

Terms of reference for People and Culture review

Introduction

- 1 As the independent regulator of more than 808,000 nursing and midwifery professionals, our purpose is to promote and uphold the highest professional standards in nursing and midwifery to protect the public and inspire confidence in the professions. Our culture and values (to be fair, kind, ambitious and collaborative) are important in helping us to deliver our vision of safe, effective and kind nursing and midwifery practice, improving everyone's health and wellbeing.¹
- 2 We're all committed to this review helping us make a step change in experience for all colleagues at the NMC. It's a key part of helping us to meet our aims to become an organisation where:
 - 2.1 people² are demonstrably at the heart of what we do
 - 2.2 inequalities are being tackled consistently and prevented; diversity is valued and we are inclusive. We seek to be an equitable organisation
 - 2.3 people are supported in their career development and progression, with special attention paid to the under-representation at senior levels of specific groups of people with protected characteristics
 - 2.4 we role model and prioritise being an anti-racist organisation. We seek the credibility to lead on these issues and other equality issues for the benefit of the professionals on our register, the communities we all serve and our internal colleagues
 - 2.5 colleagues feel psychologically safe, are supported to speak up and raise concerns, and have confidence that issues are discussed and addressed. We understand some colleagues fear reprisal and where this is the case, it is our aim to reduce this.
- 3 We are on a journey of corporate learning and improvement on people and culture issues. Where issues are raised, we will use them and the insight we gain to corporately learn and enact wider change where needed, ensuring accountability throughout. This will improve our workplace culture across the NMC and ensure our regulatory decision-making and management approach are sound and safe.

¹ [Our values and behaviours - The Nursing and Midwifery Council \(nmc.org.uk\)](https://www.nmc.org.uk)

² By 'people' we include the public, the professionals we regulate, NMC employees, independent panel members and Council.

Background and purpose

- 4 We have heard the following from colleagues about our culture.
 - 4.1 Concerns have been raised that some people do not feel safe to speak up, that the leadership and culture at the NMC is defensive, racist, sexist, fails to take safeguarding into account and there is no accountability when poor behaviour is exhibited. Where this is the case, this impacts on people at the NMC, impedes safe and effective decision-making and therefore the organisation's ability to regulate the professions safely and effectively.
 - 4.2 The human resources policies and practices and people's experience of the current culture compounds existing inequalities and further marginalises under-represented groups including those from a Black and minority ethnic heritage, who are less likely to be in senior decision-making or influencing roles.
 - 4.3 Leaders' and managers' focus on the backlog of cases has meant that the NMC has failed to fully investigate cases, address the discriminatory application of policies, lacked transparency and rewarded speedy but poor-quality work
 - 4.4 Senior leaders have been aware of many of the issues raised but have not put sufficient focus and resource and accountability mechanisms in place to effectively address the issues and lacked transparency where concerns about these issues have been raised.

Key principles for the review

- 5 We are committed to these concerns being fully investigated and for this to be done independently. We want this to be a learning exercise for the NMC – both collectively and individually. How this exercise is conducted is important in building trust in the recommendations and confidence for people to speak up, so that issues can be addressed at the earliest possible stage and outcomes improved for our people, professionals and the public. We will conduct this exercise in line with our duty of care policies and this includes following the principles of ensuring we have a just culture.³
- 6 We want an open, inclusive and high performing culture and a high performing environment which aligns with our stated values of kindness, fairness, ambition and collaboration and enables everyone to achieve and succeed in delivering better outcomes for our professionals and the public. Diversity, equity and inclusion should be at the heart of everything we do. We want everyone at the NMC to be comfortable speaking up, to be receptive to feedback and to support the NMC (individually and collectively) to learn and improve where possible so that we can deliver better for our professionals and the public.

³ By just culture we mean, supporting a culture of fairness, openness and learning in the NMC by supporting our people to feel confident to speak up when things go wrong, rather than fearing blame or detriment, and ensuring that we can explain what has happened and why.

