Consultation: Raising concerns with the GOC (whistleblowing)

12 November 2015 - 21 January 2016
## Contents page

Executive summary............................................................................................................. 3  
Introduction .......................................................................................................................... 4  
  About us................................................................................................................................ 4  
  How to respond ....................................................................................................................... 5  
  Further information ............................................................................................................... 5  
  Our commitment to consultation .......................................................................................... 6  
Section 1 – Background ........................................................................................................ 7  
Section 2 – Action for implementing the Raising Concerns Policy ........................................ 7  
Section 3 – Response form ..................................................................................................... 8  
Questions .................................................................................................................................. 9  

Annex 1: Raising Concerns with the GOC policy
Executive summary

1. This consultation document seeks the views of stakeholders on our policy for Raising Concerns with the GOC (Whistleblowing) which is part of our work to support whistleblowers.

2. In November 2015, we finalised our draft policy on ‘Raising Concerns with the GOC (Whistleblowing)’ (annex 1). This outlines the process with which ‘workers’¹ can make a protected disclosure to us about wrongdoing in their place of work or study.

3. The consultation will run from 12 November 2015 to 21 January 2016 and applies to the whole of the UK. We will analyse the responses and take the feedback to our Council meeting in February 2016, together with a revised version of the policy ready for approval and implementation.

4. We aim to implement the final version of the policy in spring 2016. Until then, we will be using this policy in draft.

5. The key aim of the policy is to provide a trusted avenue for workers to raise concerns in the public interest. It is necessary for us to have this policy to comply with relevant legislation, including the Protected Interest Disclosure Act, in our remit as a prescribed person.

6. We consider the benefits of the ‘Raising Concerns with the GOC (Whistleblowing)’ policy to be protecting the public by:
   1.1 promoting reporting of wrongdoing in the public interest;
   1.2 improving transparency of wrongdoing in the sector; and
   1.3 emphasising the registrant’s duty to report concerns where they may be a risk of harm or in the public interest.

7. The policy will be managed by the GOC and will be publicised within the sector. The duty to raise concerns is included within our Standards.

8. During the consultation period we intend to complete a desk review of previous concerns raised with the GOC, in order to ensure we are correctly identifying all protected disclosures and assess whether the policy is appropriate and our investigation processes cover all categories of disclosures we are likely to receive. This review will include gathering feedback from the individuals involved, development of example case studies to accompany the policy and timescales for investigation. The results of the research will be communicated to Council with the consultation responses. This will help us to develop relevant messages to stakeholders and consider appropriate communication methods.

9. We will also conduct research as part of the 2016 Registrants survey to raise awareness of the policy and evaluate its impact.

¹ ‘Workers’ includes optical sector employees, registrants, students/trainees and agency workers.
Introduction

10. We have prepared this consultation with reference to the principles of good regulation\(^2\): proportionate, targeted, consistent, transparent, accountable and agile. We have interpreted these as follows:

10.1 **Proportionate** – we will identify and target the issues of greatest risk to public safety. We will seek to remove unnecessary bureaucracy.

10.2 **Targeted** – we will ensure that our activity is focused on the areas of greatest risk, or where there is most benefit to public safety.

10.3 **Consistent** – we will work in collaboration with UK health regulatory bodies and other partners to develop consistent and complementary policies and procedures.

10.4 **Transparent** – we will explain and publicise decisions, and make public, wherever possible, Council information, activities and proceedings. We will make roles and responsibilities clear.

10.5 **Accountable** – we will seek, and respond to, the views of stakeholders and partners. We will consider and review the consequences of our actions through evaluation.

10.6 **Agile\(^3\)** – we will anticipate change and take timely action. We will ensure that we can respond to changes in the optical sector and improvements in technology.

About us

11. We are the regulator for the optical professions in the UK. We currently register around 28,000 optometrists, dispensing opticians, student opticians and optical businesses. Our primary legislation is the Opticians Act 1989 (as amended) (‘the Act’), and we also have a series of related rules that describe how we carry out our statutory functions. Our legislation can be found on our website at [http://www.optical.org/en/about_us/legislation/index.cfm](http://www.optical.org/en/about_us/legislation/index.cfm)

12. The GOC has four main functions:

12.1 setting standards for optical education and training, performance and conduct;

12.2 approving qualifications leading to registration;

12.3 maintaining a register of those who are qualified and fit to practise, train or carry on business as optometrists and dispensing opticians; and

12.4 investigating and acting where registrants’ fitness to practise, train or carry on business is impaired.

---

\(^2\) Better Regulation Executive (2000), *Five principles of good regulation*.

