

Open Council - 5 July 2023 (Website Pack)

MEETING
5 July 2023 09:30

PUBLISHED
28 June 2023

Meeting of the Council

To be held from **09:30** on Wednesday 5 July 2023
Exeter Corn Exchange, Market Street, Exeter, EX1 1BW

Agenda

Sir David Warren
Chair of the Council

Matthew Hayday
Secretary

- | | | | |
|----------|--|-----------|--|
| 1 | Welcome and Chair's opening remarks | NMC/23/41 | 09:30 |
| 2 | Apologies for absence | NMC/23/42 | |
| 3 | Declarations of interest | NMC/23/43 | |
| 4 | 75th Anniversary of the NHS | NMC/23/44 | |
| 5 | Minutes of the previous meeting | NMC/23/45 | |
| | Chair of the Council | | |
| 6 | Summary of actions | NMC/23/46 | |
| | Secretary | | |
| 7 | Executive report | NMC/23/47 | 09:40-10:15
<i>(35 mins)</i> |
| | Chief Executive and Registrar/Executive | | |
| 8 | Audit Committee Annual Report 2022-2023 | NMC/23/48 | 10:15-10:30
<i>(15 mins)</i> |
| | Chair, Audit Committee | | |

Matters for decision

- | | | | |
|----------|---|-----------|--|
| 9 | Draft Annual Report and Accounts 2022-2023 | NMC/23/49 | 10:30-11:00
<i>(30 mins)</i> |
| | Chief Executive and Registrar | | |

Refreshments (30 mins)

11:00-11:30

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|-----------|--|-----------|---------------------------------|
| 10 | Draft Annual Fitness to Practise Report 2022-2023 | NMC/23/50 | 11:30-12:00
(30 mins) |
| | Executive Director, Professional Regulation | | |
| 11 | Health and Safety Annual Report 2022-2023 | NMC/23/51 | 12:00-12:10
(10 mins) |
| | Executive Director, Resources and Technology Services | | |

Matters for discussion

- | | | | |
|-----------|---------------------------------|---------------|---------------------------------|
| 12 | Questions from observers | NMC/23/52 | 12:10-12:30
(20 mins) |
| | Chair | (Oral) | |

Matters for information

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| 13 | Chair's action taken since the last meeting | NMC/23/53 | |
| | Chair | | |

CLOSE & LUNCH

12:30

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Meeting of the Council
Held on 17 May 2023 in the Council Chamber, 23 Portland Place.

Minutes

Council

David Warren	Chair
Claire Johnston	Member
Margaret McGuire	Member
Eileen McEaney	Member
Derek Pretty	Member
Sue Whelan Tracy	Member
Anna Walker	Member
Ruth Walker	Member
Lynne Wigans	Member
Lindsay Foyster	Member
Nadine Pemberton Jn Baptiste	Member
Jabu Chikore	Associate

NMC Officers

Andrea Sutcliffe	Chief Executive and Registrar
Helen Herniman	Executive Director, Resources and Technology Services
Matthew McClelland	Executive Director, Strategy and Insight
Lesley Maslen	Executive Director, Professional Regulation
Edward Welsh	Executive Director, Communications and Engagement
Sam Foster	Executive Director, Professional Practice
Lise-Anne Boissiere	Executive Director, People and Organisational Effectiveness
Alice Horsley	Senior Governance Manager

For item 8:

Anne Trotter	Assistant Director, Education and Standards
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A list of observers is at Annexe A.

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Minutes

NMC/23/28 Welcome and Chair’s opening remarks

1. The Chair welcomed all attendees and observers to the meeting.
2. The Chair extended a special welcome to Lindsay Foyster and Nadine Pemberton Jn Baptiste, new Council members who took up office on 1 May 2023.
3. On behalf of the Council, the Chair congratulated Margaret McGuire, Council member, on being awarded an Honorary OBE for services to the NHS.

NMC/23/29 Apologies for absence

1. Apologies were received from Navjot Kaur Virk, Associate, Alice Hilken, General Counsel, and Matthew Hayday, Secretary to the Council.

NMC/23/30 Declarations of interest

1. The following declarations of interest were recorded:
 - a) **NMC/23/34: Fitness to Practise caseload update**
All registrant Council members, Associates and Sam Foster declared an interest.
 - b) **NMC/23/35: Advanced Practice: outcome of research/impact on options for future work.**
All registrant Council members, Associates and Sam Foster declared an interest.
2. The interests were not considered material such as to require the individuals concerned to withdraw from discussion or decisions.

NMC/23/31 Minutes of the previous meeting

1. The minutes of the meeting on 29 March 2023 were agreed as an accurate record and signed by the Chair.

NMC/23/32 Summary of actions

1. The Council noted progress on actions arising from previous meetings.
2. Arising from **NMC/23/17** – Regulatory Reform Consultation Response: The NMC’s response on the consultation on the regulation of anaesthetic associates and physician associates had been submitted to the Department of Health and Social Care on 16 May 2023 and would be shared with the Council for information.

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3. Arising from **NMC/23/17** – Maternity: Consider who to invite to discuss midwifery regulation and the NMC’s role in improving safety and maternity services at a Council Seminar, alongside Dr Bill Kirkup.

Action: Maternity: Consider who to invite alongside Dr Bill Kirkup to discuss midwifery regulation and the NMC’s role in improving safety and maternity services at a Council Seminar.
For: Chief Executive and Registrar / Secretary
By: 5 July 2023

NMC/23/33 Executive report, including Q4 performance and risk report and full corporate risk register

1. The Chief Executive and Registrar introduced the report.
2. The Executive Director, Professional Practice highlighted that the NMC had informed senior representatives of Canterbury Christ Church University (CCCU) of its final decision to withdraw approval for its midwifery degree programme. The concern was that the programme did not equip midwifery students to meet the NMC’s standards. The NMC’s focus was working with CCCU and NHS England to support the affected students to continue their education at another institution.
3. The NMC was working with its computer-based testing (CBT) provider, Pearson VUE, and an external expert to analyse anomalous data at one of its third-party CBT centres in Ibadan, Nigeria (Yunnik Technologies Test Centre). A total of 512 people already on our register (three of whom had subsequently lapsed their registration) had taken their CBT at this centre. A further 1458 people who had taken their test at this CBT centre were at various stages of the NMC registration application process but were not yet on the register. These applications had been paused pending further investigation into the issues. For the 509 people on the register, the NMC had opened cases to enable preliminary investigations to be carried out to determine whether there may be a concern that their registration had been procured fraudulently or incorrectly. These cases will not be included in the NMC’s Fitness to Practice (FtP) caseload. To date, no concerns have been referred to the NMC about any of these people’s fitness to practise. The NMC had highlighted how individuals directly affected by the issue could access support. (**Secretary’s note: Since the meeting the NMC had opened four additional cases to determine whether people had gained fraudulent or incorrect entry to the register, making the total figure 513*).
4. Whilst the primary concern was to maintain the integrity of the register to protect the public, the NMC was also concerned that professionals on the register from overseas, as well as black nurses and midwives, might be affected by the way their colleagues and the public reacted to the news.

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The NMC was actively communicating with stakeholders, including the Nigerian Nurses Charitable Association, to ensure that employers were providing nurses affected by this issue with appropriate support.

5. The Chief Executive and Registrar expressed her thanks to the Interim Executive Director, Communications and Engagement, the Executive Director, Professional Regulation, and colleagues across the NMC for their hard work in dealing with the issue.
6. Other points highlighted included:
 - a) The situation in relation to industrial action across all four UK nations continued to be monitored closely.
 - b) The annual registration data report would be published later in the month alongside a summary of the leavers' survey, which would offer important insight into the professions.
 - c) The NMC celebrated International Day of the Midwife (5 May) and International Nurses Day (12 May), including by sending communications to professionals on the register, the response to which had been overwhelmingly positive.
 - d) The Chief Executive and Registrar and Executive Director, Professional Practice had been privileged to attend the annual Florence Nightingale Commemoration Service at St Paul's Cathedral on 16 May, which celebrated nurses and midwives around the world.
7. In discussion, the following points were noted:
 - a) The Council acknowledged the significant amount of work colleagues had delivered to support professionals over another difficult year for the health and social care sector.
 - b) Tribute was paid to colleagues in Professional Practice for the positive way they had responded in relation to the CCCU approval withdrawal decision and their engagement with the affected students.
 - c) It had been the first time the NMC had withdrawn approval. Work would be undertaken to enhance the NMC's ability to identify early warning signs relating to nursing or midwifery programmes failing to meet the NMC's standards.
 - d) The Council commended the NMC's acknowledgement of the impact of the issue with the Computer Based Test in the Yunnik Technologies Centre in Ibadan, Nigeria on black nurses and midwives and on other overseas applicants to our register. The engagement with stakeholders was welcomed.
 - e) To ensure overseas registration continued to operate effectively and efficiently, a separate team had been established to progress work relating to the 1,458 applicants who were being subject to additional scrutiny before being admitted to the register. Any impact of this work on the key performance indicator for overseas registration would be identified and explained.

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- f) There was some concern from the Council about Pearson VUE's systems of control and the chain of accountability for anything going wrong with the testing process. Assurance was provided that these concerns would be addressed as part of a lessons learned review, which it was agreed would be overseen by the Audit Committee.
 - g) A campaign to showcase the importance of good leadership in nursing and midwifery would be launched in Summer 2023, drawing on input and expertise from colleagues internally and externally.
 - h) In reference to the House of Commons' Women and Equalities Select Committee's report into Black maternal health, it was important that the NMC used its influence to tackle health inequalities.
 - i) The NMC had a suite of information and resources available for internationally educated professionals, including a workshop for nurses and midwives new to practising in the UK. A key focus for the Executive Director, Professional Practice was to work with the Employer Links Service and Communications and Engagement colleagues to increase awareness in practice about the valuable resources made available by the NMC.
 - j) The Council would welcome the opportunity to attend the Florence Nightingale Commemoration Service in future years, although it was acknowledged that demand for places is very high.

Performance against our corporate plan and budget for 2022-2023

8. The Executive Director, Resources and Technology Services, introduced the performance and financial monitoring report for year-end 2022-2023 and the corporate risk exposure report. The following points were noted:
- a) Despite indication of some delays in the delivery of the corporate commitments at the year-end, the overall assessment was that the outcomes set out in the current strategy for 2020-2025 would be delivered.
 - b) The financial position at the year-end remained secure. The net position for the period, before unrealised movements on investments, was a surplus on budget by £2.1 million compared to the £10.1 million deficit anticipated. This was driven by total income at £6 million ahead of budget, due to higher than anticipated numbers of professionals on the register, as well as underspends of £3 million.
 - c) The corporate risk exposure report was in a new format, which focused on key highlights and exception reporting.
9. In discussion, the following points were noted:
- a) A comprehensive assurance report on complaints and enquiries was presented to the Audit Committee in April 2023.

There had been improvements in the time taken to resolve complaints and respond to enquiries. There had also been a reduction in the number of customer complaints received by 23.7 percent in 2022-2023 compared to the previous year, and average customer satisfaction was above target, which was commended.

- b) The reduction in customer complaints was ascribed to proactive publication of data, increased communication with professionals on the register, and the implementation of lessons learned from previous complaints.
- c) Customer satisfaction surveys were now sent automatically.
- d) In customer satisfaction surveys a key frustration was not being able to pay the registration fee over the telephone. The inability to process telephone payments was the result of reliance on legacy IT systems which were being reviewed.
- d) The NMC's permanent workforce had begun to increase, with turnover rates falling in recent months, which was positive.
- e) Recruiting and retaining colleagues with specialised skills in areas of the NMC such as FtP remained challenging. Work was underway to address this challenge; including the use of bespoke, specialist recruitment agencies, reviewing job descriptions, and the wider People Plan activity.
- f) Apprenticeships would be considered as part of the People Plan, although there were some more essential aspects of the Plan to be implemented first. An update on People Plan activity would be discussed at the Remuneration Committee meeting in June.
- g) In relation to the corporate risk exposure report, one of the two red rated risks was **COM18/02: *we do not act in a legal manner or meet our public obligations***. There had been a cautious approach to this risk-rating, which reflected ongoing concern in relation to reducing the FtP caseload safely and swiftly, and some sensitive legal issues. Legal resource had been stretched in recent weeks as colleagues responded to the CBT issue.

10. Summing up, the Chair emphasised the importance the Council attached to the regular scrutiny and oversight of performance and risk. On behalf of the Council, the Chair thanked the Executive for the comprehensive report and the notable progress which had been made in 2022-2023.

Action: A lessons learned review relating to the CBT issue would be overseen by the Audit Committee. This would cover systems of control and the chain of accountability.
For: Chief Executive and Registrar
By: 5 July 2023

NMC/23/34 Fitness to Practise Caseload update

1. The Executive Director, Professional Regulation introduced the update.
2. The caseload had continued to reduce since the last meeting. The target caseload of 5,600-5,700 at the end of the financial year as set in January 2023 had been exceeded, with the caseload at 5,577 at 31 March 2023. Points highlighted included:
 - a) Whilst there had been some progress made in reducing the caseload, the Executive Director, Professional Regulation remained mindful of the impact of delays on all those involved in the FtP process.
 - b) The caseload at Screening was at its lowest level since September 2020, driven by process improvements to increase decision-making capacity, and improvements to the online referral form for members of the public.
 - c) Investigations teams had returned to the office two days per week, to encourage learning, development, and support between colleagues.
 - d) There had been a review of the top level structure of the Professional Regulation directorate, with a new Deputy Director appointed. Work was underway to appoint a number of Assistant Director roles to support the FtP improvement programme activity.
 - e) The merits of virtual versus physical hearings were being reviewed, with most hearings currently being held virtually.
3. In discussion, the following points were noted:
 - a) The caseload had reduced by 14 percent at 31 March 2023 compared to 31 March 2022, which was commended.
 - b) The statement about the number of open cases that related to midwives as a proportion of the total caseload was an observation. It demonstrated that there was not an over representation of cases relating to midwives in the caseload, which was notable considering the Ockenden and Kirkup reports.
 - c) Assurance was provided that there was a robust process when professionals who were subject to FtP concerns asked to be removed from the register, for example where there was no intention to continue to practice or there was a health concern.
 - d) There were several detailed charts and graphs provided relating to casework metrics and FtP performance, which were difficult to interpret. The presentation of the data would be reviewed, with a view to simplifying.
 - e) There was some concern amongst the Council about the adjudication caseload continuing to increase. The adjudication stage was to be the next area of focus for the FtP improvement programme, with a number of process improvements identified.

