

# Council's Speaking Up Policy

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### 1. Part 1- Policy

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#### A. About this policy and how it applies to you

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1. We have produced this guidance to help our staff<sup>1</sup> in situations where they need to consider speaking up about possible concerns at the earliest opportunity, and in an appropriate way. This is something we know can be difficult as it is not always clear what your responsibilities are or how to raise your concerns.
2. It is not a mechanism for raising personal grievances, which should be raised in accordance with our *Employee Concerns (Grievance)* policy.
3. Part 1 explains our Speaking Up policy and part 2 contains the process for speaking up, along with flowcharts in section L and M.

#### B. What is Speaking Up?

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4. The term ‘speaking up’ is used in this policy and for the avoidance of doubt, it covers all concerns regarding matters of public interest, including what may be termed ‘whistleblowing’ and/or ‘raising concerns’.

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<sup>1</sup> “staff” includes employees, workers and contractors

5. This policy is designed to
- support our values;
  - ensure employees can speak up without fear of suffering any detriment; and
  - provide a transparent and confidential procedure for dealing with a concern.
6. Staff should speak about any conduct that they feel is not in the public interest. Some examples include:
- risks to patient safety;
  - dishonest financial reporting;
  - fraud;
  - corruption, bribery or blackmail;
  - criminal offences;
  - failure to comply with a legal or regulatory obligation;
  - miscarriage of justice;
  - endangering the health and safety of an individual;
  - damage to the environment;
  - concealment of any of the above.
7. If a concern is related to the acts or omissions of a registered individual or business, or if an individual to whom this policy does not apply speaks up to the GOC about a concern elsewhere, those concerns will be considered in line with *Speaking Up: guidance for registrants* and the flowchart in Section M on page 11.

## C. Speaking Up Principles

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8. The following principles apply to the way we deal with concerns raised with us:
- anyone raising a concern will be treated fairly;
  - all concerns will be properly and carefully considered;
  - no one will be at risk of suffering any form of detriment, including harassment or victimisation because of raising a concern even if they are mistaken.
9. Employees are not expected to be able to prove the truth of their suspicion, however they need to demonstrate that they have reasonable grounds for believing the concern is true.
10. The GOC cannot condone abuse of this procedure, and if following an investigation, the employee is found to have acted maliciously, knowingly providing false information, the matter will be dealt with under the *Employee Conduct (Disciplinary)* policy.
11. If at any stage an employee, worker, or contractor were to experience detriment for raising a concern this would be treated very seriously and may be deemed as gross misconduct under the *Employee Conduct (Disciplinary)* policy.

## Part 2 - Procedure

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### D. Why should I speak up?

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12. Everyone in the GOC is encouraged to look out for issues that may affect its ability to protect the public and maintain confidence in the professions we regulate. For the GOC to play its role it too needs to retain public confidence.

13. Speaking up can prevent harm and help to instil confidence in the GOC by doing and being seen to do “the right thing”.

14. By speaking up at the earliest opportunity you are enabling poor practice to be identified and possibly remedied before it has an impact. If something has already gone wrong, you will be helping to put things right and to learn from what went wrong to prevent it happening again.

15. We understand that you may be nervous about speaking up and this guidance explains additional protections that apply in some circumstances. It also gives some suggestions for how you might raise issues at the earliest opportunity.

## **E. How to speak up**

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16. The first question to consider is whether you can deal with the issue yourself. If you can, then you should do so, but you should still speak up about it to make sure that any learning from the experience can be shared.

### **i. Dealing with the issue locally**

17. If you cannot resolve the issue yourself, then you may be able to speak up about it to the person or organisation with authority to act.

18. For most issues at the GOC, your line manager would be the best person to speak to about your concerns, although if you have concerns about the behaviour or conduct of another person, consider whether you could approach them directly about the issue first.

19. If your concern is very serious, for example, there is a risk of fraud or serious harm, you may need to escalate your concerns immediately to ensure that they are given sufficient priority. More information about escalating concerns is set out in part 2.

20. You can speak up anonymously, but it may then be difficult to claim any legal protection under the Public Interest Disclosures Act (see *Part 2 E.d. page 8*).

### **ii. Escalating your concerns**

21. If you believe that something is wrong and you haven't been able to resolve it yourself or informally with your line manager then you should fill in the form in Section K and formally report the concern to your line manager, copied to the Speaking Up Champion<sup>2</sup>. If for any reason you feel unable to raise the matter with

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<sup>2</sup> The Speaking Up Champion for GOC staff is the Head of Governance.

your line manager you can report it straight to the Speaking Up Champion or to HR, or any member of the Senior Management Team.

22. You are encouraged to put your name to the concern whenever possible as investigations with the absence of witnesses can be much harder to complete.

## F. Speaking Up Champion

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23. The Speaking Up Champion for GOC staff is the Head of Governance and in relation to Speaking Up will:

- be independent, impartial, and objective;
- work in partnership with relevant individuals, including the Senior Management Team to ensure your concern is investigated; and
- seek guidance and support from and, where appropriate, escalate matters to, bodies outside the organisation.

