

Nursing and Midwifery Council
Policy on Safeguarding and Protecting People

Title	Safeguarding and Protecting People Policy
Summary	This policy applies to all who work for or with the NMC, including Council, Committee and Panel members, staff and service suppliers.
Approval	November 2018 – approved by the Council January 2020 – updated version approved by the Council January 2022 – updated version approved by the Council
Policy Owner	NMC Designated Safeguarding Lead – Director of People and Organisational Effectiveness
Next review date	November 2022

In a nutshell

- 1 We take safeguarding and protecting people seriously. This is an integral part of being a fair, kind, safe and effective regulator.
- 2 In this policy we provide an overview of our safeguarding responsibilities and support available for the reporting and referral of safeguarding concerns.
- 3 The policy is supported by operational guidance available to our teams. We encourage everyone who works for us and with us to read our policy to understand our safeguarding responsibilities and the vital role they have in helping us to safeguard and protect people from harm.

Introduction

- 4 Our vision is safe, effective and kind nursing and midwifery that improves everyone's health and wellbeing. As the professional regulator of almost 745,000 nursing and midwifery professionals, we have an important role to play in making this a reality.
- 5 **Our core role is to regulate.** First, we promote high education and professional standards for nurses and midwives across the UK, and nursing associates in England. Second, we maintain the register of professionals eligible to practise. Third, we investigate concerns about nurses, midwives and nursing associates – something that affects less than one percent of professionals each year. We believe in giving professionals the chance to address concerns, but we'll always take action when needed.
- 6 **To regulate well, we support our professions and the public.** We create resources and guidance that are useful throughout people's careers, helping them to deliver our standards in practice and address new challenges. We also support people involved in our investigations, and we're increasing our visibility so people feel engaged and empowered to shape our work.
- 7 **Regulating and supporting our professions allows us to influence health and social care.** We share intelligence from our regulatory activities and work with our partners to support workforce planning and sector-wide decision making. We use our voice to speak up for a healthy and inclusive working environment for our professions.
- 8 Our safeguarding policy explains how we identify, respond and manage safeguarding concerns which arise in our role as a regulator and in any of the activities that we undertake to support and influence our professions and the public.
- 9 Our values help inform and guide us on how we behave and respond to safeguarding concerns. We do this in the following ways:

- 9.1 **We're fair**
Fairness is at the heart of our safeguarding policy and arrangements. Safeguarding is an integral part of our role as a trusted, transparent regulator and employer. We publish our safeguarding policy and ensure that our arrangements are clear and accessible to all.
- 9.2 **We're kind**
We act with kindness and in a way that values people, their insights, situations and experiences. Our safeguarding policy explains how we approach safeguarding concerns in a way that is kind and understands the difficult situations that people who we come into contact with may be facing.
- 9.3 **We're ambitious**
We are always keen to learn, improve and update our safeguarding arrangements wherever we can.
- 9.4 **We're collaborative**
Identifying and responding to safeguarding concerns involves us being able to work collaboratively with colleagues and those responsible for safeguarding outside the NMC, to ensure safeguarding concerns are raised and responded to appropriately.

Purpose of this policy

- 10 As a regulator and a registered charity, we may come into contact with people who are at risk of harm, abuse or mistreatment of any kind. We are required to have a clear and effective safeguarding policy which ensures that we are able to take appropriate steps to protect people from harm. This is integral to our activities and for us to be a fair, kind, safe and effective regulator.
- 11 We have developed this policy in line with our legal responsibilities (which includes our statutory responsibilities¹ and our charitable obligations) and guidance provided by the Charity Commission (CC) and the Office of the Scottish Charity Regulator (OSCR). This policy reflects good practice guidance including, the Charity Governance Code and the Charity Ethical Principles (by the National Council for Voluntary Organisations' (NCVO)). In particular, the fourth principle 'Right to be safe' is reflected in this policy.
- 12 This policy details how we protect from harm all people who we may come into contact with. This includes our professionals and members of the public as well as our own employees, service suppliers and partners. The policy covers safeguarding of adults and children at risk.
- 13 This policy sets out:
- 13.1 The responsibilities of Council members, including in their role as trustees of the NMC, and of members of the Executive, for taking reasonable steps to protect people from harm.

¹ Article 3(5) of the Nursing and Midwifery Order 2001 details our overarching duty is to protect the public and provides detail on how we do this as a regulator.

13.2 The key principles that all who work for, or with us, must comply with to ensure that as an organisation, we take all reasonable steps to protect people from harm, and how we will support them in doing this.

14 This policy is underpinned by operational guidance about safeguarding for people who work for us and with us (including service suppliers such as panel members or others who might work with us in a paid or unpaid capacity) who may become aware of a safeguarding issue that needs to be reported. This includes staff who carry out investigations into fitness to practise or registration issues and all staff who have direct contact with professionals on our register or members of the public, by phone or in person (including virtual meetings).

