

## Nursing and Midwifery Council

### Raising Concerns Policy (including whistleblowing (Public interest disclosures))

<b>Policy title</b>	Raising Concerns Policy (including Whistleblowing (Public interest disclosures))
<b>Summary</b>	<p>Provides guidance on how to raise concerns within the NMC. Outlines an operational framework for addressing concerns and responding to staff who speak up.</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 the NMC as a prescribed person (see below).</p>
<b>Policy Owner</b>	Assistant Director of Governance
<b>Approved</b>	<p>Council 23 July 2025            Audit Committee 4 November 2020            Minor amends April 2021 (new designated member added)            Minor amends August 2021 (Employee Assistance Programme details updated)            Minor amend April 2021 (Contact details for the former Executive Director, People and Organisational Effectiveness removed)            Minor amend January 2025 (contact details for staff covering AD, Governance role)</p>
<b>Next review date</b>	To be reviewed following the publication of the Bates Wells report into our handling of a previous whistleblowing case.

If you have any questions about this policy, please contact the Assistant Director of Governance who is the policy owner and operational whistleblowing lead for the NMC.

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

Raising Concerns – guidance for staff	TRIM: 10423531
Raising Concerns – guidance for managers	TRIM: 10423530
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
Policy on safeguarding and protecting people	TRIM: 9870496
Log and Learn policy	TRIM: TO BE ADDED.
Lessons learned guidance	TRIM: TO BE ADDED.

## Introduction

1. The Council and Executive are committed to an open, honest and inclusive culture which promotes improvement when things go wrong. We have developed this policy to guide and reassure you that it is safe and important to speak up to help the NMC keep improving the working environment for our staff and the services we provide to the public and professionals on the register. In the best interests of staff, public and professionals on the register we encourage you to raise any concern you have as early as possible. We would prefer that you raise a matter when you become concerned about it, rather than waiting so that we can address it as soon as possible.
2. You may feel worried about raising a concern, and we understand this, but please don't be put off. We will take reasonable steps to ensure you do not experience any detriment as a consequence of raising concerns with us, such as harassment or victimisation.
3. The NMC has a duty under the equality act to promote equality and diversity. Discrimination on the grounds of sex, disability, age, sexual orientation, religion or belief, race, gender reassignment, marriage and civil partnership, pregnancy and maternity is against the law and will not be tolerated.
4. This updated policy applies to all staff working at the NMC, whether full-time or part-time, and those undertaking duties or activities on behalf of the NMC, including those who work through an agency or as a contractor, as well as our partners and members of the Fitness to Practise Committees (referred to collectively in this policy as "staff"). Former staff who wish to raise concerns should do so under this policy. We would expect such concerns to be raised within three months of the end of the working relationship with the NMC.
5. If you have any questions about this policy, please contact the Assistant Director of Governance who is the policy owner and operational whistleblowing lead for the NMC.

## Why raising concerns is important to the NMC

6. We want colleagues to feel empowered to raise concerns and to be confident that these will be listened to and acted on appropriately. This is important to us because:
  - We are a learning organisation that takes action continuously to improve. By sharing your concerns, we will be able to look into them, and where there are improvements to be made, we will take action to strengthen our approach.
  - Treating seriously any concerns raised and appropriately addressing them helps to create a fair workplace and a positive, empowering, and inclusive culture for all colleagues.
7. Raising concerns may include making whistleblowing disclosures. The types of concerns that fall within this latter definition ("whistleblowing"), and what this

means for you and the NMC is defined in the section termed “Whistleblowing” below. Whistleblowing is taken very seriously by the NMC. However, we recognise that the term whistleblowing can sometimes be a barrier to raising concerns – people can be uncertain about whether or not their concern meets the criteria for whistleblowing or they may not wish to be a “whistleblower”. If your concern is not “whistleblowing” as defined by law (and in the Policy) it is better and more efficient that you raise a concern as simply that. That’s why this policy is broader and covers any concerns. What is important to us is that concerns are raised and can be addressed. Whether your concern is whistleblowing or not, we will not tolerate the harassment or victimisation of anyone raising a concern.