24. When you speak up about a concern they will:

- provide you with confidential advice and guidance about the process for speaking up (or if the concern does not meet the criteria under this policy, recommend another suitable route e.g. the *Employee Concerns (Grievance)* and *Employee Conduct (Disciplinary)* policies;
- brief the Chief Executive and other members of the Senior Management Team as appropriate;
- ensure an appropriate investigator is appointed;
- record and track progress in responding to the concern you have raised; and
- ensure that the issue and relevant findings are escalated to the Audit, Risk & Finance Committee as appropriate.

25. Our Speaking Up Champion can be contacted in confidence via telephone or dedicated email: [speakingup@optical.org](mailto:speakingup@optical.org). This is a private account and is only accessed by our Champion. They can also be contacted by arranging a personal meeting.

26. If for any reason an employee is reluctant to speak to the Speaking Up Champion then they should speak to HR or to the Chief Executive.

27. If the individual feels the matter is so serious that it cannot be discussed with any staff member, they should contact (see *paragraph 42*) either:

- the Chair of the Audit, Risk & Finance Committee
- the Chair of Council
- the Senior Council Member

28. The GOC recognises that you may want to raise a concern in confidence and possibly remain anonymous. We encourage you wherever possible to speak up openly as an investigation can be extremely difficult without witnesses. However, if an employee asks for their identity to be protected, then it will not be disclosed without consent.

## G. What happens next?

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29. The GOC will respond to your concern as quickly as possible and if necessary, will appoint an investigating officer.

30. You will be informed within 10 working days who the investigating officer is and how you can contact them. Depending on the details of your concern you will also be told what further assistance and support can be provided.

31. Within 15 working days you will receive written confirmation from the investigating officer with an explanation of how they propose to deal with the matter. It is likely that you will be interviewed to ensure that your concern is fully understood, and an investigation will then take place.

32. Following the investigation, the investigating officer will send their findings to the Speaking Up Champion and update you accordingly. The timeframe on this part of the process will be case dependent.

33. In certain circumstances e.g. if a disciplinary or criminal investigation follows, you may need to be a witness. If this happens then the Speaking Up Champion will speak to you at the earliest opportunity and you will be provided with appropriate support.

34. If you are not satisfied with the findings of the investigation, you can refer the decision to the Chief Executive & Registrar for review. If that happens, the Chief Executive & Registrar will respond to you within 20 working days.

35. If you are still not satisfied with the findings after the Chief Executive & Registrar has responded, you can refer it to the Chair of Council who will respond within 20 working days.

36. The GOC will seek to resolve all concerns and staff should consider whether it is more relevant to raise the matter internally before making any external disclosures.

## H. External disclosures

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37. This policy and process should give you the reassurance you need to raise concerns internally and the internal process should be followed wherever possible first. However, if you do not feel confident that this is not the case, you may wish to raise a concern an appropriate prescribed body (e.g. the Professional Standards Authority, the Charity Commission or an organisation called "Protect"). A list of prescribed bodies can be found at paragraphs 40 and 41.

## I. Protected disclosures

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38. As an employee, worker or contractor you may be legally protected under the

Public Interest Disclosures Act (PIDA) 1998.

39. In order to qualify for protection, the issue you are raising must be a 'protected disclosure'. Section 43B of the Employment Rights Act 1996 states that a protected disclosure is:

“any disclosure of information which, in the reasonable belief of the worker making the disclosure, tends to show one or more of the following:

- that a criminal offence has been, is being, or is likely to be committed;
- that a person has failed, is failing, or is likely to fail to comply with any legal obligation to which he is subject;
- that a miscarriage of justice has occurred, is occurring or is likely to occur;
- that the health and safety of any individual has been, is being, or is likely to be endangered;
- that the environment has been, is being, or is likely to be damaged; or
- that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.”

## J. Sources of further advice

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40. You can seek external independent advice or support at any stage of the process. There are several options available as outlined below.

### **Protect**

This is a charity which also provides confidential advice, free of charge. Visit: <https://protect-advice.org.uk/>

### **Advisory, Conciliation and Arbitration Service (ACAS)**

Provides information, advice, training, conciliation and other services for employers and employees to help prevent or resolve workplace problems. Visit: [www.acas.org.uk](http://www.acas.org.uk)

### **Employee (and member) Assistance Programme (EAP)**

We have a confidential Employee Assistance Programme (EAP) which is for you and your immediate family – including for members. You can access information online or by telephone. The username and password are available on IRIS under HR zone, Staff Benefits.

### **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. Visit: <https://www.samaritans.org/how-we-can-help/contact-samaritan/>

41. You can also seek advice from our regulators:

**Professional Standards Authority (PSA)**

The PSA oversee 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. They complete performance reviews as well as special reviews, often if there are serious concerns raised with them.

