of the impact of the cost-of-living crisis on the professionals on our register.

4 If we had raised the annual registration fee in accordance with inflation over this period, it would now stand at around £166. We have, effectively, imposed on ourselves a cut in fee income in real terms of more than 28 percent over that period - equivalent to foregoing around £180 million in income to March 2026.

5 Over the same period, the NMC's workload has grown significantly. The number of professionals on its register has increased by 24%, from 686,811 in 2015 to 853,707 today. This equates to 1 in 50 of the entire working age UK population.

6 Fitness to practise referrals have risen by 21%, from 5,415 in 2015 - 2016 to around 6,539 in 2024 – 2025, while the NMC's workforce has more than doubled from 681 in 2016–17 to around 1,400 today reflecting the increased demand for our services.

7 At the same time the NMC has also invested in essential regulatory improvements.

8 The NMC regulates professions that are critical to public safety, setting standards of practice for nurses, midwives and nursing associates across the four countries of the UK. It has been delivering wide-ranging improvements to ensure it regulates effectively and compassionately.

9 This includes making faster decisions in fitness to practise cases, with 71.6% of cases now being dealt with end-to-end within 15 months, which is the highest level of timeliness we have achieved in FtP since March 2021.

10 We have also committed to removing disparities, based on ethnicity and gender, from FtP by 2030, and strengthen our approach to safeguarding. Our new Safeguarding Hub now screens all new fitness to practise referrals and has identified more than 1,200 safeguarding or wellbeing risks in the past year.

[1] The 'annual registration fee' means the initial registration application fee for UK applicants, the retention fee, the renewal fee, and the restoration fee – currently £120. Internationally educated applicants pay a higher initial registration application fee of £153.

11 NMC has also begun a review of the Code – which sets out what the public can expect the professionals register, and to review revalidation so that it continues to support lifelong learning and high standards.

12 Changes to the NMC's culture and our determination to become an anti-racist organisation are essential to drive out inequalities in health care outcomes and also in modernising the way the NMC works in the future.

13 Increasing demand for services, combined with sustained investment in improvement programmes, have been paid for by the use of the NMC reserves.

We reported a significant deficit of £19 million (after investment gains), and we have budgeted for a further operating shortfall of £27 million in 2025-2026.

14 Keeping the fee at £120 would result in a continuing deficit over the period 2025-2030, which would take our reserves below the minimum safe levels for any prudent and well-run organisation of the size of the NMC.

15 It could impair our ability to deliver our core regulatory functions and fulfil our statutory objective to protect the public.

16 We have taken into account a slowing down in the register growth in the past two years and it is forecast to flatten further. The projected register growth is below 2 percent annually from 2026 onwards. The income from a slower rate of growth will not be enough to keep pace with inflation.

17 We now need to begin to bridge this gap by increasing the registration fees. This will also allow us to return to our £30-£60 million target range for reserves consistently from March 2028, ensuring that we have the financial resilience long-term to deal with uncertainty and invest in the future.

Consultation and engagement

18 In accordance with articles 7 and 47 of the Order we seek approval to undertake a public consultation on the proposals for a fee increase, the rationale for the increase and on a draft of the rules themselves.

19 The consultation documentation will indicate that our preference is to have smaller, more regular fee rises in the future. However, as we have not yet developed specific proposals for future rises, we are not in a position to consult on them at this stage.

20 We considered inviting feedback on future approaches in a more general sense. However, doing this within a formal rules consultation risks adding a layer of complexity both for consultees when responding and for the NMC when analysing those responses. Furthermore, the gains to be made from gathering views on our future approach are limited by the fact that we will need to consult

again before any further rises are implemented. We have, however, indicated that we think good practice will be more frequent but smaller increases.

Pre consultation engagement

21 We are engaging with key stakeholders to inform them of our intention to consult on the fee and why we believe a fee rise is needed. A comprehensive communications and engagement plan is in place.

Consultation launch

22 Subject to Council approval, we expect to launch a 12-week public consultation period in autumn 2025.

23 We have partnered with a research organisation, *Thinks*, to help manage the consultation. They will help us to identify and fill any gaps amongst those responding to the consultation, for example groups sharing a protected characteristic or seldom heard groups.