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- f) There was a high proportion of cases where the country of registration could not be identified. This related to cases where the registrant could not be identified immediately by the referrer.

4. Summing up on behalf of the Council, the Chair thanked the Executive Director, Professional Regulation and her team for the update and the progress made in reducing the caseload. The Chair noted that the Council would continue to review the FtP caseload update at each Open meeting.

Action: Review the charts and graphs provided relating to casework metrics and FtP performance, with a view to simplifying.
For: Executive Director, Professional Regulation
By: 5 July 2023

The Assistant Director, Education and Standards, joined for this item.

NMC/23/35 Advanced Practice: outcome of research/impact on options for future work

1. The Executive Director, Professional Practice introduced the paper, which set out the independent research findings commissioned as part of the discovery phase of the NMC’s review of the potential regulation of advanced practice and how the findings informed proposed next steps, for which approval was sought.
2. Jabu Chikore, Associate, and Sam Foster, Executive Director, Professional Practice, each presented a patient story outlining the benefits to those receiving continuity of care from an advanced practitioner; one in a mental health setting and one in an **acute** clinical setting.
3. In discussion, the following points were noted:
 - a) The Council welcomed the patient stories, which illustrated the benefits of advanced practice as well as the disadvantages resulting from the current lack of regulation.
 - b) ‘Public benefit’ should be a core focus in considerations relating to the potential to regulate advanced practice.
 - c) It was essential that members of the public and people who use services were involved at every stage. There would be extensive public engagement, including with patient groups, charities, as well as through public surveys. There had been early, valuable discussions held relating to advanced practice at the NMC Public Voice Forum.
 - d) As part of the next phase, there would be direct engagement with senior stakeholders. It was proposed that a new steering group be established, with UK-wide representation, recognising that all four countries of the UK’s approach to advanced practice varied.

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- e) An advanced practice community of interest would also be established, with a workshop to be held with other professional regulators.
- f) Plans to engage with professional regulators on additional regulation of advanced practice professionals and the potential for cross-regulatory working were welcome.
- g) The next phase of work would be a collaborative effort, involving all members of the Executive.
- h) Regulatory reform and the related opportunities and implications for the potential regulation of advanced practice would be considered.
- i) A key challenge would be defining the term 'advanced practice' and, in this context, what was meant by 'regulation'. Whilst there were many definitions of advanced practice currently, key features included 'authority', 'autonomy', and 'accountability'.
- j) It would be important to consider any impact resulting from the NHS England workforce plan, which was to be published shortly.
- k) The potential implications of the regulation of advanced practice for education should also be addressed.
- l) Mindful of the extensive stakeholder engagement planned, there was concern about the timeframe set out in the paper. It was agreed that an update on the work would be presented to the Council in September 2023, with formal recommendations to follow at a date to be determined.

4. **Decision: The Council approved the next steps of the discovery phase, including:**

- a) **Exploring specific key lines of enquiry to inform the decision on the future direction of this work.**
- b) **The establishment of the advanced practice independent steering group and chair.**
- c) **An update to be provided to the Council in September 2023.**

5. Summing up, the Chair thanked the Executive for the work to-date on the potential regulation of advanced practice and the related public engagement. The Chair extended his thanks to Jabu Chikore, as well as the Executive Director, Professional Practice, for the patient stories presented, which provided a powerful illustration of the relevant considerations. The Council looked forward to receiving an update on the next phase of this work at its meeting in September 2023.

NMC/23/36 Removal of Assistant Registrar delegated authority

1. In the absence of the Secretary to the Council, the Executive Director, People and Organisational Effectiveness introduced the paper. On behalf of the Executive and the Council, she expressed thanks to the colleagues named in the paper, who had acted on behalf of the registrar during the period of their secondments.

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2. **Decision: The Council rescinded the appointment of colleagues named in paragraph 7 of the paper as Assistant Registrars, as their secondments in the relevant roles had ceased and they were no longer required to act on behalf of the Registrar, in accordance with Article 4 of the Nursing and Midwifery Order 2001 and the Standing Orders.**

NMC/23/37 Questions from observers

1. The Chair invited questions and comments from observers.

2. **Briefing with trade unions in advance of public statement on CBT**
David Munday, of Unite, thanked the Chief Executive and Registrar for her briefing to the trade unions in advance of making a public statement on the CBT issues, which had assisted representation bodies in preparing to support their members.

He asked if the Council had assured itself the CBT matter would not be a repeat of the Post Office scandal?

The Chief Executive and Registrar noted the NMC was mindful of the need to have a clear evidence base on which to take any further action.

3. **Mental health Awareness week**
David Munday, of Unite, noted that considering it was Mental Health Awareness week, it was disappointing that there was only one reference to mental health in the papers. Additionally, it was disappointing that his question relating to mental health raised at the previous meeting had not been included in the minutes.

The Chief Executive and Registrar and Chair apologised that the question raised at the previous meeting had been omitted from the minutes. This question related to an open letter addressed to the NMC and four UK Chief Nursing Officers by the Mental Health Deserves Better group. This had raised their concerns about the impact the NMC's standards might have on mental health nursing education. It was confirmed that a response had been sent on behalf of the NMC and the four Chief Nursing Officers. It was also noted that there had been internal activity at the NMC to commemorate Mental Health Awareness week.

4. **Support to those experiencing FtP proceedings**
On the theme of mental health awareness, Jayne Sansby of NMC Watch asked what the NMC was doing to support people going through FtP proceedings. Jayne asked whether there was any data on the matter, including in particular whether any cases had cited menopause as a mental health related issue.

In response, it was noted that the NMC used a risk assessment tool and continually reviewed cases in terms of mental health considerations. A Strategic Safeguarding Lead had been appointed, and work was progressing in relation to safeguarding. There was no current data and insight about mental health references in FtP cases.

5. **Advanced Practice**

Julian Barratt, Lead for Centre of Advanced Practice, NHS England Workforce, Training and Education, welcomed the NMC's work in relation to advanced practice. He highlighted the risk of inconsistencies with advanced practitioners working in different settings as well as the importance of cross-regulatory engagement.

The Executive Director, Professional Practice, responded to note she was pleased that Mr Barratt had agreed to join the stakeholder engagement group on advanced practice. A full risk assessment would be completed as part of the options appraisal for this work, which would include the issues he had raised.

6. **Overseas educated professionals**

An observer asked whether overseas educated nurses and midwives awaiting registration in the UK could practice.

The Chief Executive and Registrar responded to say that people could only practice in the UK as a nurse, midwife or nursing associate once they were registered with the NMC. Overseas registrations applications were usually assessed within 30 days.

7. **CCCU approval withdrawal decision**

Michelle Lyne, Professional Advisor Education, Royal College of Midwives (RCM), thanked the NMC for keeping the RCM informed about the approval withdrawal decision relating to CCCU. The resulting concern for students and lecturers was noted.

In response, it was also noted that the NMC was mindful of the impact of the approval withdrawal decision. The work undertaken in collaboration with the RCM and other partners was crucial in providing support to the affected students.

8. **Workforce pressures and fatigue in the context of FtP cases**

Michelle Lyne, Professional Advisor Education, RCM, referenced workforce pressures and highlighted that many practitioners were experiencing fatigue. She asked about the impact of fatigue in the context of FtP cases.

In response, it was noted that context was considered when reviewing FtP cases, and fatigue was part of this context.

NMC/23/38 Audit Committee report

- 1. The Council noted the report of the Audit Committee meeting on 26 April 2023.

NMC/23/39 Investment Committee report

- 1. The Council noted the report of Investment Committee meeting on 19 April 2023.
- 2. The Chair of the Investment Committee noted that he had met with the Chair of the General Medical Council’s Investment Committee to discuss and compare the approaches taken to investing.

NMC/23/40 Chair’s actions taken since the last meeting

- 1. There had been no Chair’s actions since the last meeting.

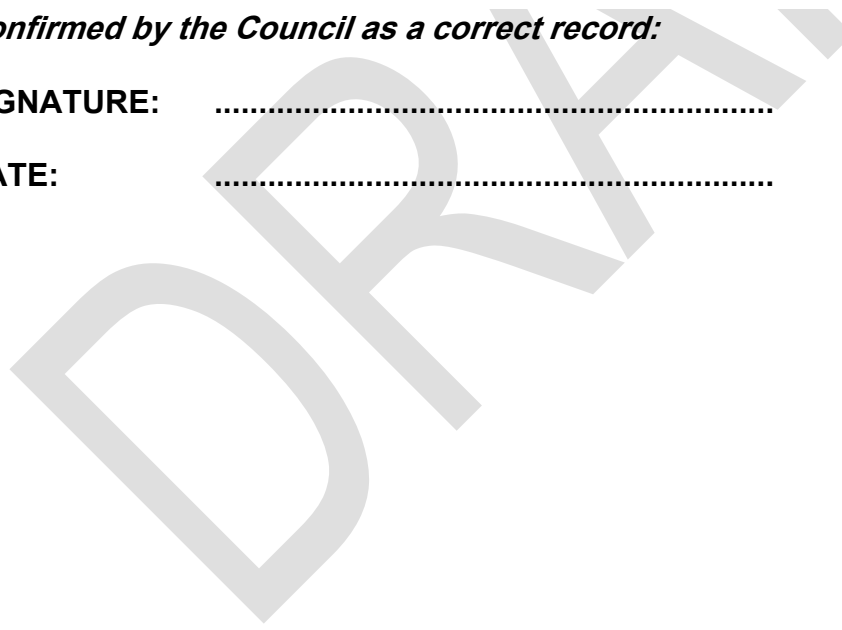
Closing remarks

- 1. The Chair thanked all attendees for joining the meeting and encouraged them to attend future meetings.

Confirmed by the Council as a correct record:

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DATE:



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Annexe A: Observers

External Observers

Harbi Kaur	ANNP, Kings College Hospital NHS Foundation Trust
Ceylan Cennet-Ali	Nurse Practitioner, NHS
Keelie Christie	Student midwife, University of Leicester
Jessica Wood	Student midwife, University of Leicester
Michelle Lyne	Professional Advisor Education, Royal College of Midwives
Terry Smith	Trainee Nursing Associate, EPUT
David Munday	Lead professional officer, Unite the union
Kate Fawcett	Senior Scrutiny Officer, PSA
Julian Barratt	Lead for the Centre for Advancing Practice, NHS England Workforce, Training and Education
Jayne Sansby	Nurse, NMC Watch

Press

Wiliam Hunter	Reporter, Nursing in Practice
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NMC staff observing

Janice Cheong	Senior EBM
Rob Beaton	Head of Corporate Planning Performance and Risk
Renee Caffyn	Executive Assistant
Rebecca Calver	Programme Manager

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Council

Summary of actions

Action:	For information.
Issue:	Summarises progress on completing actions from previous Council meetings.
Core regulatory function:	Supporting functions.
Strategic priority:	Strategic aim 6: Fit for the future organisation.
Decision required:	None.
Annexes:	None.
Further information:	If you require clarification about any point in the paper or would like further information, please contact the author below.

Secretary: Matthew Hayday
Phone: 020 7681 5516
matthew.hayday@nmc-uk.org

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Minute	Meeting date	Title / theme	Status	Action	Action owner	Update	Due date
NMC/23/08	25 January 2023	Education: Future Programme Standards for Nursing and Midwifery	In progress	A timeline for the further work to explore research into delivering nursing programmes in fewer practice learning hours would be provided to the Council once the incoming Executive Director, Professional Practice was established in her role.	Executive Director, Professional Practice	<p>A core group of senior professional practice colleagues have considered the current context of the health and care sector, alongside several areas of concern arising from both NMC quality assurance (QA) visits, National investigation reports and other regulatory concerns.</p> <p>Considering the gap in both evidence and consensus in reducing practice learning hours, the proposal is to undertake work / research to establish the “Current state of practice education for Nursing and Midwifery professionals.”</p> <p>This work will also aim to inform wider opportunities for QA, progress on the adoption of simulated practice, and further opportunities to learn for good practice in practice learning.</p>	5 July 2023

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						The outcomes of this work will be presented at a future open council meeting.	
NMC/23/17	29 March 2023	Maternity	In progress	<p>Invite Dr Bill Kirkup to attend a Council Seminar to discuss midwifery regulation and the NMC's role in improving safety in maternity services.</p> <p>*NMC/23/32 from 17 May 2023 Consider who to invite alongside Dr Bill Kirkup to discuss midwifery regulation and the NMC's role in improving safety in maternity services at a Council Seminar. (*Raised in discussing the action log).</p>	Chief Executive and Registrar / Secretary	<p>The Secretary emailed Dr Bill Kirkup on 19 June to invite him to attend a Council Seminar session in November, January or March 2023-2024.</p> <p>Once we have heard back from Dr Kirkup we will consider how to structure the discussion and who else it may be appropriate to invite.</p>	17 May 2023 / 5 July 2023

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NMC/23/17	29 March 2023	Regulatory Reform: Consultation response	Complete	Share the NMC's response to the consultation on the regulation of anaesthetic associates and physician associates with the Council for information.	Secretary / Executive Director, Strategy and Insight	This was published to the Council on Board Intelligence on 17 May and is also available on our website here .	31 May 2023
NMC/23/33	17 May 2023	Computer-based testing issue	Complete	A lessons learned review relating to the Computer Based Testing (CBT) issue would be overseen by the Audit Committee. This would cover systems of control and the chain of accountability.	Chief Executive and Registrar / Secretary	Audit Committee received a verbal update on the CBT issue at its meeting on 7 June 2023. It was agreed that in due course the Committee would receive a lessons learnt report on the issue and that the internal audit function would also be used to provide assurance at an appropriate time. A report on the lessons learned review will be shared with the Council on completion.	5 July 2023

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NMC/23/34	17 May 2023	Fitness to Practise Caseload update	In progress	Review the charts and graphs provided relating to casework metrics and FtP performance, with a view to simplifying.	Executive Director, Professional Regulation	A revised FtP dashboard was presented at the Council Seminar in June 2023 and discussed. This dashboard will now form part of the FtP caseload paper. The Council will have its first opportunity to review the dashboard in its revised format at its meeting on 26 July when the first quarter monitoring report is presented.	5 July 2023
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Council

Executive Report

Action: For discussion.

