

## Nursing and Midwifery Council

### Whistleblowing (Public interest disclosure) Policy

<b>Policy title</b>	Whistleblowing (Public interest disclosure) Policy (internal)
<b>Summary</b>	<p>Sets out the NMC’s policy on “Whistleblowing” (public interest disclosures) and what we will do when concerns are raised.</p> <p>This policy is for concerns raised by people who work for or with us and relates to how the NMC carries out its work. There is a separate policy which governs how we deal with concerns raised with us as a prescribed person (see below).</p>
<b>Policy Owner</b>	Governance team
<b>Approved</b>	<p>Audit Committee 4 November 2020</p> <p>Minor amends April 2021 (new designated member added)</p> <p>Minor amends August 2021 (Employee Assistance Programme details updated)</p>
<b>Next review date</b>	October 2022

The names and contact details for the current people who hold the roles named in the policy are included below:

Assistant Director of Governance	<p>Fionnuala Gill</p> <p>Ph: 020 7681 5842</p> <p>Fionnuala.Gill@nmc-uk.org</p>
Executive Director of People and Organisational Effectiveness	<p>Francesca Okosi</p> <p>Ph: 020 7681 5448</p> <p>Francesca.Okosi@nmc-uk.org</p>
Chief Executive and Registrar	<p>Andrea Sutcliffe</p> <p>Ph: 020 7681 587</p> <p>Andrea.Sutcliffe@nmc-uk.org</p>
Lead Council Member	<p>Eileen McEaney</p> <p>eileenmceaney@hotmail.com</p>
Chair of the Audit Committee	<p>Marta Phillips</p> <p>martaphillips@me.com</p>

Other related policies and guidance mentioned in this policy you may find helpful to look at:

Whistleblowing – guidance for staff	TRIM: 4303595
Whistleblowing – guidance for managers	TRIM: 5606257
Anti-fraud and anti-bribery policy	TRIM: 4920715
Dignity at work policy	TRIM: 6963487
Grievance Policy	TRIM: 6755949
Disciplinary Policy	TRIM: 6755940
Policy on Whistleblowing to the NMC as a prescribed person	TRIM: 4902183

# Whistleblowing (Public interest disclosure) Policy

## Introduction

1. The Council and Executive want the NMC to be fair, open, honest 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 or with us; whether full-time or part-time, employed through an agency or as a contractor, as well as to others who work with us as partners or as panel Chairs or members. If you have a whistleblowing concern, please let us know.

## How whistleblowing supports our values

3. Fair: Whistleblowing arrangements increase the integrity of the organisation. Having a policy, treating seriously any concerns raised and ensuring these are appropriately investigated, creates a fair workplace for all. The policy is transparent and accessible internally and publicly on the NMC website. We are as transparent as we can be by sharing the results of any investigation into a concern with the person who reported the concern as far as that is possible.
4. Kind: The policy promotes kindness through listening to and considering colleagues' concerns. We will act kindly and considerately towards everyone involved in a concern raised under the whistleblowing policy. We promote kindness and fairness by asking people to provide feedback after an investigation and we use this to improve the process, policy and guidelines.
5. Ambitious: We are always aiming to do better. The policy encourages staff to raise concerns even if they may not fall under the legal definition of a protected disclosure - whistleblowing. All concerns are taken seriously and attempt is made to resolve them through the most appropriate channels.
6. Collaborative: We work internally with colleagues, and externally to identify where improvements can be made. We seek feedback from staff during whistleblowing training on the clarity of the policy and guidance and how we can improve them. We review the documents based on the feedback received. We also seek out external experts to advise on our whistleblowing policy and process.

## What is whistleblowing?

7. Under the law (the Protected Disclosure Act 1998) if you blow the whistle on wrongdoing in the public interest, you are protected from any detrimental treatment or victimisation by your employer.