24 The package of work being taken forward by *Thinks* includes:

a. quantitative fieldwork including design and delivery of an online survey (hosted and scripted by the NMC), quality assurance of the survey and data processing;

b. qualitative fieldwork including four focus groups with professionals and two focus groups with students

c. analysis and reporting, delivering interim and final reports.

Planned approach to implementation

25 If we proceed with our fee rise proposal, the intention is for the new fees to come into force from 1 October 2026, subject to Privy Council approval, the parliamentary process and operational readiness. A cross-organisational group is working on plans for implementation.

Recommendation: Council is recommended to:

(i) approve the consultation on proposals to increase the registration fees and

(ii) approve a 12-week consultation period in Autumn 2025.

Next Steps

26 There will be a public consultation period of 12 weeks in autumn 2025.

27 The Council will be asked to consider a consultation analysis report and to agree the final figures for the fees increase and the rules for the new fees in late Spring 2026, the exact timing of which will be determined through further discussions with the governance team and Privy Council scheduling discussions with DHSC.

28 We expect any changes to the fee rules to be approved by the Privy Council and laid in Parliament during the early summer of 2026. (Note: the timescales for this are not yet clear due to the 2026 parliamentary recess dates not having been set yet, and our rules cannot be laid in Parliament during recess periods).

29 We expect the new fee rules to come into force on 1 October 2026, subject to Privy Council approval and the parliamentary process.

Implications

The following were considered when preparing this paper:

Implication:		Location if in paper:	Content if not in paper:
Public protection/impact for people.	Yes	Throughout	Consultation document
Safeguarding considerations	Not Applicable		
The four country factors and considerations.	Not Applicable		The proposed fees increase will apply in all four countries
Resource implications including information on the actual and expected costs involved.	Yes		The work of Thinks will cost £82,470 (including VAT) for services carried out on both the fees and FtP rule changes consultations. We do not have a disaggregated figure for each.

Risk implications associated with the work and the controls proposed/ in place.	Yes		There is a risk that without a fee rise the NMC will lack the resources to discharge its statutory functions. The Legislative Change Programme Board manages the risks to the delivery of the legislation.
Legal considerations.	Yes		Legal considerations are throughout the paper.
Midwives and/or nursing associates.	Not Applicable		The proposed fees increase will apply to all professionals we regulate.
Equality, diversity, and inclusion and Welsh Language impact.	Yes		The impact on groups sharing a protected characteristic is set out in an equality impact assessment. The impact on the promotion of the Welsh language is set out in a Welsh Language Impact Assessment.
Stakeholder implications and any external stakeholders consulted.	Yes	Para 22	
Regulatory Reform.	Yes		An increase to the registration fees is necessary to ensure

			that we can deliver our core regulatory functions and this includes preparing for implementation of new rules and processes under regulatory reform.

Item 4.2
NMC/25/103
21 October 20245

Council

Amendments to the Nursing and Midwifery Council (Fitness to Practise) Rules 2004 and Nursing and Midwifery Council (Practice Committees) (Constitution) Rules 2008 – proposal to consult

Action requested:	**This paper seeks approval to consult on proposed amendments to the NMC's rules relating to Fitness to Practise proceedings, to enable changes to support our improvement work.** **For decision** The Council is **recommended** to agree to proceed to public consultation on proposed changes to the rules this autumn (paragraph 20).
Key background and decision trail:	We are currently working with the Department of Health and Social Care (DHSC) on a regulatory reform programme that will replace our current legislation, providing us with greater flexibility in how we regulate. DHSC has recently confirmed that they intend to replace the GMC's legislation first, followed by that of the NMC and HCPC, and that they intend to complete this within this parliament term. However, this means that any wholescale changes for the NMC would not come into effect until later this decade. To support our improvement work, DHSC has agreed to support a limited number of amendments to our rules ahead of the wider reforms. We have worked with Professional Regulation colleagues to consider what the most beneficial changes are that could be made by relatively minor amendments to our rules. Any changes to our current rules must be subject to a public consultation which we will carry out in accordance with article 47 of the Nursing and Midwifery Order 2001 ("the Order"). Once this has been undertaken and if the Council approves the final proposals, it will made the amendments to the rules. The rules must then be approved by the Privy Council and laid in Parliament before they can come into force.