Issue: The Council is invited to consider the Executive's report on key developments since the last meeting.

Core regulatory function: All regulatory functions.

Strategic priority: All priorities for period 2023-2024.

Decision required: None.

Annexes: None.

Further information: If you require clarification about any point in the paper or would like further information, please contact the author or the director named below.

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- Context:**
- 1 This paper is produced by the Executive and provides an update on key developments since the last meeting of the Council on 17 May 2023.
 - 2 The report consists of highlights from the external environment and our strategic engagement work up to July 2023.

- Four country factors:**
- 3 The issues discussed apply across all four UK countries unless highlighted.

Discussion: Quality assurance of education

- 4 In May 2023, we shared our final decision to withdraw approval of Canterbury Christ Church University's (CCCU's) midwifery programme. We made our decision after careful consideration and in the interests of women, babies and families. Since then, our full attention has been on working with CCCU and NHS England on plans to support the affected students to continue their education with another institution.
- 5 We have since met the Parliamentary Under Secretary of State, Maria Caulfield, at the Department of Health and Social Care (DHSC) and Members of Parliament representing Kent constituencies.
- 6 We are in regular contact with other partners about next steps following our decision, including the Office for Students, the Royal College of Midwives and the Professional Standards Authority (PSA)
- 7 We will update Council on progress at the meeting.

Computer-based testing (CBT)

- 8 We continue to work with an independent data expert to urgently analyse the [anomalous data](#) arising from the Yunnik Technologies test centre.
- 9 Where we have opened fraudulent/incorrect entry cases against individuals, we have written to those concerned and their employer to inform them of this. We have emphasised that we do not expect employers to take any specific action against individuals because of our letter, and that we expect employers to support professionals by doing all they can to eliminate the risk of discrimination. We have highlighted with employers that we are at a very early stage of our investigation and have not yet determined whether there are confirmed concerns about individuals.
- 10 Pearson VUE has reviewed all data relating to the NMC's CBT from every test site globally, and we do not have the same concerns about other sites.

However, the concerns raised about the Yunnik centre have highlighted different levels of security at this type of third-party controlled site compared to sites controlled by Pearson VUE. Therefore we have temporarily suspended our use of Pearson VUE's third-party owned and controlled test centres globally.

- 11 This does not mean we have concerns about individuals who have taken tests at those other sites. The decision affects around 50 test centres globally, with the largest number of test centres located in Nigeria, Ghana and Trinidad and Tobago. We continue to use around 750 Pearson VUE controlled test centres globally that have a higher level of security in place.
- 12 We recognise the impact that this decision will have on people seeking to take the CBT in some areas. We are working closely with Pearson VUE to increase testing capacity at Pearson VUE controlled test centres in the areas impacted, where this is possible.

Industrial action

- 13 Industrial action involving professionals on our register continued in June 2023, with Royal College of Nursing (RCN) members in Wales taking strike action on 6 and 7 June 2023 following their rejection of the Welsh government's latest offer.
- 14 In England, a majority of trade unions on the NHS staff council voted to accept the government's pay offer, which is now being implemented, backdated to 1 April 2023.
- 15 RCN and Unite members rejected the offer. The RCN balloted its members on future industrial action until 23 June 2023 and Unite members have resumed industrial action in a small number of workplaces.
 - 15.1 The Council will be updated on the outcome of the ballot in the meeting.
- 16 We continue to engage with all our partners on industrial action and how this is impacting professionals and those receiving care, and [our statement on industrial action](#) continues to be promoted to make our position clear.

Workforce pressures

- 17 On 24 May 2023, we published our [annual registration data report](#) and results of our leavers' survey. Major findings include:

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- 17.1 The NMC register of nurses, midwives and nursing associates has grown to a record 788,638 (1.2 percent of the estimated population of the UK).
- 17.2 There were a record 52,148 new joiners last year, almost half of whom are internationally educated.
- 17.3 The number of professionals leaving the register fell slightly, but research indicates more than half left sooner than planned and most do not plan to return.
- 17.4 Workforce pressures frequently influenced decisions to leave, including concerns about the quality of people’s care.
- 18 On 21 June 2023, we published our revalidation data report for 2022-2023. This revealed that the rate of professionals revalidating with the NMC has returned to pre-pandemic levels. Last year, 94 percent of those who were due to revalidate did so – that’s 227,351 nurses, midwives and nursing associates. This high level of engagement shows a real commitment from our professions to uphold the highest standards of care.
- 19 We anticipate the publication of the NHS England long term workforce plan at the end of June. An update will be provided at the meeting.
- 20 In July 2023, we will be publishing our first insight publication which is designed to provide insight to stakeholders, educators and employers to help improve the environment for learning, practise and better care. Some key themes include the experiences of international professionals and new registrants and issues around communication in midwifery services.

UK Covid Inquiry

- 21 We received a request for evidence under Rule 9 of the inquiry on 7 June 2023. The request is wide-ranging and we must submit a draft witness statement with relevant documentation by 2 August 2023. We hope that our input to the inquiry will support improvements to better enable the sector, and our professions, to provide effective care in future crises.

Regulatory reform

- 22 We have submitted our response to the DHSC’s consultation on the regulation of anaesthesia associates and physician associates, which will form the blueprint for our future Order.

In our response, we set out that it is vital we have the right tools to regulate well, so we can better support the professionals who are at the core of the UK's health and care services and help them to deliver the best possible care for people and communities.

- 23 We are now turning our attention to finishing pre-consultation engagement that will inform our draft rules and policy. We hope to consult on our draft rules in 2024.
- 24 We are planning to hold two Equality, Diversity and Inclusion (EDI) focused roundtables, one with stakeholders who represent professionals with disabilities on 26 June 2023, and one representing professionals from ethnic minority backgrounds on 28 June 2023. These discussions will allow us to better understand any unintended consequences of our key changes, the impact on professionals with protected characteristics, and appropriate mitigations.
- 25 On 17 July 2023, we will host our external advisory group meeting. This will give stakeholders an opportunity to input into our overarching policy development, to make sure that the changes we make work in the interests of professionals and the public we serve. This is before we start drafting our policies in greater technical detail and ensure the consultation itself is usable for stakeholders.
- 26 In collaboration with the General Medical Council (GMC), we wrote to Members of the House of Lords to outline our latest position on regulatory reform and the benefits we believe it will bring. We particularly focused on patient safety, supporting the workforce and highlighted areas of the draft legislation that could be improved. We also underlined that we would welcome Members' support to continue to advocate for the benefits of regulatory reform and for continued momentum to extend the reforms to other regulated healthcare professionals.

Developing our 2025-2030 strategy

- 27 We are starting work to develop our corporate strategy for 2025-2030, which will define how we can continue to pursue our vision of safe, kind and effective care which improves everyone's health and wellbeing in an ever-changing health and care sector. We will be seeking insights from focus groups and roundtables with the public, professionals, subject experts, stakeholders and partners to shape our thinking.
- 28 On 6 July 2023, we will host a roundtable discussion for public stakeholders invited from across the UK and representing a diverse range of interests and communities. We will explore their experience and expectations of nursing and midwifery care, and their reality of the Code and standards in practice.

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This also supports a broader ambition to improve and build our relationships with public stakeholder organisations.

- 29 We are also developing mass surveys as we are keen to hear from as many people as we can. These surveys will explore people's experiences and expectations of nursing and midwifery care, their expectations of the future care and their thoughts on the role of a regulator, our standards and Code.
- 30 Our engagement will run through the summer, then we expect to share our proposed vision, purpose, strategic themes and key actions with Council at its seminar session in October 2023, which we will then engage on further in the new year.

Maternity safety and midwifery regulation

- 31 On 19 June 2023, our Chief Executive and Registrar and Chief Executive and Registrar of the GMC, met with some of the families affected by failings in care at Nottingham University Hospitals NHS Trust. The meeting was facilitated by Donna Ockenden, who is leading the inquiry into what happened, and provided an important opportunity for us to hear people's experiences and learn lessons from our handling of their cases. Donna Ockenden's report is scheduled for publication in March 2024, and we will continue to engage with the work of the inquiry team as appropriate.
- 32 At the Midwifery Panel meeting on 21 June 2023, the Chief Midwifery Officers from the four countries of the UK shared best practice, along with insight on the challenges they face in delivering the best outcomes for mothers, babies and their families. Panel members discussed the development of our next corporate strategy, including what the NMC should seek to achieve through working with employers and regulation of internationally educated midwifery professionals. They also discussed our decision on CCCU.
- 33 We are developing a campaign to celebrate examples of midwives making a difference by listening and responding to women in their care. This will showcase how our standards support and inspire midwives to work in partnership with women to deliver the best possible care. It will also include a tool to help midwives take part in reflective conversations.
- 34 This will be complemented by a public-facing campaign which focuses on partnership between women and their midwives in the antenatal period. This work aims to increase people's understanding of what they can expect from their midwives and how women and their families can make informed decisions about their care alongside doctors and other healthcare professionals.

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- 35 We have tested the materials with midwives and pregnant women in focus groups and by speaking to stakeholders in the field, to ensure it will be impactful and relevant. The materials will be shared across our communications channels and with stakeholder organisations to ensure we reach a wide and diverse audience.
- 3.

Advanced practice

- 36 Following the recent publication of research we commissioned from The Nuffield Trust, we are carrying out a review of advanced nursing and midwifery practice to decide whether regulation is necessary and would benefit the public.
- 4.
- 37 Following Council's decision at the last meeting, engagement continues to help us present Council with options for how we might regulate advanced practice in the future:
- 5.
- 37.1 The advert for a Chair of our independent stakeholder steering group closed on 19 June 2023 – we hope to announce the appointee soon after a robust interview process.
- 6.
- 37.2 Our new web page is live, where stakeholders can find out more about the project and sign up to our community of interest. Following recent publicity, the community of interest now has 575 members, demonstrating that interest is high.
- 7.
- 37.3 On 29 June 2023, we are holding a cross-regulator roundtable. We will present the recent [Nuffield Trust research](#) into advanced nursing and midwifery practice which we recently published; and hear other regulators' views and future plans on the regulation of advanced practice, or regulation of additional qualifications beyond initial registration for their professions. This will support united thinking about our role as a regulator in ensuring safe continuity of care.
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Standards implementation

- 38 We want to support the professionals on our register in their practice. This means playing a supportive role in helping them to better understand [The Code](#) and our [standards](#) so they can practice in a way that delivers the best possible care for people:
- 10
- 38.1 In June and July 2023, we are holding three workshops to help educators and practice placement partners better understand our new post-registration standards. The sessions will cover the new standards and our quality assurance framework. They are designed to help educators better understand how to gain approval for their programmes.
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- 38.2 We are reviewing our revalidation email journey - the emails all professionals on the register receive to inform and remind them of our revalidation requirements. We aim to encourage professionals to use the standards as part of their continuous professional development when revalidating.
- 38.3 In July 2023, we will publish a new animation, explaining our Standards of Student Supervision and Assessment (SSSA). The SSSA ensure that students receive high-quality learning, support and supervision during their practice placements, helping them to deliver excellent care for people.
- 39 On 7 June 2023, we published a new animation aimed at the public: [*What to expect from your nursing associate*](#). This joins our existing animations about nurses and midwives to help people understand more about our Code and the standards, and the care they can expect from those professionals.

International registration

- 40 On 27 May 2023, we finished implementing the changes to our English language requirements, as agreed by Council in September 2022. The changes we have made will maintain the high standards of English language that professionals need to demonstrate before joining our register, so they can effectively communicate with people in their care, while making sure our processes are as fair and proportionate as possible. We have now fully automated the process of accepting supporting information from employers (SIFE).
- 41 We have been co-ordinating closely with our partner health regulators on the legislative process for implementation of the European Free Trade Association (EFTA) trade deal. We are keen to meet the terms of the Agreement (set to come into force in December 2023) while also ensuring that qualified professionals seeking access to the register can demonstrate the competencies and skills needed to practise safely. We will seek clarity on DHSC's plans and seek to influence how other trade deals are negotiated when we meet with them in late June 2023.
- 42 We piloted an online version of our Welcome to the UK Workforce session on 22 June 2023, with 40 available places for international nurses and midwives who had joined the NMC register in the last 12 months. We received excellent feedback from attendees, with particular reference to information on revalidation and the Code, as well as the focus on sharing lived experiences. A waiting list has been set up for future sessions due to high demand.
- 43 On 20 July 2023, we will host a roundtable discussion about how to best support internationally trained professionals working in social care settings.

This will bring together stakeholders to explore the issues for professionals and employers in social care and agree actions to support positive experiences for internationally educated professionals. We will also share an evaluation of our *Welcome to the UK Workforce* programme for discussion.

