

NMC Independent Oversight Group

Summary of Meeting held on 28 November 2024

1. Welcome and introduction of experts

1.1 The Chair welcomed the new expert members to the group.

2. The NMC's cultural transformation programme, governance and assurance framework

2.1 The NMC presented an overview of its cultural transformation programme, governance and assurance framework.

2.2 The NMC had a Council Effectiveness exercise in 2023, using external consultants, who advised that Council governance was satisfactory, but made some recommendations on sub-Committee structure to streamline the work done by the Committees, which the Council is now implementing. The NMC said that Council receives the information necessary to give it assurance on the implementation of the cultural transformation and fitness to practise plans.

2.3 The NMC has made adjustments to its governance framework, including the establishment of a cultural transformation steering group. The group enquired about the reporting mechanism for this, and the NMC confirmed that the steering group will report to the Executive Board.

2.4 The NMC is actively looking to recruit two independent advisors to its Council, as agreed with the DHSC. It has identified names in consultation with DHSC and the devolved administrations; those individuals have been approached, and one person has so far confirmed their interest in the role. Some individuals have expressed concerns about the time commitment required. The NMC expects one further independent advisor will be appointed in early 2025. The NMC agreed with the group's view that the independent advisors should bring additional diversity of thought.

2.5 The group noted the NMC's enhanced governance arrangements in respect of the cultural change programme. The group discussed whether the existing arrangements could be strengthened, noting that these had been in place whilst the cultural issues have materialised.

2.6 The NMC observed that the new Chair of the Audit Committee (who has had extensive experience in audit and risk in the private sector) was expanding the work of the Committee to ensure that it operates as an Audit and Risk Committee, examining broad themes relating to the key issues identified on the NMC's Risk Register, as well as the detailed work of the NMC's internal and external audit.

2.7 The NMC confirmed that Council is maintaining a higher level of scrutiny of both the culture change programme (through the renamed – formerly Remuneration – People and Culture Committee), and the Fitness to Practise programme. The

NMC is also recruiting partner members, in collaboration with Inclusive Boards, to increase the range of skills, expertise on, and the diversity of, its audit, people and culture committees.

- 2.8 Group members enquired about the regulatory overview of the NMC by the Charity Commission after the publication of the Independent Culture Review (ICR). The NMC confirmed that the Charity Commission had opened a case after the initial whistleblowing, and that it has met the Charity Commission on two occasions. The NMC indicated that the Charity Commission's case remains open, but that the Commission is satisfied that Council are being properly informed of and involved in the management and handling of the issues, and that they see no failure of governance.
- 2.9 The group discussed performance and impact metrics, including how improved data will be utilised to enable Council to scrutinise the actions of the Executive in relation to Fitness to Practise. The NMC confirmed that the introduction of new technology in this area would be accelerated so as to ensure that more detailed data was available to Council and stakeholders. The NMC is looking to bring onboard people with specialist modelling and regulatory skills on fixed-term contracts to facilitate this. The NMC emphasised the need to be outcome focused, and that better, more accessible data will be integral in demonstrating this.
- 2.10 Group members discussed the raising of whistleblowing and freedom to speak up concerns, and sought assurances that the NMC has the requisite resource and skillset to oversee this. The NMC confirmed that it has appointed an independent Empowered to Speak Up (ETSU) Guardian and twelve ETSU Ambassadors, as well as an independent EDI advisor, who is working with staff and the Executive Board.
- 2.11 The NMC recognised the challenge around empowering staff to speak up, and acknowledged that it needs to build confidence and capabilities to enable this. Council is keen to encourage this by taking all opportunities that present themselves to speak to staff through forums and staff networks.
- 2.12 The group noted the appointment of the NMC's incoming Interim Chief Executive and Registrar, Paul Rees MBE, who takes up his post on 20 January 2025.
- 2.13 The NMC presented a detailed overview of its culture change programme. The NMC has implemented or begun to implement 15 immediate commitments after the ICR, separate from the 36 recommendations in the ICR. The NMC will incorporate these recommendations through its existing plans and structures.
- 2.14 The NMC Council discussed the prioritisation and sequencing of implementing these recommendations at its Council meeting on 27 November 2024. Each recommendation is assigned to a Director, who is responsible for the implementation. The NMC updated on recruitment to a vacancy caused by the departure of the Co-Directors of People and Organisational Effectiveness which will take place early in the New Year, and the recruitment of an Assistant Director for Culture Change and Transformation which is due to be finalised in early December.

