

TRUST BOARD REPORT – BRIEFING DOCUMENT

MEETING	Trust Board		
DIRECTOR	Executive Director of Nursing (prepared by Olga O'Neill)	Date	8 August 2024
<i>Nursing and Midwifery Council Independent Culture Review Summary</i>			
Purpose	<ul style="list-style-type: none"> For Information and Assurance 		
Corporate Theme	<ul style="list-style-type: none"> Safety, Quality and Experience 		
Key areas for consideration	<p>Issues/risks</p> <ul style="list-style-type: none"> Following a series of disclosures by a whistle-blower in 2023, the NMC commissioned an independent cultural review of the organisation. The review considered period of time 2018-2024. The review, published on 09 July 2024, raises significant failings and concerns about the NMC; it describes a dysfunctional organisation with dysfunctional leadership and numerous examples of a toxic culture where bullying, sexism and harassment flourished that date back as far as 2005. The report has made 36 recommendations. The NMC have accepted the review findings; they have apologised and promised action. All NMC registrants received a letter from the NMC in relation to the report on 10/07/2024. The review findings show the culture in the NMC as having a direct impact on public safety. <ul style="list-style-type: none"> ➤ Significant backlog of unscreened Fitness to Practice cases throughout the UK - 6,000 ➤ Backlog of cases to be heard despite continued investment in this area since 2016 ➤ Serious issues in respect of the consideration of safeguarding ➤ Internal culture and attitude permeating decision making in respect of FTP; affecting public protection and patient safety ➤ Adversarial and disrespectful attitude towards nurses and midwives ➤ Registrants under FTP processes have felt discriminated against 		

	<ul style="list-style-type: none"> ➤ Panel behaviours members being discriminatory, silencing panel members <ul style="list-style-type: none"> • The Nursing and Midwifery Council (NMC) is one of the largest healthcare regulators in the world, regulating more than 808,000 nursing and midwifery professionals in the UK. • The purpose of the NMC is to protect the public and has a vital role in building a safety culture that is 'open and fair'. • All nurses and midwives registered with the NMC (In mainland UK Nursing Associates are also on the register) must uphold the NMC Code, in order to be able to register to practice in the UK. The Code is structured around four themes, prioritise people, practise effectively, preserve safety and promote professionalism. • Nurses and midwives go through a revalidation process every three years. They are required to meet a number of criteria to do so and they must demonstrate they use the 'the Code' in their practice and that they are living the standards set out within it. • Where the Trust has a concern about a registrant's fitness to practice (FTP) and any risk to public safety, subject to an action, omission, or as part of an investigation finding, a decision may be taken by the Executive Director of Nursing to refer the registrant to the NMC. • The BHSCT work closely with the NMC in respect of FTP. <ul style="list-style-type: none"> ➤ BHSCT cases with NMC (not including MAH investigation) ➤ 11 registrant staff are subject to NMC Interim Orders across all open referrals. ➤ Currently 42 open cases at screening stage with the NMC (6 of these were not referred by BHSCT these came from an external party- Public/ PSNI etc.) ➤ Since 2014, in respect of BHSCT, 61 cases were closed, 19 of these were employer referrals – of which 6 closed at screening; 5 closed at adjudications; 6 closed at investigations and 2 given substantive orders. <p><i>Internal/External engagement</i></p> <p><u>BHSCT position</u></p> <ul style="list-style-type: none"> • Central Nursing have reviewed and strengthened BHSCT FTP processes over the last 12 months. • Central Nursing have agreed KPI's around case management of FTP. • Central Nursing proactively follow up any referrals where there is no contact made from the NMC to ensure progress is ongoing with that case. • Registrants subject to FTP process are signposted to Occupational Health / Staff Care. • All referrals and FTP cases are reviewed monthly at FTP Clinic with HR and Divisional Nurse to ensure staff wellbeing, team wellbeing and adherence to process. • Monthly Assurance meetings with Executive Director of Nursing to escalate concerns. • Central Nursing provide training and information sessions to all registrants to ensure full understanding NMC process • BHSCT have shared their processes with other regional Trusts.
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	<p><i>Human rights/Equality</i></p> <p><u>Collective regional concerns</u></p> <p>Following a meeting with CNO 11 July 2024, the following points were agreed as risks:</p> <p><u>Potential impact to patients and families</u></p> <ul style="list-style-type: none"> • A reduced confidence about care and treatment • Increased complaints • Increased hostile behaviour toward nursing/ midwifery staff • Poor patient experience of care due to low moral across staff <p><u>Potential impact to nursing and midwifery staff</u></p> <ul style="list-style-type: none"> • Increased levels of stress and mental health concerns being reported by staff • Increase in staff reporting allegations of discrimination • Increase in staff leaving the profession • Frustration that regulator not upholding standards <p><u>Potential organisational risks</u></p> <ul style="list-style-type: none"> • Scrutiny of Trust's FTP process • Media interest • Increase in FOI's • Increase in complaints • Financial, resources to stabilise situation/ legal costs should individuals challenge FTP process • Impact to high profile investigations i.e. MAH investigation – loss of credibility <p><u>BHSCT actions</u></p> <ul style="list-style-type: none"> • Senior Nurse MAH (Co-Director) to advise MAH investigation families of NMC report and answer any questions they may have in respect of concerns raised. • Review and update Policy 'Making a referral to the Nursing and Midwifery Council', to reflect NMC guidance. • Continued engagement with CNMAC to ensure coordinated approach for any future recommendations and actions, considering that there are further reports expected in the coming months.
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