

## Raising Concerns with the GOC (Whistleblowing)

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**Contents**

- 1. Policy Statement ..... 3
- 2. Glossary of Terms ..... 4
- 3. Scope ..... 5
- 4. What concerns can be raised under whistleblowing protection? ..... 6
- 5. Barriers to raising concerns ..... 6
- 6. How to raise a concern ..... 7
- 7. How to raise a concern with us ..... 8
- 8. How we will consider concerns raised with us ..... 9
- 9. Action we can take and potential outcomes ..... 10
- 10. Confidentiality and Anonymity ..... 11
- 11. Making a concern public (Wider Disclosures) ..... 12
- 12. Reporting and Review ..... 12
  
- Annex 1: Help and Advice ..... 13
- Annex 2: Checklist for Protected Disclosures ..... 15
- Annex 3: How should I handle my concerns? ..... 16
- Annex 4: How we the GOC investigate protected disclosure concerns ..... 17
- Annex 5: PIDA in Northern Ireland ..... 18

## 1. Policy Statement

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- 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 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. We expect that all optical sector organisations are committed to resolving concerns raised with them in the first instance and that workers are encouraged to talk about their concerns and are listened to.
- 1.4 Within our Standards for Businesses all registered businesses must 'provide mechanisms to enable those that work for or are otherwise engaged by the business registration to raise concerns about risks to patients'.
- 1.5 The GOC is committed to supporting those who raise concerns. It is our responsibility, as a regulator and a prescribed person, to have a system in place for all individuals in the optical sector (workers<sup>1</sup>) 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<sup>2</sup> under whistleblowing legislation.
- 1.6 Within our Standards of Practice for Optometrists and Dispensing Opticians and our Standards for Students, all registrants have a duty to promptly raise concerns where they believe that patient safety or care is being compromised by the practice of colleagues, or training, systems, policies and procedures of the organisations in which they work or study. They are also required to encourage and support a culture in which employees can raise concerns openly and safely.

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<sup>1</sup> Workers – includes optical sector employees, registrants (including self-employed locums), students/trainees and agency workers. You do not have to be a GOC registrant to be a 'worker' in the optical sector.

<sup>2</sup> A 'protected disclosure' is the legal term for whistleblowing which brings about the protection of the PIDA against victimisation. This protection is separate from the remit of the GOC.

- 1.7 The Public Interest Disclosure Act 1998 (PIDA)<sup>3</sup> 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 within employee tribunals.

## 2. Glossary of Terms

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- 2.1 **Optical Sector** – The optical sector includes optical education, optical businesses and organisations, optical services and NHS bodies.
- 2.2 **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 sometimes known as ‘whistleblowers’.
- 2.3 **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 and their purpose is to investigate concerns. They cannot provide legal protection, but they can provide support and advice about raising concerns. 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.<sup>4</sup>
- 2.4 **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 organisation, employer, educational body or any colleague) or be dismissed from work as a result of making that disclosure.
- 2.5 **Workers** - Includes optical sector employees, registrants and locums (including self-employed locums), students/trainees, and agency workers. Workers do not have to be GOC registrants.

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<sup>3</sup> [www.legislation.gov.uk/ukpga/1998/23/contents](http://www.legislation.gov.uk/ukpga/1998/23/contents) - The Public Interest Disclosure Act - PIDA

<sup>4</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/431221/bis-15-289-blowing-the-whistle-to-a-prescribed-person-list-of-prescribed-persons-and-bodies-2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/431221/bis-15-289-blowing-the-whistle-to-a-prescribed-person-list-of-prescribed-persons-and-bodies-2.pdf)

### 3. Scope

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- 3.1 Within our role as a regulator and as a prescribed person<sup>5</sup> under the Act, we want to ensure that workers in the optical sector have a mechanism to raise public interest concerns with us, where they have been unable to raise or resolve those concerns internally. This policy contains this procedure and outlines the process that we follow to consider concerns. It also provides guidance about making concerns and making protected disclosures.
- 3.2 Protected disclosures can be made to us 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 the organisation's grievance 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,<sup>6</sup>;
  - 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;<sup>7</sup> 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).<sup>8</sup>
- 3.4. Whistleblowing is slightly different in Northern Ireland from England, Wales and Scotland, although this does not affect our process for handling your concern. The requirement to make a disclosure in the public interest does not apply in

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<sup>5</sup> 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 and their purpose is to investigate concerns. They cannot provide legal protection, but they can provide support and advice about raising concerns.

