

Neutral assessment: summary and actions

Purpose of this document

This document sets out the key findings from the neutral assessment of the investigations team undertaken from April 2022. It also provides an overview of actions that have been put in place since then to address the key learnings from the report.

Key points

The authors carried out confidential interviews with as many staff who wished to take part. In total 41 people were interviewed. Interviews gathered opinions and viewpoints in relation to the broad topic areas that had been commented on in the Employee Voice surveys, namely:

- working environment and culture
- values and equality and diversity
- working relationships
- working arrangements
- management practices.

The authors then analysed the information provided to discover whether there were underpinning themes/issues. Despite the report noting that engagement was disappointing (just 26 percent of the staff within the investigations team provided feedback) it recognised that the views and comments raised by colleagues are important and needed to be acted on.

The report was finalised in August 2022. Investigations management and other NMC colleagues then engaged with colleagues from the investigations team and others in face to face and online sessions to understand how to respond and tackle the issues in the report. They agreed an action plan and the report was shared, in full, with the Investigations team in December 2022.

Since the report projects have been in place to improve the experience for colleagues.

This summary only details issues noted as 'not working well' for brevity, but it should be noted that the full report included comments where people felt things were working well.

This summary also details what has happened since to address the issues.

Each of the topics is considered in turn, below. We outline the key areas of concern raised as not working well. Working environment and culture was the most significant part of the report with the most feedback. People had fewer opinions and views on other areas, like working relationships.

Summary of views shared

Working environment and culture

- **Workload.** The main issue for the people undertaking investigation work was reported to relate to workload. There was a feeling that targets are unachievable, there was too much emphasis on numbers and that the complexity is not taken into account.
- **Recruitment and the overuse of temporary and fixed term contracts,** secondments and backfilling of posts came out strongly. There was a lot of critical comment around recruitment; that it was reactive and not proactive. Many felt that HR was under-resourced, recruitment took far too long, the process was not good/fair. Systems and processes were also not considered to be helpful and overly bureaucratic.
- **Performance management.** Staff reported that there are no 1-1s and they were not carried out properly. It was felt that there was inconsistency in performance management due to a lack of management skill in managing performance.
- **The Senior Management Team viewed workload as high but that it is less than it used to be.** There was a view that the demands had dropped since Covid but the cases are not progressing. There is an output issue that needs to be addressed.
- **Pay and reward.** A common theme people considered pay as being low and not keeping pace with the market, in terms of other regulators.
- The vast majority of the people spoken to responded negatively with regard to the working environment and culture and **not being listened to by senior management.** It was indicated that the **teams are managed and work in different ways** and are **siloed**. There was a lack of understanding as to how teams work and interact. This was also noted in regard to communications, where people felt disconnected because of a lack of clear communication downwards.
- A number of people referred to “**a culture of fear**”. Some referred to a fear of making mistakes, not having the confidence to be honest regarding mistakes or getting things wrong and being afraid to raise issues because they had no confidence in follow up.
- From a leadership perspective, **senior managers indicated that they don't get time** or have capacity to come together and discuss strategy.
- **Morale** was considered to be low by the majority of staff.
- Some people indicated that **even though they felt valued by their own manager, they didn't have any 1-1, personal development review or feedback.**

Values and equality and diversity

- Again the topics of **workload and recruitment were raised** around the lack of support, that people are not listening when colleagues are struggling, and that this is not kind. And it is not fair for fixed term contracts and people having to apply for permanent roles.

- Some commented the focus seems to be on kindness and fairness and **that ambition and collaboration are forgotten.**
- Some people expressed a view that concerns with regard to **race and ethnicity were taken seriously/promoted well**, but they didn't feel that concerns regarding gender or sexism were taken so seriously and that **other diversity issues get lost.**
- Some people felt that there was a lot of talk and lip service to some diversity issues (this was a particularly strong viewpoint from those from non-diverse groups). There are a lot of networks, which was seen as good, but it was noted that there is a **lack of planning around careers for diverse groups, i.e the translation from aspiration into tangible change is not there.**
- It was noted that there is a lot of information sent out about diversity and the CEO talks about it in her communications to colleagues. While the **CEO actively supported networks, other managers/leadership do not turn up, there's no time allocated to it, people have to do it in their own time.**
- The majority of people interviewed didn't have any serious concerns around race/ethnicity diversity issues. The majority of people indicated that at **junior level the workforce is very diverse; this is less so (particularly in relation to ethnicity) at senior level.** Those from an ethnic minority felt differently and a number reported some very serious concerns/issues, including tokenism. It was said by some that Black/Asian people were not being promoted when they should be, that there was bias in promotion, bullying of black women and a lack of equality in pay.
- **There were a number of comments regarding pregnancy, maternity and childcare.** A number of people referred to an example of where they felt there had been unfair treatment on the grounds of pregnancy.

Working relationships

- The **majority reported working relationships are generally okay in their teams** and that their working relationship with line managers within the investigation teams was good. However, some said it varies depending on the team and silos occur.
- There was a variety of views on **working from home versus coming into the office.**
- Quite a few of the investigators said that one of the problems with their job is they're expected to do **loads of admin** that they shouldn't be doing.
- Some people said where there is inappropriate behaviour, they don't think it's **called out.** Conversely others felt where they had raised incidents NMC dealt with them.
- Some people referred to **inappropriate communications** including emails which were considered to be a bit aggressive. Some of this is related to previous management.