Welsh Language

- 44 On 6 June 2023, we received our final compliance notice regarding Welsh language requirements from the Welsh Commissioner. Initially we were required to translate all our registration application routes into Welsh, but we asked for this to be limited to the UK qualification route.
- 45 We also asked for the implementation deadline for this to be extended to December 2025, to coincide with the implementation of regulatory reform. Our request was accepted. We have until 6 December 2023 to comply with the remaining standards.

Supporting our professions, influencing the sector

- 46 We celebrated key events:
- 46.1 The King's Birthday Honours were announced on 16 June 2023. [Our online statement](#) recognised the achievements of the NMC-registered professionals and stakeholders from across health and social care in all four UK countries. We will also write personally to those recognised, to thank them for the difference they have made to people and communities through their work and careers.
- 46.2 The NHS is celebrating its 75th anniversary on 5 July 2023. We are also celebrating the 75th anniversary of Windrush and the diversity of the NHS workforce which is represented by over 200 nationalities. We will be marking this milestone by sharing communications across all our communications channels.
- 47 We have engaged with partners and stakeholders across the four nations, including attending the PSA roundtable in Northern Ireland to discuss its priorities, and the first meeting of the Ministerial Taskforce on Nursing and Midwifery in Scotland.
- 48 Several NMC colleagues took part in a PSA symposium on 6 June 2023. The theme of the event was collaboration towards safer care for all, and the NMC contributed to sessions on public support and advocacy, data sharing and the emerging concerns protocol, alongside partners from the Care Quality Commission and GMC.

Settlement agreement with previous employee

49 The Remuneration Committee approved a settlement agreement reached with a previous employee under the governance arrangements approved by the Council. The Committee was satisfied on the basis of information provided by the Executive and it was approved in line with our non-contractual payment policy. The settlement agreement was for a non-contractual payment of £23,500.

Midwifery implications:

50 Midwifery updates are covered in the body of the report.

51 Midwifery is considered within our corporate plan and through core business discussions when setting standards, reviewing education programmes, adding, or removing midwives from the register, when considering Fitness to Practise concerns related to midwifery, and monitoring the wider sector.

52 We discuss maternity safety within our monthly monitoring of corporate risk exposure for corporate risk EXP18/01 (Risk that we fail to meet external expectations which significantly affects our ability to maintain the trust of stakeholders, the public and people on the register in how we regulate).

53 We have identified maternity safety as a risk factor within the Corporate Risk Register and continue to monitor this and act as appropriate. We monitor the quality of midwifery pre-registration education through our regulatory processes to help support and influence maternity safety.

Public protection implications:

54 Public protection is a key driver of the risks identified within our corporate risk register. Risks being well managed is inherent to ensuring effective public protection.

Resource implications:

55 None in addition to those within our corporate budget.

Equality diversity and inclusion implications:

56 We have a legal obligation to comply with the public sector equality duty across everything that we do and equivalent legislation in Northern Ireland.

57 We are integrating EDI into everything that we do to make our processes fair for everyone. This includes improving our guidance, decision-making tools, training and induction, and our engagement and communications to make a significant difference to drive out discrimination and promote inclusion.

58 We have a specific commitment within our corporate plan to support our ambitions to be fair and promote inclusion.

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59 We continue to monitor risk exposure from discrimination and unfairness across our corporate risk register. We have integrated EDI into our regular performance monitoring as part of corporate commitment 9.

Stakeholder engagement: 60 Discussed within this paper.

Risk implications: 61 Risk implications are dealt with in the paper.

Regulatory reform: 62 See paragraph – 22-26.

63 We regularly discuss the potential risk exposure from Regulatory Reform as part of corporate risk STR20/02 (*Risk that we fail to deliver our strategic ambitions for 2020-2025*), and through detailed discussions with the Council and Executive Board.

64 We monitor the Regulatory Reform programme through monthly reporting to the Change Board and within our quarterly corporate performance monitoring to the Council.

Legal implications: 65 No legal implications arising from this paper.

Council

Audit Committee Annual Report to Council 2022-2023

Action: For discussion.

Issue: Provides the Audit Committee's annual report to the Council 2022-2023.

Core regulatory function: Supporting functions.

Strategic priority: Strategic aim 5: Insight and influence.
Strategic aim 6: Fit for the future organisation.

Decision required: None.

Annexe: None.

Further information: If you require clarification about any point in the paper or would like further information, please contact the authors or the Audit Committee Chair named below.

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Chair: Derek Pretty

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Context:

- 1 This is the Audit Committee’s annual report for 2022-2023. The Committee met five times during 2022-2023 and has since met in April 2023 and June 2023 of the current financial year and matters addressed in these meetings are also included.
- 2 The remit of the Audit Committee is to support the Council and the Executive by reviewing the comprehensiveness and reliability of assurances on governance, risk management, the control environment and the integrity of financial statements and the annual report.
- 3 The key issues covered in this report are:
 - 3.1 The Committee’s membership and effectiveness
 - 3.2 Internal Audit work programme 2022-2023 and annual opinion.
 - 3.3 Internal controls and risk management.
 - 3.4 The Annual Report and Accounts 2022-2023 and the Fitness to Practise Annual Report 2022-2023.

Committee membership and attendance

- 4 Marta Phillips’ term came to an end on 30 April 2023. The Committee expressed their considerable thanks to Marta for her commitment and invaluable contributions as Chair of Audit Committee, in particular, how she has strengthened the Committee’s ability to provide constructive, supportive challenge to key areas of the organisation.
- 5 As agreed by the Chair of Council, Derek Pretty became Chair of Audit Committee on 1 May 2023. Ahead of Derek stepping down on 30 April 2024, a new Chair of Audit Committee will be appointed. The new Chair will be recruited with sufficient time for an effective handover period and, as with all new members, receive a comprehensive induction.
- 6 The Committee has welcomed the continued regular attendance of the Chief Executive and Registrar, as Accounting Officer, along with the Executive Director of Resources and Technology and Executive Director of People and Organisational Effectiveness. Other senior executives attend when presenting papers and when internal audit reports for their areas are being considered.

7 The Committee has also welcomed the consistent attendance of the Internal Auditors (RSM), the External Auditors (HW Fisher) and the National Audit Office (NAO) at its meetings. In keeping with good practice, the Committee has held private meetings with each at appropriate junctures during the year.

Committee effectiveness review

8 The Committee undertakes an annual review of its effectiveness taking account of NAO good practice. The Committee has taken forward actions identified in the 2022-2023 review, including taking a more strategic approach to oversight of risk management and more streamlined regular reporting.

9 The Committee considered the 2022-2023 review outcomes on 7 June 2023 and identified some actions that could improve its effectiveness, including:

9.1 Areas of focus for future recruitment

9.2 Further information that could be shared with the Committee to strengthen its knowledge of processes

9.3 Further strengthening how oversight of personnel matters is undertaken between Audit Committee and Remuneration Committee

9.4 Further streamlining reporting.

Four country factors:

10 The Committee is mindful of the need to ensure that the NMC is compliant with relevant legislation in all four countries, for example charity law.

Discussion:

Internal audit

11 In February 2022 the Committee approved the Internal Audit work programme for 2022–2023.

12 During the year, the Committee monitored progress against the Internal Audit work programme and against audit recommendations at each meeting. The planned Internal Audit programme was completed on schedule and a total of nine assignments were carried out:

Assignment	Assessment
Consultations	Substantial Assurance
Council and Executive Board Information	Reasonable Assurance
Core Financial Systems	
Projects and Programmes – Outcome and Realisation	
Appraisals	
Procurement	Partial Assurance
Complaints and Serious Events Review	
Direct Procurement Award – Embedding the actions	
Risk Maturity Review	N/A as the assignment was advisory

- 13 The Committee was pleased to note the strong Executive engagement with internal audit activity. In particular, the Committee was pleased to note that there had been significant progress in completing management actions identified by the audits. In 2021-2022 there had been challenges in completing actions, particularly within People and Organisational Effectiveness, and the Committee was pleased to note the improvement in this area.
- 14 The Head of Internal Audit’s annual internal audit opinion and report concluded that:
- “The organisation has an adequate and effective framework for risk management, governance and internal control. However, our work has identified further enhancements to the framework of risk management, governance and internal control to ensure that it remains adequate and effective.”*
- 15 The Committee discussed the opinion and report and was satisfied that this was a true and fair reflection of the current level of assurance.
- 16 The Committee reviews the effectiveness of internal audit services on an annual basis and the 2022-2023 annual review was considered on 7 June 2023. The review identified some areas for further strengthening which will be taken forward. Overall the findings were positive and the Committee was pleased to note the effective relationship between the Executive and internal audit.

- 17 The Committee has approved the Internal Audit work programme for 2022–2023. It will continue to review the work programme and will amend the plan should new priorities emerge.

Internal controls and risk management

- 18 Since March 2022, the Committee has considered two comprehensive assurance reviews (CAR): on International Registrations in October 2022 and Complaint and Enquiries in April 2023. These reviews provide an opportunity to discuss how risks are being managed and gain a deeper overview of a particular area of delivery.
- 19 The Committee considered the annual review of risk management effectiveness in April 2023. The Committee endorsed the overall conclusion that there can be reasonable assurance that our internal control environment operates adequately at corporate and directorate level. The Committee noted plans to strengthen our approach to risk management within People and Organisational Effectiveness and Professional Regulation. The Committee was pleased to note improvements in the appraisal response rate for 2022-2023 and looks forward to further improvement in this area.

Whistleblowing

- 20 The Committee reviewed an update on the whistleblowing policy at each meeting. During 2022–2023, there was one invocation of the whistleblowing policy (2021–2022: three). This is currently under investigation.
- 21 So far one concern has been raised during 2023-2024, which is also under investigation.

Serious event reviews (SERs) and data breaches

- 22 The Committee now reviews SERs every six months. This included a full year report in June with analysis of trends and figures for incidents reported during the financial year 2022-2023.
- 23 Throughout the year the Committee has made suggestions for improving the SER reporting and processes, and welcomed the work of the Change and Continuous Improvement function which is strengthening our ability to identify thematic trends and mitigate root causes of recurring SERs. The Committee looks forward to considering the outcome of the SER process review at its meeting in November 2023.

Anti-fraud, bribery, and corruption

- 24 The Committee received an update on anti-fraud, bribery, and corruption at each meeting. During 2022-2023, no instances of fraud, bribery or corruption were detected and there were no reported incidents or offences in the NMC's supply chain under the Modern Slavery Act 2015. The Committee reviewed an updated Modern Slavery Statement in June 2023.
- 25 So far in 2023-2024, one instance of potential fraud has been detected, this relates to anomalous data at one of our third-party CBT test centers in Ibadan, Nigeria. The Council and Audit Committee are being kept informed of the investigation and will consider a lessons learnt report in due course.

Single tender actions (STAs)

- 26 The Committee reviews STA logs every six months as an indicator of the health of the procurement function. In 2022-2023, there were five STAs, against a target of no more than 12 STAs. The Committee is pleased with the strong performance in this area and congratulates the team on the improvements they have made in recent years.

Committee's views on governance, risk management and control

- 27 The Committee has reflected on a range of issues including the Internal Audit annual opinion and report 2022-2023, the findings of the External Auditors and NAO and the views of the Chief Executive and Registrar, in her capacity as Accounting Officer.
- 28 In considering the Internal Audit annual opinion and report for 2022-2023, the Committee accepted the annual opinion of the Internal Auditors that the NMC has an adequate and effective framework for risk management, governance and internal controls. The Internal Auditors have identified further enhancements to the framework to ensure that it remains adequate and effective, but have confirmed that nothing has arisen which they would consider to be a significant control issue.
- 29 The Committee has also considered the view of the Executive, which is that the Audit Committee can take reasonable assurance that the NMC is adequately managing risk both corporately and operationally, and that the internal control environment remains strong.
- 30 Overall, the Committee's view is that the Council can have confidence that arrangements for governance, risk management and controls are satisfactory, notwithstanding the fact that there is further work to be done. The Committee will continue to closely monitor

progress on the proposed improvements.

External audit and NAO

- 31 The Committee approved the arrangements proposed by the External Auditors (HW Fisher) and the National Audit Office (NAO) for the external audit and certification of the NMC's annual accounts for the year ending March 2023.
- 32 At its meeting on 26 June 2023, the Committee reviewed the external auditors and NAO findings reports and letter of representation for 2022-2023. The Committee was content to recommend these to Council for signing by the Chair of Trustees and Chief Executive and Registrar as Accounting Officer.

Integrity of financial statements and draft Annual Report and Accounts 2022-2023

- 33 The Committee carried out its annual review of accounting policies and agreed a number of small changes in relation to the depreciation policy for fixed assets.
- 34 The Committee scrutinised the draft Annual Report and Accounts 2022–2023, including the Annual Governance Statement, in April and June 2023.
- 35 The Committee agreed that no provision was required for the computer-based test issue that had been identified, for the following reasons:
- 35.1 In order to make a provision the NMC would need to provide a reliable estimate of costs. The NMC is not yet in a position to do that as it is still analysing the situation, the data and policy options.
- 35.2 While the NMC cannot yet make a reliable estimate, the Executive's current view is that the cost is unlikely to meet the FRS 102 requirement for materiality and therefore a provision would not need to be declared in the accounts.
- 35.3 The NMC does not make provisions for the cost of investigating fitness to practise cases that are open at year end. Most of the costs associated with the CBT incident are likely to be of a similar nature to an fitness to practise investigation. The NMC should therefore approach how it accounts for the costs in the same way.
- 36 The Committee endorsed the Annual Report and Accounts for approval by the Council at its meeting on 5 July 2023.

