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Department of Health (Northern Ireland)

Workforce Policy Directorate

By email only: P&E@health-ni.gov.uk

Northern Ireland office
8th Floor, Bedford House
16–22 Bedford Street
Belfast BT2 7FD

Email: gmcni@gmc-uk.org
Telephone: 028 9031 9945

gmc-uk.org

Dear colleague

Raising a Concern in the Public Interest (Whistleblowing) HSC Framework and Model Policy

The General Medical Council's (GMC) role is to protect patients and improve medical education and practice across the UK. As part of this, we oversee UK medical education and training, and we set the standards that doctors need to follow throughout their careers. We also take action where necessary to prevent a doctor from putting the safety of patients or the public's confidence in the profession at risk.

We support the Department of Health (Northern Ireland)'s ambition to provide an environment in which Health and Social Care (HSC) employees feel safe and confident to carry out their duties and to raise concerns. We note the focus on raising and acting on concerns about patient safety in the report of the Independent Neurology Inquiry. We are carefully considering the Inquiry's recommendations, both in relation to the GMC, and for the wider system.

We welcome the opportunity to respond to this consultation and have restricted our comments to a small number of relevant themes.

Role of senior managers and boards

We welcome the clarity the Whistleblowing HSC Framework brings to the role of senior managers and board members in HSC Trusts, including the requirement to support healthcare professionals to raise concerns.

The 2013 Berwick review* into patient safety in England, highlighted that poor leadership behaviours such as blame, sanctions attached to errors, and a culture of fear, increase risk and

* Don Berwick, *A promise to learn – a commitment to act: Improving the Safety of Patients in England* (2013). Available [online](#).

make healthcare less safe. Instead, Berwick emphasised that blame should be ‘abandoned’, transparency should be ‘insisted upon’ and warnings of problems should be welcomed.

We recognise that it is through strong and effective leadership that organisations will develop a culture in which candour is encouraged and learning from errors is enabled. When doctors are practising, they need to feel they are part of a supportive and just culture, and that they are getting appropriate support that is consistent.

In 2018 we commissioned Professor Michael West and Dame Denise Coia to carry out a UK-wide review to help tackle the causes of poor wellbeing faced by medical students and doctors.

Their report, *Caring for doctors, Caring for patients*^{*}, concluded that in organisations where leadership was remote from staff, the standard response to safety failures was to blame individuals rather than develop systems to avoid recurrence. The report highlighted that effective and engaged leadership is the key to creating an environment free of unfair blame, where a culture of candour and learning can flourish.

Sharing confidential information

We note the recommendation that HSC Trust whistleblowing policies include a requirement that staff members ‘seek specialist advice for example from a representative of a regulating organisation’ on occasions where disclosure of confidential information may be required.

We would welcome clarification from the Department of Health (NI) on its expectations of regulators in relation to this recommendation.

All professional regulators operating in Northern Ireland, as well as the Regulation and Quality Improvement Authority (RQIA), meet regularly via the Northern Ireland Joint Regulators’ Forum. The Department of Health (NI) may find this a useful forum to engage with on how regulators can support the implementation of this policy.

HSC Trusts may find it useful to list professional regulators’ confidential helpline numbers in their policy documents.

The GMC’s Helpline allows individuals to raise public safety concerns or ask for advice if they do not 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 9am–5pm, from Monday to Friday. The GMC Northern Ireland Team can also be contacted on: gmcni@gmc-uk.org.uk

^{*} Professor Michael West & Dame Denise Coia, *Caring for doctors, caring for patients* (2019). Available [online](#).

We also have a dedicated section of our online [Ethical Hub](#) with advice and tools to help doctors follow the processes set out in our guidance when speaking up, raising concerns, or whistleblowing. We signpost to [country specific](#) organisations such as the Regulation and Quality Improvement Authority (RQIA).

It may be useful to include a link to this resource in the model HSC Trust Whistleblowing policy.

Raising and acting on concerns about patient safety

We hope it is helpful to restate what doctors in Northern Ireland have told us about the barriers to raising concerns:

- The fear of recrimination and feeling like nothing will change;
- Unfamiliar reporting systems and not knowing who to speak to about concerns, particularly after moving to a new Trust;
- The impact on long-term employment in Northern Ireland if doctors do raise concerns; and
- The impact of the small size and the closeness of the health service in Northern Ireland. The lack of anonymity in a small country is a contributing factor.

The Department of Health (Northern Ireland) will be aware of a wide range of information regarding promoting open cultures that support doctors to speak up; these have been considered within the Independent Neurology Inquiry report. The Whistleblowing HSC Framework and Model Policy highlights that healthcare professionals have a professional duty to report a concern.

It may be helpful to note that we are reviewing our core guidance, [Good medical practice](#). We are using this opportunity to reinforce the message about the importance of raising concerns.

Each year, the GMC's NI Outreach team deliver professionalism workshops for doctors, which include sessions on our guidance for raising and acting on concerns about patient safety and openness and honesty when things go wrong. In 2021, we delivered training to 638 doctors and 741 medical students.

During these sessions, doctors have also shared with us that high levels of burnout and the impact of long running inquiries are also contributing to an absence of psychological safety.

We would welcome working with the Department of Health (Northern Ireland) to implement this policy, to support doctors and create an open culture where concerns can be raised.

Duty of Candour and Being Open framework

In August 2021, we responded to the Department of Health (Northern Ireland) consultation on Duty of Candour and Being Open policy proposals.

We highlighted that we support a statutory Duty of Candour for organisations in Northern Ireland to drive a change in culture required to deliver openness and transparency in the HSC service.

We are unconvinced that a statutory Duty of Candour for individuals with criminal sanctions will deliver the fundamental changes in attitudes and behaviour in relation to openness and honesty that are needed. We believe that the threat of criminal sanctions to individual doctors may prove counterproductive and work against the culture of openness we need in healthcare.

Instead, we believe that organisations must lead and develop open cultures, in which candour is encouraged and learning from errors is enabled.

In our response, we also welcomed the development of the Being Open Framework proposals, with the focus on routine openness rather than the exceptional circumstances when mistakes may lead to harm or death.

Launching the Being Open framework, alongside the Whistleblowing policy and framework, would contribute to the development of just cultures and the breaking down of barriers to raising concerns.

Freedom to Speak up Guardians

We have stated, in previous consultation responses and in evidence to the Independent Neurology Inquiry, our view that establishing a network of Freedom to Speak Up Guardians in Northern Ireland would be beneficial.

The National Guardian in England leads, trains and supports the network of Freedom to Speak Up Guardians in England and provides challenge and learning to the healthcare system on matters related to speaking up.

Since the establishment of the National Guardian the Freedom to Speak Up Index has continued to show improvement in England.*

We also welcome Minister Swann's consideration to establish a Patient Safety Commissioner in Northern Ireland to be a champion for patients and lead improvements in relation to patient safety.

* NHS National Guardian, *Freedom to Speak Up Index report* (2021). Available [online](#).

We hope these comments are helpful and we would be happy to provide any clarifications.

Yours faithfully,

A handwritten signature in cursive script that reads "J Kennedy". The signature is written in dark ink on a light-colored background.

Jane Kennedy

National Head – GMC Northern Ireland

Email: Jane.Kennedy@gmc-uk.org

Telephone: 028 9031 9945