

## Response to the General Optical Council consultation: Raising concerns with the GOC (whistleblowing)

January 2016

### 1. Introduction

- 1.1 The Professional Standards Authority for Health and Social Care promotes the health, safety and wellbeing of patients, service users and the public by raising standards of regulation and voluntary registration of people working in health and care. We are an independent body, accountable to the UK Parliament. More information about our work and the approach we take is available at [www.professionalstandards.org.uk](http://www.professionalstandards.org.uk).
- 1.2 As part of our work we:
- Oversee nine health and care professional regulators and report annually to Parliament on their performance
  - Conduct research and advise the four UK governments on improvements in regulation
  - Promote right-touch regulation and publish papers on regulatory policy and practice.
- 1.3 We welcome the opportunity to respond to the General Optical Council (GOC) consultation about raising concerns (whistleblowing). We offer a number of general comments, but have not responded directly to the consultation questions.

### 2. General comments

- 2.1 We welcome the GOC's draft guidance which aims to support its registrants to better raise concerns. In the absence of an effective whistleblowing policy:
- Bad practice may continue for longer than necessary
  - Staff may leave or perform less well.<sup>1</sup>
- All these scenarios put patients at risk unnecessarily. In order to prevent this, it is necessary to create the mechanisms for staff to raise any problems which could affect patients or other members of staff.
- 2.2 Sir Robert Francis identified in a recent report the need for a 'shared culture of openness and honesty' in such an industry where safety is paramount.<sup>2</sup>

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<sup>1</sup> Whistleblowing: Guidance for providers who are registered with the Care Quality Commission, Pg.4 [https://www.cqc.org.uk/sites/default/files/documents/20131107\\_100495\\_v5\\_00\\_whistleblowing\\_guidance\\_for\\_providers\\_registered\\_with\\_cqc.pdf](https://www.cqc.org.uk/sites/default/files/documents/20131107_100495_v5_00_whistleblowing_guidance_for_providers_registered_with_cqc.pdf)

<sup>2</sup> Freedom to Speak Up, Pg. 9 [http://webarchive.nationalarchives.gov.uk/20150218150343/https://freedomtospeakup.org.uk/wp-content/uploads/2014/07/F2SU\\_web.pdf](http://webarchive.nationalarchives.gov.uk/20150218150343/https://freedomtospeakup.org.uk/wp-content/uploads/2014/07/F2SU_web.pdf)

Developing and maintaining a culture of openness about concerns in the workplace is an important step in improving operation and protecting patients.

Also, in our report *Candour, disclosure and openness: Learning from academic research to support advice to the Secretary of State*, we discuss the need for a 'joined-up approach' between regulators, employers and other stakeholders to create an environment conducive to an open culture.<sup>3</sup> We also highlight factors that can stand in the way of professionals' raising concerns, such as conflicted loyalties, and the bystander effect.

### Comments on the Consultation

- 2.3 We recognise that the majority of people reading the guidance will be potential whistleblowers. Optical professionals work, for the most part, for businesses, and some of their colleagues, particularly those in management, may not be GOC registrants. These colleagues may be approached by employees with concerns but may not have the skills to resolve them.
- 2.4 We have argued in our paper *Right Touch Regulation* that problems are best solved as close to the problem as possible.<sup>4</sup> It might be helpful for the GOC to work with stakeholders in the optical sector to ensure that whistleblowing guidance is made available to all staff, and not just those that are GOC registrants. This could also reduce the workload for the GOC, as some concerns would be addressed locally instead of being immediately referred to the GOC. Although not specifically targeted at optical enterprises, the NHS Social Partnership Forum and Public Concern at Work created a document in 2010 which can help organisations to create a robust whistleblowing structure and support those receiving concerns from whistleblowers.<sup>5</sup>
- 2.5 We note the large range of organisations listed which can assist whistleblowers on pages 26 and 27 of this consultation. Our only suggestion would be to add trade union bodies to the list who can provide support to employees in these circumstances.

## 3. Further information

- 3.1 Please get in touch if you would like to discuss any aspect of this response in further detail. You can contact us at:

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<sup>3</sup> Candour, disclosure and openness: Learning from academic research to support advice to the Secretary of State, pg. 14, <http://www.professionalstandards.org.uk/docs/default-source/psa-library/candour-research-paper--final.pdf?sfvrsn=0>

<sup>4</sup> Right-touch regulation, Pg. 6 <http://www.professionalstandards.org.uk/docs/default-source/psa-library/151020-right-touch-regulation-revised-final.pdf?sfvrsn=0>

<sup>5</sup> Speak up for a Healthy NHS , Pg.9 , <http://www.pcaw.org.uk/files/SpeakupNHS.pdf>

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