Key questions:	• What the proposals are that we are going to consult on. • How we will consult and engage on our proposed changes. • How we intend to plan implementation of the changes.	
Annexes:	None.	
Further information:	If you require clarification about any point in the paper or would like further information, please contact the author or the director named below.	
	Author: Darren Shell darren.shell@nmc-uk.org Author: Sinead McKenna sinead.mckenna@nmc-uk.org	Executive Director: Emma Westcott emma.westcott@nmc-uk.org

Amendments to the Nursing and Midwifery Council (Fitness to Practise) Rules 2004 and Nursing and Midwifery Council (Practice Committees) (Constitution) Rules 2008 – proposal to consult

Discussion

1 We propose to consult on amendments to the Nursing and Midwifery Council (Fitness to Practise) Rules 2004 to enable the following operational changes to support our fitness to practise plan:

1.1 power to appoint legally qualified chairs to Practice Committee panels;

1.2 strengthened powers to issue case management directions, which give binding instructions to the parties on how to prepare for the case;

1.3 ability to send information via an online account or facility where the registrant agrees to receive information this way;

1.4 greater flexibility around our duties to invite representations from registrants;

1.5 power to give shorter notice of meetings or hearings; and

1.6 amend our provision for vulnerable witnesses, to clarify our responsibilities and our powers to support them to give their evidence as effectively as possible.

2 A brief summary of each of these proposals is set out below.

Legally qualified chairs

3 Currently our rules state that a legal assessor must be present at every preliminary meeting and that our Committee panels must take advice from the legal assessor on a number of matters. Legal advice is crucial to the fair conduct of our hearings but appointing a legal assessor as a separate and additional role at each hearing comes at a considerable cost. Other regulators, including the General Medical Council (GMC), Health and Care Professions Council (HCPC), and General Pharmaceutical Council (GPhC) have introduced legally qualified chairs. When appointed to chair a Committee panel, the legally qualified chair, rather than a legal assessor, advises the panel to ensure that the proceedings are conducted in accordance with the law.

4 The changes we are proposing would remove the requirement to receive legal advice from a legal assessor where the Committee panel includes a legally qualified chair. The rules will specify that legally qualified chairs will have the same qualification and experience requirements as our legal assessors. However, it is important to point out that our proposed changes do not move us away from using legal assessors altogether. Not every Committee panel will include a legally qualified

chair and the rules will make it clear that the panel must receive legal advice from a legal assessor if the chair is not legally qualified.

Strengthened case management powers

5 We want to design a more effective case management process by broadening and strengthening our powers to issue binding directions. Case management directions are decisions about how the proceedings will be run and include instructions which the NMC and the registrant must follow in preparation for the hearing. Under our current legislation, our Fitness to Practise Committee can give case management directions and for the consequences of failure to comply with these directions. Our Order also gives us the power to make rules which allow the Chair of the Fitness to Practise Committee to give these directions. However our current rules are limited because they do not confirm that directions are binding on future Committee panels, the Committee panel's powers to refuse to admit evidence are limited, and the powers of the panel Chair to give directions are limited.

6 We are proposing to amend the rules to help Committee panels ensure that cases are progressed more effectively. This will include:

6.1 Allowing a legally qualified chair (if introduced) to issue case management directions without having to arrange a preliminary meeting in the presence of the parties;

6.2 Confirming that all case management directions (ranging from standard directions applicable in all cases to bespoke directions issued on a case by case basis) are binding on all parties, including the NMC, at any subsequent hearing, unless the Committee panel considers that there has been a material change of circumstances or it is not in the interests of justice for the party to be bound by the direction;

6.3 Extending the Committee panel's power to refuse to admit evidence not served in compliance with any direction; and

6.4 Confirming that the Committee panel may also draw adverse inferences from non-compliance with any direction.

7 Clear directions will ensure that both parties (including the NMC) understand what is expected of them as well as the consequences of not actively or appropriately participating.