15 It is also underpinned by our Human Resources (HR), digital, and health and safety policies and processes and is reflected in our published policies on how we engage with those who come into contact with us, such as our [Managing Unreasonable or Unacceptable Behaviour](#) and our [Reasonable Adjustments](#) policies.

Statutory framework

16 We operate across all four countries of the UK. There are some differences in adult and children safeguarding legislation, policy and practice in England, Northern Ireland, Scotland and Wales.

17 We will ensure that we maintain an up-to-date understanding of the legislative and public policy requirements in each country and that our operational guidance and processes meet the specific requirements in each of the four countries.

Equality, Diversity and Inclusion and safeguarding

18 We will give equal priority to keeping all adults and children at risk safe regardless of their age, disability, gender reassignment, race, religion or belief, sex, or sexual orientation and we recognise that some adults and children at risk are additionally vulnerable because of the impact of previous experiences, their level of dependency, communication needs or other issues.

Our approach to safeguarding and protecting people

19 Although we do not provide direct health or care services, we exist to protect the public by enabling better and safer care.

20 We are committed to having in place appropriate measures to safeguard adults and children at risk. We will take reasonable and proportionate steps to protect people who come into contact with us from harm. This includes all people we may come into contact with through our work, such as our professionals and members of the public, our employees and those who work with us.

21 We are committed to fulfilling our specific responsibilities to have in place appropriate measures to safeguard children and adults at risk. Responsibilities for Council, the Executive and all of those who work with the NMC are set out below.

The Council is responsible for:

- 21.1 Ensuring that there is a clear and up-to-date NMC policy in place based on statutory and good practice guidance, governing our approach to protecting people from harm, and for assuring itself that effective operational processes are in place.
- 21.2 Ensuring a safe environment for all and a culture where protecting people from harm is central.
- 21.3 Regularly reviewing the policy and practice and monitoring the impact.
- 21.4 Taking responsibility for putting things right and dealing with an incident responsibly should something happen or go wrong.
- 21.5 Acting with reasonable skill and care and in the best interest of the NMC, exercising sound judgement and avoiding exposing the NMC to undue risk.

The Executive is responsible for:

- 21.6 Ensuring this policy is underpinned by effective operational guidance and processes which encompass:
 - 21.6.1 Clear lines of accountability within the NMC for safeguarding, including designation of a safeguarding lead.
 - 21.6.2 Training for all staff, appropriate to their role and continuing professional development, so that staff are competent in identifying and addressing concerns.
 - 21.6.3 Safe working practices including appropriate recruitment, vetting and barring procedures.
 - 21.6.4 Robust referral, reporting and escalation processes, working with relevant organisations across the UK as appropriate.
 - 21.6.5 Effective inter-agency working, including effective information sharing.
 - 21.6.6 Nominating and appointing a Designated Safeguarding Lead to advise the Executive and Council on developing and establishing our approach to safeguarding.

Everyone who works for, or with us, is expected to:

- 21.7 Understand and be familiar with this policy and know how to recognise, respond to, report and record a safeguarding concern or any concern regarding harm to others.

What is safeguarding?

- 22 From time to time we may come into contact with people who may be at risk of harm. Safeguarding means protecting people from harm including physical, emotional, sexual and financial harm and neglect. Harm can include risk of self-harm or suicide.
- 23 **Safeguarding adults at risk** is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult's wellbeing is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action.²
- 24 Adults at risk means anyone aged 18 or over in England, Wales and Northern Ireland, or, age 16 or over in Scotland who:
- 24.1 Has needs for care and support (whether or not the local authority is meeting any of those needs);
 - 24.2 Is experiencing, or is at risk of, abuse or neglect; and
 - 24.3 As a result of those care and support needs, is unable to protect themselves from either the risk of, or the experience of abuse or neglect.
- 25 An adult at risk of abuse may:
- 25.1 Have an illness affecting their mental or physical health.
 - 25.2 Have a learning disability.
 - 25.3 Suffer from drug or alcohol problems.
 - 25.4 Be frail.
- 26 **Safeguarding children** means to:
- 26.1 Protect children from abuse and maltreatment.
 - 26.2 Prevent harm to children's health or development.
 - 26.3 Ensure children grow up with the provision of safe and effective care.
 - 26.4 Take action to enable all children and young people to have the best outcomes.