Draft Fitness to Practise annual report 2022-2023

	37	The Committee scrutinised the draft Annual Fitness to Practise Report 2022–2023 in June 2023. The Committee endorsed the draft for approval by the Council at its meeting on 5 July 2023.
Midwifery implications:	38	No midwifery implications arising directly from this report.
Public protection implications:	39	No public protection implications arising directly from this report.
Resource implications:	40	No resource implications arising directly from this report.
Equality diversity and inclusion implications:	41	Ensuring EDI is appropriately taken into account in the Committee’s work remains a key focus.
Stakeholder engagement:	42	No stakeholder engagement implications arising directly from this report.
Risk implications:	43	The role of the Audit Committee is to give assurance to Council that the NMC has effective governance, risk management and internal controls in place.
Regulatory reform	44	The implications of regulatory reform will become an increasing area of focus for the Committee in 2023-2024.
Legal implications:	45	None.

Council

Draft NMC Annual Report and Accounts 2022-2023

Action: For decision.

Issue: Presents the draft NMC Annual Report and Accounts for the year ended 31 March 2023 for approval, along with the letters of representation to the external auditors and National Audit Office (NAO).

Core regulatory function: Supporting functions

Strategic priority: All Strategic Priorities.

Decision required: The Council is recommended to review the annual report and accounts at **Annexe 1** and:

- Confirm it is content that the NMC is a going concern (**Annexe 2**) (paragraph 23);
- Authorise the Chair and Chief Executive to sign the letter of representation to the external auditors (**Annexe 3**) (paragraph 25.1);
- Authorise the Chair and Chief Executive to sign the letter of representation to the NAO (**Annexe 4**) (paragraph 25.2);
- Approve the draft Annual Report and Accounts 2022–2023 for submission to Parliament (paragraph 27 and **Annexe 1**).

Annexes: The following annexes are attached to this paper:

- Annexe 1*: Draft Annual Report and Accounts 2022-2023
- Annexe 2: Review of going concern
- Annexe 3: Letter of representation to the external auditors
- Annexe 4: Letter of representation to the NAO

***Please note that Annexe 1 is not included in the public Council papers. This is so that we comply with strict rules not to publish the content of the report before it is submitted to Parliament.**

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Further information: If you require clarification about any point in the paper or would like further information please contact the authors or the director named below.

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Context:

- 1 Under the Nursing and Midwifery Order 2001 (“the Order”), the Council is required to prepare an Annual Report and Accounts.
- 2 The Order requires the accounts to be audited by independent auditors appointed by the NMC and certified by the Comptroller and Auditor General (the National Audit Office). NAO good practice guidance has been taken into account in preparing the annual report and accounts.
- 3 Once approved by the Council, the Annual Report and Accounts must be submitted to the Privy Council for laying before Parliament.
- 4 The Annual Report and Accounts also serves as the Trustees’ report to the Charity Commission for England and Wales and the Office of the Scottish Charity Regulator and must comply with their requirements. The Annual Report makes clear how we have delivered public benefit and taken it into account in our activities and decisions.

Four country factors:

- 5 The Annual Report and Accounts reflect our UK-wide remit.
- 6 As well as laying the report in the UK Parliament, we will share the report with the Clerks/Chief Executives of the Scottish Parliament, the Welsh Assembly and the Northern Ireland Assembly.
- 7 In accordance with our duties under the Welsh Language Act 1993, the Annual Report and Accounts will be published in English and Welsh.

Discussion: Draft Annual Report and Accounts 2022-2023

- 8 The draft Annual Report and Accounts is at **Annexe 1**. This is an important accountability document for Parliament; for the charity regulators; for the public we serve; and for the professionals on our register.

Performance review

- 9 The Annual Report includes a high-level review of our performance; describing how we have delivered our statutory responsibilities and public benefit and how this has made a difference for the public we serve, the professionals we regulate and our partners and stakeholders.

- 10 The review provides an account of progress against our corporate commitments, noting that whilst we achieved a great deal in 2022-2023 - such as launching new standards for pre-registration education in the UK – we did not make the progress we wanted in reducing our fitness to practise caseload. This remains our number one priority for 2023-2024

Strategic Plan 2023-2025

- 11 The strategy section provides an overview of our five year strategy, as approved at Council in March 2020 (NMC/20/22) and a summary of our corporate plan for 2023-2025, as approved by the Council in March 2023 (NMC/23/21).

Financial review

- 12 This provides a high-level summary of our financial position including key variances compared to 2021-2022 and to the budget for 2022–2023, and a summary of the reserves and investment policies.

Remuneration report

- 13 The Remuneration Committee reviewed the Remuneration Report on 5 June 2023 and, subject to final amends, was content to recommend it to the Council for approval.
- 14 This includes details of allowances and expenses paid to the Council and to the Executive.
- 15 When Council meetings are in London, members of the Executive team attend evening meals with Council. Those meals are considered to be a taxable benefit in kind for Council members, Associates and the Executive. Expenses incurred traveling to and from London are also considered a taxable benefit in kind for Council members and Associates. The NMC pays the income tax arising through a PAYE settlement agreement with HMRC, and the value of the benefit is shown gross including the attributable income tax.
- 16 The report also includes a summary of findings from our pay gap reports. The full reports are due to be considered by Council in September 2023 ahead of publication.

Annual Governance Statement

- 17 The Annual Governance statement is intended to provide an overview of the the dynamics and control structure of the organisation; an assessment of the principal risks to corporate objectives and key disclosures relating to information security lapses.

18 As stated in the Annual Governance Statement, our overall assessment is that there is reasonable assurance that there are adequate arrangements in place for governance, risk management and control. We recognise the need to maintain a high level of scrutiny over the recovery of our fitness to practise caseload and the progression of the Modernisation of Technology Services programme and the improvements that will bring through more effective IT systems and a greater use of automated systems.

Accounts

19 The draft accounts have been prepared in accordance with the Privy Council's determination (**Annexe 1**, appendix 1). This requires us to apply the Charities' SORP (FRS 102) and, as appropriate, the Government's Financial Reporting Manual (FReM) in preparing the accounts.

20 Aspects in the accounts to note are:

20.1 The better position relative to budget shown by our overall near-breakeven position and better than planned free reserves. This is addressed in our financial review.

20.2 The provision for potential panelist costs relates to the outcome of the Employment Tribunal case. This remains at £2.5 million (note 18). This provision, as well as being of significant size, reflects some key assumptions, for instance with regard to the basis of calculation of holiday pay and the numbers of past years we need to provide for. We have taken internal and external legal advice on these issues and believe we have made appropriate judgements based on these.

20.3 The unrealised loss of £1.9 million on our long term investments shown on our statement of financial activities (SoFA), along with the total value of these investments of £34.7 million. These are discussed as part of the financial review.

20.4 The defined benefit pension scheme valuation for the purposes of these accounts being in surplus at end of the financial year as was the case last year. The valuation itself contains a significant number of actuarial assumptions (for instance around life expectancy) which are reviewed by independent actuaries and by our auditors. In line with our legal advice we are also of the view that recovery of the calculated surplus is a very remote possibility. In line with FRS102 this means, as last year, we have applied an asset ceiling adjustment to bring the net position on the pension scheme to neither a deficit nor a surplus. In the financial review, we also mention that the most recent triennial review also shows the scheme to be in surplus. The financial review

also seeks to provide reassurance to deferred members – for instance that the future management of the surplus remains with the pension trustees who are independent of the NMC.

20.5 Employee information at note 9. This shows a 12 percent increase in staff costs, a 2 percent increase in the average number of colleagues and a 22 percent increase in higher paid colleagues earning more than £60,000. These increases reflect further recruitment in a competitive labour market, annual pay rises as well as the one-off payment made in November 2022, and the appointment of more senior staff in some areas.

Going concern

- 21 A key dimension of our auditors' opinions on our annual accounts is based on an assessment by us as to whether we are a going concern. Broadly this is an assessment that we have the financial resources aligned with plans sufficient to enable us to continue to operate for at least the next 12 months.
- 22 Our review of going concern at annexe 3 concludes that the NMC is a going concern, despite our planned deficit, since we have adequate free reserves and cash. Our assessment also concludes that any likely resource impact resulting from events not anticipated at the time the budget was developed can be contained within our existing resources including our contingency of £1 million. This includes the potential impact of the issue with one of our third-party test centres, which identified anomalous data in the operation of the computer-based test (CBT) at that centre. It also draws attention to the sharply reduced level of free reserves anticipated by the end of 2025-2026 as a result of our significant capital investment in technology and accommodation as well funding to reduce the FTP caseload. It is also important, in this context, that we monitor our financial position closely and can and will take corrective action to address significant financial issues that might impact on our going concern.
- 23 **Recommendation: The Council is recommended to confirm that in its view the NMC is a going concern.**

Letters of representation

- 24 At its meeting on 26 June 2023, the Audit Committee considered the draft External Audit Findings Report 2022–2023 and draft letter of representation issued by the independent auditors (**Annexe 3**). The Committee also considered the NAO Completion Report 2022–2023, including the draft letter of representation to the NAO (**Annexe 4**). The Committee was content to recommend to the Council that it authorise the Chair and Chief Executive to sign the draft letters of

representation. A verbal update will be given at the meeting if there are any changes to the draft letters of representation.

25 Recommendation: Subject to any updates at the meeting, the Council is recommended to:

25.1 **authorise the Chair and Chief Executive to sign the letter of representation to the external auditors on behalf of the Council members as Trustees (Annexe 3)**

25.2 **authorise the Chair and Chief Executive to sign the letter of representation to the NAO (Annexe 4).**

26 The Audit Committee reviewed the Annual Report and Accounts on 7 June 2023 and 26 June 2023 and its comments have been reflected in the draft. The Committee recommends the Annual Report and Accounts to the Council for approval.

27 Recommendation: Subject to any comments, the Council is invited to approve the Annual Report and Accounts for submission to Parliament.

Next Steps

28 Subject to the Council's approval and the post balance sheet review, the Annual Report and Accounts will be signed, electronically, by the Chair of Council and by the Chief Executive and Registrar, as Accounting Officer.

29 The Annual Report and Accounts will be submitted to the Privy Council on 17 July 2023, to be laid before Parliament before the summer recess on 20 July 2023, along with the Annual Fitness to Practise report for 2022–2023.

30 The Annual Report and Accounts will also be submitted to the Charity Commission for England and Wales and the Office of the Scottish Charity Regulator in advance of their respective deadlines of 31 January 2024 and 31 December 2023.

Communications

31 Once laid before Parliament, the Annual Report and Accounts will be published on the NMC website, along with the Annual Fitness to Practise Report. The Reports will also be published in Welsh.

32 We are also producing a shorter, more accessible summary of both reports, as well as an *Easy Read* version.

33 After submission to Parliament, the Reports will be sent out electronically to each of the devolved administrations, our

		stakeholders and partners across the four countries, to those we work with and internally to colleagues.	1.
			2.
Midwifery implications:	34	Our Annual Report and Accounts reflect our work on midwifery.	3.
Public protection implications:	35	Our Annual Report and Accounts set out how we fulfill our regulatory role to protect the public.	4.
Equality diversity and inclusion implications:	36	As required by the Order, our Annual Report must describe the arrangements we have put in place for complying with our obligations and adhering to good practice in relation to equality and diversity. We have sought to strengthen EDI content by more effectively embedding it throughout the report.	5.
	37	As usual, the report will be published in both English and Welsh.	6.
Stakeholder engagement:	38	Following submission to and publication by Parliament, the Annual Report and Accounts will be distributed (electronically) to key stakeholders as well as being placed on the NMC website.	7.
Risk implications:	39	Failure to comply with our statutory reporting requirements could compromise trust and confidence in the NMC.	8.
Regulatory reform	40	We know that regulatory reform will require us to produce reports for each of the devolved nations. Whilst this does not directly impact this year's report, the governance team will be taking forward work in 2023-2024 with colleagues to consider how we can develop our approach to meet additional reporting and data requirements.	9.
Legal implications:	41	The Annual Report and Accounts have been prepared in accordance with the NMC's legal obligations.	10
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Annexe 2: Review of going concern

Issue

1. As part of its review of the annual report and accounts each year, the Executive Board, Audit Committee and then Council need to consider whether the NMC is a 'going concern'. The standard letters of representation to both our auditors, HW Fisher and the NAO, normally include Council's confirmation that the NMC is a going concern. Going concern is also addressed within the accounts themselves as part of Note 1.

Context

2. This note and the attached schedules represent the information that our Executive Board, Audit Committee and Council need to consider in providing the view as to whether the NMC is a going concern.
3. Going concern is always a consideration for auditors since the financial statements of any organisation are normally prepared on the basis that it will continue to operate for the foreseeable future – so is a 'going concern'. The 'foreseeable future' in this context can be taken to be a period of at least 12 months from the end of the reporting period and typically at least a year after the accounts are signed.
4. The focus on going concern by auditors for all organisations has recently increased. Following on from the Covid-19 pandemic, there continues to be significant economic and financial instability being driven by factors such as the sharp rise in inflation and interest rates, the invasion of Ukraine, and wider uncertain UK economic performance. There is also focus since we are working towards a budget that sees us operating to a deficit for the next two years and since the Department of Health and Social Care (DHSC) has been consulting on reform of the health regulators in the UK.

Discussion

5. The Executive's view is that our position as regards going concern is a strong one. The evidence to support this is set out below.

Budget

6. Our income, nearly all derived from registrant fees, is very reliable certainly in the short term with registrant numbers continuing to increase: we had some 788,000 professionals on our permanent register at 31 March 2023, four percent more than a year ago.