<sup>6</sup> <https://www.optical.org/download.cfm?docid=AEDD9FAF-AB61-4D77-900F082B361FC0BE> – Complaints about an Optician

<sup>7</sup> <https://www.optical.org/download.cfm?docid=B1916A13-6FC0-466C-9FB316315EDFCF3F> – Complaints about the General Optical Council

<sup>8</sup> <http://www.opticalcomplaints.co.uk/> - Complaints about your glasses, refunds or customer service.

Northern Ireland, instead the requirement is that a disclosure must be made in 'good faith'. The differences are explained further in annex 5.

#### **4. What concerns can be raised to us?**

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- 4.1 Concerns that disclose allegations of 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; and/or
  - 4.1.5 covering up wrongdoing in the above categories.
- This can include individuals or organisations practising illegally, putting someone's health at risk through fitness to practise concerns, fraud and financial impropriety.
- 4.2 Such concerns must be made in the public interest and the worker must reasonably believe that the information is substantially true.
- 4.3 Workers will be under the legal protection of PIDA if they raise a concern ('protected disclosure')<sup>9</sup> to us 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.<sup>10</sup> 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. Why should you raise your concerns?**

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- 5.1 We acknowledge that workers 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 GOC commits to supporting those who raise concerns and may act as the complainant, where appropriate. Outside of the remit of the GOC, the PIDA was introduced to protect workers against detrimental treatment from colleagues or employers or

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<sup>9</sup> A "protected disclosure" is the legal term for whistleblowing which brings about the protection of PIDA against victimisation. The protection is separate from the role of the GOC who investigate concerns and can provide advice and support during this process.

<sup>10</sup> [www.legislation.gov.uk/ukxi/2014/2418/schedule/made](http://www.legislation.gov.uk/ukxi/2014/2418/schedule/made)

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

- 5.2 All registrants have a duty to raise concerns where they believe that patient safety or care is being compromised by the practice of colleagues, peers, employers, supervisors 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.
- 5.3 It is recognised that students especially may feel unable to report concerns from fear of repercussions. As such, the GOC expects that any concerns meeting the appropriate criteria which have been raised to education providers, including individual teachers and lecturers by students, are reported either by the student or on the student's behalf by the individual who then acts as the complainant.
- 5.4 All registrants also have a duty to encourage and support a culture in which employees can raise concerns openly and safely. This extends to employers, workplaces and organisations.
- 5.5 There are free confidential advice and support organisations listed in **annex 1** which can provide guidance on whistleblowing. Included within this annex are optical sector representative member bodies and trade unions who are also a useful source of advice, information and support and may be able to help to resolve concerns at an earlier stage.
- 5.6 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.<sup>11</sup>

## **6. How to raise a concern**

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- 6.1 We encourage workers to raise concerns internally within their own organisations in the first instance and wait for the organisation to respond to the concern before taking any further action. This could be to a line manager, area

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<sup>11</sup> For more information, please see: <http://wbhelpline.org.uk/wp-content/uploads/2012/05/Settlement-Agreements-and-Gagging-Clauses.pdf>

or senior manager, HR, or via their employer's whistleblowing policy. For students or education professionals, 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 3.
- 6.3 We are an alternative route for workers, 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. Workers in this situation should follow the procedure in section seven to make a disclosure to us.
- 6.4 There may be other bodies with whom a worker in the optical sector could raise a concern, such as another healthcare regulator or a regulator of education institutions at which optical sector workers are studying, or an NHS body.

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

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- 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 advise you to seek free confidential advice if required (annex 1) and check with section three that we are the right organisation to raise the concern to at this time. Workers can contact us at this point for informal advice if required.
- 7.2 To raise a concern with us, contact us by:
  - Telephone: 020 7580 3898 (option 2)
  - Email: [concerns@optical.org](mailto:concerns@optical.org)
  - Post: Concerns, Compliance Manager, General Optical Council, 10 Old Bailey, London, EC4M 7NG.
- 7.3 If you require any support or reasonable adjustments when raising a concern, please contact us 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 Due to the sensitive nature of concerns raised to us, we will ask for your consent to share information related to the concern. Further information on confidentiality and anonymity is provided in section ten.
- 7.6 We will always ask for your 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

