Raising concerns

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Introduction

1 At one time or another, anyone could have a concern about something happening at work. When concerns are raised, they’re usually easily resolved. At the GMC and MPTS, we encourage anyone with a concern to ‘speak up’ and raise it.

2 Some people interpret raising a concern as whistleblowing, while others interpret whistleblowing as involving something more formal or serious such as a possible fraud, danger or malpractice. Whistleblowing may qualify for legal protection under the Public Interest Disclosure Act.

3 Our policies help handle these situations, and we want to help you speak up and raise a concern about any issue where you feel things are not as they should be. Our policies also provide help and support if you want to get independent advice or support before you raise an issue.

4 You may be worried about raising a concern or think it best to keep it to yourself, perhaps feeling it’s none of your business or that it’s only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or the organisation or that it could affect how you are treated and your future at the GMC. This policy sets out how we will support you to ease these worries.

5 You may decide to say something but find that you’ve spoken to the wrong person or haven’t been clear or are not sure what to do next. We encourage anyone who has a concern to raise it – this policy explains how you can do this and how we can support you when you do.

6 We all have a responsibility to support good governance and ensure good practice within the organisation. The Council and Chief Executive are committed to running the organisation in the best way possible. Raising a concern provides an opportunity to learn from it. It may help to influence changes so that we improve our workplace for everyone.

7 We want this policy to reassure you that it’s safe and appropriate to speak up. It applies to anyone directly employed by the GMC, MPTS, members, contractors, associates, temporary workers, and anyone indirectly employed through third parties or agencies.

8 If you have a concern, please let us know. If in doubt - raise it!

The purpose of our raising concerns policy

9 The aim of this policy is to reassure you that raising a concern and whistleblowing is safe and welcomed. It tells you where you can go to raise a concern or seek advice about the process to follow and what to expect when you do. Raising a concern can be about risk, wrong-doing, malpractice which affects staff, the public or the
organisation itself, or even something that just doesn’t feel right. Some examples of the types of concern that you might come across in your work are given below. This is not an exhaustive list but sets out some examples of things that you might be concerned about or suspect are happening:

- unsafe working conditions
- inappropriate or unprofessional behaviour
- lack of, or poor response to a patient safety issue
- suspicions of fraud
- failure to comply with a legal obligation
- expenses being falsified
- evidence in an investigation into fitness to practice of a GMC registrant being tampered with
- inconsistent application or systemic failure to comply with an internal GMC policy which may cause harm to others.

10 If you have a concern, like any of the above, which is troubling you and which you think we should know about or look into, please use this policy. However, there is no restriction as to what sort of issue you can raise under this policy and the most important thing is that you do raise it.

11 You may also have a concern relating to your work or working relationships. If your concern is about a personal issue, for example terms and conditions of employment, then the grievance policy might be the best route. The grievance policy also covers handling complaints of bullying or harassment, or disciplinary matters.

12 If you are not sure which policy to use, you can use this one to raise a concern and get advice on what to do next. You can also contact a member of the HR team or our Freedom to Speak Up Guardian for advice. If we believe that your concern can be more appropriately dealt with using a different process, we will explain this to you.

13 You can also seek independent advice from Protect, (previously Public Concern at Work) at any stage or for advice on how to deal with your concern or the Human Rights Commission Advisory and Support Service (contact details for both organisations are in paragraph 32)

14 Provided you are raising a genuine concern, it doesn’t matter if you’re mistaken and you’ll not be at risk of losing your job or from suffering any form of detriment or reprisal as a result.
15 We will not tolerate the harassment or victimisation of anyone raising a genuine concern. It’s very important to state clearly that any sort of reprisal or victimisation directed at someone who raised a concern in line with this policy is considered gross misconduct.

16 With these assurances, we hope you will raise your concern openly. However, we recognise that there may be circumstances when you would prefer to speak to someone confidentially first i.e. where the person to whom you report will not share details of what you raise which may identify you. If this is the case, please say so at the outset. If you ask us not to disclose your identity we will not do so without your consent unless required by law. You should understand that there may be times when we are unable to resolve a concern without revealing your identity, for example where your personal evidence is essential or we may be concerned for your own welfare. In such cases, we will discuss with you whether and how the matter can best proceed.

17 Please remember that if you raise a concern anonymously, it may be much more difficult for us to look into the matter and provide feedback. There is also the possibility that in looking into the issue you may become identifiable. Remember that you can raise an issue in confidence with the Freedom to Speak Up Guardian.

18 Deterring anyone from raising concerns or victimising them for doing so could amount to serious misconduct and may lead to disciplinary action.

How do I raise a concern?

19 If you have a concern, there are a number of ways in which you can raise it. Our policy sets out five broad options that are available to you. They are designed to make it as easy as possible to raise a concern while recognising that it can be difficult and that you may want to seek some support and guidance at an early stage. These options are not mutually exclusive and you can use any part of the process or one of the contacts listed at any time.