8. 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, or other body).
9. 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 about matters which affect, or are of interest to, the wider public** not just to the person who is raising the concern.
10. 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. We understand that recognising when a concern or issue is something that counts as whistleblowing (a public interest disclosure) is not always clear and can be confusing. To help you, there are some examples included in the Guidance for managers (TRIM ref 5606257) and Guidance for staff (TRIM ref 4303595).
11. 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 feel you have been treated, please use the Grievance policy and / or the Dignity at work 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 you can raise a concern under this policy but we suggest that you also look at our Anti-Fraud and Anti-Bribery policy. Concerns raised under the Anti-Fraud and Anti-Bribery policy will be handled sensitively and in confidence.

## **Assurances**

12. If you raise a concern under this policy, we will make sure that you do not suffer any form of reprisal as a result. It does not matter if it turns out that you are mistaken. We will not tolerate the harassment or victimisation of anyone raising a concern. We consider such behaviour a disciplinary matter.
13. Of course we do not extend this assurance to someone who maliciously raises a matter they know is untrue.
14. 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 (for example, if there were a Police investigation). 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.

15. 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**

16. 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.
17. We hope you will feel able to raise any concern first with your manager or team leader. You can do this in a discussion or put your concerns in writing.
18. When you first raise your concern, the person you raise it with should discuss with you whether you want your identity to remain confidential and what this means in practical terms for how we can take matters forward
19. 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.
20. As the governance team is responsible for managing and reporting on the use of this policy, all whistleblowing concerns must eventually be reported 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.
21. If you feel unable to raise the matter with your manager, for whatever reason, you can raise the matter with any of the following:
  - 21.1. Assistant Director of Governance;
  - 21.2. Chief Executive and Registrar;
  - 21.3. Marta Phillips, Council member and Chair of the Audit Committee; or
  - 21.4. Eileen McEaney, Council Member.
22. These people have been given special responsibility and training to deal with whistleblowing concerns. Their contact details are on the first page of this policy.

## What will happen after you raise a concern

23. Further information and an outline of the process that will be followed is contained in accompanying guidance (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).
24. Responses to concerns are normally coordinated by the Assistant Director of Governance. They will acknowledge receipt of your concern within two working days. It will be assessed and appropriate action considered. This may involve an informal review, an internal inquiry or a more formal investigation. For example we may use an external investigator if the issue raised is such that this is the only way to ensure an independent investigation. Alternatively, if the issue raised requires expertise in particular aspects of our work, someone internal may be better placed to investigate. 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. If you have any objections or concerns about the investigation or investigator, please also let us know.
25. 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.
26. 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.
27. 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.
28. 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.
29. 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 Executive Director of People and Organisational Effectiveness. This type of behaviour against you will be dealt with under the Grievance Policy or the Disciplinary Policy.
30. Support is available to you through the Employee Assistance Programme (EAP) accessed through a 24/7 helpline 0800 030 5182, via the Perkbox app or online at [www.perkbox.com](http://www.perkbox.com)

## Independent advice

31. 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](mailto:whistle@protect-advice.org.uk). Their advisers can talk you through your options and can help you raise a concern about malpractice at work.

## Reporting concerns externally

32. 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:
  - 32.1. Charity Commission for England and Wales (which also covers Northern Ireland at present). To contact, send an email to [whistleblowing@charitycommission.gov.uk](mailto:whistleblowing@charitycommission.gov.uk);
  - 32.2. Office of the Scottish Charity Regulator. To contact, see the website at <https://www.oscr.org.uk/about-charities/raise-a-concern/whistleblowing/>; or
  - 32.3. Professional Standards Authority for Health and Social Care (PSA). Contact by telephone on 020 7389 8030 or email [info@professionalstandards.org.uk](mailto:info@professionalstandards.org.uk).

## Monitoring of our whistleblowing practices

33. The Audit Committee is responsible for this policy and reviews it regularly. 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.
34. If you have any comments or questions, please do not hesitate to contact the Assistant Director, Governance.

## Other information

35. 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, this cannot and will not contain any provisions which in anyway attempt to stop you from raising a whistleblowing concern after you have left the NMC.
36. We are committed to ensuring that team or other working 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)**

37. We will process the data you give us in accordance with the UK General Data Protection Regulation (UK GDPR) and data protection legislation for the purposes of addressing or investigating your concern.
38. Information about data collection, storage and processing is contained in the Privacy Notice for Employees and Contractors.

First approved by the Audit Committee: April 2016

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