\(^3\) Added by the PSA (formerly CHRE) (2010), *Right-touch regulation*. 
How to respond

13. We welcome all responses to the consultation. We will consider our draft Raising Concerns with the GOC (whistleblowing) policy (annex one) in light of the responses we receive. You can respond by using the online response form on our website, which can be accessed through the following link: https://www.optical.org/en/get-involved/consultations/index.cfm

14. You will have the option for your response to remain anonymous, by completing the appropriate section of the consultation response form. We would however encourage named responses where possible. We would particularly like to be able to identify responses from representative organisations so that we can reflect in our analysis that the response is on behalf of members/stakeholders rather than an individual response.

15. The data presented in our analysis will be summarised and supported by direct quotes from some of the responses received. These quotes will either be attributed to a named respondent or anonymised, depending on your preference as indicated in the consultation response form.

16. Alongside the analysis, we intend to publish the individual responses that we have received, unless you have indicated that your response is to remain private.

17. All data submitted will be stored securely and in accordance with data protection principles.

18. If you are unable to submit a response using our online response then further details of how to submit your written feedback are given in the response form attached to the end of this document.

19. We do not usually accept responses by telephone or in person. We normally ask that consultation responses are made in writing to ensure that we can accurately record what the respondent would like to say. However, if you are unable to provide your response in writing please contact us on 020 7307 8851 to discuss any reasonable adjustments that would help you to respond.

Further information

20. Where possible, please provide evidence to support your response. If you are a representative group, it would be helpful if you could include a summary of the people and organisations that you represent.

21. If you have any queries about the consultation please contact Philippa Mann on pmann@optical.org or 020 7307 8851.
Our commitment to consultation

22. We believe it is important that the people affected by our work have a say in how we deliver it. We believe it is vital to consult all the groups with an interest in the GOC: patients, the public, our registrants, optical organisations, healthcare organisations, employers, other regulators, employees and other stakeholders.

23. How we consult with our stakeholders is set out in our Consultation Framework, available in the consultation section of our website.
Section 1 – Background

Whistleblowing
24. As of 1 October 2014, we are obliged as a prescribed person under Protected Interest Disclosure Act (PIDA 1998) to put in place a procedure in which workers in the optical sector may raise public interest (whistleblowing) concerns with us under whistleblowing protection and the PIDA, where they have been unable to raise or resolve those concerns with their employer.

25. PIDA enables workers to make protected disclosures to the GOC in relation to:
   25.1 the registration and fitness to practise of a member of a profession regulated by the Council; and
   25.2 any activities not covered above in relation to which the GOC has functions (for example: education and training, and illegal practice).

26. Workers who make a qualifying disclosure (one that fits specific criteria) are protected from suffering detriment, bullying or harassment from another employee or their employer.

27. This policy is to clarify our process and demonstrate our responsibilities as a prescribed person. We will continue to use our ‘complaints about a registrant’ process to investigate concerns, including those against educational providers.

Impact assessment
28. We are in the process of carrying out an equality impact assessment in relation to implementing the policy and will consider all responses to this consultation when we are completing the equality impact assessment.

29. The policy will require us to monitor compliance, manage and investigate disclosures, publicise the policy and complete an annual report regarding disclosures.

Section 2 – Action for implementing the Raising Concerns Policy

30. After consultation, we will analyse responses and take the feedback to our Council meeting in February 2016, together with a revised version of the policy ready for sign off and implementation.

Evaluating the policy
31. We intend to complete an annual review of the effectiveness of our policy, using information from our desk review of protected disclosure cases, feedback from whistleblowers and information gathered through our registrant survey.

32. We will complete a full review of the policy every three years, or sooner should there be a requirement to do so.
Section 3 – Response form

How to respond
The simplest way to provide a response is through our online consultation response form, which can be accessed here: https://www.optical.org/en/get-involved/consultations/index.cfm

If you are unable to submit your feedback online, then please use the form below to submit your written feedback by 21 January 2016.

This form should be emailed or posted to:
Philippa Mann
General Optical Council
10 Old Bailey
LONDON
EC4M 7NG
Email: pmann@optical.org

If you are unable to provide your response in writing or you require the consultation form in a different format, please contact us on 020 7307 8851 to discuss reasonable adjustments that would help you to respond.

Publication of consultation responses:
Unless you state otherwise we will assume you are happy for us to publish your response, including your name, and to share it with other appropriate bodies and stakeholders. We would however encourage named responses where possible and particularly from representative organisations so that we can reflect that the response is on behalf of members / stakeholders rather than an individual response.

Please tick here if you are only happy for us to share your responses anonymously:
☐
Your name or the name of your organisation: ______________________________

Which category of respondent best describes you?
☐ Member of the public
☐ Optometrist
☐ Dispensing optician
☐ Student – optometry
☐ Student – dispensing
☐ Optical business
☐ Education or training provider
☐ Optical professional body
☐ Other optical employer
Questions
We have a number of structured questions below. You do not have to answer all of the questions when responding – please feel free to respond just to the questions you feel are relevant to you. There are opportunities within the document to provide your specific comments on both the framework for standards and the standards themselves.