## **What concerns should I raise?**

8. It can sometimes be hard to know whether you should raise a concern. You should be guided by this question: if you let the situation carry on is it likely to result in harm to others or trust and confidence in the NMC?
9. If in doubt, you should always err on the side of caution and raise your concern
10. Matters you might have concerns about could include:
  - Breach of health and safety policy
  - Inadequate induction or training for staff
  - Deliberate breach of GDPR/data protection policies
  - Suspected fraud
  - Suspected criminal activity
  - Bullying, harassment, discrimination (including discrimination because of a protected characteristic) across a team or organisation
  - Breach of a legal or professional obligation
  - Breach of internal policy
  - Our processes are failing to protect people or putting people at risk of harm.

It is important to differentiate between matters of concern and matters that are operational “issues” that can be dealt with through other internal channels and through discussions with line managers.

## **Feel safe to raise your concern**

11. If you raise a concern, we will take reasonable steps to make sure that you do not suffer any form of detriment 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. If you do experience any detriment, you should inform the Assistant Director of Governance or, if not appropriate, the Chief Executive and Registrar. We consider such behaviour a disciplinary matter.
12. We will discuss with you any specific concerns that you may have so that appropriate safeguards can be put in place.
13. Of course, we do not extend this assurance to someone who maliciously raises a matter they know is untrue, for instance in order to make knowingly false

allegations about a colleague. Raising a deliberately false concern will be addressed under our disciplinary policy.

14. If at any stage you experience harassment or victimisation for raising a concern please immediately contact one of the following:

- the person with whom you raised the concern
- Assistant Director of Governance
- HR colleague
- Empowered to Speak Up Ambassador or Guardian.

This type of behaviour against you will be dealt with under the Grievance Policy or the Disciplinary Policy.

15. 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).

## **Confidentiality and anonymity**

16. With the above 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 you request confidentiality, we will make every effort to protect your identity. However, it is important to note, that we cannot guarantee that your identity won't become known to others. For instance:

- Those involved in the investigation of your concern
- Those who are able to identify you during the course of an investigation due to the nature of your concern
- If required by law, we would disclose your identity, for example if there was a police investigation or public inquiry
- Where our duty of care to others overrides your request for confidentiality.

17. Confidentiality is different from anonymity. We would always encourage the raising of a concern confidentially rather than anonymously. If you do decide that you need to raise a concern anonymously it will be considered, but it will be much more difficult for us to investigate the matter and we may not be able to provide you with details on any action we are taking in response to your concern. If you do not provide any contact details, we will be unable to provide you with any information.

## **How to raise a concern**

18. Please remember that you do not need to have firm evidence 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.

19. In most circumstances, the easiest way to get your concern resolved will be to raise it informally or formally with your line manager. Where you don't feel comfortable, or don't think it is appropriate to do this, you can use any of the options set out below:
  - Report your concern to the next senior manager in line – for example your Head of Service, Assistant/Deputy Director or Executive Director
  - Contact a Trades Union / Staff side representative
  - Contact Human Resources
  - Contact an Empowered to Speak Up Ambassador – Ambassadors are based locally and can signpost you to the relevant person or process to raise a concern.
  - Contact the Empowered to Speak Up Guardian – they can support you in raising your concern
  - Use the online Log and Learn system to raise a concern.
20. 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. In some circumstances, a request for confidentiality may limit the action we can take. They will also discuss with you any specific concerns that you may have about any potential detriment you think you might experience as a result of raising the concern, and consider any protective measures that should be put in place.
21. Whoever you raise your concern with, you can bring along an NMC colleague or Union representative with you to any meeting should you wish. You can also bring someone who can help with any specific support needs, for example, a disability or mental health condition.
22. In the majority of cases, concerns can be resolved with the person you raise it with. They should thank you for speaking up, listen to your concern and agree with you a way to seek a resolution. This might include a conclusion:
  - That, following discussion, there was no issue to resolve
  - That a Log and Learn case should be reported
  - Signposting to an alternative process such as Grievance, Complaints policy or Dignity at Work
  - That this should be escalated to the Assistant Director of Governance or another person named in this policy as per paragraph 23.