Working arrangements

- **Training** was not considered to be good, particularly for new people coming in as investigators. There was not seen to be enough training to get them up and running.
- Some mentioned **email overload and overcomplicated processes**.
- **Lack of consistency/a standard approach**. There is no recognition of the different levels of experience and approach that people have, coming in as investigators.
- It was felt that too many **cases are let through that shouldn't be**. The pressure to get cases through in particular timescales/to reduce the allocation pot was unhelpful.

Management practices

- **Recruitment and induction were seen as poor** and while performance management was in place as a process managers are not well trained.
- **HR support being viewed as ineffective**. People were generally sympathetic, indicating that HR is not a big team. It was felt there are lots of systems, processes and IT that didn't help.
- **Absence of an employee voice**, no recognised union, the employee forum not being supported by management, people not having the time and space to go there.

What has happened since?

Overall we have made some good progress but we recognise there is a lot to do and some of our issues are systemic and will require long term investment and commitment. There is not one single solution to the issues identified by colleagues but progress made since the report and actions in place will help us address these issues.

- On **workload**: We have recruited more people to the Professional Regulation teams as we recognise the impact of cases building up during Covid needed additional resources. In April 2023, the headcount of Professional Regulation stood at 732, an increase of 154 compared with April 2020. In the same period, we increased Case Examiners from 26 to 44 and the Quality of Decision Making Team from seven to 12.
- We have significantly **reduced our use of fixed term contracts** to provide more stability to teams. In April 2022, just before the publication of the report, we had 73 fixed term contracts, compared with 26 in August 2023, and from 10 in the Investigations team to two in the same period.
- Since May this year we have introduced **investigation management lead areas**. The purpose of these is to provide increased capacity to lead, manage, and improve our core activities in investigations and to improve support on cases, their consistency and timeliness. In 2023 we also introduced a new **Rapid Resolution Team**, which has brought in workforce planning and rapid improvement capabilities. It seeks to more accurately understand demand, workload and interactions between teams to identify issues and how they can be addressed actively with teams. This work is more accurately supporting

planning and decision making by senior leaders and has been actively considering the issue of targets.

- The **investigations team agreed a plan with colleagues** and set up an internal investigation working group to take forward work on EDI, values and performance. Each area has a lead and seeks opportunities for colleagues to get involved in initiatives they are interested in. Some of the recent changes include more clarification of the roles and responsibilities of managers, improved and more regular communications with the teams through a monthly staff briefing (including celebrating success and good practice displayed by colleagues) and increased collaboration through a revised hybrid working approach (colleagues are now present in the office for two days a week). Learning has included more involvement of team lawyers in proactively supporting and coaching teams and they now have weekly training sessions on investigations issues and HR matters.
- The Professional Regulation Senior Leadership Team has been strengthened with new roles including a Deputy Director for Professional Regulation, and new assistant director roles, including one for planning and performance to improve processes and induction.
- Many of the issues in the neutral assessment were considered in the design of a **new NMC wide management training programme**. The programme was first piloted in March 2023 in the team in which the neutral assessment was carried out before being rolled out across the organisation. It builds capability and increases confidence and consistency in areas such as performance management equality, diversity, inclusion, and wellbeing. It also connected managers and leaders across NMC and encourages 'Action Learning Sets' to better connect managers and reduce silo working and thinking.
- A **new appraisals approach** is being launched this month, it will better support colleagues with consistent and frequent time to discuss their objectives, wellbeing and workload, performance, and development. Management and EDI objectives are mandatory and the new approach has more robust oversight to ensure consistency of management from objectives through to performance management.
- This year we **overhauled our approach to pay and reward**, listening to colleagues feedback we introduced clear and transparent pay scales and a new policy setting out how we will make fair and transparent decisions.
- We have improved our approach to **recruitment**, implementing a new system that makes the process easier and more consistent. We have designed it to minimise bias from decision making for example in anonymised CVs and are currently working with the networks to improve diversity of panels for senior recruitment on the back of disappointing ethnicity pay gap figures.
- We are strengthening our approach to **management of casework** (that is, grievances, performance management, bullying and harassment) investing in mediation and developing a new Fair Treatment Ambassadors scheme to increase the routes for people to raise concerns.
- We are continuing to invest in our successful Rising Together programme which supports colleagues in junior roles with their **career progression**. The scheme includes a high number of BME colleagues and to support career development we are strengthening the scheme to improve outcomes for graduates from the scheme.

- In 2022, for the **first time we recognised UNISON as the NMCs first Trade Union**, the union has helped to shape the work of the new HR senior leadership team. We have also agreed with requests from our networks by agreeing more time for them to dedicate to their roles.
- We are improving our **approach to logging/learning from serious events** including clearer and less bureaucratic processes.
- In partnership with UNISON and our Parents and Carers Network we have **introduced new policies for colleagues on pregnancy or baby loss and fertility treatment**.