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- 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 4.
- 8.2 We are not required 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.<sup>12</sup>
- 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<sup>13</sup>, by our Education department, or refer the concern to another agency such as: trading standards, the Optical Consumer Complaints Service (OCCS), Citizens Advice and/or 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 If there is not enough information for us to initiate an investigation, we 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

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<sup>12</sup> [https://www.optical.org/en/Investigating\\_complaints/](https://www.optical.org/en/Investigating_complaints/)

<sup>13</sup> [https://www.optical.org/en/Investigating\\_complaints/](https://www.optical.org/en/Investigating_complaints/)

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**

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- 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<sup>14</sup>;
  - 9.2.2 open an investigation (by the appropriate team);
  - 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 For more information about the specific GOC investigations processes, please refer to our website<sup>15</sup> or contact us to further discuss.
- 9.4 Outcomes of an investigation depend on the type of investigation and can include:
- 9.4.1 warning;
  - 9.4.2 removal from the register ('erasure');
  - 9.4.3 suspension of the registrant;
  - 9.4.4 conditional registration;
  - 9.4.5 financial penalty;
  - 9.4.6 removal of accreditation; or
  - 9.4.6 no further action.
- 9.5 We cannot:
- 9.5.1 arrange refunds or compensation;
  - 9.5.2 provide legal advice;
  - 9.5.3 provide a detailed explanation of what happened during a visit to an optical practice;
  - 9.5.4 make a GOC registrant apologise to the person making the complaint;
  - 9.5.5 order a GOC registrant to permit a patient to gain access to their optical records; nor
  - 9.5.6 take action in response to false or misleading advertising.

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<sup>14</sup> 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.

<sup>15</sup> [https://www.optical.org/en/Investigating\\_complaints/#illegaloptical](https://www.optical.org/en/Investigating_complaints/#illegaloptical)

9.6 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**

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### **What is the difference between Confidentiality and Anonymity**

10.1 The best way to raise a concern is to do so openly. Openness makes it easier for us to assess the issue, work out how to investigate the matter and obtain more information. A worker raises a concern confidentially if he or she gives his or her name on the condition that it is not revealed without his or her consent. It is important that this is a clear option for anyone to use when raising a concern.<sup>16</sup>

10.2 A worker raises a concern anonymously if he or she does not give his or her name at all. If this happens, we will assess the anonymous information as best as we can to establish whether there is substance to the concern and whether it can be addressed.<sup>17</sup>

### **What happens when the GOC look at the concern**

10.3 You will be asked for your permission if your identity is required to be revealed to specific individuals for the purpose of investigation. We will always try to complete our initial assessment as fully as possible, however this may be limited if we do not receive your consent.

10.4 Following an initial assessment of the concern(s) raised, you will be asked for your consent for us to proceed to undertake any initial enquiries identified by the initial assessment. There may be times when we are unable to investigate a concern without revealing your identity, for example where your personal evidence is essential. In such cases, we will discuss with you whether and how the matter can best proceed.

10.5 In some circumstances, the GOC can act as the person raising the concern on your behalf in order to protect your identity. However, this is not always a possible or suitable way for handling every concern raised to us.

10.4 Where assurances of confidentiality are given, we will not disclose your identity unless required to do so by law. In rare cases where this might be a possibility, we will discuss it with you first.

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<sup>16</sup> [http://www.pcaw.org.uk/files/PCaW\\_COP\\_FINAL.pdf](http://www.pcaw.org.uk/files/PCaW_COP_FINAL.pdf)

<sup>17</sup> [http://www.pcaw.org.uk/files/PCaW\\_COP\\_FINAL.pdf](http://www.pcaw.org.uk/files/PCaW_COP_FINAL.pdf)

10.5 You may choose to make an anonymous disclosure but it is important to consider the restrictions and implications that this may have on the effectiveness of any investigation. This includes limitations on conducting the investigation, protecting your identity, and giving feedback to you. Nevertheless, anonymous disclosures are preferred to silence about serious wrongdoing.

## **11. Making a concern public (Wider Disclosures)**

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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 either independently or through a union or membership body before making a decision of this kind to better understand the impact this might have on your position.

## **12. Reporting and Review**

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12.1 We have a positive duty to report annually on whistleblowing concerns raised with us and will include this information within our annual report.

12.2 The Whistleblowing Commission developed a Code of Practice<sup>18</sup> 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 reports of victimisation;
- 12.2.5 number of investigations which were discontinued due to restrictions arising from anonymous concerns; 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 internally the number of disclosures that we receive and respond to any concerns about how we handle them.