8 These reflect similar amendments that the GMC made to its rules in December 2015. We are confident that these improvements, coupled with the introduction of legally qualified chairs, would considerably improve the timeliness of the process and the experience for everyone involved.

Online account or portal for sharing documents

9 We are proposing to amend the rules so that we can share information via an online account. However, the rules will be clear that this will only happen where the registrant gives their explicit agreement, which we think is an important safeguard. The benefits of being able to disclose information online rather than by post or encrypted email include improved accessibility and clarity, as all relevant information will be available in a single place and security protected. We'd like to hear the views of users of our process on this proposal, as well as any insights or experiences from using similar processes, which could inform how we design this facility.

Amending the requirements for inviting a response from registrants

10 Our current rules require several different duties to invite representations from registrants and specify that the representations must be submitted within 28 days. We propose to make the following changes to increase flexibility and to allow for the earlier closure of cases where this is appropriate:

10.1 Replacing the strict requirement that registrants must be given 28 days to provide their representations with the flexibility to specify a period, which must be no less than 28 days. We expect that in most cases 28 days will continue to be an appropriate timescale, but we will be able to be flexible where further time is justifiably required. We will develop guidance on the factors which may mean a longer period is fair and reasonable in the circumstances

10.2 Allowing Case Examiners to close a case without having to invite and wait for representations from the registrant. We will always invite representations when the case is referred for investigation, but where the Case Examiners are able to conclude that no further regulatory action is required, they will not be required to send a further invitation for representations before making their decision.

Amending requirements for notices of hearings and meetings

11 We can reduce delays to the conclusion of cases at the Committee stage by introducing some flexibility to our duty to give notice of hearings and meetings. We propose to retain a standard requirement to give 28 days' notice of a fitness to practise hearing or meeting, but introduce a discretion to shorten this in certain circumstances, such as where the registrant consents to a shorter period, or where the Registrar or the Committee decide that a shorter period is justified in the public interest. We will develop guidance to support decisions to use this flexibility.

Supporting vulnerable witnesses to provide evidence

12 We want to provide support for a broader range of witnesses in our process, while ensuring that the nurse, midwife or nursing associate's right to a fair hearing is upheld. In order to make sure the Committee can support witnesses effectively and

make reasonable adjustments for individuals (in line with its duties under the Equality Act 2010 and relevant equalities legislation in Northern Ireland) we propose to amend the rules, replacing the current narrow definition and dated terminology around “vulnerable witness” and clarifying the Committee’s powers, allowing them to better recognise and respond to different types of vulnerability. The amended rules will:

12.1 allow the Committees to adopt adjustments it considers necessary to enable it to receive evidence from vulnerable witnesses, while maintaining the duty to ensure proceedings are fair and just; and

12.2 remove the current the narrow list of factors which will cause witnesses to be treated as vulnerable and replace with a power to make a holistic and person-centred assessment, which proactively considers the wellbeing and welfare of witnesses and all the circumstances of the case.

Benefits

13 We are committed to transforming the service that we provide in fitness to practise and to creating a process that is person centred and sustainable. We want to deliver a fair, fast and effective fitness to practise process, that seeks to reach resolution as quickly as possible, in a consistent and proportionate way for everyone involved.

14 The benefits of these changes will support further progress in our Fitness to Practise improvement plan and can be summarised as:

14.1 caseload age: a reduction of the age of cases through more effective management of the process, meetings and hearings, and by encouraging early engagement and case preparation;

14.2 reducing delays: the ability for Case Examiners to close cases without inviting and waiting for representations;

14.3 hearing length: increased number of hearings finishing early or on time according to timetable and decreased average hearing length;

14.4 capacity released in adjudications: reduction of administrative time taken on allocations of hearings due to decrease in challenges experienced in scheduling and allocation; and

14.5 financial: cost savings from a more efficient case management process and in particular from the introduction of legally qualified chairs, in due course circa £3.3m per annum.

