

GMC policy on whistleblowing

What is whistleblowing?

'Whistleblowing' is where an employee, former employee or member of an organisation raises concerns to people who have the power and presumed willingness to take corrective action.ⁱ

This policy outlines how a whistleblower may go about raising a concern with us and the legal protection they may receive as a result.

An individual may want to raise a concern with us because they are concerned they will suffer a detriment, or evidence will be destroyed, if they raise it locally or because they have raised the concern previously and no action was taken.

Who can raise whistleblowing concerns with us?

Any workerⁱⁱ can raise concerns about a current or former employer, or in certain circumstances somewhere they have or had a contractual arrangement to work or provide services. There is no need to raise the concern with their employer first, and we understand that sometimes people may be reluctant to do so due to a fear of reprisals.

Doctors in particular have a duty to act when they believe patients' safety is at risk, or that patients' care or dignity are being compromised. [Our guidance for doctors Raising and acting on concerns about patient safety \(2012\)](#) sets out our expectation that all doctors will, whatever their role, take appropriate action to raise and act on concerns about patient care, dignity and safety. Whistleblowing disclosures may be made to the GMC by doctors acting in accordance with that duty.

Doctors in training may also raise concerns with the GMC about their place of training. However only those with a working relationship with the organisation about which they are raising concerns will be protected from detriment or dismissal under whistleblowing legislation.

What types of concern can whistleblowers raise with us?

The concern must relate to one of our four key functions: registration and medical licensing (including revalidation), medical education, standards of medical professionalism and fitness to practise.

The disclosure must also involve specific information relating to any of the following six criteria: a criminal offence, a failure to comply with a legal obligation, a miscarriage of justice, a risk to the health and safety of any individual, environmental damage, or attempts to conceal or suppress any of the above.

Concerns which may be relevant to share with us include a doctor raising concerns that trainee doctors are not provided with adequate supervision or a doctor raising concerns about a consultant's clinical practice and clinical outcomes, which their employer has failed to investigate.

How are whistleblowing concerns distinct from grievances?

- A whistleblower is an employee with a concern about danger or illegality that has a public interest aspect to it, usually because it threatens others (eg. patients).
- A grievance or private complaint is by contrast, a dispute about the employee's own employment position and has no public interest element. ⁱⁱⁱ

What does the law say?

The Public Interest Disclosure Act 1998 came into force on 2 July 1999. The Act protects workers that disclose information about malpractice at their workplace, or former workplace, provided certain conditions are met. The conditions concern the nature of the information disclosed and the person to whom it is disclosed. The GMC is a Prescribed Person under the Public Interest Disclosure (Prescribed Persons) Order 2014 so those who make a whistleblowing disclosure to us which is relevant to our statutory functions will receive legal protection provided they hold a reasonable belief that the information disclosed is true.

If these conditions are met, the Act protects the worker from suffering detriment as a result of having made the disclosure. If the conditions are not met a disclosure may constitute a breach of the worker's duty of confidence to his employer. For further information, please see

<http://www.parliament.uk/business/publications/research/briefing-papers/SN00248/whistleblowing-and-gagging-clauses-the-public-interest-disclosure-act-1998>

Can whistleblowers be anonymous?

Yes. It is possible to be an anonymous whistleblower. However, where the whistleblower does not provide their contact details this means we are unable to go back to them for further information, which can make investigating the concerns that were raised difficult.

Where someone is happy to provide their contact details it is easier for the GMC to assess the information provided and consider how to investigate the matter.

A whistleblower may choose to provide us with their personal details but ask that these are treated as confidential. In such cases we will inform the individual about the proposed use of their personal data and explain the safeguards that will be taken to protect them from identification. However, it is important to note that there may be times when the GMC is unable to resolve a concern without revealing a whistleblower's identity, for example where personal evidence is essential. In these cases, the GMC will have to make a decision as to whether the investigation should proceed in the absence of the whistleblower's consent, taking into account the need to act in accordance with our wider legal obligations.

How to raise a concern with the GMC as a whistleblower

The easiest way to raise a concern about a doctor is through the GMC's online complaint form at www.gmc-uk.org/patientshelp. This form guides complainants through all the information we need to consider their concern. Whistleblowers can also report a doctor to us by writing to us at Fitness to Practise, General Medical Council, 3 Hardman Street, Manchester M3 3AW.

Further information, including a useful example of a complaint by letter or email, can be found on our website at www.gmc-uk.org/concerns.

Alternatively, if your concern is not about a doctor or you otherwise prefer to do so, you can share information via our confidential helpline (details below). Our helpline staff will be able to signpost appropriately.

What information do we need to help us investigate concerns?

We will need the following information to consider the concerns raised:

- the individual's name and work address
- an explanation of the concerns – with dates when the incidents happened

- copies of any supporting documents, such as copies of correspondence with the organisation or NHS trust if a complaint has already been raised locally the names and addresses of anyone else who witnessed or was involved in the incidents.

The GMC Confidential Helpline

Some whistleblowers may be more comfortable raising a concern via our Confidential Helpline. Our Helpline allows individuals to raise public safety concerns or ask for advice if they don't feel able to do so locally. It is staffed by specially trained advisers who can discuss concerns and advise who to speak to if, for example, the concern isn't about a doctor

The Helpline number is **0161 923 6399**. Lines are open 9 am–5 pm, from Monday to Friday.

Support for whistleblowers

The GMC provides a dedicated support service for people who have raised concerns about a doctor's fitness to practise that results in our conducting an investigation. This service is independent of the GMC and run by volunteers from the charity Victim Support. The service can provide:

- telephone support
- home visits or face to face support if you need to attend a hearing
- an opportunity to talk to someone confidentially about how you are feeling.

Whistleblowers can use this confidential free support at any time before, during or after attending a fitness to practise hearing. To access this service, whistleblowers should call **0161 954 1797** or email witnesssupport@gmc-uk.org.

In addition, any whistleblower may wish to contact the charity Public Concern at Work for confidential advice specifically relating to whistleblowing on **020 7404 6609** or by email at whistle@pcaw.org.uk.

Further information

From 1 April 2017 the GMC is legally obliged to publish an anonymised annual report on the action we take as a result of whistleblowing disclosures made to us. The first report will be published on our website in October 2018.

ⁱ <http://bma.org.uk/practical-support-at-work/whistleblowing/what-is-whistleblowing>

ⁱⁱ For a legal definition of the term 'worker' in this context please see: <https://www.gov.uk/employment-status/worker>

ⁱⁱⁱ BSI (2008) 'Whistleblowing arrangements Code of Practice'