20 These options are:

- raise the issue with your line manager, head of section or assistant director
- Contact our Freedom to Speak Up Guardian
- Contact a member of HR Services Team
- Contact a director
- Contact an independent external body, such as Protect.
21 If you are a third party wishing to raise a concern, in the first instance you should contact the GMC’s Head of Procurement or the Freedom to Speak Up Guardian.

22 Whoever you raise your concern to, explain the information or circumstances that gave rise to it as fully as you can. You do not need to have all the facts or evidence as long as you are raising your concern in good faith.

Raising an issue to your line manager
23 In the first instance, if you feel comfortable, we would encourage you to raise your concern with your manager, either verbally or in writing. You should provide as much information as possible about the concern. If you feel unable to raise the matter with your line manager, or it concerns your line manager, you could instead raise it with a more senior colleague, again providing as much information as possible.

Contacting the Freedom to Speak Up Guardian
24 The role of our Freedom to Speak Up Guardian is to protect patient safety and the quality of the services we provide. We do this by supporting colleagues who speak up to improve the working experience of our employees, temporary workers, associates and contractors, and by promoting learning and improvement. The Guardian can help address the barriers to speaking up and foster a positive culture of trust and confidence in raising concerns.

25 Our Guardian is Lindsey Mallors and she can be contracted in confidence via:

- 0207 189 5188 or 07467 339787
- The dedicated Freedom to Speak Up Guardian email Freedomtospeakuplindseymallors@gmc-uk.org. This is a private account and is only accessed by our Guardian.

26 The Guardian will arrange to speak with you at a time which suits your circumstances. They will be able to:

- Provide confidential advice and guidance on how to raise any concern you might have through this policy (or another suitable route if appropriate).
- Act in response to and signpost the concern to ensure that it is responded to by the right person.
- Keep in contact with you so that you know what is happening.

27 It’s not the role of the Guardian to investigate concerns, but they will talk through your concern and support you to ensure the concern is raised in the appropriate place
to be addressed. The Guardian will only act with your agreement and will not reveal your identity without your consent unless they are concerned for your welfare.

28 We also have a network of Freedom to Speak Up Champions. Their aim is to foster a positive culture of speaking up by supporting colleagues who wish to raise a concern, and by helping to remove barriers to doing so. The Champions are listed on the intranet and they can help signpost you to the best route for raising your concern.

Contacting a member of the HR Services Team

29 The HR Services Team are always available for advice and support. If you have a concern and you are unsure how to raise it, they are able to offer guidance on the appropriate action to take. They are also able to initiate a suitable process quickly if appropriate, offer an explanation about how our procedures work, give guidance on how a concern might be handled, and ensure you can access confidential support if needed.

Raising a concern to a director

30 Directors have been given special responsibility and training to deal with raising concerns and formal whistleblowing. Their contact details are given below.

<table>
<thead>
<tr>
<th>Name and title</th>
<th>Email address</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anthony Omo, Director Fitness to Practise</td>
<td><a href="mailto:anthony.omo@gmc-uk.org">anthony.omo@gmc-uk.org</a></td>
<td>020 7189 5117</td>
</tr>
<tr>
<td>Una Lane, Director Registration and Revalidation</td>
<td><a href="mailto:una.lane@gmc-uk.org">una.lane@gmc-uk.org</a></td>
<td>020 7189 5164</td>
</tr>
<tr>
<td>Neil Roberts, Director Resources and Quality Assurance</td>
<td><a href="mailto:neil.roberts@gmc-uk.org">neil.roberts@gmc-uk.org</a></td>
<td>0161 923 6230</td>
</tr>
<tr>
<td>Shaun Gallagher, Director Strategy and Policy</td>
<td><a href="mailto:shaun.gallagher@gmc-uk.org">shaun.gallagher@gmc-uk.org</a></td>
<td>020 7189 5015</td>
</tr>
<tr>
<td>Colin Melville, Director of Education and Standards</td>
<td><a href="mailto:colin.melville@gmc-uk.org">colin.melville@gmc-uk.org</a></td>
<td>0161 923 6772</td>
</tr>
<tr>
<td>Paul Reynolds, Director of Strategic Communication and Engagement</td>
<td><a href="mailto:Paul.reynolds@gmc-uk.org">Paul.reynolds@gmc-uk.org</a></td>
<td>020 7189 5053</td>
</tr>
</tbody>
</table>
What if your concern is not addressed?

31 If you have considered the channels above or have followed them and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it through any of the routes above, we would encourage you to discuss it with someone listed below. They will carefully consider the issue and will speak to you to see if they or someone else is better placed to deal with your concern.