15 A number of our proposals reflect changes that other regulators such as the General Medical Council have made to their rules. Evidence has shown that our proposals, particularly those relating to legally qualified chairs and strengthened case management powers, have the potential to improve the experience of registrants

and other participants, as well as realising financial savings through improvements in case management efficiency.

Consultation and engagement

16 We will undertake a public consultation on the policy behind our rules amendments and a draft of the rules themselves. We are mindful that the changes being proposed are technical and process-focused in nature. We therefore want to engage carefully with our stakeholders to understand the practical implications of what we are proposing, things we need to consider as we plan for implementation, as well as hear experiences of similar processes being operated in other organisations.

17 The consultation will also set out our considerations and seek views on equalities and Welsh language impacts to ensure that our consultation is inclusive and that we have explored the implications of our proposals. Where we find negative impacts, we will amend our proposals or develop mitigations.

18 During the consultation period we will arrange and attend a range of stakeholder meetings to set out key details of our proposals and hear their views. These meetings will include representative bodies and unions and organisations who support registrants engaged in fitness to practise.

19 We have partnered with a research organisation to help manage the consultation. Engaging this external supplier will provide us with an independent and external perspective on key stakeholder feedback, which we can then consider alongside other engagement. It will also enable open access to the consultation nationwide, as well as bespoke contact with NMC professionals, legal representatives and fitness to practise committee members. This package of work includes:

19.1 quantitative fieldwork including design and delivery of an online survey (hosted and scripted by the NMC), quality assurance of the survey as well as data processing;

19.2 qualitative fieldwork including six in depth interviews with stakeholders and four focus groups; and

19.3 analysis and reporting, delivering interim and final reports.

20 The Council is recommended to agree to proceed to public consultation on proposed changes to the rules this autumn.

Next Steps

21 If the Council approves the recommendation to consult on these changes the broad timescale for subsequent events is as follows:

21.1 Public consultation and engagement period of three months during this autumn.

21.2 The Council reviews the consultation analysis and agrees the final policy approach at its open meeting on 24 March 2026.

21.3 The Council agrees and makes amendments to the rules during a period between the end of March and end of April.

21.4 The rules are subsequently approved by the Privy Council and laid in Parliament during the early summer of 2026. The precise timescales for this are not yet clear due to the 2026 parliamentary recess dates not having been set yet, our rules not being able to be laid in Parliament during recess periods.

21.5 The new rules come in to force in October 2026.

Implications

The following were considered when preparing this paper:

Implication:	Considered in paper	Location if in paper:	Content if not in paper:
Public protection/impact for people.	Yes	Throughout	
Safeguarding considerations	Yes	Throughout	We know that the length of cases is affecting wellbeing and can lead to an increase in welfare calls or disruption to hearings. The changes set out in this paper are all aimed at shortening proceedings, and so should have a beneficial impact.
The four country factors and considerations.	Yes	Throughout	The changes set out in this paper apply across all four countries. We will also be ensuring that we consult across all four countries.
Resource implications including information on the actual and	Yes		The outsourced consultation support costs £82,470 (including VAT) which accounts for the support with both FtP rule changes and fees fieldwork and reporting. In order to keep

expected costs involved.			costs down we have agreed that we will lead on engagement with stakeholders. Internal operational changes required to ensure operational teams are ready to commence implementation will be made as part of the next phase of the FtP plan (starting in October 2025). A full implementation scoping exercise will take place at this point, including for costs.
Risk implications associated with the work and the controls proposed/ in place.	Yes		Risks to delivery of the legislation component are managed as part of the Legislative Change Programme.
Legal considerations.	Yes	Throughout	
Midwives and/or nursing associates.	Yes		The changes set out in this paper will apply in the same way to nurses, midwives and nursing associates.
Equality, diversity, and inclusion and Welsh Language impact.	Yes		As part of the initial policy development process we have undertaken an assessment of impacts for people with protected characteristics and for Welsh language users. These assessments will be updated as the work progresses, with actions being folded into the implementation. We will publish summaries of our impact analyses with the consultations and invite feedback on any positive as well as negative impacts. If our rules are approved by the Council we will publish our analysis as an Equality Impact Assessment (EqIA) and Welsh Language Impact Assessment.