- 2.15 The NMC has identified six recommendations¹ from the ICR that are critical for culture change, and which will be prioritised.
- 2.16 The group discussed staff involvement in the culture change programme. The NMC agreed that it is essential that it engages with staff and their union representatives to shape the cultural transformation.
- 2.17 The NMC is working to increase the diversity of its Empowered to Speak Up Ambassadors, and accepted that it will take time. The Ambitious Appraisals project has been embedded effectively since its launch a year ago, with 99% of staff completing an appraisal at the last round. 360 degree feedback will also be rolled out in December 2024 and January 2025, at first in the Executive, followed by other senior leaders and finally managers over the next 12-18 months.
- 2.18 Ten management teams in the Professional Regulation Directorate have been used as a pilot for psychological safety learning and feedback has been positive. Also, the Rising Higher initiative, aimed at increasing opportunities for promotions amongst junior staff and staff from Black and minority ethnic backgrounds, has seen strong uptake. The NMC noted that sickness absence in connection with mental health remains high post pandemic. The NMC said this is the same with most other organisations, and is reviewing its wellbeing plan to address this. Casework in human resources also remains high, and there are a number of complex cases, which the NMC views as broadly a positive aspect as people come forward to raise issues and have them addressed.
- 2.19 The NMC is adapting its EDI plan to respond to findings in the ICR around racism and discrimination. It plans to restructure the People and Organisation Effectiveness directorate, and will use this as an opportunity to utilise the independent EDI advisor's skills to embed sustainable changes in the EDI team and EDI capabilities at NMC. The EDI advisor has indicated that current EDI resources and capabilities are insufficient. There will be greater focus on EDI regulatory policies, with consideration given to what fair regulatory functions look like, as well as internal EDI policies. The NMC is also preparing to develop an anti-racism action plan as part of its review of the EDI plan in Q1 2025/26. This will take account of the findings of the Ijeoma Omambala KC reviews and the Ambitious for Change research by the University of Greenwich.
- 2.20 The group discussed interventions and actions to embed cultural change, including the consideration of models like a social partnership².
- 2.21 The group noted that new employees can absorb the existing culture within an organisation quickly, and emphasised the importance of a behaviour framework

¹ 1a: values and behaviours

3: leadership and ways of working to develop effective multi-professional team-working

5: strengthen policies and learning on bullying and harassment

13: leadership tackling biased decision-making in recruitment

14: develop a learning academy

18: invest to raise capabilities of leaders and enable effective managers

² Social partnership is a way of working in which employers and workers, particularly through their union representatives, work together systematically to resolve issues in their organisation.

and refreshing policies to ensure new employees are inducted with the right behaviours. The NMC has recently introduced a behaviour framework. The NMC indicated that it will use indicators, such as the Your Voice survey, to monitor this and that change will take time but the frameworks and policies were important foundations.

2.22 The group discussed the NMC's independent EDI advisor's advice around the lack of capabilities in the NMC's EDI function. The NMC agreed with this, and noted its intention to build the right capabilities and skills in this area.

2.23 The group discussed the NMC's fitness to practise performance, and the governance surrounding this. The NMC stated that there is robust governance for examining this area of work, and proposed that fitness to practise performance is discussed in more detail at the next meeting. Group members noted that it had previously requested EDI data on the FTP caseload, and the NMC confirmed that it would provide this at the next meeting.

ACTION: PSA secretariat to include an agenda item on the NMC's fitness to practise performance at the next meeting.

ACTION: NMC to provide EDI data on the FTP caseload at the next meeting.

2.24 Group members noted some concerns about the level of staff engagement to date. The group noted the need to recognise the role of NMC staff and to engage with them in the shaping and implementation of the culture change programme. The NMC indicated that the incoming Interim Chief Executive and Registrar will represent a fresh start and that he has ideas on how to improve this and experience in delivering culture change in other organisations.

2.25 The NMC staff representative noted that there has been improvement in communicating the narrative around the fitness to practise improvement plan, and asked that this level of communication is maintained in respect of the EDI and people plans.

3. Next meeting

3.1 The group noted that the NMC's Interim Chief Executive and Registrar takes up his post on 20 January 2025, and agreed to arrange a meeting for shortly after this. The NMC agreed that it would be beneficial for the Interim Chief Executive and Registrar to work with the group at the earliest possible opportunity.

ACTION: PSA secretariat to arrange the group's next meeting in the week ending 24 January or 31 January.