Section 1: Our Policy
1. Is the ‘Raising Concerns to the GOC’ policy (annex one) clear and accessible?
   ☐ Yes   ☐ Yes, mostly   ☐ No, only some parts   ☐ No, not at all
   Please give your reasons below:

2. Is there anything missing, incorrect or unclear in the policy?
   ☐ Yes   ☐ No
   If yes, please explain:

3. What barriers might prevent or deter you from raising your concerns to the GOC (as set out in section five of the policy)?
4. Does the policy make it clear how a worker should raise a concern (as set out in sections six and seven of the policy)?
   ☐ Yes ☐ No
If no, please explain:

5. Is the flowchart (in annex two of the policy) which shows how workers can raise a concern clear and accessible?
   ☐ Yes ☐ No
If no, please explain:

6. Does the policy make it clear how we will consider concerns raised with us (as set out in sections eight and nine, and in the flowchart in annex 3)?
   ☐ Yes ☐ No
If no, please explain:

7. Do you have any comments on the approach to confidentiality and anonymity set out in section ten of the Policy?

8. Do you have any comments with regards to the elements we intend to report on (as set out in section 12)?
   ☐ Yes ☐ No
If no, please explain:
Section 2: Impact

9. Overall, do you expect that the policy will be beneficial to, or have a positive impact on, the protection of the public?
☐ Yes ☐ No
Please give your reasons below:

10. Are there any aspects of the policy that could have an adverse or negative impact on certain groups of workers or businesses?
☐ Yes ☐ No
Please give your reasons below:

11. Are there any areas of the policy that could discriminate against people with specific characteristics, or be less accessible to people with specific characteristics? Please consider sex, age, race, religion or belief, disability, sexual orientation, gender reassignment, pregnancy or maternity, caring responsibilities or any other characteristics.
☐ Yes ☐ No
Please give your reasons below:

Section 3: Additional Comments

12. Do you have any other comments that you wish to make on our policy on ‘Raising Concerns’? Please specify below:

Many thanks for answering our consultation. Please kindly take a moment to complete our Diversity Monitoring form on the next page.
More about you
The GOC strives to be as diverse as the public it protects and welcomes consultation responses from everyone, regardless of age, disability, gender reassignment, race, religion or belief, ethnicity, sex, sexual orientation, marriage and civil partnership, pregnancy and maternity. We monitor the diversity of all the individuals who respond to our consultations to ensure that we have heard from a diverse range of people and that we can identify where further engagement or consultation may be required. To help us to monitor this, please complete the following questions if you feel comfortable to do so. Providing this information is optional, but we would be grateful for your co-operation. Information provided will be treated in the strictest confidence under the Data Protection Act 1998 and will be only used for monitoring purposes.

No information in this section will be published or used in any way which allows any individuals to be identified.

Age
☐ 16-24
☐ 25-34
☐ 35-44
☐ 45-54
☐ 55-64
☐ 65+
☐ Prefer not to say

Disability
Do you consider yourself disabled?
☐ Yes – please specify__________________________________
☐ No
☐ Prefer not to say

[The Equality Act 2010 defines disability as a physical or mental impairment which has a substantial long-term effect on a person’s ability to carry out normal day to day activities.]

Gender
☐ Female
☐ Male
☐ Prefer not to say

Gender Identity
My gender identity is different from the gender I was assigned at birth:
☐ Yes
☐ No

I describe my gender identity as __________________________________________
Sexual orientation
□ Bisexual
□ Heterosexual/Straight
□ Gay/Lesbian/Homosexual
□ Other
□ Prefer not to say

Marital status
□ Civil partnership
□ Divorced/legally dissolved same-sex civil partnership
□ Married
□ Partner
□ Separated
□ Single
□ Not stated
□ Prefer not to say

Maternity leave
Are you pregnant, on maternity leave, or returning from maternity leave?
□ Yes
□ No
□ Prefer not to say

Ethnicity / Race
White
□ English / Welsh / Scottish / Northern Irish / British
□ Irish
□ Gypsy or Irish Traveller
□ Any other white background – please specify ______________________

Mixed / multiple ethnic groups
□ White and Black Caribbean
□ White and Black African
□ White and Asian
□ Any other mixed / multiple ethnic background – please specify ______________________

Asian / Asian British
□ Indian
□ Pakistani
☐ Bangladeshi
☐ Chinese
☐ Any other Asian background – please specify:
_________________________

Black / African / Caribbean / Black British
☐ African
☐ Caribbean
☐ Any other Black / African / Caribbean background – please specify
_________________________