			Our consultation documents will be translated into Welsh with these being accessed from the consultation page.
Stakeholder implications and any external stakeholders consulted.	Yes	Paras 16 to 19	
Regulatory Reform.	Yes		The changes being made by these rules amendments reflect the Government's agreed direction of travel for regulatory reform, including that of increased flexibility and encouraging early engagement and resolution.

Item 5
NMC/25/104
21 October 2025

Council

Independent reviews

Action requested:	This paper provides an overview of two independent reviews into our past treatment of fitness to practise cases involving concerns outside of work, and our handling of a whistleblower who raised concerns about our approach. The Council is asked to **note** the report, providing any reflections on the findings and steers regarding learning and resulting actions.
Key background and decision trail:	• These independent reports were originally commissioned in 2023, following coverage in the media of a whistleblower's concerns about aspects of our fitness to practise approach. • We recommissioned these reports in July 2025 when our previous supplier was for personal reasons unable to deliver the reports at the agreed time. • Victoria Butler-Cole KC and David Hopkins authored the review of fitness to practise cases and Lucy McLynn authored the review of our handling of the whistleblower. • We received and published the two reports at the end of September.
Key questions:	• What did the reports conclude? • What action will be taken as a consequence?
Annexes:	• None

Further information:	If you require clarification about any point in the paper or would like further information, please contact the author or the director named below.	
		Executive Director: Emma Westcott Phone: 020 7681 5797 emma.westcott@nmc-uk.org

Independent reviews

Discussion

Overview

1 It is essential for the good health of organisations like the NMC that members of staff can raise concerns. Speaking up is a key theme of our culture transformation work. We want colleagues to be able to air concerns and know they will be listened to within our organisation, but we recognise that sometimes people feel the need to raise concerns externally. When they do so, safeguards around whistleblowing are critically important.

2 We welcome the findings of the independent review we commissioned into our handling of whistleblowing. It gives a clean bill of health to both our policy and our actions.

3 This does not negate the fact that the concerns raised by the whistleblower in this instance about the management of certain fitness to practise cases were legitimate, and we have acknowledged and addressed flaws in our approach to serious behavioural concerns that arise outside of work. We are clear that matters such as sexual misconduct, sexual or racial abuse, discrimination, or domestic violence have a bearing on professional standards, and confidence in the professions, wherever they arise.

4 We recognise the courage it takes to raise concerns, and we have thanked the whistleblower in this instance for taking this step. We intend to make sure that we have the right culture and processes for our staff to speak up where they have concerns about our work. That does not mean that every concern will be upheld, but no-one will suffer a detriment if in good faith they flag something that does not feel right.

Handling of the whistleblower

5 The review concluded that the whistleblower was handled in line with our policy at the material time, and that our policy and practice in handling their concerns were not at fault.

6 Importantly, the reviewer concluded that the whistleblower suffered no detriment at the hands of the NMC for having raised concerns.

7 However, the independent reviewer concluded that our policy at the time gave unrealistic assurance about the extent to which we could maintain a whistleblower's confidentiality.

8 We have since refreshed our policy – now titled *Raising Concerns* – and addressed this issue. Ms McLynn acknowledges the improvements in our policy, while making recommendations about its visibility to staff and monitoring its impact.

Fitness to practise case review

9 The FtP case review examined 20 cases that were raised by a whistleblower, some of which were featured in media coverage of their concerns, along with cases of a

similar nature identified internally. These cases predominantly related to serious concerns outside work.

10 In 19 out of 20 of those cases, the review concluded that the right decision had in the final instance been reached, meaning that there were no outstanding public protection concerns and no cause to revisit those decisions. In the final case, the registrant had in any case left the register and so did not pose a risk to the public.

