

**Nursing and Midwifery Council**

**Policy on Safeguarding and Protecting People**

<b>Title</b>	Safeguarding and Protecting People Policy
<b>Summary</b>	This policy applies to all who work for or with the NMC, including Council, Committee and Panel members, colleagues and service suppliers.
<b>Approval</b>	<p>November 2018 – approved by the Council</p> <p>January 2020 – updated version approved by the Council</p> <p>January 2022 – updated version approved by the Council</p> <p>September 2023 – updated version to be approved by Council</p>
<b>Policy Owner</b>	NMC Designated Safeguarding Lead – Director of People and Organisational Effectiveness
<b>Next review date</b>	September 2026 or sooner if required

## In a nutshell

- 1 In this policy we provide an overview of our safeguarding responsibilities and support available for the reporting and referral of safeguarding concerns.
- 2 The policy is supported by operational guidance to support our teams to respond to safeguarding need. We encourage everyone who works for us and with us to read our policy to understand our safeguarding responsibilities and to refer to the policy when concerns arise.

## Introduction

- 3 Our vision is safe, effective and kind nursing and midwifery that improves everyone's health and wellbeing. As the largest professional regulator in the UK, we have an important role to play in making this a reality.
- 4 As a regulator and registered charity, we may come into contact with people who are at risk of harm, abuse or neglect. 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.
- 5 Our values help inform and guide us on how we behave and respond to safeguarding concerns. We do this in the following ways:
  - 5.1 **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. Organisationally, we strive to 'do no avoidable' harm to all those that engage with us. Safeguarding disproportionately affects people who have protected characteristics under the Equality Act 2018. Our safeguarding policy therefore serves to support the delivery of our Equality, Diversity and Inclusion (EDI) duties.
  - 5.2 **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 encounter may be facing.
  - 5.3 **We're ambitious**

We are always keen to learn, improve and update our safeguarding arrangements wherever we can.

#### 5.4 **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**

- 6 We recognise that 'safeguarding is everyone's responsibility. In line with our legal responsibilities (which includes our statutory responsibilities<sup>1</sup> and our charitable obligations) and guidance provided by the Charity Commission (CC) and the Office of the Scottish Charity Regulator (OSCR) we are required to have a safeguarding policy. 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.
- 7 This policy details how we protect from harm all people, both adults and children at risk, who we may engage with. This includes our professionals, students and members of the public as well as our own colleagues, service suppliers and partners.
- 8 This policy sets out:
  - 8.1 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.
  - 8.2 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.
- 9 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.
- 10 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 [Duty of Care](#) and our [Reasonable Adjustments](#) policies. We also recognise that the health and wellbeing of our colleagues is paramount and we have procedures in place for HR and line managers to support colleagues who are require safeguarding support

### **What is safeguarding?**

- 11 **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

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<sup>1</sup> 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.

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.<sup>2</sup>

- 12 Adults at risk means anyone aged 18 or over in England, Wales and Northern Ireland, or, age 16 or over in Scotland who:
  - 12.1 Has needs for care and support (whether or not the local authority is meeting any of those needs);
  - 12.2 Is experiencing, or is at risk of, abuse or neglect; and
  - 12.3 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.
- 13 For the purposes of this policy, abuse or neglect could include a range of harm such as physical, psychological, institutional abuse or neglect. A full overview can be found in an operational policy. A person with a care and/or support need is someone who may need extra help to manage their life and be independent. It could include someone with a disability, long-term illness, a mental health diagnosis or addiction.
- 14 **Safeguarding children** is defined as:
  - 14.1 Protecting children from abuse and maltreatment.
  - 14.2 Preventing harm to children's health or development.
  - 14.3 Ensuring children grow up with the provision of safe and effective care.
  - 14.4 Taking action to enable all children and young people to have the best outcomes.<sup>3</sup>
- 15 As a regulator we have a key role in safeguarding. There are three areas in which safeguarding arises within our organisation:
  - 15.1 We exercise regulatory duties which are central to patient safety and public protection. Appropriately exercising these helps ensure that safeguarding risk do not arise, or where they do we respond accordingly to prevent future harm to people.
  - 15.2 We work with many individuals who may be at risk of or experiencing harm and we have a duty to help them access support services that could benefit them.
  - 15.3 We receive high volumes of intelligence that we share with other health, social care and criminal justice agencies for the purposes of keeping people safe from harm

