

Re NMC – Independent expert on whistleblowing/HR investigations

Instructions to Lucy McLynn, Bates Wells

Introduction

1. In 2023 the NMC commissioned Ijeoma Omambala KC to conduct independent reviews of fitness to practise cases raised by an NMC whistleblower, and our handling of the whistleblowing itself. The agreed plan was to receive the reports in early 2024. There were a number of factors that caused delays in receiving a completed report, including waiting for the report of the Independent Culture Review and a subsequent wide-ranging grievance. For personal reasons, Ms Omambala KC was not able to deliver her reports within anticipated timescales. The reports have now been recommissioned. You have been formally appointed by our Council to investigate our treatment of the whistleblower, including the handling of their concerns, and Victoria Butler-Cole KC and David Hopkins have been appointed to investigate concerns raised by the whistleblower about the NMC's handling of a number of regulatory cases. Further details are set out below. The concerns raised by the whistleblower have been raised internally and externally with the Charity Commission, the Professional Standards Authority and the Equality and Human Rights Commission, and a journalist at The Independent, Rebecca Thomas. Articles about the whistleblowing concerns were subsequently published in The Independent newspaper and other media outlets.

Investigating the concerns

2. The lines of investigation into the concerns raised are:
 - 2.1. **An investigation into our treatment of the whistleblower, and the handling of their concerns.** You should consider how we responded to the concerns raised and whether the right policies and processes were in place to enable appropriate handling of concerns raised, including our treatment of the whistleblower. This report will be publishable and will therefore need to take

account of UK GDPR obligations and reflect our duty of care to all NMC employees and others.

Terms of reference for the whistleblowing and casework investigations

3. The Terms of Reference for the original investigations were published in October 2023. You will conduct your investigation having regard to these.
4. Since the original investigations were commissioned there have been a number of significant developments which impact on the relevance of the original terms of reference. Specifically:
 - 4.1. The People and Culture Investigation (now known as the Independent Culture Review, or “ICR”) has now concluded, with the report published in July 2024. The outcome of this investigation will therefore not contribute to the ICR, but instead regard should be given to the ICR’s findings, and their relevance to any issues identified within this investigation.
 - 4.2. The Professional Standards Authority have now completed their annual performance review of the NMC. The published report can be found [here](#). The PSA will be updated with the outcome of this investigation, but it will therefore not feed into their 2023-24 performance review of the NMC. It may however be referenced in their 2025 review.
5. You will lead the investigations about our treatment of the whistleblower, as set out in paragraphs 2.1.
6. Please review the information provided to you for the purpose of this investigation and identify and advise on any further information you require for the purpose of conducting a full and fair investigation. Please draft a report including your conclusions about our handling of the issues concerned, identifying key learning and making recommendations for improvement. The report is intended for publication and should therefore appropriately respect the privacy of individuals.

7. In addition to materials provided by the NMC, you will need to consider relevant material gathered by Ijeoma Omambala KC as part of the original investigation, including relevant records of interviews and other documents created in the course of the investigation. Ijeoma Omambala KC has been asked to provide documents and information directly to maintain the independence and integrity of the investigation.

Investigations

8. During the period leading to the publication of your report, we would like to keep our Council and stakeholders informed and would therefore ask that you periodically report on progress. Should any issues arise which may impact upon the delivery of the report to time, please notify us at the earliest opportunity.

9. Should you require contact details of key stakeholders within the organisation to speak with directly, these can be provided.

10. We have a duty of care to all NMC employees and all those affected by our regulatory processes. We need to ensure that we provide support for all those engaged in this investigation. If you identify anyone else you need to speak to once you have considered the documents provided to you by us and passed on by Ijeoma Omambala KC, if you identify anyone you would like to interview/re-interview as part of the investigations, we will work with you to ensure we provide appropriate support to all those taking part. All communications with those participating will need to be clear as to the approach of the investigation and its potential outcomes.

11. Ijeoma Omambala KC engaged with the whistleblower throughout the original investigation. Should you wish to speak directly with the whistleblower we will seek permission to share their contact details with you.

12. As outlined above, Victoria Butler-Cole KC and David Hopkins have been instructed to conduct the separate investigation into concerns about our approach to regulatory casework. It may be necessary to share information and/or findings from your respective investigations which you consider relevant. Contact details will be provided should you wish to discuss this.

Confidentiality

13. The whistleblower in this case has asked for their identity to be kept confidential and we are conscious that there are potentially aspects for this investigation where we will need to bear in mind our obligations under UKGDPR.

Materials

14. Bundles of documents have previously been prepared for the investigation. We will be providing material relevant to your aspect of the investigation.

Further information

15. We look forward to working with you and please let us know if you have any queries.

21 July 2025