11 However, the reviewers considered that 'the guidance published by the NMC on this topic in that period [2018-2023] was inadequate, and that the way it was interpreted and applied, in some cases, was wrong.' We took an overly restrictive approach to what may constitute misconduct, particularly where the behaviours in question occurred in registrants' private lives. Our policies and guidance either implied that so-called 'private life' matters were not generally a matter for regulatory action or were taken to mean that by decision-makers. This was flawed.

12 The reviewers are clear that conduct of serious concern outside of work should have been considered for its impact on professional standards as well as public confidence.

13 The reviewers observed that sometimes guidance was taken as instruction during case processes, and that decision-makers could lack the confidence to gainsay advice, particularly if it was issued by a lawyer.

14 There were a number of other general observations about case progression, including on aspects such as

14.1 Cases involving criminal or family court proceedings

14.2 Responses to registrant non-engagement with investigations

15 Since the material time the NMC has revised its guidance on concerns arising outside practice. It has also introduced a new case clinic approach in order to provide an opportunity for concerns to be raised and considered.

16 The review included a number of helpful recommendations for further strengthening guidance and practice (see Annexe 1), and we are currently reviewing where they should be addressed in a refresh of our guidance library.

Recommendations

17 The reviews include some recommendations which have already been implemented (see Annexe 1):

FtP review

17.1 Identify to panel members a mechanism for raising concerns about the conduct or approach of other panel members, should they arise. *Already in place.*

Whistleblowing review

17.2 The Raising Concerns policy should be prominently available to all staff on the intranet. *Actioned*

17.3 Staff should be asked (via a survey or similar) if they know how to raise concerns, and if they are confident that concerns which are raised will be addressed by the NMC. *Specific questions concerning raising concerns were asked in the annual staff survey.*

17.4 In any whistleblowing case there should from the outset be a designated overseeing postholder (or more than one if needed) to be the point of liaison with the whistleblower. *The new Raising Concerns policy approved by the Council on 23 July 2025 designates an overseeing postholder.*

18 Finally, having digested the reports there are likely to be other foci for learning. For example in fitness to practise, we will want to be sure that in addition to case clinics for case-based concerns, we have the right conduits for concerns which are more thematic in nature. This is not among the recommendations, but it is in the body of the review.

19 We will also want to look at 'right touch' oversight of significant changes to guidance. We have a corporate review of the reporting infrastructure and scheme of delegation for decision-making underway in relation to our Executive Board. Council will also expect us to reflect on its role in oversight of regulatory guidance.

20 **Discussion point: The Council is asked to note the reviews, providing any reflections on the findings and steers regarding learning and resulting actions.**

Next Steps

21 During Q3 we will undertake a fuller consideration of each recommendation, and confirm action owners and timings.

22 Our plan is to integrate the actions arising from the recommendations into existing plans (such as the FtP plan or the culture transformation plan) or function business plans as appropriate.

23 We will provide a further update on progress with actions in six months.

Implications

The following were considered when preparing this paper:

Implication:		Location if in paper:	Content if not in paper:
Public protection/impact for people.	Yes	Throughout	

Safeguarding considerations	Yes	References to family court proceedings	
The four country factors and considerations.	Not Applicable		
Resource implications including information on the actual and expected costs involved.	Yes		At first sight, there are no new significant areas of expenditure associated with implementing these recommendations. Panel Member training has a cost implication which will be dealt with in the proposal for Appointments Board.
Risk implications associated with the work and the controls proposed/ in place.	Yes		There is a risk that we are already managing a considerable amount of change, particularly in FtP. We are mitigating the risk of complexity or overload by integrating actions into existing plans and sequencing them carefully to avoid change overload.
Legal considerations.	Yes	Throughout	
Midwives and/or nursing associates.	Not Applicable		

Equality, diversity, and inclusion and Welsh Language impact.	Yes – EDI N/a – Welsh language		Concerns outside work are often about behaviours such as racial abuse, sexual abuse, domestic violence, child abuse or neglect. We have refreshed our guidance to be clear that this is conduct that has a bearing on professional standards and public confidence.
Stakeholder implications and any external stakeholders consulted.	Yes		We have discussed the findings of these reviews with key stakeholders
Regulatory Reform.	TBC		We have not identified any RR implications to date.