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7. Although we have set a £8 million deficit budget for 2023-2024 (see **schedule 1** to this note), an indicative deficit budget of £7 million for 2024-2025, and an indicative surplus budget of £2 million for 2025-2026, this needs to be taken in the context of the strong financial position shown in the draft accounts at 31 March 2023. These show total reserves of £76 million and free reserves of £44 million. Our cash in hand and on three month deposits was over £67 million at the same date, with readily cashable stock market investments representing a further £35 million.
8. While not bearing directly on the view as to whether the NMC is a going concern over the next 12 months, we should note that under current plans, by 2025-2026, our free reserves are expected to be about £4 million (down from £44 million currently) and our cash around £22 million (down from £66 million now). Although not in itself implying that we will have a going concern issue at 31 March 2026, it does point to the need for us to continue our very careful management of our resources.
9. Our management accounts for the two months to 31 May 2023, at **schedule 2**, show that since 31 March 2023 total reserves and free reserves remain broadly in line with the position at the end of March 2023. While we expect reserves to fall during the year in line with the deficit budget set for 2023-2024, there is plenty of capacity to do this without any implications for going concern. Although we are incurring some extra costs for work with respect to the computer-based testing issue in Ibadan Nigeria, we expect these will be contained within existing budgets including our £1 million contingency. We are not currently expecting any major variance to our budget for the rest of the year.
10. We also maintain strong systems of financial management with monthly reports to the Executive Board and quarterly financial reports to Council. One aspect of this will be to assess the impact, and our response to it, of the inflationary pressures. In particular, we have made assumptions around falling inflation in later years, in line with Bank of England forecasts, that we will need to monitor. However, we have sufficient free reserves and cash available to manage current inflationary pressures without any impact on our assessment of going concern. If inflationary or other pressures were significant, we will take action to contain spend.

Flexed budget

11. Although the focus on going concern is largely on the next 12 months, we have also assessed the impact of continuing high inflation on our costs over the next three years. This is shown at **schedule 2 table 4**, where we have flexed the budget and indicative budgets to show the position if inflation continues at around 10 percent per annum over the next three years. If this were the case, we would still have positive free reserves at the end of 2024-2025. Under this scenario, although we would have negative free reserves of about £19 million in three years' time at the end of 2025-2026, we would still have cash and stock market investments of over £38 million at that point – so still able to operate as a going concern.

12. In practice, if inflation were to continue at the current high rate for that period, we would have taken steps to mitigate the impact, such as reducing costs or, potentially, increasing fees.

Regulatory Reform

13. On the issue of regulatory reform on which the DHSC has completed consultation exercises in June 2021 and in 2023, there is a clear presumption that the regulatory activities that we undertake will continue. In addition, there is no expectation that there will be changes to our regulatory activity enacted in law before April 2025 at the earliest.

Attached:

Schedule 1: Budget 2023-2024, indicative plans for later years, flexed budget
Schedule 2: Draft management accounts at 31 May 2023

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Schedule 1: Budget 2023-2024, indicative plans for later years, flexed budget

Table 1 Income & expenditure £ million (as presented to Council March 2023)	Forecast 2022 - 23	Budget 2023 - 24	Budget 2024 - 25	Budget 2025 - 26
Income				
Registration fees	92.7	94.8	97.0	99.2
Other	8.6	8.2	6.7	6.1
Total Income	101.3	103.0	103.7	105.3
Expenditure				
<u>Core business</u>				
Professional Regulation	52.5	49.9	48.4	45.8
Resources & Technology Services	17.6	19.2	19.4	18.8
People & Organisational Effectiveness	11.0	11.1	10.9	11.0
Professional Practice	4.9	6.6	6.9	5.4
Strategy & Insight	3.2	4.0	4.3	3.7
Communications & Engagement	3.2	3.5	3.3	3.5
Directorate - Core Business Expenditure	92.4	94.4	93.3	88.2
<u>Corporate</u>				
Depreciation	2.7	4.0	4.8	5.5
PSA Fee	2.0	2.1	2.1	2.1
Apprenticeship Levy	0.3	0.3	0.3	0.3
Reserve for FTP costs	-	5.6	5.4	2.7
Other *	2.4	1.7	1.7	1.7
General Contingency	-	1.0	1.0	1.0
Total Corporate Expenditure	7.3	14.6	15.3	13.3
Total Core Business	99.7	109.0	108.6	101.5
Programmes & Projects including capital investment (see table 2)	7.7	12.4	17.4	17.0
Subtotal including capital investment	107.4	121.4	126.0	118.5
Capital Investment	6.3	10.4	15.3	15.3
Subtotal excluding capital investment	101.1	111.0	110.7	103.2
Unrealised Gains/(Losses)**	-	-	-	-
Net Surplus/(Deficit) excluding capital investment	0.2	(8.0)	(7.0)	2.1
Total Reserves	***76.5	68.5	61.5	63.5
Free Reserves	***44.2	29.8	12.3	4.6
Note: Figures are subject to rounding				
*Including pension deficit liability and panel holiday pay				
** Unrealised gains/(losses) reflect the change in the value of our investment portfolio since the beginning of the year after taking account of income from it. We do not budget or forecast for either gains or losses.				
***Actual outturn per draft financial accounts 5 May 2023 shows total reserves of £76.4m and free reserves of £44.1m				

Table 2 Forecast/Budget Cashflow £ million (as presented to Council March 2023)	31 March 2023	31 March 2024	31 March 2025	31 March 2026
Cashflow from operating activities				
Surplus/(deficit)	0.2	(8.0)	(7.0)	2.1
Adjustment for non-cash transactions	2.7	4.0	4.8	5.5
Interest/Dividend income from Stock Market Investments	(1.0)	(0.9)	(0.9)	(0.9)
(Increase)/decrease in current assets	(0.1)	(0.1)	(0.1)	-
Increase/(decrease) in liabilities	1.6	(1.0)	1.0	1.0
Net cash inflow/(outflow) from operating activities	3.3	(6.0)	(2.2)	7.7
Cashflow from investing activities				
Capital investment	(6.3)	(10.4)	(15.2)	(15.3)
Cashflow from financing activities*				
Stock Market Investments	(3.0)	-	-	-
Net cash inflow/(outflow) from financing activities	(3.0)	-	-	-
Net increase/(decrease) in cash & cash equivalent for the year	(6.0)	(16.4)	(17.4)	(7.6)
Cash & fixed term deposits at beginning of year	70.0	64.0	47.6	30.2
Cash & cash equivalent at end of year	64.0	47.6	30.2	22.6

Note: Figures are subject to rounding

*Income from stock market investments are assumed to be reinvested so not a source of cash.

Table 3 Forecast/Budget Balance Sheet £ million (as presented to Council March 2023)	31 March 2022	31 March 2023	31 March 2024	31 March 2025	31 March 2026
Non-current assets					
Tangible and Intangible Fixed Assets	28.7	32.4	38.7	49.2	58.9
Stock Market Investments*	32.8	36.8	37.8	38.7	39.6
Total non-current assets	61.5	69.2	76.5	87.9	98.5
Current Assets					
Cash	70.0	64.0	47.6	30.2	22.6
Debtors	3.3	3.4	3.5	3.5	3.5
Total current assets	73.3	67.4	51.1	33.7	26.1
Total Assets	134.8	136.6	127.6	121.6	125.6
Liabilities					
Deferred Income	(55.2)	(57.1)	(57.5)	(58.4)	(59.4)
Other creditors, accruals, provisions	(3.3)	(3.0)	(1.6)	(1.7)	(1.7)
Total Liabilities	(58.5)	(60.1)	(59.1)	(60.1)	(61.1)
Net Assets excluding pension liability	76.3	76.5	68.5	61.5	63.5
Pension Liability**	-	-	-	-	-
Net Assets, Total Reserves	76.3	76.5	68.5	61.5	63.5
Free Reserves (Net Assets less Tangible and Intangible Fixed Assets)	47.6	44.2	29.8	12.3	4.6

Notes: Figures are subject to rounding

* The increase in stock market investments between the actual value at 31 March 2022 and the expected value at 31 March 2023 reflects an additional £3 million invested in August 2022 as well as expected dividend/interest income on the overall investment portfolio. Growth in later years reflects expected investment income being reinvested rather than any assumptions about capital growth or deficit which is assumed to be nil.

** Our pension liability is subject to an independent actuarial review of our Defined Benefit pension scheme at the year-end for accounting purposes. Following the year-end valuations, the pension scheme is shown in our annual accounts at 31 March 2022 and 31 March 2023 as being as neither an asset nor a liability at those dates and that same position is reflected in our forecast and budget. It is possible that the position may change in future.

Table 4 Budget agreed on 29 March 2023* £million	2023-24	2024-25	2025-26
Income ^	103.0	103.7	105.3
Spend (excl capital spend)	111.1	110.7	103.2
Net income	(8.0)	(7.0)	2.1
Free Reserves	30.6	13.1	5.5
Cash and Investments	86.2	69.7	63.0
Flex with 10% pa cost increase**			
Income ^	103.0	103.7	105.3
Spend (excl capital spend)	111.1	118.6	119.4
Net income	(8.0)	(14.9)	(14.1)
Free Reserves	30.6	5.2	(18.9)
Cash and Investments	86.2	61.7	38.6
<p>Notes: * budget already included 8/2/1% provision for inflation. The scenarios above build on those increases. eg the 9% scenario for 2024-25 represents a 7% increase over the existing 2% increase included in the original indicative budget. ** inflation is applied to 75% of non pay costs and 100% of pay costs ^ Income is the same as budgets agreed in March 2023</p>			

Schedule 2
Draft management accounts one month to end May 2023

£'m Income and Expenditure Summary: two months to end May 2023				
	Actual	Budget	Var.	Full year Budget
Total Income	17.5	17.0	0.5	103.0
Total expenditure (excluding capital)	17.0	17.2	0.2	111.0
Net income	0.5	(0.2)	0.7	(8.0)
Unrealised Gains/(Losses)	(0.2)	-	(0.2)	-
Net Surplus/(Deficit)	0.3	(0.2)	0.5	(8.0)
Free Reserves	44.3	43.3	1.0	29.8

Note: totals are subject to rounding.

Balance Sheet (£'m)	Mar-23	May-23	Change
Fixed Assets			
Tangible Assets	32.3	32.9	0.6
Investments	34.7	34.6	(0.1)
Total Fixed Assets	67.0	67.5	0.5
Current Assets			
Debtors	3.8	3.1	(0.6)
Fixed term bank deposits	57.4	54.7	(2.7)
Cash	9.8	8.5	(1.3)
Total Current Assets	71.0	66.4	(4.6)
Total Assets	138.0	133.9	(4.1)
Liabilities			
Creditors	(58.0)	(53.5)	4.5
Provisions	(3.2)	(3.2)	-
Total Liabilities	(61.2)	(56.7)	4.5
Net Assets/ Total Reserves	76.8	77.2	0.4
Free Reserves	44.5	44.3	(0.2)

Note: Free reserves are calculated as total reserves less tangible and intangible fixed assets.

Item 9: **Annexe 3**
NMC/23/49
5 July 2023
LETTER OF REPRESENTATION

Nursing and Midwifery Council
23 Portland Place
London
W1B 1PZ

DATE

HW Fisher LLP
Chartered Accountants
Acre House
11-15 William Road
London NW1 3ER

Your ref: **CAR/JML/N79700**

Dear Sirs

FINANCIAL STATEMENTS AND AUDIT FOR THE YEAR ENDED 31 MARCH 2023

This representation letter is provided in connection with your audit of the financial statements of the Nursing and Midwifery Council (NMC) for the year ended 31 March 2023 for the purpose of expressing an opinion as to whether the financial statements give a true and fair view of the results and financial position of the NMC in accordance with the requirements of the Charities Act 2011 and the Charities and Trustee Investment (Scotland) Act 2005 and regulation 8 of the Charities Accounts (Scotland) Regulations 2006 as well as in accordance with the United Kingdom Accounting Standards (United Kingdom Generally Accepted Accounting Practice, including Financial Reporting Standard 102).

Financial Statements

1. We acknowledge our responsibility, as set out in the terms of your engagement dated 18 January 2022, for preparing financial statements in accordance with the Charities Act 2011 and United Kingdom Accounting Standards (United Kingdom Generally Accepted Accounting Practice), which give a true and fair view of the financial position of NMC as of 31 March 2023, of its incoming resources and application of resources, including its income and expenditure, for the year then ended and for making accurate representations to you.
2. Significant assumptions used by us in making accounting estimates, including those measured at fair value, are reasonable.

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3. We have no plans or intentions that may materially alter the carrying value and where relevant the fair value measurements or classification of assets and liabilities reflected in the financial statements.
 4. We have disclosed all known actual or possible litigation and claims whose effects should be considered when preparing the financial statements and these have been disclosed in accordance with the requirements of accounting standards.
 5. Related party relationships and transactions have been appropriately accounted for and disclosed and we are not aware of further related party matters that require disclosure.
 6. All events since the balance sheet date which require disclosure or which would materially affect the amounts in the financial statements have been adjusted or included in the financial statements.
 7. We confirm the financial statements are free of material misstatements, including omissions. We believe that those uncorrected misstatements identified during the audit (as set out in Appendix 1 to this letter) are immaterial both individually and in aggregate to the financial statements as a whole
 8. We confirm that the NMC has considered its cashflow forecasts for the foreseeable future, being a minimum of twelve months from the date of approval of the financial statements, and has a reasonable expectation of adequate resources to continue in operation for that period. Thus the going concern basis has been adopted in preparing the financial statements. We confirm that the disclosures in the accounting policies are an accurate reflection of the reasons for our consideration that the financial statements should be drawn up on a going concern basis.
 9. We confirm the following additional matters relevant to the financial statements:
 - a. **Panellists Provision** - We are satisfied that the provision of £2.5m in relation to unpaid holiday pay and employer minimum pension contributions for all existing panel members correctly reflects the professional and legal advice that we have received and our view in terms of the likely liability.
 - b. **Pensions** -The surplus on NMC's Defined Benefit Pension Scheme as calculated in accordance with FRS102 of £15.3m has not been recognised in the financial statements. In our view, having considered the trust deed and rules relation to the scheme and having taken both legal and actuarial advice, we do not consider that NMC has an unconditional right to the surplus.

Information provided

10. All accounting records and relevant information have been made available to you for the purpose of your audit. We have provided to you all other information requested and given unrestricted access to persons within the entity from whom you have

deemed it necessary to request information. All other records and related information, including minutes of all management and shareholder meetings have been made available to you.