- 7 We recognise that this is a vital opportunity to identify and address wider cultural issues. We encourage everyone to take part.
- 8 Whatever the findings, we are committed to learning from them and will ensure all learning is implemented and embedded in the organisation to avoid recurrence of the concerns raised.
- 9 It's important that we understand what lessons have been learned from previous internal and external reports, reviews and investigations into concerns about our culture, and how those lessons have affected our culture. We need to learn from how we have responded to reviews, reports and investigations: what has worked and what has not?
- 10 We seek to focus on learning and what's gone wrong, not blame. This is part of our commitment to these issues and to do better in the future. We want to learn from the past. But if the review identifies any issues of misconduct or capability relating to a NMC colleague, we will need to follow a separate process set out in our Disciplinary or Capability policies. We will ensure that appropriate support is available for the colleague as well as for anyone else affected by the review. In such cases, further advice should be sought from HR.
- 11 We are committed to cooperating and working collaboratively on recommendations so that we can ensure that they are understood and are embedded in what we do.

Accountability

- 12 The Council, Executive and all colleagues share a responsibility to deliver the NMC's agreed outcomes and shape the culture of the organisation.
- 13 The Council, as our governing body and charitable trustees, set our strategic direction and vision for our culture. The Council holds the Executive to account for the delivery of our strategic objectives.
- 14 The Executive is responsible for implementing the strategic direction of Council and ensuring that the culture, values and behaviours are embedded within our workplace.
- 15 All colleagues have an important role to play in shaping our culture, living by our values and delivering our outcomes.

Scope

Review

- 16 As part of your review into our people and culture across the NMC, you are asked to consider:
 - 16.1 the specific concerns raised about our people and culture by whistleblowing concerns and referenced in *The Independent*, and any other concerns that may be raised during the course of your review
 - 16.2 the behaviours and decisions of leaders at all levels and the impact they have on people and culture
 - 16.3 our speak-up culture and barriers that might exist. And to specifically but not exclusively consider the barriers for Black and minority ethnic colleagues who wish to raise concerns and any intersectional considerations
 - 16.4 how the nature of our work (its profile, sensitivity and volume) impacts on our people and culture, and whether our internal people and management policies, processes, systems and working practices support everyone to perform at their best
 - 16.5 the way in which internal people management policies, processes and systems are applied and interpreted by NMC colleagues and how that impacts on the NMC's people and culture
 - 16.6 the way in which the training, guidance and experience of independent panel members impacts on the NMC's people and culture
 - 16.7 the impact of barriers to progression, real and perceived, on people and culture at the NMC. This should be from recruitment to leaving the organisation
 - 16.8 the effectiveness of our interventions to date and the opportunities to scale up and further invest
 - 16.9 the difference in experiences of colleagues, based on, but not limited to their:
 - 16.9.1 age
 - 16.9.2 disability and neurodiversity
 - 16.9.3 gender reassignment
 - 16.9.4 marriage and civil partnership
 - 16.9.5 pregnancy and maternity
 - 16.9.6 race

16.9.7 religion or belief

16.9.8 sex

16.9.9 sexual orientation

16.9.10 (where possible) socio-economic status and

16.9.11 (where possible) the intersectional experiences of colleagues.

16.10 where differences are found, how the NMC can advance equal opportunities and foster good relations between colleagues who have a protected characteristic and those who do not

16.11 the need for the NMC to have a supportive, inclusive culture that delivers on its agreed corporate outcomes.

Sources of information

17 Your review should consider the following sources of information and any other you consider relevant from the last five years.

17.1 Recommendations about our people and culture from previous reviews and reports (both external and internal) and how we have responded to the learning and implemented any recommendations. This should include scrutiny of the steps taken by HR and others to ensure compliance with recommendations.

17.2 Our workforce data, staff surveys, HR casework, exit interview data and feedback from staff who have left the NMC.

17.3 Our People, EDI and Corporate plans (and anything else you think relevant) and the impact they have or are having on the people and culture.

17.4 Insight and lived experience of colleagues and former colleagues across the organisation and at all levels and key stakeholders.

17.5 Insight from independent panel members of the NMC.⁴

18 We will share a chronology of external and internal reports from 2008 relevant to our culture, which will provide background and context for your review.

⁴ Our panel members are independent, and it is not the aim of this review to undermine their independence. Their engagement with this review will be entirely voluntary. This is an opportunity to inform our understanding around important aspects of our culture in and around hearings, so we can learn and improve.