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<sup>2</sup> Care Act Statutory Guidance England

<sup>3</sup> Working Together to Safeguard Children (2018)

## **Our approach to safeguarding and protecting people**

- 16 Although we do not provide direct health or care services, we exist to protect the public by enabling safe, kind and effective care and ensuring people who use services can access them safely. We recognise that we have an obligation to minimise harm to those who engage with us. This extends to all registrants, witnesses, members of the public and professionals that engage with us, as well as the colleagues that we employ at the NMC. This is reflected in our wider values, policy and guidance.
- 17 The Charity Commission and Office of the Scottish Charity Regulator places clear safeguarding expectations on charitable organisations. Responsibilities for Council, the Executive and all of those who work with the NMC are set out below.

### **The Council is responsible for:**

- 17.1 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.
- 17.2 Creating a culture where safeguarding is promoted and all colleagues are aware that concerns will be taken seriously.
- 17.3 Having oversight of the NMC's safeguarding risks and how these will be managed.
- 17.4 Regularly reviewing and monitoring the impact of our safeguarding policy and procedures.
- 17.5 Assuring itself that responsibility is taken for putting things right and dealing with incidents responsibly when things go wrong.
- 17.6 Checking that NMC colleagues act 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:**

- 17.7 Ensuring this policy is underpinned by effective operational guidance and processes which encompass:
  - 17.7.1 Clear lines of accountability within the NMC for safeguarding.
  - 17.7.2 Training for all colleagues, appropriate to their role and continuing professional development, so that colleagues are competent in identifying and addressing concerns.

- 17.7.3 Nominating and appointing a Designated Safeguarding Lead to advise the Executive and Council on developing and establishing our approach to safeguarding.
- 17.7.4 The adoption of safe working practices including appropriate recruitment, vetting and barring procedures.
- 17.7.5 Robust referral, reporting and escalation processes, working with relevant organisations across the UK as appropriate.
- 17.7.6 Effective inter-agency working, including effective information sharing.
- 17.7.7 Ensuring that there is a culture of openness and transparency where colleagues are empowered to raise concerns.
- 17.7.8 Ensuring that there are sufficient resources for safeguarding, this includes financial, people and training resources.

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

- 17.8 Adopt approaches that do no avoidable harm to those affected by our work. We recognise that some aspects of our work can effect people's wellbeing, such as our fitness to practise processes. We take steps to reduce any harm by adopting person-centred approach to all those who engage with us and following our Duty of Care policies.
- 17.9 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.
- 17.10 Listen to and act upon the advice of the advice of the Strategic Safeguarding Lead in responding to safeguarding concerns.
- 17.11 Ensure that they complete all mandatory safeguarding training.

## **Our response to safeguarding concerns**

18 There are many ways that we may become aware of a safeguarding concern. Whilst safeguarding risk arises across the whole of the organisation there is an enhanced risk of safeguarding concerns throughout the fitness to practise process. The risk is heightened in this area due to the vulnerable circumstances of both registrants and members of public who engage with us during the process. Safeguarding concerns may arise as a result of:

- 18.1 A direct disclosure to us during our work.
- 18.2 An allegation, concern, referral or complaint reported by another person.
- 18.3 An observation during a meeting.

18.4 An incident.

19 Where concerns do arise there is an expectation that colleagues follow our operational guidance on safeguarding, requiring them to take actions to manage the risk as well as inform the Safeguarding Lead, or designated alternative, who will provide advisory support.

20 We will ensure that:

20.1 Safeguarding concerns are responded to promptly, appropriately and reported in a secure and responsible way to all relevant agencies.

20.2 We comply and engage with any external processes to support the people at risk of harm, this includes sharing appropriate information.

20.3 Where possible we will engage with the people at risk of harm to ensure we act in a person-centred way that represents their wishes and best interests.

