



GREY AREAS NEWSLETTER

A COMMENTARY ON LEGAL ISSUES AFFECTING PROFESSIONAL REGULATION

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Safeguarding

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Due to some past concerns, the UK regulator for nurses and midwives, the Nursing and Midwifery Council (NMC), has done significant work on “safeguarding”. This work is closely scrutinized by an Independent Oversight Group.

“Safeguarding” is a term used in the UK to describe the duty of individuals and organizations to protect vulnerable people (e.g., children, adults at risk) from physical, emotional and financial harm. The NMC has recently updated its [Policy on Safeguarding and Protecting People](#).

While the NMC does not have a specific statutory safeguarding duty, like front line health care workers who have mandatory reporting obligations in various circumstances, it accepts that protecting the public is its core mandate. It identifies broadly those who should benefit from the policy:

Our approach extends to all registrants, witnesses, members of the public and professionals that engage with us, as well as the

colleagues that we employ at the NMC.

While, in Canada, reporting to child welfare authorities when a child is in need of protection is a familiar concept, such mandatory reports are less common for vulnerable adults. Many Canadian provinces only have such obligations for the neglect or abuse of residents in care homes. In the UK, it appears that the scope of vulnerable adults is defined more broadly to include any adult who, because of a disability or illness, is at risk of harm because they are unable to safeguard themselves or their property.

The NMC identifies three areas in which safeguarding concerns might arise:

- When the NMC deals with conduct concerns about registrants which, if not addressed appropriately, could lead to harm, especially to patients;
- When the NMC can share information with other agencies that may assist them in performing their safeguarding duties; and

- Assisting at-risk individuals who encounter the NMC.

The NMC policy sets out several strategies to ensure that it meets its safeguarding obligations including:

- The NMC has a safeguarding mailbox that is monitored during business hours where any staff member identifying a safeguarding concern can obtain guidance and support and, in appropriate cases, organizational intervention.
- An emergency helpline for urgent concerns. Examples are where there is an immediate risk of harm to an individual, where a mandatory reporting deadline is approaching, where an interim order against a registrant is sought, or where a concern arises during a discipline hearing.
- The NMC has a safeguarding hub consisting of specially trained staff to screen matters on a weekly basis. The hub reviews all new complaints and discipline referrals.

All NMC staff are required to undergo training on identifying the types of safeguarding concerns that might arise in their area of work and how to respond to or report them. Additional training is required for high-risk work areas (e.g., the complaints intake team). Further training is required for those serving on the safeguarding hub.

The policy identifies the role of its governing board to ensure the rigour of its policy, to ensure that its administration is adequately resourced, and to obtain appropriate assurances that the policy is being implemented. A specific committee is assigned to monitor and report on the NMC's safeguarding activities. Collected data includes the "number of referrals to our mailbox, emergency helpline and safeguarding hub." Trends and themes will

be used to inform the NMC's safeguarding work plan.

The policy includes reference to how the NMC will ensure that it complies with its privacy obligations when sharing information with other agencies.

The policy also includes a discussion of how it will be applied to respect equality, diversity and inclusion:

We recognise that safeguarding duties closely align with EDI duties. Many people who present with safeguarding needs have protected characteristics. We will ensure that when working with adults and children at risk we understand how any protected characteristics may impact their experiences. We will offer appropriate interventions and reasonable adjustments accounting for peoples' experiences.

Of course, it is difficult to understand how such policy language translates into actual regulatory activity. Fortunately, the Independent Oversight Group published [minutes of its March 4, 2026 meeting](#) where additional details were provided:

- The Group questioned the reduction of the organization's risk management rating for safeguarding concerns. The NMC responded that while safeguarding is an inherent risk with a potentially high impact, the likelihood of an adverse event is reduced "owing to the controls and processes put in place over the last year."
- The NMC disclosed that part of the training for its staff involves a new safeguarding handbook which "includes a decision tree which shows pathways for safeguarding and wellbeing issues."

- As of the meeting date, 93% of all NMC staff have completed their basic safeguarding training.
- The NMC reported that the complaints and discipline process was seen as the area of greatest risk. Staff across all areas of the complaints and discipline process have been consulted on how the policy can be made relevant to their work.
- On a related note, the NMC reported that it “recognised that panels and hearings are a high risk space for safeguarding issues, and that it is looking at what work it can do to support panel members to better manage safeguarding issues. Safeguarding training has been delivered to panel members and legal assessors....”
- “The NMC reported that it has seen an increase in the number of internal referrals made to its safeguarding team, a number of which were identified as high risk cases. The NMC said this is evidence of its actions creating greater awareness of safeguarding issues.”
- “The NMC has created a safeguarding champions programme, with 40 staff members now designated as a safeguarding champion. The NMC said these champions are in place to support better identification and reporting of safeguarding concerns.”

The minutes also contained some informative illustrations of how the policy is being applied.

- “The NMC has developed a self-harm and suicide protocol following engagement with its mental health practitioner within the safeguarding hub. The NMC has also incorporated its death notification process into the scope of safeguarding, in order to identify any learning through action

reviews. The NMC said in cases of death by suicide, it will review all cases and coroner reports to identify learning. One group member asked if there is Council oversight of deaths by suicide, and if this is reported publicly. The NMC confirmed that two of its Council members are responsible for overseeing work related to deaths by suicide, and emphasised that its suicide protocol is concerned with managing immediate risk.”

- “One group member commented that there has been a trend of FTP referrals involving domestic abuse, including where the perpetrator is making a referral as a means of exerting control and coercion over a registrant.”
- One group member “particularly welcomed the NMC escalating cases involving registrants with mental health issues at Interim Order hearings.”
- One area of possible refinement is to assist NMC staff to distinguish between safeguarding from harm (e.g., suicide) and supporting individuals’ well-being (e.g., temporary emotional upset) so that the safeguarding team could focus on the former and have less involvement in the latter.
- In a related refinement, the “NMC is also in the process of procuring a partner to provide a support line for all case parties (registrants, witnesses and referrers).” Referrals can be then made by the NMC to appropriate support providers.

Canadian regulators may wish to monitor these developments in the UK (which are not limited to the NMC) to evaluate whether such a comprehensive policy to prevent harm would be useful for them.



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