12.4 We will review 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).

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<sup>18</sup> [www.pcaw.org.uk/whistleblowing-commission](http://www.pcaw.org.uk/whistleblowing-commission)

## Annex 1: Help and Advice

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### **Public Concern at Work**

Whistleblowing charity, who advise individuals with whistleblowing dilemmas at work

[www.pcaw.co.uk](http://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](http://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](http://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](http://www.citizensadvice.org.uk)

### **Membership organisations who can provide support to registered members with concerns**

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#### **ABDO – Association of British Dispensing Opticians**

Membership organisation who support the character, status and interests of dispensing opticians.

[general@abdo.org.uk](mailto:general@abdo.org.uk)

01227 733 905

#### **AOP – Association of Optometrists**

Membership organisation for optometrists and other optical professionals who protect, represent and support our members throughout their careers

[postbox@aop.org.uk](mailto:postbox@aop.org.uk)

020 7549 2000

#### **FODO – The Federation of (Ophthalmic and Dispensing) Opticians**

Membership organisation which represents eye care providers and registered opticians in business in the UK and Republic of Ireland.

[optics@fodo.com](mailto:optics@fodo.com)

020 7298 5151

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

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### **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](mailto:jo@samaritans.org) Phone: 116 123 (UK)

### **Other Regulators:**

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#### **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](mailto:public.enquiries@ofqual.gov.uk)

0300 303 3344

#### **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](http://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](http://www.charitycommission.gov.uk)

0300 066 9197

## Annex 2: Checklist for Protected Disclosures

### 1. Who are you?

<p>An optical sector 'worker' can be any of the following:</p> <ul style="list-style-type: none"> <li>✓ Anyone working in an optical workplace</li> <li>✓ An optical student</li> <li>✓ An optical tutor / supervisor</li> <li>✓ An employer in optical field</li> <li>✓ A self-employed locum optical professional</li> <li>✓ A registrant</li> </ul> <p><b>Continue to Question 2.</b></p>	<ul style="list-style-type: none"> <li>✗ member of the public (who cannot be classed as optical sector 'worker') who wants to report about a registrant's or business' standard of practice. They must use our 'complaints about opticians' procedure.</li> </ul> <p><b>Use a different reporting process – see paragraph 3.3.</b></p>
<p>If you are unsure, please seek advice with the relevant organisation in annex 1 or contact us for advice.</p>	

### 2. What is the concern about?

<ul style="list-style-type: none"> <li>✓ The registration of individuals and businesses registered with us</li> <li>✓ The fitness to practise of individuals or businesses registered with us</li> <li>✓ Other activities in relation to the GOC's functions – education, standards, training, illegal practices.</li> </ul> <p><b>Continue to question 3.</b></p>	<ul style="list-style-type: none"> <li>✗ personal grievances, disciplinary matters, contractual disputes or other aspects of the working relationship</li> <li>✗ concerns regarding the way we have conducted a fitness to practise investigation concerning a registrant.</li> <li>✗ concerns regarding consumer issues, such as refunds or customer service.</li> </ul> <p><b>Use a different reporting process – see paragraph 3.3.</b></p>
<p>If you are unsure, please seek advice with the relevant organisation in annex 1 or contact us for advice.</p>	

### 3. Is it in the public interest to report it?

<ul style="list-style-type: none"> <li>✓ endangering of someone's health and safety</li> <li>✓ illegal practice</li> <li>✓ criminal offences</li> <li>✓ failure to comply with an obligation set out in law</li> <li>✓ miscarriages of justice</li> <li>✓ damage to the environment</li> <li>✓ covering up wrongdoing in the above categories</li> </ul> <p>If all three of these questions are answered, and you believe that your concern is true, follow the process in <b>annex three</b>.</p> <p>If you are unsure or would like to discuss your concern, please seek advice with the relevant organisation in annex 1 or contact us for advice.</p>
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### Annex 3: How should I handle my concerns?

**You witness something which puts patients at risk or goes against public interest.**

Are you in a position to put the matter right?

N

Y

Take appropriate action and keep a record of your actions

Do you also need to report it?

N

Y

**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?

N

Y

Raise your concern at this level and keep a record of your actions

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

N

Y

Are you satisfied with the response and that your concerns have been addressed?

Y

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

N

Y

Can you go to the next reporting level up?