20.4 Appropriate and proportionate measures are put in place to protect from harm all those who work for, or with us, or come into contact with us.

20.5 Where we continue to engage with individual(s) involved, reasonable adjustments will be put in place to support them with their engagement.

## **Support and training**

21 All colleagues at the NMC are expected to undertake safeguarding training. The level of training will be dependent on the employee's role.

22 Our current safeguarding training and support includes:

22.1 An operational safeguarding policy which guides colleagues on how to respond to safeguarding concerns by:

22.1.1 Identifying and managing risk.

22.1.2 Managing reports of incidents, allegation and risks.

22.1.3 Effectively keeping records of decision making.

22.1.4 Reporting to relevant authorities such as the police, social services and the Charity Commission and the Office of the Scottish Charity Regulator.

22.1.5 Making reasonable adjustments or changes to reduce the risk of further incidents occurring

- 22.2 Mandatory safeguarding induction and training for all colleagues appropriate to their role, this includes training on basic safeguarding awareness so that colleagues are trained to recognise, raise and report concerns.
- 22.3 Advisory support from the Designated Safeguarding Leads and Strategic Safeguarding Lead.
- 22.4 Signposting and low-risk advisory support from our safeguarding champions

23 We also have systems in place for:

- 23.1 Ensuring Council, partner members and key colleagues are not subject to any Charity Commission disqualifications.
- 23.2 The safe recruitment and selection of colleagues, including basic Disclosure and Barring Services (DBS) checks or a criminal record check from Disclosure Scotland for particular roles.
- 23.3 Dealing with allegations or concerns relating to colleagues, 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](#) :
  - 23.3.1 Codes of Conduct for Council and partner members and Fitness to Practise panel members.
  - 23.3.2 Dignity at work policy.
  - 23.3.3 Grievance policy.
  - 23.3.4 Health and safety policy.
  - 23.3.5 Digital policy.
  - 23.3.6 Data protection policy (including confidentiality policy).
  - 23.3.7 Corporate complaints policy.
  - 23.3.8 Equality, diversity and inclusion framework.
  - 23.3.9 Disciplinary policy.
  - 23.3.10 Anti-fraud, bribery and corruption policy.
  - 23.3.11 Duty of care policies
- 23.4 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 colleagues. Our incident reporting approach can be found on [iNet](#).



## 23.5 Whistleblowing:

- 23.5.1 Our whistleblowing policy for those who wish to raise any concerns about the NMC is available on the [iNet](#) and the [NMC website](#).
- 23.5.2 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

- 24 We are committed to managing serious incidents that result in significant harm or risk significant harm to people who engage with us adequately and report any failures to do so promptly. The Safeguarding Lead, or a designated alternative, will provide advisory support on whether referrals will be made to the following agencies:
  - 24.1 The police, or local safeguarding body if appropriate.
  - 24.2 The Charity Commission and the Office of the Scottish Charity Regulator.
- 25 We include information on the number and nature of serious incidents, including safeguarding, in our statutory annual report and accounts.
- 26 Where lower-risk concerns are raised, it is expected that all colleagues are responsible for responding this. The Strategic Safeguarding Lead or a Safeguarding Champion will support colleagues to do this.

## Sharing information

- 27 We recognise that we have a duty to comply with the Data Protection Act (DPA) and the General Data Protection Regulations (GDPR). This means that we will share information with the appropriate agencies where there is reason to suspect a child or adult at risk is experiencing, or at risk of experiencing, harm.
- 28 Central to information sharing is appropriate recording keeping. Records relating to safeguarding concerns must be accurate, up-to-date and evidence why decisions have been made.

## Statutory framework

- 29 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.
- 30 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**

- 31 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. This is in line with our Equality Act 2010 and Public Sector Equality Duty obligations. More information on our EDI work can be found on our website ([Equality, diversity and inclusion - The Nursing and Midwifery Council \(nmc.org.uk\)](https://www.nmc.org.uk/equality-diversity-and-inclusion)) and iNet pages.

## **Publication and review**

- 31 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