<table>
<thead>
<tr>
<th>Title and Name</th>
<th>Email Address</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chair of Council, Dame Clare Marx</td>
<td><a href="mailto:clare.marx@gmc-uk.org">clare.marx@gmc-uk.org</a></td>
<td>020 7189 5013</td>
</tr>
<tr>
<td>Chief Executive, Charlie Massey</td>
<td><a href="mailto:charlie.massey@gmc-uk.org">charlie.massey@gmc-uk.org</a></td>
<td>020 7189 5291</td>
</tr>
<tr>
<td>Chair, Audit and Risk Committee, Professor Paul Knight</td>
<td><a href="mailto:paul.Knight@glasgow.ac.uk">paul.Knight@glasgow.ac.uk</a></td>
<td>07817 21057</td>
</tr>
<tr>
<td>Chair, Remuneration Committee Professor Anthony Harnden</td>
<td><a href="mailto:anthony.harnden@phc.ox.ac.uk">anthony.harnden@phc.ox.ac.uk</a></td>
<td>07811 862267</td>
</tr>
</tbody>
</table>

32 If you contact any of the individuals listed above they will check that you have a copy of this policy and will advise you about the role of Protect, an independent charity which offers support and advice to whistleblowers. Protect’s whistleblowing advice line number is 020 7404 6609. They can also be contacted by email at whistle@pcaw.org.uk. Advice is available from the Human Rights Commission at https://www.equalityhumanrights.com/en/contact-us/equality-advisory-and-support-service or on 0800 800 0082. There may also be advice available from your professional body or a union if relevant.

33 If there are insufficient grounds for an investigation, this will be explained to you. If you still have concerns please seek advice on what further steps may be available to you by contacting our Guardian.

External options

34 In the majority of cases, issues and concerns are likely to be most effectively addressed within our own procedures. However, we recognise that there may be circumstances where you need or want to raise a concern to an outside body.

35 In fact, we would prefer you to raise a matter with the appropriate regulator – than not at all. Protect or, if applicable, your union will be able to advise you on your options. Some relevant external options for GMC staff may be the following:
A full list of prescribed persons as defined in the Public Interest Disclosure Act can be found at:

How your concern will be handled

Regardless of the route you use to raise your concern, it will be acknowledged within two working days. It will be assessed and appropriate next steps or actions will be considered and communicated to you. These may involve making informal inquiries, an informal internal review, or an internally or externally led investigation depending on the nature of the concern raised. We will tell you who will be handling the matter, how you can contact them, and what further assistance we may need from you.

If you ask, we will write to you summarising your concern and setting out how we propose to handle it and provide a timetable for feedback. If we have misunderstood the concern or there is any information missing at this stage please let us know.

When you raise a concern we would also like to know how you think the matter might best be resolved. If you have any personal interest in the matter, we do ask that you tell us at the outset.

If an investigation is needed, it will be handled as sensitively and speedily as possible and depending on the nature of the concern, you will be notified of the expected timetable.
41 As far as we are able, and taking into account any confidentiality obligations, you will be kept informed of progress during the investigation and notified of any delays. At the end of the investigation you will be advised of the outcome. If you ask, this will be followed up with a written summary. However, please note that we may not be able to tell you about the precise actions we take where this may infringe a duty of confidence we owe to another person.

42 The outcomes of an investigation may include taking steps with a competent authority to set up a special internal independent investigation, or the decision may be that the matter would be more appropriately handled under existing procedures for grievance or discipline.

43 At any stage of our internal investigation some matters may need to be referred to an external body. If so, we will discuss with you how the matter can best proceed.

44 If you raise a concern either internally or externally you will be protected from victimisation or other adverse treatment. If at any stage you experience reprisal, harassment or victimisation or any form of detriment for raising a genuine concern please contact the Guardian, HR or a colleague with a designated role under this policy. Any behaviour of this nature is potentially serious or gross misconduct and could lead to dismissal.

**Records**

45 Records of formal whistleblowing or issues raised to the Guardian will be held by the Freedom to Speak Up Guardian for six years. For formal whistleblowing concerns, a report of the outcome will be referred to the Chief Executive. If the matter has concerned:

- The Chief Executive, the report will be referred to the Chair of the Audit and Risk Committee and the Chair of the Remuneration Committee, and the Chair of Council.
- The Chair of the Medical Practitioners Tribunal Service, the report will be referred to the Chair of Council.
- The Chair of Council, the report will be referred to the Chair of the Audit and Risk Committee and the Chair of the Remuneration Committee.

**Equality, diversity and inclusion**

46 An equality impact assessment has been completed. This has highlighted the importance of improving raising concerns data collection, monitoring and evaluation to allow us to continually improve the policy and practice across the business. An action plan is in place, with timescales, to address this. In the interim, the policy is
not deemed to have any significant negative or adverse impacts detriment to any protected characteristics under the Equality Act 2010.

**Amendments**

47 The GMC reserves the right to update or amend this policy at any time.

_Last updated on 5 February 2021_

*Review date 5 February 2022*_