11. All transactions undertaken by NMC have been properly reflected in the accounting records and are reflected in the financial statements.
12. We acknowledge our responsibility for the design, implementation and maintenance of controls to prevent and detect fraud. We have disclosed to you the results of our assessment of the risk that the financial statements may be materially misstated as a result of fraud.
13. We have disclosed to you all information in relation to fraud or suspected fraud that we are aware of and that affects the entity and involves, management, employees who have a significant role in internal control, or others, where fraud could have a material effect on the financial statements.
14. We confirm that we are not aware of any possible or actual instance of noncompliance with those laws and regulations which provide a legal framework within which the NMC conducts its business and which could affect the financial statements. NMC has complied with all aspects of contractual agreements that could have a material effect on the financial statements in the event of non-compliance.
15. We confirm that we have disclosed to you the identity of NMC's related parties and all related party relationships and transactions relevant to NMC that we are aware of.
16. NMC has satisfactory title to all assets, and there are no liens or encumbrances on the assets.
17. There are no liabilities, contingent liabilities or guarantees to third parties other than those disclosed in the financial statements.
18. NMC has at no time during the year entered into any arrangement, transaction or agreement to provide credit facilities (including loans, quasi loans or credit transactions) for those charged with governance, nor to guarantee or provide security for such matters, except as disclosed in the financial statements.
19. We confirm that the following is a complete list of all serious incidents reported to the Charity Commission from the start of the financial year to the date of this letter:
 - Incident dated 11 May 2022 and November 2022 – regarding a nurse who died whilst under a Fitness to Practise investigation
 - Incident dated 23.02.2023 – regarding a criminal offence committed by a nurse whilst registered with the NMC.
 - Incident dated May 2023 – regarding potential fraudulent activity at a test centre in Nigeria where international applicants to the NMC undertake a computer-based test

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In addition, we confirm that there are no further matters of which we are aware which we consider should be reported to the Charity Commission.

We confirm to the best of our knowledge and belief that the above representations are made on the basis of enquiries of management and staff with relevant knowledge and experience and, where appropriate, of inspection of supporting documentation sufficient to satisfy ourselves that we can properly make each of the above representations to you.

We acknowledge our legal responsibilities regarding disclosure of information to you as auditors and confirm that so far as we are aware, there is no relevant audit information needed by you in connection with preparing your audit report of which you are unaware. Each person charged with governance has taken all the steps that he ought to have taken as a person charged with governance in order to make himself aware of any relevant audit information and to establish that you are aware of that information.

Yours faithfully

Signed on behalf of NMC by:

Chair

Chief Executive and Registrar

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Appendix I – unadjusted errors

Journal	Debit £	Credit £	Surplus £
Dr pension investment asset - OCI	115,186		
Cr pension unrealised gain - OCI		115,186	

Being the asset ceiling adjustment for the difference between Bridges report and pension investment per ISIO disclosures

Signed on behalf of NMC by:

Chair

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The Comptroller and Auditor General
National Audit Office
157-197 Buckingham Palace Road
Victoria
LONDON
SW1W 9SP

LETTER OF REPRESENTATION: Nursing and Midwifery Council 2022-23

We acknowledge as Accounting Officer and Chair of the Nursing and Midwifery Council our responsibility for preparing accounts that give a true and fair view of the state of affairs, net income and cash flows of the Nursing and Midwifery Council for the year ended 31 March 2023.

In preparing the accounts, we were required to:

- observe the financial statements direction issued by the Privy Council, including the relevant accounting and disclosure requirements a) in compliance with the accounting principles and disclosure requirements contained in the Charities' SoRP; and (b) having regard to the requirements of the FReM to the extent that those requirements clarify, or build on, the requirements of the Charities SoRP, and apply appropriate accounting policies on a consistent basis;
- make judgements and estimates on a reasonable basis;
- state whether applicable accounting standards have been followed and disclosed and explain any material departures in the accounts; and
- make an assessment that the Nursing and Midwifery Council is a going concern and will continue to be in operation throughout the next year; and ensure that this has been appropriately disclosed in the financial statements.

We confirm that for the financial year ended 31 March 2023:

- neither we nor our staff authorised a course of action, the financial impact of which is that transactions infringe the requirements of regularity as set out in Managing Public Money (insofar as it applies to us);
- having considered and enquired as to the Nursing and Midwifery Council's compliance with law and regulations, we have disclosed to you any actual or potential non-compliance that could have a material effect on the ability of the Nursing and Midwifery Council to conduct its business or whose effects should be considered when preparing financial statements;
- all accounting records have been provided to you for the purpose of your audit. All other records and related information, including minutes of all management meetings which you have requested have been supplied to you;
- all transactions undertaken by the Nursing and Midwifery Council have been recorded in the accounting records and are properly reflected in the financial statements; and
- the information provided regarding the identification of related parties is complete; and the related party disclosures in the financial statements are adequate.

All material accounting policies as adopted are detailed in note 1 to the financial statements.

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INTERNAL CONTROL

We acknowledge as Accounting Officer and Chair our responsibility for the design and implementation of internal controls to prevent and detect error and we have disclosed to you the results of our assessment of the risk that the financial statements could be materially misstated.

We confirm that we have reviewed the effectiveness of the system of internal control and that the disclosures we have made are in accordance with HM Treasury guidance on the Governance Statement.

FRAUD

We acknowledge as Accounting Officer and Chair our responsibility for the design and implementation of internal controls to prevent and detect fraud and we have disclosed to you the results of our assessment of the risk that the financial statements could be materially misstated as a result of fraud.

We have disclosed to you any knowledge of fraud or suspected fraud affecting the Nursing and Midwifery Council involving management, employees who have significant roles in internal control, or others where the fraud could have a material effect on the financial statements.

We have disclosed to you any knowledge of any allegations of fraud or suspected fraud, affecting the Nursing and Midwifery Council’s financial statements communicated by employees, former employees, analysts, regulators or others.

ACCOUNTING ESTIMATES

We acknowledge as Accounting Officer and Chair our responsibility to make judgments and estimates on a reasonable basis.

We confirm that the methods, the data, and the significant assumptions used by the Nursing and Midwifery Council in making accounting estimates and related disclosures are appropriate to achieve recognition, measurement or disclosure that is reasonable in the context of the Charities’ SoRP.

GOING CONCERN

We have assessed whether the going concern basis of accounting is appropriate for the Nursing and Midwifery Council. The plans for future actions upon which this assessment is based including the assumed future need of our regulatory function are feasible. The assumptions made in our assessment are reasonable and appropriate in the context of the Charities’ SoRP.

ASSETS

General

All assets included in the balance sheet were in existence at the reporting date and owned by the Nursing and Midwifery Council, and free from any lien, encumbrance or charge, except as disclosed in the financial statements. The balance sheet includes all tangible assets owned by the Nursing and Midwifery Council.

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Non-Current Assets

All assets over £5,000 are capitalised. Depreciation is calculated to reduce the net book amount of each asset to a nominal value of £1 by the end of its estimated useful life in the Nursing and Midwifery Council's operations.

Other Current Assets

On realisation in the ordinary course of the Nursing and Midwifery Council's operations the other current assets in the balance sheet are expected to produce at least the amounts at which they are stated. Adequate provision has been made against all amounts owing to the Nursing and Midwifery Council which are known, or may be expected, to be irrecoverable.

LIABILITIES

General

All liabilities have been recorded in the balance sheet in accordance with the Charities' SoRP.

Provisions and Contingent Liabilities

Provision is made in the financial statements for:

- Dilapidations; and
- Panellists Holiday Pay

Other than the provisions disclosed in the accounts, no other provisions were required at year-end relating to litigation or claims against the Nursing and Midwifery Council.

We have disclosed to you all actual or possible litigation and claims whose effects should be considered when preparing the financial statements. All such matters have been accounted for and disclosed in accordance with the Charities' SoRP.

We are not aware of any action which is or may be brought against the Nursing and Midwifery Council under the Insolvency Act 1986.

Pension Scheme

We are satisfied, in respect of retirement benefits and schemes, that:

- all retirement benefits and schemes, including UK, foreign, funded and unfunded, approved or unapproved, statutory, contractual or implicit, have been identified and properly accounted for;
- all settlements and curtailments have been identified and properly accounted for;
- all events which relate to the determination of pension liabilities have been brought to the actuary's attention;
- the actual assumptions underlying the valuation of the scheme liabilities accord with the directors' best estimates of future events and are consistent with the directors' knowledge of the business;
- the actuary's calculations have been based on complete and up-to-date member data (as far as is appropriate regarding the adopted methodology); and
- the amounts included in the financial statements derived from the work of the actuary are appropriate.

OTHER DISCLOSURES

Results

Except as disclosed in the financial statements, the results for the year were not materially affected by transactions of a sort not usually undertaken by the Nursing and Midwifery Council, or circumstances of an exceptional or non-recurring nature.

Unadjusted Errors

The following unadjusted errors have been brought to my attention:

Unadjusted misstatements								
Title	Error type	Description	Account Line	Unit	SOFA		SOPF	
					DR	CR	DR	CR
Pension scheme asset	Known	Difference in the valuation of one pension scheme asset between the actuary's calculations and the confirmation obtained by HW Fisher of the value at 31/03/23. Note that in addition to the journal entries noted here, there would be other inconsequential amendments required to other areas of the accounts e.g. the pensions note.	Fair value of pension scheme assets (OCI)	£'k	115			
			Asset ceiling adjustment (OCI)	£'k		115		
Cumulative misstatements:			Sum of debits and credits		115	115		
			Net impact on financial statements				-	

We consider the effect of these unadjusted errors to be immaterial, both individually and in aggregate, to the financial statements taken as a whole.

Events after the Reporting Period

All matters regarding events occurring subsequent to the date of the financial statements, and for which the Charities' SoRP requires adjustment or disclosure, have been adjusted or disclosed.

Privy Council Determinations

Expenditure incurred and income received are consistent with determinations given by the Privy Council.

Sir David Warren KCMG
Chair
[Date]

Andrea Sutcliffe CBE
Chief Executive and Registrar
[Date]

Council

Annual Fitness to Practise Report 2022–2023

Action:	For decision
Issue:	The Council is asked to approve the draft Annual Fitness to Practise Report 2022–2023.
Core regulatory function:	Professional Regulation.
Strategic priority:	Strategic aim 1: Improvement and innovation. Strategic aim 2: Proactive support for our professions. Strategic aim 3: More visible and informed. Strategic aim 4: Engaging and empowering the public, professionals and partners. Strategic aim 5: Insight and influence.
Decision required:	The Council is recommended to approve the draft Annual Fitness to Practise Report 2022–2023 for submission to Parliament (paragraph 11).
Annexes:	The following annexe is attached to this paper: <ul style="list-style-type: none">• Annexe 1*: Draft Annual Fitness to Practise Report 2022–2023. <p>* Please note that Annexe 1 is not included in the public Council papers. This is so that we comply with strict rules not to publish the content of the report before it is submitted to Parliament.</p>
Further information:	If you require clarification about any point in the paper or would like further information please contact the author or the director named below. Author: Janice Cheong Phone: 020 7681 5765 janice.cheong@nmc-uk.org Executive Director: Lesley Maslen Phone: 020 7681 5641 lesley.maslen@nmc-uk.org

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- Context:**
- 1 Each year, under the Nursing and Midwifery Order 2001, the Council is required to prepare for Parliament a statistical report which indicates the efficiency and effectiveness of our operations and a description of the arrangements which the Council has put in place under Article 21(1)(b) to protect members of the public from professionals on the register whose fitness to practise is impaired.
 - 2 Following approval by the Council, the Annual Fitness to Practise Report, together with the Annual Report and Accounts, must be submitted to the Privy Council for laying before Parliament.
 - 3 The draft report for 2022–2023 is attached for the Council to review. The Audit Committee reviewed the draft report on 7 June 2023 and its comments have been reflected in the draft at Annexe 1.
- Four country factors:**
- 4 The Annual Fitness to Practise Report reflects the NMC’s UK wide remit and includes all cases we have dealt with in 2022–2023 from all four of the UK countries. Copies of the report will be sent to the devolved legislatures in Wales, Scotland and Northern Ireland.
 - 5 We know that regulatory reform will require us to produce reports for each of the devolved nations. Whilst this does not directly impact this year’s report, the governance team will be taking forward work in Q2 2023–2024 with colleagues to consider how we can develop our approach to meet additional reporting and data requirements.
- Discussion:**
- 6 The report follows a similar format to previous years. We have not included any new analysis in the report, to avoid duplicating the purpose of the new NMC Insight publication.
 - 7 We set out what our fitness to practise process is, statistics, and the key impacts from our 2022–2023 work.
 - 8 Where appropriate, the data within the report is consistent with the data in the statutory Annual Report and Accounts.
 - 9 As we have been reporting to the Council throughout the year, our focus for 2022–2023 was on reducing our high fitness to practise caseload safely and swiftly as we know that a lot of people are still having to wait too long for their case to be progressed. We did not achieve the caseload target of 5,000 cases by March 2023 and had a caseload of 5,577 at 31 March 2023. But positive progress has been made and we saw a continuing reduction of the caseload for the first time since 2019.

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- 9.1 The Report summarises the key initiatives carried out in 2022–2023 via our Fitness to Practise improvement programme, to progress cases and reduce the caseload.
- 9.2 One initiative was increasing our screening decision-making capacity. This resulted in a higher output at the screening stage and a decrease in the screening caseload (33 percent lower than at the start of the year), making an impact on the overall caseload.
- 9.3 Another initiative was to focus on increasing the efficiency and effectiveness of virtual hearings. An example of this has been a successful switch to a different video conferencing platform, which has meant fewer technical delays.
- 10 The report outlines the ways in which we have supported people involved in the fitness to practise process. This is an important element of our work, as we know being involved in our processes can be a distressing time.
- 11 Recommendation: The Council is recommended to approve the draft Annual Fitness to Practise Report 2022–2023 for submission to Parliament.**

Next Steps

- 12 The Annual Fitness to Practise Report will be submitted to the Privy Council to be laid before Parliament before the summer recess, along with the Annual Report and Accounts for 2022–2023.