N

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

Y

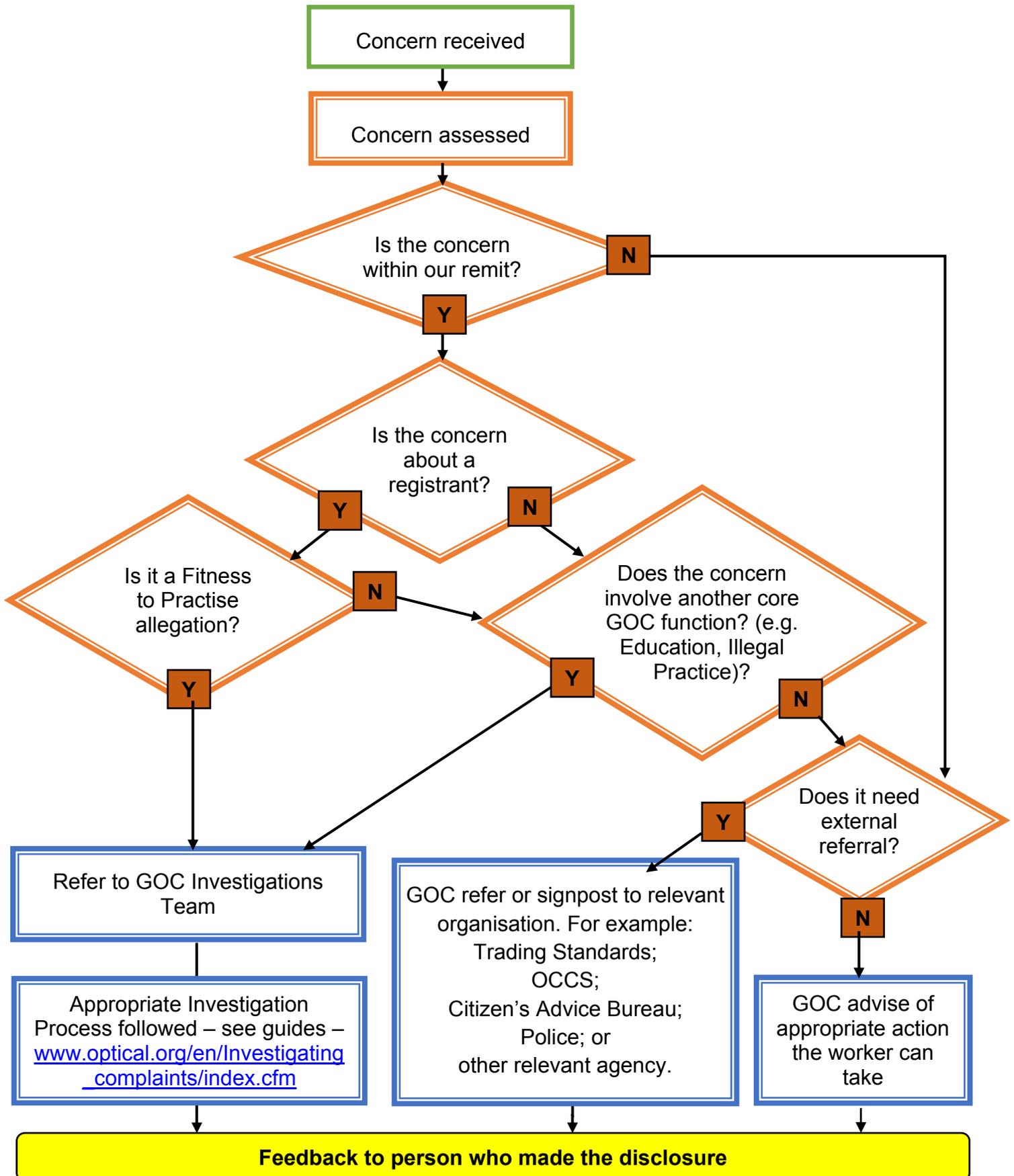
Are you considering making your concern public?

N

**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; the General Optical Council (GOC); the NHS Whistleblowing Helpline; Public Concern at Work; Optical Professional Bodies, or Citizen's Advice. Record your actions.

**Annex 4: How we the GOC investigate protected disclosure concerns**



## Annex 5: PIDA in Northern Ireland

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Whistleblowing legislation in Northern Ireland differs slightly from the rest of the United Kingdom.<sup>19</sup>

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.

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<sup>19</sup> <http://www.delni.gov.uk/public-interest-disclosure-guidance-2014.pdf>