## **What happens if this doesn't resolve my concern?**

23. If it's not possible to resolve the matter, then you should raise this concern with the Assistant Director of Governance or if you feel unable to raise it with them for any reason then you should raise it with one of the following:
  - Executive Director of People and Culture
  - Chief Executive and Registrar
  - Council leads for raising concerns (known in other organisations as whistleblowing leads)

- Empowered to Speak Up Council Champion

24. If the concern relates directly to the governance team, it should be reported to the Chief Executive.

25. If your concern relates to the Chief Executive and Registrar then you should raise it with the Council leads for raising concerns. They will inform the Chair of Council and liaise with the Assistant Director of Governance to ensure they have appropriate support to respond. If the Assistant Director of Governance is directly implicated, they will identify an alternative operational lead in the NMC. The Council leads for raising concerns will maintain their usual role in overseeing such concerns (set out later in this policy). It is at the discretion of the Chair of Council whether the concern requires oversight from other Council members, including the Chair of Audit and Risk Committee.

26. If they think your concern falls more properly within our grievance, dignity at work , complaints, log and learning policy or other relevant policy, you will be advised on how you can take your concern forward under that policy.

27. If it appears that there has been no attempt to resolve the concern with an immediate line manager or senior leader in that directorate, we will explore the reasons for this and potentially refer it to the team for it to be initially resolved (if possible) at that level.

## **What action will be taken?**

28. To decide an appropriate course of action, your concerns will then be considered by appropriate colleagues, generally from amongst the Assistant Director of Governance, General Counsel and HR.

29. As part of developing an approach and agreeing who will be involved, we will reflect on potential conflicts of interest to ensure impartiality. We will also consider whether the person raising concerns could potentially experience any detriment as a consequence of raising those concerns and what steps it is appropriate to take to mitigate this, including ensuring confidentiality within a small group.

30. As a learning organisation that takes action continuously to improve, a key focus of our approach will be to identify any learning so that we can strengthen our ways of working.

31. Appropriate action to address the concern includes but is not limited to

- An immediate answer being given, including that no action is required.
- Taking direct action, such as changing an NMC policy or procedure
- A fact finding review
- Commissioning a formal investigation: this will be objective and evidence based, and will produce a report that focuses on learning lessons to prevent problems recurring. When commissioning a formal investigation, we will follow our lessons learned review guidance to help ensure a clear, fair investigation that is focused on learning rather than blame
- Referral to counter-fraud, the police or other external body.

32. Where a concern needs an investigation, the decision about whether this is conducted internally or externally will take into account factors such as:
  - The issue raised is such that it would be impossible for an internal investigation to be fully independent, for instance where all senior leaders would have a conflict of interest
  - The issue raised requires expertise in particular aspects of our work, and would therefore best be investigated by someone internal.
33. If the concern requires escalation or further investigation, an appropriate person will be identified to oversee the case. The details of your concern will be recorded by the Governance Team which will include the date and details of the concern, whether you have requested confidentiality and dates when we have given you updates or feedback.