Other ethnic group
☐ Arab
☐ Any other ethnic group – please specify ______________________
☐ Prefer not to say

Religion/Belief
☐ No religion
☐ Buddhist
☐ Christian
☐ Hindu
☐ Jewish
☐ Muslim
☐ Sikh
☐ Any other religion / faith – please specify ______________________
☐ Prefer not to say

Many thanks for completing this confidential monitoring form.
### Raising Concerns with the GOC (Whistleblowing)

<table>
<thead>
<tr>
<th>Status of document:</th>
<th><strong>LIVE (in draft)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Version:</td>
<td>1.0</td>
</tr>
<tr>
<td>Date of approval:</td>
<td>11 November 2015</td>
</tr>
<tr>
<td>Effective from:</td>
<td>November 2015</td>
</tr>
<tr>
<td>Owner:</td>
<td>Head of Governance</td>
</tr>
<tr>
<td>Author:</td>
<td>Compliance Manager</td>
</tr>
<tr>
<td>Planned next review date:</td>
<td>February 2016</td>
</tr>
</tbody>
</table>
Contents

1. Policy Statement ................................................................. 17
2. Glossary of Terms ............................................................. 18
3. Scope .................................................................................. 18
4. What concerns can be raised under whistleblowing protection? .......... 19
5. Barriers to raising concerns .................................................. 20
6. How to raise a concern ......................................................... 21
7. How to raise a concern with us ............................................. 21
8. How we will consider concerns raised with us............................ 22
9. Action we can take and potential outcomes .................................. 23
10. Confidentiality and Anonymity ............................................. 24
11. Making a concern public (Wider Disclosures) .......................... 25
12. Reporting and Review .......................................................... 25
Annex 1: Help and Advice .......................................................... 26
Annex 2: How should I handle my concerns? .................................. 28
Annex 3: How we the GOC investigate protected disclosure concerns ....... 29
Annex 4: PIDA in Northern Ireland ................................................ 30

12 November 2015
1. **Policy Statement**

1.1 We are the regulator for the optical professions in the UK. As at 31 March 2015 we have 29,162 optometrists, dispensing opticians, student opticians and optical businesses. Our statutory role is to protect and promote the health and safety of members of the public by promoting high standards of professional education, conduct and performance among optometrists and dispensing opticians, and those training to be optometrists and dispensing opticians.

1.2 We are committed to protecting the public, maintaining high ethical standards and taking all concerns raised with us as a protected disclosure⁴ seriously.

1.3 We recognise that workers are often the first to realise or suspect that there might be something wrong or unsafe where they work or study. This wrongdoing may jeopardise patient safety or be against the public interest. It is our responsibility, as a prescribed person, to have a system in place for all individuals in the optical sector (workers⁵) to contact us to raise their concerns. This is often referred to as whistleblowing, which is officially known as making a disclosure in the public interest. Such disclosures are protected under whistleblowing legislation.

1.4 Within our Standards of Practice for students and fully qualified registrants, all registrants have a duty to raise concerns where they believe that patient safety or care is being compromised by the practice of colleagues, or training, systems, policies and procedures in both the commercial or educational organisations in which they work or study. This must be done at the earliest opportunity. They are also required to encourage and support a culture in which employees can raise concerns openly and safely.

1.5 The Public Interest Disclosure Act 1998 (PIDA)⁶, gives legal protection to workers against detrimental treatment or dismissal as a result of disclosing information which is in the public interest. The Act offers a right to redress in the event of victimisation if workers raise concerns under the legislation. Workers who make a public interest disclosure are sometimes known as ‘whistleblowers’.

---

⁴ A ‘protected disclosure’ is the legal term for whistleblowing which brings about the protection of the PIDA against victimisation.

⁵ Workers – includes optical sector employees, registrants, students/trainees and agency workers.


12 November 2015
2. Glossary of Terms

2.1 Public Interest Disclosure Act 1998 (PIDA) - The Act that gives legal protection to workers against detrimental treatment or dismissal as a result of disclosing information which is in the public interest. The Act offers a right to redress in the event of victimisation if workers raise concerns under the legislation. Workers who make a public interest disclosure are known as whistleblowers.

2.2 Prescribed Person - A prescribed person is an organisation an individual can approach if they do not wish to make an internal disclosure to their employer or educational body (or cannot) or if they have made an internal disclosure but no action has been taken. These organisations are usually regulators. The GOC is listed as a Prescribed Person in the Public Interest Disclosure Order (Amendment) 2014. The full list can be accessed on legislation website.

2.3 Protected Disclosure - A “protected disclosure” is the legal term for whistleblowing which brings about the protection of PIDA – meaning that the worker may have right to redress through the employment tribunal should they suffer a detriment (from the employer, educational body or colleagues) or be dismissed from work as a result of making that disclosure.