Learning and recommendations

- 19 As part of your review, you are asked to:
 - 19.1 provide us with a picture of our culture as it is now and any sub-cultures across directorates
 - 19.2 identify and share examples of where you see good and poor practice in our people and culture, highlighting outcomes arising from actions
 - 19.3 identify and share good practice from other organisations and good practice from within the NMC, informing us of outcomes from actions which will help us to implement the recommendations
 - 19.4 advise on strengths and weaknesses in our culture and where weaknesses are identified, how we can learn and implement sustainable and measurable improvements to develop the open, inclusive and high performance culture we want
 - 19.5 provide us with prioritised recommendations which will enable us to embed sustainable change and avoid the failures of the past where action has not happened or improvements have not been embedded
 - 19.6 advise on the capacity and capability that we will need to ensure that we can implement recommendations
 - 19.7 advise on the success and accountability measures that we will need to measure progress, change and whether it is achieving the impact required, and how this information can be shared with people to build trust
 - 19.8 work with leadership on the recommendations to ensure that they can be delivered in an inclusive and sustainable way, including strengthening organisation wide capabilities to deliver the recommendations.

Your role

- 20 Your role in relation to the review, consideration of the issues and reporting will be to:
 - 20.1 take an independent, evidence-based and impartial approach
 - 20.2 report as appropriate on scope, approach and direction of the review, including any key lines of inquiry. You will have regular meetings with the Chief Executive and Executive Board. These meetings should not impact your independence
 - 20.3 we are aware that as your review progresses you may need to add additional elements to the scope. Before any amendments are made, this needs to be agreed with the NMC's Executive Board and Council. The Executive Board and Council will consider the views of the People and

Culture Advisory Group when deciding whether to agree the widening or changing of the scope

- 20.4 identify and request the information you require to complete your review
- 20.5 engage and seek advice from experts to ensure you understand the concerns and can provide recommendations which we can deliver and measure
- 20.6 engage with our recognised trade union, employee networks, employee forum and other groupings of colleagues in line with our values and to support the delivery of an evidence-based review
- 20.7 as appropriate, periodically share your draft findings and insights with ljeoma Omambala KC. You should also be receptive to the updates from ljeoma Omambala's work, which will support a better understanding of the emerging issues and findings
- 20.8 provide appropriate progress reports, including your findings and insights, to the NMC's Chair of Council, the wider Council, the Chief Executive and the Executive Board and deliver your reports in line with agreed deadlines
- 20.9 throughout the review and in your report, take into account our duty of care and obligations (including our regulatory, charitable and wider legal obligations) towards people raising concerns, members of the public, professionals on our register, NMC employees and associates and the NMC's Council. You will also consider our *Guidance on commissioning or conducting a review to learn lessons*
- 20.10 engage with all participants in line with our values and work with the NMC to ensure that participants in the review are provided with appropriate support and information to encourage them to take part in the review
- 20.11 adopt a person-centred and equitable approach, by which we mean understanding individuals' needs, adapting how we work with people to meet their needs, and ensuring that everything you do is underpinned by empathy and respect
- 20.12 attend our monthly People and Culture Advisory Group where you will provide an update about your review, seek feedback and advice. You will provide regular updates to the Culture Investigation and Delivery team, and take part as required in all employee briefings.

Engaging participants

- 21 This is an important learning exercise for the NMC. Participation is voluntary and all NMC colleagues and independent panel members are encouraged to take part to help us shape our culture. It is important that it is not seen as, and is not, a disciplinary investigation.
- 22 You will work with us to ensure we've got appropriate support in place for all NMC participants, through our Culture Investigation and Delivery and HR teams and managers. We will also engage with our recognised trade union and employee networks to ensure that we have appropriate support in place.
- 23 Throughout this review, the NMC will seek to ensure that we live our values of kindness, fairness, ambition and collaboration, and that we fulfil our duty of care to and wider obligations towards people raising concerns, members of the public, professionals on our register, NMC employees, independent panel members and associates.

Information sharing and confidentiality

- 24 All colleagues will be told what is required of them, and the ways in which their confidentiality can be maintained. In particular you will explain to all individuals who are participating that it may not be possible to maintain confidentiality and in those instances, you will explain to the participants why it is not possible to maintain confidentiality.
- 25 At all times, you will support the NMC in ensuring that it meets its obligations under safeguarding, UK GDPR and acts in line with its data handling policies and guidance.

Further information

- 26 For further information please contact the Culture Investigation and Delivery team at CultureInvestigations@nmc-uk.org.
- 27 If anyone would like to speak to Nazir and his team in confidence about issues at work, then please email NMCindependentreview@proton.me.