## **Timing and Outcomes**

34. We will acknowledge receipt of your concern within five working days. Once we have decided on how the matter will be handled, we will write to you summarising our understanding of your concern and setting out how we propose to handle it. You will be kept up to date and informed of the outcome whenever possible.
35. Our aim is to reach an outcome in respect of your concern in 20 working days. Depending on the nature of the concern this may not be possible, in which case we will tell you the expected timetable. The outcome of any process under this policy will normally be considered final. In exceptional cases, should fresh information become available, consideration may be given to whether there are grounds for further review.
36. We are a learning organisation that takes action to continuously improve. Where learning has been identified we will ensure it is embedded, with Audit and Risk Committee providing oversight of actions being completed.
37. Following the outcome of your concern, we will give you the opportunity to provide feedback about how your concern has been addressed. If you feel that insufficient steps have been taken by the NMC to address your concern you should raise this at this stage. This will be considered by the Assistant Director of Governance and Council raising concerns leads. However, this does not mean we will reopen or review the previous process or change the findings. While we cannot guarantee that we will respond to all matters in the way that you might wish, we will carefully consider all points raised.
38. Whenever possible, we will give you feedback on the particular findings in relation to your concern and any recommendations arising, provided this would not interfere with the confidentiality we owe to another person or to their rights under UK GDPR.

## **Audit and Risk Committee and Council leads**

39. Where a concern has been escalated to one of the people named at paragraph 23 and is not considered through an alternative policy:

- A summary of the concern will be shared with the Chair of Audit and Risk Committee and the Council leads for raising concerns for their input and oversight. The Audit and Risk Committee Chair's role is limited to ensuring that this policy is followed. If the person raising the concern has requested confidentiality, where possible their identity will not be shared with these individuals. In respect of investigations, once an investigation has been completed the report will be shared with the Council leads for raising concerns.
- Audit and Risk Committee will receive a summary of the concern at its next meeting, including a summary of the outcome of any investigation. Any learning actions will be tracked by Audit and Risk Committee.

## **Public reporting**

40. Occasionally we may publicly publish the findings of an investigation and/or a report stemming from an investigation. In such cases we will endeavour to protect the identity of the person who raised the concerns.

## **Whistleblowing - Definitions**

41. Whistleblowing is taken very seriously by the NMC.

42. In order to qualify as whistleblowing, a concern must meet specific conditions set out in law. The concern must be about:

- a criminal offence
- a failure to comply with any legal obligation
- a miscarriage of justice
- a danger to the health and safety of any individual
- damage to the environment
- or a deliberate cover-up of any of the above.

43. There also needs to be a public interest element to the disclosure. For the NMC this would include a risk to patients, customers, staff or the organisation itself.

44. If it meets these conditions, then it is a "protected disclosure" and the person raising it has specific legal protections to stop them suffering any detriment or disadvantage from their employer for raising the concern.

45. Please be assured that whether your concern is a protected disclosure or not, we take all concerns seriously and will take reasonable steps to make sure that you do not suffer any form of detriment as a result.

46. While whistleblowers are protected from retaliation for reporting wrongdoing, they are not immune to separately facing disciplinary action or performance management, if their performance or conduct is genuinely substandard
47. Where a case meets whistleblowing criteria we will follow the same process as set out at paragraphs 23-36.
48. We will also provide a high level summary of whistleblowing concerns and the outcomes in our statutory Annual Report. In doing so we will endeavour to protect the identity of the person who raised the concerns.
49. If you are unsure about raising a concern, you can also get independent advice from *Protect* on **020 3117 2520** 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**

50. Whilst 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:
  - 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)
  - Office of the Scottish Charity Regulator. To contact, see the website at <https://www.oscr.org.uk/about-charities/raise-a-concern/whistleblowing/>; or
  - 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 practices around addressing concerns**

51. The Audit and Risk Committee is responsible for this policy and reviews it regularly. The Assistant Director, Governance will maintain confidential records of all matters raised which are the subject of investigation. All cases managed through this policy are reported to the Audit and Risk Committee along with outcomes. The Committee will also review key performance indicators to assess the effectiveness of the process.
52. As part of Audit and Risk Committee's report to Council, Council will receive a high level summary of each whistleblowing case, any learning identified and assurances on the implementation of the policy.
53. People and Culture Committee will on a quarterly basis receive a report drawing out the themes arising from concerns raised.

54. 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.
55. If you have any comments or questions, please do not hesitate to contact the Assistant Director, Governance.