² Care Act Statutory Guidance England

Safeguarding and the NMC

- 27 From time to time we may come into contact with people who we may have a safeguarding concern about. For example, a person who has raised a concern about the fitness to practise of a nurse, midwife or nursing associate following the loss or abuse of a family member, or a witness giving evidence about such an event; or a nurse, midwife or nursing associate whose own fitness to practise is in question. Safeguarding concerns may arise as a result of:
- 27.1 A direct disclosure to us during our work.
 - 27.2 An allegation, concern, referral or complaint reported by another person.
 - 27.3 An observation during a meeting.
 - 27.4 An incident.
- 28 As a regulator we come into contact with many people over the course of our activities. This means we may be targeted by those who want to gain access to children and adults at risk. We are committed to ensuring that we mitigate this through robust HR policies, recruitment processes and arrangements with those we work with.
- 29 We have a duty to make sure that:
- 29.1 Safeguarding concerns are dealt with promptly, appropriately and reported in a secure and responsible way to all relevant agencies.
 - 29.2 Steps are taken to escalate or alert those able to protect children and adults at risk from harm and minimise risk of abuse.
 - 29.3 Appropriate and proportionate measures are in place to protect from harm all those who work for, or with us, or come into contact with us.

Support and training

- 30 It is important that we all understand safeguarding, and know what to do should safeguarding concerns arise.
- 31 Support includes:
- 31.1 Safeguarding induction and training for all staff appropriate to their role, including information on types of harm³ abuse and neglect; how to spot abuse; how to respond to concerns; and who to report concerns to.
 - 31.2 Embedding safeguarding in the NMC's culture so that it is safe for anyone affected to come forward and report incidents and concerns with the assurance that they will be handled sensitively and properly.

³ including where people may be at risk of self-harm or suicide

31.3 Being able to access guidance to support how we respond to safeguarding concerns by:

31.3.1 Identifying and managing risk.

31.3.2 Managing reports of incidents, allegations and risk and recording and retaining information.

31.3.3 Relevant reporting to the relevant authorities such as the police, social services and the CC and OSCR.

31.3.4 Making changes to reduce the risk of any further incidents.

31.4 Being able to access appropriate specialist advice if a member of staff is accused of abuse.

31.5 Being able to access guidance when dealing with wider welfare concerns and when to liaise with the Public Support Service (PSS) within the Fitness to Practise directorate.

32 We also have systems in place for:

32.1 Ensuring Council, partner members and key staff are not subject to any CC disqualifications.

32.2 The safe recruitment and selection of staff, including basic Disclosure and Barring Services (DBS) checks or a criminal record check from Disclosure Scotland for particular roles.

32.3 Dealing with allegations or concerns relating to staff, including clear lines of accountability, systems of reporting and actions to be taken. The following policies are already in place and are available on our [iNet](#) :

32.3.1 Codes of Conduct for Council and partner members and Fitness to Practise panel members.

32.3.2 Dignity at work policy.

32.3.3 Grievance policy.

32.3.4 Health and safety policy.

32.3.5 Digital policy.

32.3.6 Data protection policy (including confidentiality policy).

32.3.7 Corporate complaints policy.

32.3.8 Equality, diversity and inclusion framework.

32.3.9 Disciplinary policy.

32.3.10 Anti-fraud, bribery and corruption policy.

32.3.11 Duty of care policies

32.4 Investigating and learning from any safeguarding incidents or 'near miss' events through our serious incident reporting process, and if necessary making changes to the operational guidance for staff.

32.5 Whistleblowing:

32.5.1 Our whistleblowing policy for those who wish to raise any concerns about the NMC is available on the [iNet](#) and the [NMC website](#).

32.5.2 Our policy for those who wish to raise concerns to the NMC in its capacity as a prescribed person (whistleblowing to us about others) is set out on the [NMC website](#).

Raising concerns and reporting requirements

33 We are committed to ensuring we manage safeguarding risks and serious incidents that have resulted in or risk significant harm to people who come into contact with us adequately and report any failures to do so promptly.

34 Any serious safeguarding incidents, complaints, allegations or events involving a child or an adult at risk or that are likely to have a significant impact on the NMC will be reported as appropriate to:

34.1 The police, or local safeguarding body if appropriate.

34.2 The CC and the OSCR.

34.3 The Privy Council.

35 We will include information on the number and nature of serious incidents, including safeguarding, in our statutory annual report and accounts.

Sharing information, confidentiality and mental capacity

36 Safeguarding children, young people and adults at risk is a shared responsibility, with the need for effective joint working between agencies and professionals that have different roles and expertise.

37 Liaison and working with other agencies is also important, to prevent individuals who actively target organisations in order to abuse children and adults at risk from doing so. This may include sharing information or making referrals to social services or other relevant agencies.

38 In sharing information, we will ensure that we do so in compliance with the General Data Protection Regulations (GDPR), our Data Protection Policies and any other relevant legislation.

Publication and review

- 39 This policy will be published on our website, reviewed by the Council annually, and the impact monitored regularly. We will also review it following any serious incident, to ensure it remains fit for purpose.