4. AOB

4.1 One group member called for staff union involvement in the appointment of the new Chair of the NMC. The NMC stated that unions have been offered a conversation with the recruiters to discuss this. The NMC noted that if it invited one union to discuss this, it would have to invite all other stakeholders to ensure fairness, and it does not have the capacity to arrange this. There would also be a potential conflict if professional bodies were involved in the recruitment

process. The group noted that the recruitment of the Chair of the NMC is overseen by the PSA, and the PSA has not raised concerns about the process.

Annex 1: Attendee list

Organisation/Role	Name
Chief Nurse for Adult Social Care, DHSC	Deborah Sturdy
CNO England	Acosia Nyanin (deputising for Duncan Burton)
CNO NI	Maria McIlgorm
CNO Scotland	Anne Armstrong
CNO Wales	Sue Tranka
CMidO England	Alison Talbot (deputising for Kate Brintworth)
DHSC	Phil Harper
NMC Acting Chief Executive and Registrar	Helen Herniman
NMC Council representative	Sir David Warren
NMC Employee Forum Co-Chair	Colette Howarth
NMC Interim Executive Director of Strategy and Insight	Kuljit Dhillon
NMC Deputy Director of People and Culture	Gavin Kennedy
NMC Head of Culture Investigation	Karen Lanlehin
NMC Secretary to the Council	Matthew Hayday
NMC	Beth Faircliffe
PSA Chief Executive	Alan Clamp
PSA Director of Regulation and Accreditation	Graham Mockler
RCN	Lynn Woolsey
RCN	Nicola Ranger
Unison	Stuart Tuckwood (deputising for Gail Adams)
Unison	Anne Carvalho
National Guardian's Office (EDI/culture expert)	Dr Jayne Chidgey-Clark
NHS England, National Maternity Lead for Equality	Wendy Olayiwola
Chief Executive, Queen's Nursing Institute	Dr Crystal Oldman
Strategic Director, Llais	Ben Eaton
Chief Executive, Patient Safety Learning	Helen Hughes

Annex 2: Action Log

On track (including not started) Delayed (or medium risk of delay for projects) Overdue (or high risk of delay for projects) Complete

Mtg. Date	Item No.	Action point	Owner	Date required	Action progress	Status
9 September 2024	2.9	Circulate new version of Terms of Reference to the Group for agreement	PSA Secretariat	13 September 2024	Complete (13 September 2024).	
9 September 2024	3.2	Members to send suggestions for experts to the PSA	All members	16 September 2024	Complete (16 September 2024).	
9 September 2024	3.2	Experts: compile list of suggestions and seek expressions of interest	PSA Secretariat	19 September 2024	Complete (20 September 2024).	
9 September 2024	4.1	NMC to share a version of the action plan with the Group	NMC	As soon as possible (date TBC)	Complete (20 September 2024). The NMC made the action plan materials going to Council available in parallel with the publication of Council papers, making clear that Council would be approving the plan in principle but that the document would be liable to further adjustment and refinement in the light of the Group's comments	

					and wider discussion	
2 October 2024	2.2	NMC to share the detailed version of the fitness to practise improvement plan with the group in advance of the meeting on 18 October 2024	NMC	TBC	Complete (16 October 2024)	
2 October 2024	2.14	PSA secretariat to include an agenda item on the NMC's governance structure and assurance framework at the IOG meeting in November	PSA secretariat	1 week in advance of the IOG meeting in November (date TBC)	Complete (20 November 2024)	
2 October 2024	3.1	PSA secretariat to share a list of experts who have expressed an interest in joining the group	PSA secretariat	3 October 2024	Complete (3 October 2024)	
2 October 2024	3.1	PSA secretariat to review expressions of interest from experts and make a recommendation to the group	PSA secretariat	11 October 2024	Complete (9 October 2024)	
18 October 2024	3.1	PSA secretariat to arrange the next meeting as soon as possible.	PSA secretariat	TBC (November)	Complete (25 October 2024)	
28 November 2024	2.23	PSA secretariat to include an agenda item on the NMC's fitness to practise performance at the next meeting	PSA secretariat	31 January 2025		
28 November 2024	2.23	NMC to provide EDI data on the FTP caseload at the next meeting	NMC	31 January 2025		
28 November 2024	3.1	PSA secretariat to arrange the group's next meeting in the week ending 24 January or 31 January	PSA secretariat	31 January 2025	Complete – meeting scheduled for 31 January 2025	