## **Other information**

56. We are committed to ensuring that team or other working relationships are not damaged as a result of raising concern under this policy, or that relationships are actively repaired once any processes are complete.

## **How we handle the information you provide to us (GDPR)**

57. 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.
58. 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

Reviewed and approved: June 2017

Reviewed and approved: November 2017

Reviewed and approved: October 2018

Reviewed and approved: November 2020

Revised and approved by Council: July 2025

Updates: April 2021, August 2021, May 2023, March 2024, April 2024, January 2025

## Annexe 1

The names and contact details for those you can contact about a concern:

Assistant Director of Governance	Jacqui Maunder Ph:020 7681 5053 <a href="mailto:Jacqueline.Maunder@nmc-uk.org">Jacqueline.Maunder@nmc-uk.org</a>
Executive Director of People and Culture	Ravi Chand Ph: 020 7681 5310 <a href="mailto:Ravi.Chand@nmc-uk.org">Ravi.Chand@nmc-uk.org</a>
Chief Executive and Registrar	Paul Rees Ph: 020 7462 5841 <a href="mailto:Paul.Rees@nmc-uk.org">Paul.Rees@nmc-uk.org</a>
Council lead for raising concerns	Eileen McEneaney <a href="mailto:Eileen.McEneaney@nmc-uk.org">Eileen.McEneaney@nmc-uk.org</a>
Council lead for raising concerns	Lindsay Foyster <a href="mailto:Lindsay.Foyster@nmc-uk.org">Lindsay.Foyster@nmc-uk.org</a>
Empowered to Speak Up Council Champion	Sue Whelan Tracy <a href="mailto:Sue.whelanytracy@nmc-uk.org">Sue.whelanytracy@nmc-uk.org</a>

## Annexe 2

### Roles and responsibilities

<b>Role</b>	<b>Responsibilities</b>
Audit and Risk Committee	<p>Responsible for:</p> <ul style="list-style-type: none"> <li>• approving and regularly reviewing the Raising Concerns policy</li> <li>• monitoring the use of the policy and ensuring it is being implemented effectively and that any learning from concerns is implemented.</li> </ul>
Assistant Director of Governance	<p>Responsible for managing and reporting on the use of the Raising Concerns policy.</p>
Executive Director of People and Culture	<p>A named person that colleagues can share concerns with. Responsible for responding to such concerns, as appropriate, in line with the policy.</p> <p>Where relevant learning has been identified by an investigation, responsible for ensuring learning is embedded.</p>
Chief Executive and Registrar	<p>A named person that colleagues can share concerns with. Responsible for responding to such concerns, as appropriate, in line with the policy.</p> <p>Responsible for considering the outcome of investigations and ensuring learning is embedded.</p>
Council lead for raising concerns	<p>A named person that colleagues can share concerns with. In other organisations they are commonly known as whistleblowing leads, and whilst their focus at the NMC is not only on protected disclosures, ensuring oversight of protected disclosures is an important part of their role.</p> <p>Where a concern has been escalated to one of the people named at paragraph 23 and is not considered through an alternative policy, a summary of the concern will be shared with the Council leads for raising concerns for</p>

	their input and oversight. In respect of investigations, once an investigation has been completed the report will be shared with the Council leads for raising concern
Audit and Risk Committee Chair	Where a concern has been escalated to one of the people named at paragraph 23 and is not considered through an alternative policy, a summary of the concern will be shared with the ARC Chair to ensure that this policy is followed.
General Counsel lead	To support in triaging the concerns and developing an appropriate response.
HR lead	Where appropriate, to provide support in triaging the concerns and developing an appropriate response.
Empowered to Speak Up Ambassador  Empowered to Speak Up Guardian  Council Empowered to Speak Up Champion  UNISON Rep	To offer advice to colleagues who have concerns.  Further information on Empowered to Speak Up can be found on Pulse: <a href="#"><u>Speaking up and raising concerns</u></a>

**Annexe 3: Process map for Raising Concerns Policy**