2.4 Workers - Includes optical sector employees, registrants, students/trainees and agency workers.

3. Scope

3.1 We are obliged as a prescribed person under the Act to put in place a procedure in which workers in the optical sector may raise public interest (whistleblowing) concerns with us under whistleblowing protection provided by the PIDA, where they have been unable to raise or resolve those concerns with their employer or educational body. This policy contains this procedure and outlines the process that we follow to consider protected disclosures. It also provides guidance about whistleblowing and making protected disclosures.

---

8 A prescribed person is an organisation an individual can approach if they do not wish to make an internal disclosure to their employer or educational body (or cannot) or if they have made an internal disclosure but no action has been taken.
9 Employment Rights Act 1996
3.2 We are a prescribed person under PIDA, to whom protected disclosures can be made on matters relating to:
  3.2.1 the registration of individuals and businesses registered with us;
  3.2.2 the fitness to practise (FTP) of individuals and businesses registered with us; and/or
  3.2.3 any other activities in relation to which we have functions (including education and training, and illegal practice).

3.3 This policy does not apply to:
  3.3.1 personal grievances, disciplinary matters, contractual disputes or other aspects of the working relationship, which should be managed informally or formally through an employer’s or educational body’s grievance or whistleblowing policy;
  3.3.2 concerns raised from members of the public (who are not classed as optical sector ‘workers’) about a registrant’s or business’ standard of practice. These should be referred to us via our ‘complaints about opticians’ procedure,\textsuperscript{11};
  3.3.3 concerns regarding the way we have conducted a fitness to practise investigation concerning a registrant. These should be referred to us via ‘complaints about the GOC’ procedure;\textsuperscript{12} or
  3.3.4 concerns regarding consumer issues, such as refunds or customer service. These should be referred to the Optical Consumer Complaints Service (OCCS).\textsuperscript{13}

3.4. Whistleblowing is slightly different in Northern Ireland from England, Wales and Scotland. The requirement to make a disclosure in the public interest does not apply in Northern Ireland, instead the requirement is that a disclosure must be made in ‘good faith’. The differences are explained further in Annex 4.

4. What concerns can be raised under whistleblowing protection?

4.1 Concerns that disclose criminal wrongdoing/malpractice at work which include, but are not limited to:
  4.1.1 criminal offences;
  4.1.2 failure to comply with an obligation set out in law;
  4.1.3 miscarriages of justice;
  4.1.4 endangering of someone’s health and safety;
  4.1.5 damage to the environment; and/or

\textsuperscript{11} https://www.optical.org/download.cfm?docid=AEDD9FAF-AB61-4D77-900F082B361FC0BE – Complaints about an Optician
\textsuperscript{12} https://www.optical.org/download.cfm?docid=B1916A13-6FC0-466C-9FBB316315EDFCF3F – Complaints about the General Optical Council
\textsuperscript{13} http://www.opticalcomplaints.co.uk/ - Complaints about your glasses, refunds or customer service.
4.1.6 covering up wrongdoing in the above categories.

4.2 Such concerns must be made in the public interest and the whistleblower must reasonably believe that the information is substantially true.

4.3 Whistleblowers will be under the protection of PIDA if they raise a concern (‘protected disclosure’)\(^{14}\) to the GOC when the:
   4.3.1 above criteria for whistleblowing is met; and
   4.3.2 the matter falls within our remit as a prescribed person.\(^{15}\) Refer to section 3.2 for our remit.

4.4 For further confidential advice about whether a concern falls under the whistleblowing protection, you can contact any of the free advice services listed in annex 1.

5. **Barriers to raising concerns**

5.1 All registrants have a duty to raise concerns where they believe that patient safety or care is being compromised by the practice of colleagues or the systems, policies and procedures in the organisations in which they work. This requirement is mirrored within our business standards whereby businesses must provide mechanisms to enable those that work for or are otherwise engaged by the business registrant to raise concerns about risks to patients.

5.2 Confidentiality clauses can legitimately be used in a settlement agreement. However, it is important to note that any confidentiality clause between an employer and an employee or ex-employee which seeks to prevent the employee from making a “protected disclosure” in accordance with the Public Interest Disclosure Act 1998 is void and ineffective. This means that settlement agreements cannot be used in an attempt to stop employees from whistleblowing.\(^{16}\)

5.3 All registrants also have a duty to encourage and support a culture in which employees can raise concerns openly and safely. We acknowledge that individuals may be reluctant to report concerns for numerous reasons. For example, they may fear that there will be repercussions in working relationships, on their education, career and career progression, or potentially result in complaints or slander about them. The PIDA was introduced to protect ‘workers’ against detrimental treatment from colleagues or employers or

---

\(^{14}\) A “protected disclosure” is the legal term for whistleblowing which brings about the protection of PIDA against victimisation.


dismissal as a result of any disclosure by them of information in the public interest.