Midwifery implications:

- 13 We have provided a breakdown of our data to show the proportion of nurses, midwives and nursing associates for various sections in the statistical summary. We continue to monitor the impact of wider maternity services issues on referrals about midwives so that we can manage these effectively and efficiently.

Public protection implications:

- 14 Publication of the Annual Fitness to Practise Report, through highlighting our work and sharing those areas of practice most likely to result in a referral resulting in a sanction contributes to furthering our overarching purpose of public protection.

Resource implications:

- 15 None for this report. The budget implications of our continuing fitness to practise improvement work were presented to the Council in March 2023 as part of the corporate plan and budget report.

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Equality diversity and inclusion implications:	16	We have made reference in the report to how our work has supported our corporate Equality, Diversity and Inclusion (EDI) aims. As usual, the report will be published in both English and Welsh.	3.
	17	Supplementary EDI data tables and analysis will be published on the website and shared with stakeholders and this includes data about fitness to practise concerns, outcomes and panel members by protected characteristics.	4.
	18	As usual, the report will be published in both English and Welsh.	
Stakeholder engagement:	19	As well as laying the report before Parliament, the report will be shared with stakeholders. This includes the publication of a summary version which highlights key aspects from our statutory annual reports.	5.
	20	When stakeholders request FtP information from us, for example within freedom of information requests, we might direct them to the annual fitness to practise reports because these contain the data and information that they seek.	6.
	21	The report conforms to AA accessibility standards.	7.
Risk implications:	22	Failing to comply with our statutory reporting requirements would compromise trust and confidence in our ability to regulate. However, we have robust processes in place to ensure compliance and this does not present a serious risk.	8.
Regulatory reform:	23	Reference has been made in the report about us continuing our fitness to practise improvement work into 2023–2024 and that this must tie into the planning for regulatory reform and the modernisation of the fitness to practise case management IT system.	9.
	24	Having a reduced caseload will provide us with the capacity to adapt effectively to the regulatory reform changes.	10
	25	We know that regulatory reform will require us to produce reports for each of the devolved nations. Whilst this does not directly impact this year's report, the governance team will be taking forward work in Q2 2023–2024 with colleagues to consider how we can develop our approach to meet additional reporting and data requirements	11.
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Legal implications:

26 We ensure that our statutory annual reports meet the legislative requirements set out in the Nursing and Midwifery Order 2001 (as amended).

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Council

Annual health and safety report 2022-2023

Action: For decision.

Issue: To provide assurance on the NMC's health, safety and security arrangements and information on activity over the 12-month period from 1 April 2022 to 31 March 2023.

Core regulatory function: Supporting functions.

Strategic priority: Strategic aim 6: Fit for the future organisation.

Decision required: The Council is recommended to approve the health, safety and security priorities identified for 2023-2024 (paragraph 27).

Annexes: None.

Further information: If you require clarification about any point in the paper or would like further information please contact the author or the director named below.

Author: David Power
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david.power@nmc-uk.org

Executive Director: Helen Herniman
Phone: 020 7681 5641
helen.hernimam@nmc-uk.org

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Context:

- 1 In terms of health, safety and security, the NMC is a relatively low-risk environment. However, it is still important and part of its statutory duties that the Council monitors the extent to which we have formal policies, guidance and procedures in place, assuring the health, safety, welfare and security of our employees, contractors and visitors.
- 2 This annual paper reports on how we ensure compliance with health and safety requirements, our security arrangements and the assurance available to the Council.
- 3 This report formally covers 1 April 2022 to 31 March 2023 and includes the start of the period where we were ‘living with Covid’. We have therefore not included a separate Covid-19 section in this report, as in recent reports.
- 4 Professional Regulation publish their own annual report which includes the measures they undertake to support the health and wellbeing of nurses, midwives and nursing associates and other people who come into contact with the NMC in connection with Fitness to Practise.

Four country factors:

- 5 Health and safety legislation covers the four UK countries that we operate in. Each had their own legislation and guidelines with regards to the Covid-19 pandemic. These are now mainly withdrawn and replaced with guidance in case of future Covid-19 outbreaks.

Discussion Sources of assurance

- 6 The following arrangements are in place:
 - 6.1 A Health and Safety Steering Group (HSSG), chaired by the Head of Estates under the Executive Director of Resources and Technology Services, with membership drawn from across the organisation. During the reporting period the HSSG has met on four occasions.
 - 6.2 Health and safety is a standing agenda item at Executive Board meetings.
 - 6.3 Mandatory e-learning on health and safety for all colleagues.
 - 6.4 Training for statutory responsibilities and further training for specific roles.

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- 6.5 The health and safety policy statement signed by the Chief Executive and Registrar is displayed on our health & safety notice boards at each of our office premises.
 - 6.6 An NMC Health and Safety guide for colleagues.
 - 6.7 Sufficient trained first aiders and fire wardens at all sites, including refresher courses as necessary.
 - 6.8 The provision of Mental Health First Aiders.
 - 6.9 Personal Emergency Evacuation Plans (PEEPs) for colleagues with reasonable adjustments or disabilities, as necessary.
 - 6.10 Fire Risks Assessments (FRAs) in place for all NMC buildings.
 - 6.11 Regular incident reporting.
 - 6.12 Security measures including CCTV and access control systems in place at all our properties; security guards on duty at our hearings venues.
 - 6.13 A programme of planned preventative maintenance and compliance work to the mechanical and electrical plant and associated infrastructure, fire alarm, CCTV and access control systems.
 - 6.14 Health and safety includes consideration of colleagues' health and wellbeing. Our colleagues in People and Organisational Effectiveness (P&OE) undertake the training of the Mental Health First Aiders (MHFA) and several other actions described in paragraphs 11, 12, 17 and 22.

Reviews during the year

- 7 We reviewed our Health and Safety policy with our 'statement of intent' re-signed by the Chief Executive and Registrar in August 2022.
- 8 The Display Screen Equipment (DSE) risk assessment undertaken by colleagues was updated in July 2022. This was updated in line with the majority of colleagues working from home (WFH), incorporating workload, opening discussions with the line-manager and to streamline the process.
- 9 'Living with Covid' guidelines were reviewed for alignment with the operational requirements of the NMC.

We continue to provide antibacterial wipes and gel. Colleagues and visitors may wear a face covering if they wish.

- 10 In conjunction with our colleagues in Learning & Development, we published new e-learning courses with regards to health and safety. These included updated references to working from home and links to NMC health & safety guidance.
- 11 We reviewed how we respond to colleagues working from home and health and safety matters, especially those who require reasonable adjustments. Colleagues can continue to order standard IT and other workplace equipment once they have completed their DSE risk assessment. We have set up a working group with members from P&OE, IT and Estates for those colleagues who may have more complex requirements to ensure we offer a timely response to meet their needs.

Training

- 12 We have undertaken new and refresher training for first aiders and fire wardens. We have recruited additional colleagues to each role to provide resilience given the increase in working from home. First aid training includes defibrillator training.
- 13 Colleagues' e-learning training for health and safety is between 71-90 percent completion across all directorates, with an average completion of 80 percent. This is a slight decrease on last year which had a completion range 71-90 percent and a completion of 84 percent. This is an improvement on the 63 percent completion rates during the pandemic. There is a targeted focus to improve completion scores for those directorates with the lowest completion rates.

Incident reporting

- 14 During the year 1 April 2022 to 31 March 2023, there were five reported health and safety incidents which were actioned and recorded in our logbook. The incidents included a cut finger to an external catering employee; two 'trips'; a bang on top of the head; and a near miss when a colleague stumbled standing up from a table which had a cable coming down from it. The cut finger attended A&E hospital with butterfly stitches to the cut. The colleague with the head injury attended A&E as a precaution - there was no cut or swelling and no additional hospital treatment necessary.
- 15 We did not have any RIDDOR incidents (Reporting of Injuries, Diseases, and Dangerous Occurrences Regulations 2013) that would require reporting to the Health and Safety Executive (HSE).

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- 16 P&OE continue to offer different channels of support to all colleagues including: the employee assistance programme, promotion of Thrive a wellbeing app, guidelines, risk assessments, group discussions and 1-2-1 meetings, as necessary.

Progress against priorities for 2022–2023

- 17 To regularly monitor incidents and accidents, and maintain oversight of any changes to legislative requirements:

17.1 *Outcome:* monitoring of accidents and near misses and relevant changes to legislation and guidelines are discussed in the Steering Group meetings. Discussions included post-pandemic working arrangements, support to those colleagues working from home with regards to possible health and safety implications and more recently the Retained EU Law (Revocation and Reform) Bill (REUL) and how that may affect health and safety legislation in the future.

- 18 To continue to undertake appropriate measures as we return to our offices for colleagues and visitors, in a safe manner:

18.1 *Outcome:* our buildings have been ‘Covid-19 Secure’ since July 2020 with the appropriate notice and building risk assessments regularly reviewed and updated for publication on our NMC website, as part of transparency and wellbeing, for the public and colleagues to view.

18.2 As noted above, and moving forward with ‘living with Covid’, we continue to provide antibacterial wipes and gel, and colleagues and visitors can continue to wear face coverings, if they wish.

- 19 To monitor health and wellbeing issues that may arise from colleagues working from home and to publicise that work-related accidents and near misses should continue to be reported to line managers and Facilities, even for those colleagues who are working from home:

19.1 *Outcome:* We have continued to support colleagues working from home by offering additional IT and workplace equipment, if needed. We have an Amazon business account which makes it easier for colleagues to order from a catalogue of equipment to suit their needs. We have set up a working group for more complex reasonable adjustment requirements (see para 12).

- 20 To keep security under review for all our buildings/venues.

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- 20.1 *Outcome:* We have ensured that our buildings remained secure during the lockdown and subsequently when our offices and hearing venues reopened during the period. The NMC chairs and contributes to the West End Police Ward Panel meetings, which includes local residents and organisations, for example: the BBC, the Langham Hotel, Meta and Netflix. We also liaise with the police at our other buildings through the respective building management companies.
- 21 To continue working with the P&OE team to promote health and wellbeing:
- 21.1 *Outcome:* As well as the joint work of our Covid-19 response, P&OE have updated their training offering to provide a more accessible range of learning; promote health and wellbeing through Workplace (our messaging board) and posters in the office. The 'Thrive' app offers a modern, easy to access 24/7 support to colleagues in connection with mental health and wellbeing. The app delivers a wide range of psycho-education webinars and workshops, providing in-person stress management workshops, and supporting our MHFA's with vital knowledge and signposting.
- 21.2 Over the period January to March 2023, we had on average 400 individual users on the Thrive app; six callers to the Employee Assistance Programme (EAP) and 102 users of the Wellness Hub through Perkbox - part of the NMC's benefit offer.
- 21.3 To further support colleagues in Professional Regulation, who may be exposed to particularly distressing situations as a part of their role, we will be using Thrive to deliver individualised decompression support sessions. These decompression support sessions will be held with an assigned professional over the course of a 12-month period.
- 21.4 We continue to promote the use of Wellness Action Plans as a useful tool to help managers have an open conversation with their team - better understand their needs, experiences and how to support their mental health and wellbeing.
- 21.5 P&OE have also introduced the People Plan and continue to review associated policies and guidelines in light of organisational hybrid working.

Priorities for 2023–2024

- 22 In addition to regular monitoring of incidents and accidents, and maintaining oversight of any changes to legislative requirements, priorities for health and safety for the coming year are:
- 23 To monitor health and wellbeing issues that may arise from colleagues working from home:
- 23.1 To publicise as part of our colleague engagement, that work-related accidents and near misses should continue to be reported to line managers and Facilities, even for those colleagues who are working from home.
- 23.2 For colleagues with more complex reasonable adjustments, the working group (see para 12) will review our existing procedures and documentation to help improve clarity and timeliness in responding to these requests.
- 24 To keep security under review for all our buildings/venues.
- 25 Consider health and safety requirements for contractors and colleagues as we move forward with the 23 Portland Place refurbishment project and the end of the lease at 2 Stratford Place in July 2024.
- 26 To continue working with the P&OE team to promote health and wellbeing.
- 27 **Recommendation: The Council is recommended to approve the health, safety and security priorities identified for 2023-2024.**
- Midwifery implications:** 28 Not applicable for this paper.
- Public protection implications:** 29 The NMC provided a 'Covid-19 Secure' environment for visitors and the undertaking of in-person hearings and appropriate measures as we return to 'living with Covid'.
- Resource implications:** 30 There are no material resource implications. Additional costs with regards to Covid-19, were absorbed into the overall Estates budget from savings in the reduction of general facilities operations during the period. Health, safety and security requirements are built into normal Resources and Technology Services revenue budgets. P&OE have their own budgets for health and wellbeing initiatives.

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Equality diversity and inclusion implications:	31	Estates/facilities colleagues support workplace DSE assessments, as necessary. Colleagues can be referred to Occupational Health, in conjunction with P&OE, as required.
	32	Personal Emergency Evacuation Plans (PEEPs) undertaken where there are less abled or disabled persons.
	33	It is recognised that Covid-19 disproportionately affected certain groups, including those with existing medical conditions and people from black and ethnic minority groups or communities. This was included as part of our assessment and EQIA for the safe return to our offices.
Stakeholder engagement:	34	There has been no specific external stakeholder engagement.
Risk implications:	35	This report provides assurance that we have measures in place to address health, safety and security risks.
Regulatory reform:	36	Not applicable for this paper.
Legal implications:	37	Policies and guidance notes are reviewed and updated for compliance with any new legislation or best practice. General Counsel are represented on the Health and Safety Steering Group