<http://www.professionalstandards.org.uk/regulators/overseeing-regulators/concernsabout-regulators>

**Charity Commission**

The Charity Commission regulate charities in England and Wales. The GOC is a registered charity. Visit: [www.charitycommission.gov.uk](http://www.charitycommission.gov.uk)

42. Contact details for internal advice within the GOC are provided below.

**Speaking Up Champion:**

Andrew Spragg

email: [speakingup@optical.org](mailto:speakingup@optical.org)

This is a private account and is only accessed by our Champion

phone: 020 7307 3466 ext: 466 (office)

**Chair of the Audit, Risk & Finance Committee:**

Sinead Burns

email: [sineadburns@hotmail.co.uk](mailto:sineadburns@hotmail.co.uk)

**Chair of Council:**

Anne Wright

email: [awright@optical.org](mailto:awright@optical.org)

**Senior Council Member:**

Clare Minchington

email: [clare.minchington@hotmail.co.uk](mailto:clare.minchington@hotmail.co.uk)



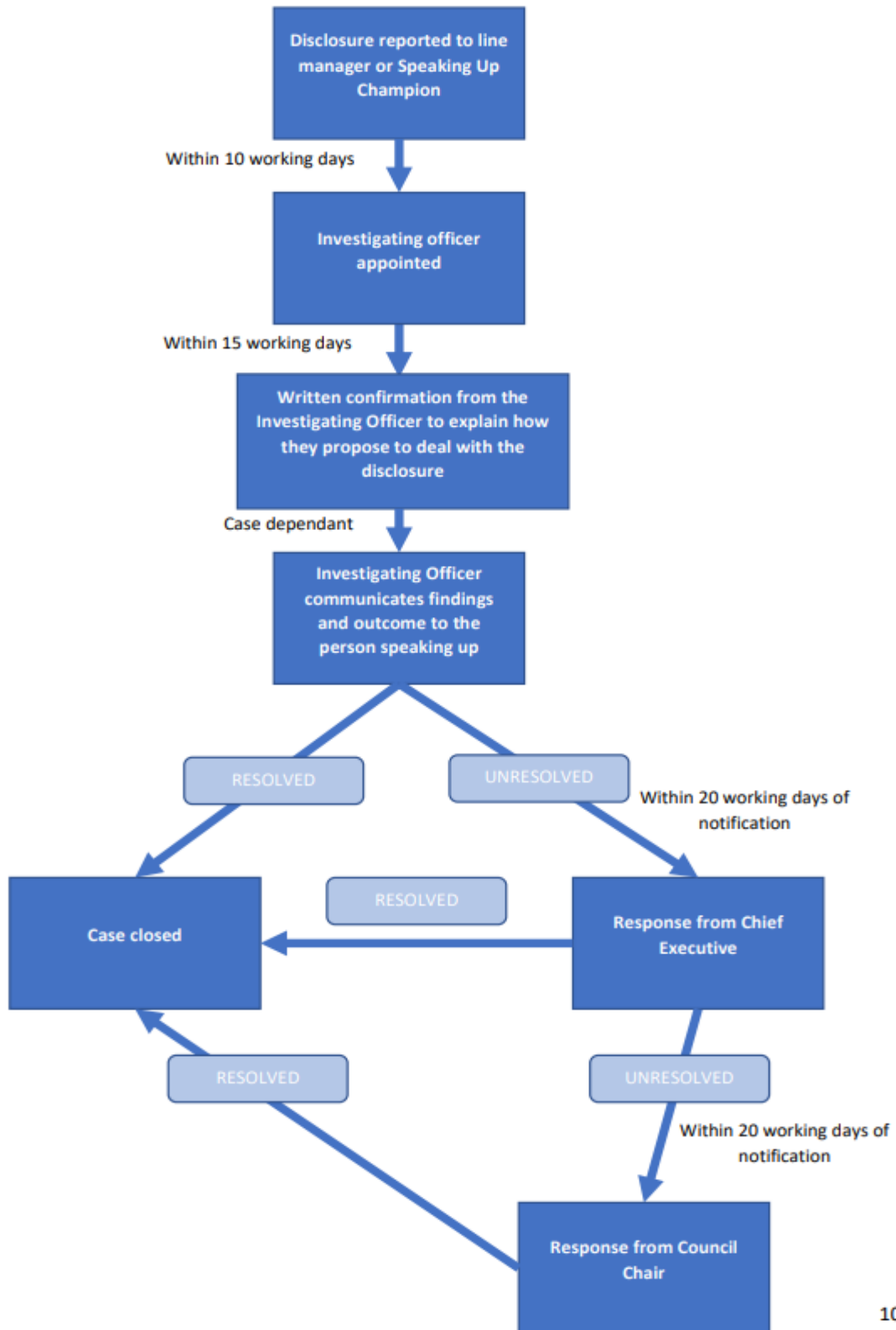
## K. Speaking Up Disclosure Form

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| <b>Speaking Up Disclosure Form</b> |                               |
|------------------------------------|-------------------------------|
| Employee's details                 |                               |
| Name:                              | Request for anonymity: Yes/No |
| To whom the disclosure is made:    |                               |
| Details of disclosure:             |                               |
| Date:                              |                               |

## L. Flow chart – speaking disclosures

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M. Flow chart – speaking up assessing if the concern should be GOC led or referred to an external entity