5.4 There are free confidential advice and support organisations listed in annex 1 which can provide guidance on whistleblowing.

6. **How to raise a concern**

6.1 We encourage workers to raise concerns internally within their own organisations in the first instance. This could be to a line manager, area or senior manager, HR, or via their employer’s whistleblowing policy. For students, this may be their educational body or supervisor.

6.2 A flowchart to help understand how a concern should be raised is contained in annex 2.

6.3 We are an alternative route for individuals, who have raised a concern within their own organisation and are not satisfied with the response or lack of response from their organisation, or feel unable to raise their concern within their organisation. Individuals in this situation should follow the procedure in section seven to make a disclosure to us.

6.4 There may be other prescribed persons with whom a worker in the optical sector could raise a concern, such as another health care regulator, or a regulator of education institutions at which optical sector workers are studying.

7. **How to raise a concern with us**

7.1 Before raising a concern with us, a worker must ensure that the disclosure meets the criteria for protected disclosures set out in section four. We would advise them to seek free confidential advice if required (annex 1) and check that the disclosure can be made under this policy as set out in section three. Workers can contact us at this point for advice if required.

7.2 To raise a concern with us, contact us by:
   Telephone: 020 7580 3898 (option 2)
   Email: concern@optical.org
   Post: Compliance Manager, General Optical Council, 41 Harley Street, London, W1G 8DJ.

7.3 If you require any support or reasonable adjustments when raising a concern, please contact us using these contact details to discuss further.

7.4 When raising a concern with us, try to provide as much supporting information as possible. We recommend that you keep a written record of events.
7.5 Evidence of criminal wrongdoing/malpractice would be helpful, however a whistleblower does not need evidence before making a disclosure as long as they believe the allegation to be substantially true. It is helpful to the investigation if the individual acknowledges any personal grievance or interest that may arise from the situation.

7.6 Due to the sensitive nature of whistleblowing disclosures, we will ask for the whistleblower’s consent to share information related to the concern. This may include their identity where necessary for the sole purpose of further investigation. Should the whistleblower decide not to provide their consent to share information or disclose their identity, we may not be able to investigate the concerns properly, or at all. This is because anonymity can limit how we: conduct the investigation, protect a whistleblower’s identity, and give feedback to the whistleblower. Further information on confidentiality and anonymity is provided in section ten.

7.7 We will always ask for the whistleblower’s input on how to investigate the concern and endeavour to incorporate their suggestions into the initial assessment, where possible.

8. How we will consider concerns raised with us

8.1 All concerns that are raised with us are taken seriously. Any information received by us will be treated sensitively and we will investigate the matters raised in a responsible manner, following the investigation process contained in annex 3.

8.2 The Act does not require us to investigate every disclosure made to us. For each concern raised with us (including FTP concerns), we will make an initial assessment and decide whether:

8.2.1 the concern is within the scope of our regulatory duties;
8.2.2 the concern relates to an individual or business registrant of the GOC;
8.2.3 investigating would make the most effective use of the resources at our disposal in safeguarding the public interest; and/or
8.2.4 we are the right organisation to investigate the concern or another organisation is best placed to deal with the concern.

8.3 If the concern is within the scope of our regulatory duties and relates to an individual or business registrant, the concern will be assessed as to whether it amounts to a FTP allegation. If so, the investigation will be conducted in accordance with our FTP Rules.\[17\]

17 [https://www.optical.org/en/Investigating_complaints/]
8.4 If the concern is within the scope of our regulatory duties, but does not relate to an individual or business registrant or does not amount to an FTP allegation against an individual or business registrant we will consider whether to investigate the concern in accordance with our illegal practice prosecution protocol\(^{18}\) or refer the concern to another agency such as: trading standards, the Optical Consumer Complaints Service (OCCS), Citizens Advice and the Police.

8.5 If the concern falls outside of our remit, we will always endeavour to refer the concern to the appropriate organisation(s) who may be able to assist, or provide the person raising the concern with their details.

8.6 We will also assess whether there is enough information in order to initiate an investigation and may make follow-up calls with the person raising the concern to seek further clarity in the assessment of a concern.

8.7 We recognise the importance of providing regular feedback to the person raising the concern, and will allocate a single point of contact within our investigation teams for each disclosure. This means there is always an avenue to discuss new or ongoing concerns.

9. **Action we can take and potential outcomes**

9.1 We endeavour to act quickly on receipt of any disclosures and to begin the initial assessment within two to three working days of receipt.

