

The Nursing and Midwifery Council's response to the consultation on Raising a Concern in the Public Interest (Whistleblowing) Framework and Model Policy

Summary

1. Thank you for the opportunity to respond to the [Consultation on Raising a Concern in the Public Interest \(Whistleblowing\) Framework and Model Policy](#).
2. We welcome the overarching aims of the Framework and Model Policy. Their introduction should help to encourage all health and care professionals to raise a concern in the public interest without fear of reprisal.
3. As the regulator of nursing and midwifery professionals in Northern Ireland, we would welcome working with the Department on the next iteration of the Framework and Model Policy and its implementation.
4. We would like to take this opportunity to clarify that we do not act in an advisory role on whistleblowing for staff members and health and social care organisations, as is outlined in the Framework and the Model Policy.
5. In relation to whistleblowing, our role is two-fold:
 - 5.1 The NMC is named as a prescribed person in law. We will assess any whistleblowing concern, and if the concern is not for us we may share it. We work together with system regulators such as the Regulation and Quality Improvement Authority (RQIA) to ensure effective two-way information sharing, which supports our respective roles. We are required by legislation as a prescribed person to report on whistleblowing. We produce an [annual report](#) together with other healthcare regulators on whistleblowing, showing the regulatory action we take and how we work with other professional and system regulators.
 - 5.2 Our [Code](#) (Section 16) sets out that professionals on our register have a duty to report any concerns which place the safety of the people in their care or the public at risk. We have created [guidance](#) for nursing and midwifery professionals setting out the processes to follow. It recommends people seek advice from their professional body, the whistleblowing charity Protect, or their Trade Union.
6. Our recommendations on the roles and responsibilities for organisations:
 - 6.1 **Implementing Local Policy** (Page 14, paragraph 32): This needs to clarify if the policy refers to professional or systems regulators. As highlighted above, we do not act in an advisory role on whistleblowing.

- 6.2 **Roles and responsibilities** (Page 29, paragraph 7): Distinguish between the role of professional regulators such as the NMC and organisations that staff might approach for specialist advice on whistleblowing.
- 6.3 **Role of trade unions and other organisations** (Page 29, paragraph 8): We suggest that including distinct headings might help, as might defining the different support offered by trade unions, professional organisations and statutory bodies.
- 6.4 **Example procedure for raising a concern** (Page 31, paragraph 5): Specific headings for Prescribed Bodies and the media would be helpful. This would make clear the distinct functions, processes, and outcomes from engaging with different types of organisations.
7. Our recommendations on the roles and responsibilities of individuals:
- 7.1 **Glossary of Terms** (Page 3): This needs to define when raising a concern in the public interest would constitute whistleblowing.
- 7.2 **Scope** (Page 8, paragraph 12): We welcome that the scope sets out that the Framework and Model Policy applies to all staff involved in the work of an HSC organisation, including employees, students, people on placements, volunteers and workers.
- 7.3 **Training** (Page 14, paragraph 36): Training for Raising Concerns Advocates and Senior Managers is a good idea as these individuals will need the support of their organisation/organisations in the sector. Professionals on our register are well-placed to take on these roles.
- 7.4 **Confidentiality** (Page 29, paragraph 7): Our [Code](#) (Section 5) specifies that all nursing and midwifery professionals have a duty of confidentiality to people receiving care, including sharing information appropriately, and identifies how this must be achieved. This is an individual professional duty. Securing advice about how to share confidential information is not a role for professional regulators and it would be best to refer to a professional body, Protect or a Trade Union.
8. We welcome that the new Framework and Policy place a greater responsibility on HSC organisations to take whistleblowing seriously at a more senior level. The Framework and Model Policy support understanding of the differences between whistleblowing and other types of concerns such as grievances. They outline individual responsibilities and help increase the profile of whistleblowing within organisations, including via the introduction of Raising Concerns Advocates.
9. Working with the Department to provide greater clarity of our role in relation to whistleblowing will help strengthen clarity of roles and responsibilities across the healthcare system. This will support people to contact the most appropriate organisation or individual in the first instance, encouraging raising and resolving concerns at a local level where possible.

About us

10. We are the UK's independent, statutory regulator of nursing and midwifery professions. We regulate [758,303](#) nursing and midwifery professionals, [including 26,854](#) nurses and midwives in Northern Ireland. Our purpose is to promote and uphold the highest professional standards in order to protect the public and inspire confidence in the professions.
11. Our vision is safe, effective and kind nursing and midwifery that improves everyone's health and wellbeing. Our core role is to **regulate**. To regulate well, we **support** our professionals and the public. Regulating and supporting our professionals allows us to **influence** health and social care.