9.2 Once we have made an initial assessment we may:
   9.2.1 make recommendations for actions to be taken by the employer or educational body\(^{19}\);
   9.2.2 open an investigation;
   9.2.3 identify learning points for one or more organisations and/or individuals;
   9.2.4 refer the matter to an organisation with the appropriate responsibilities; or
   9.2.5 take no further action.

9.3 Outcomes of an investigation can include:
   9.3.1 warning;
   9.3.2 removal from the register (‘erasure’);


\(^{19}\) Prescribed persons can look into a disclosure and recommend how an employer or educational body could rectify the problems it finds, either in relation to their whistleblowing policies and procedures or in relation to the issues which form substance of the whistleblowing reports.
9.3.3 suspension of the registrant;  
9.3.4 conditional registration; or  
9.3.5 financial penalty.

9.4 We cannot:
  
9.4.1 arrange refunds or compensation;  
9.4.2 provide legal advice;  
9.4.3 provide a detailed explanation of what happened during a visit to an optical practice;  
9.4.4 make a GOC registrant apologise to the person making the complaint;  
9.4.5 order a GOC registrant to permit a patient to gain access to their optical records; nor  
9.4.6 take action in response to false or misleading advertising.

9.5 We are committed to resolving all cases disclosed to us in the shortest time possible. Dependent on the nature of the concern, the timeline for closing the case may differ from case to case.

10. Confidentiality and Anonymity

10.1 Whistleblowers may choose to make an anonymous disclosure. Whilst anonymous disclosures are preferred to silence about serious wrongdoing, it is important to consider the restrictions and implications that this will have on the effectiveness of any investigation. This includes limitations on conducting the investigation, protecting a whistleblower’s identity, and giving feedback to the whistleblower.

10.2 Whistleblowers will be asked for their permission if their identity is required to be revealed to specific individuals for the purpose of investigation. Without their consent, it could mean that we are unable to continue with the investigation.

10.3 Following an initial assessment of the concern(s) raised, whistleblowers will be asked for their consent for us to proceed to undertake any initial enquiries identified by the initial assessment. Without their consent to do this, it could mean that we are unable to continue with the investigation.

10.4 We will not disclose the whistleblower’s identity without consent, unless there are legal reasons that require us to do so. We will tell the whistleblower beforehand if this is the case.

10.5 We may also be required to disclose a whistleblower’s identity if ordered to do so by a Court, however we would try to limit disclosure, for example by disclosing the requested information only to a judge.
11. Making a concern public (Wider Disclosures)

11.1 A worker can consider making their concerns public if:
   11.1.1 they have done all they can to deal with any concern by raising it within
         the organisation or contract they work in, and/or with the appropriate
         external body;
   11.1.2 they have good reason to believe patients are still at risk of harm; and
   11.1.3 the making the disclosure public does not breach confidentiality.

11.2 We recommend that workers seek legal advice before making a decision of this
kind as making a public disclosure to the media may jeopardise any entitlement
   to protection under PIDA.

12. Reporting and Review

12.1 Although there is no current legal requirement on the GOC to report on the
number of whistleblowing disclosures made to us, we recognise the importance
of being transparent. We will therefore report on protected disclosures made to
us as part of our annual report.

12.2 The Whistleblowing Commission developed a Code of Practice\(^{20}\) which
recommends best practice reporting areas. As such, we will endeavour to
complete an annual review of the:
   12.2.1 number and type of concerns raised,
   12.2.2 outcomes of investigations;
   12.2.3 feedback from individuals who have used our process;
   12.2.4 number of complaints of victimisation;
   12.2.5 number of complaints of failures to maintain confidentiality; and
   12.2.6 relevant legislation changes.

12.3 In addition to reporting the number of disclosures that we receive in our annual
report, we will monitor the number of disclosures that we receive and respond
to any concerns about how we handle them.

12.4 The Governance Team will be responsible for reviewing this policy every three
years, taking into account new or changes to legislation and regulations as
well as best practice before presenting it for consideration to the Audit and
Risk Committee (ARC).

---
\(^{20}\) [www.pcau.org.uk/whistleblowing-commission](http://www.pcau.org.uk/whistleblowing-commission)
Annex 1: Help and Advice

Public Concern at Work
Whistleblowing charity, who advise individuals with whistleblowing dilemmas at work

www.pcaw.co.uk 020 7404 6609 helpline@pcaw.co.uk

Advisory, Conciliation and Arbitration Service (ACAS)
Provide information, advice, training, conciliation and other services for employers and employees to help prevent or resolve workplace problems.

www.acas.org.uk
0300 123 1100 (8am-8pm Monday to Friday and 9am-1pm Saturday)

NHS Whistleblowing Helpline
Provides legally compliant, unbiased support and guidance to ensure you can act in accordance with your values. This ensures you fully understand your options and legal rights specific to your employment situation.

www.wbhelpline.org.uk 0800 0724 725 enquiries@wbhelpline.org.uk

Citizens Advice
Provide free, independent, confidential and impartial advice to everyone on their rights and responsibilities.

www.citizensadvice.org.uk

Regulation and Quality Improvement Authority (RQIA)
The independent body responsible for monitoring and inspecting the availability and quality of health and social care services in Northern Ireland, and encouraging improvements in the quality of those services.

www.rqia.org.uk 02890 517 500

The Charity Commission for England and Wales
The body responsible for regulating charities in England and Wales. The General Optical Council is a registered charity.

www.charitycommission.gov.uk 0300 066 9197

Professional Standards Authority (PSA)
The body responsible for overseeing nine health and care regulators (including the GOC) who regulate health and care professionals to make sure they are protecting patients and service users properly

http://www.professionalstandards.org.uk/regulators/overseeing-regulators/concerns-about-regulators
Quality Assurance Agency (QAA)
The independent body entrusted with monitoring, and advising on, standards and quality in UK higher education.

http://www.qaa.ac.uk/concerns

Office of Qualifications and Examinations Regulation (Ofqual)
The Office of Qualifications and Examinations Regulation (Ofqual) regulates qualifications, examinations and assessments in England and vocational qualifications in Northern Ireland.

public.enquiries@ofqual.gov.uk 0300 303 3344

We recognise that reporting concerns can be very stressful and upsetting. There are services available if you are looking for a friendly listening ear:

Samaritans
The Samaritans provide a free and confidential listening service, 24 hours a day, 365 days a year. They do not provide advice nor do they report your concerns onwards, but sometimes just having someone to talk to that isn't family or friends can be a tremendous help.

For more information of what to expect when you contact the Samaritans, visit: http://www.samaritans.org/how-we-can-help-you/what-happens-when-you-contact-us

Contact the Samaritans on: jo@samaritans.org Phone: 116 123 (UK)
You witness something which puts patients at risk or goes against public interest.

Are you in a position to put the matter right?

- **Y**: Take appropriate action and keep a record of your actions
- **N**: Do you also need to report it?

**Reporting level 1**: Should you report it using local reporting concerns process? Or can you raise your concern with your manager, supervisor, tutor, or other responsible person in your organisation?

- **Y**: Raise your concern at this level and keep a record of your actions
- **N**: Are you satisfied with the response and that your concerns have been addressed?

**Reporting level 2**: Can you raise your concern at a higher level with your employer or training provider, within your organisation or elsewhere locally?

- **Y**: Are you satisfied with the response and that your concerns have been addressed?
- **N**: Can you go to the next reporting level up?

**Reporting level 3**: Can you escalate your concern to a regulator or other external body with responsibility to act or intervene?

- **Y**: Can you go to the next reporting level up?
- **N**: Are you considering making your concern public?

It is recommended to seek advice first; you must understand the legal protections available to you and record your actions.

Always:
Keep a record of your concerns and actions you have taken to resolve them.

For advice on how to raise your concerns further, contact: A senior member of your organisation / education body; the General Optical Council (GOC); the NHS Whistleblowing Helpline; Public Concern at Work; or Citizen’s Advice. Record your actions.
Annex 3: How we the GOC investigate protected disclosure concerns

1. Concern received
2. Concern assessed
3. Is the concern within our remit?
   - Yes
     - Is the concern about a registrant?
       - Yes
         - Is it a Fitness to Practise allegation?
           - Yes
             - Refer to GOC Investigations Team
           - No
             - GOC advise of appropriate action the whistleblower can take
       - No
         - Does the concern involve another core GOC function? (e.g., Education, Illegal Practice)?
           - Yes
             - Refer or signpost to relevant organisation. For example: Trading Standards; OCCS; Citizen's Advice Bureau; Police; or other relevant agency.
           - No
             - GOC advise of appropriate action the whistleblower can take
4. No
   - Does it need external referral?
     - Yes
       - GOC refer or signpost to relevant organisation. For example: Trading Standards; OCCS; Citizen's Advice Bureau; Police; or other relevant agency.
     - No
       - Feedback to person who made the disclosure
Annex 4: PIDA in Northern Ireland

Whistleblowing legislation in Northern Ireland differs slightly from the rest of the United Kingdom.\(^{21}\)

Previously the UK PIDA requirement was that a disclosure must be made in ‘good faith’ this was changed to ‘in public interest’. However, for Northern Ireland legislation remains on the basis that in order for a disclosure to a 'prescribed person' to be protected, you must fulfil the following requirements:

- make the disclosure in good faith
- reasonably believe that the information is substantially true
- reasonably believe you are making the disclosure to the right 'prescribed person'

This difference has minimum impact on the process of how we will handle any disclosures.