

RAISING AND ESCALATING CONCERNS

'Standards for dental professionals' sets out six main principles which apply to all areas of your work.

It is your responsibility to use your professional judgement and follow these principles at all times.

The guidance states that you should:

'Put patients' interests first and act to protect them.'
(Principle 1, 'Standards for dental professionals')

'If you believe that patients might be at risk because of your health, behaviour or professional performance, or that of a colleague, or because of any aspect of the clinical environment, you should take action.'
(Principle 1.7, 'Standards for dental professionals')

These principles should override any personal or professional loyalties or concerns you might have about seeming disloyal or being victimised by your colleagues or managers.

Our standards guidance documents make clear your professional responsibility to do this.

'Principles of raising concerns' sets out the requirements that apply to all registrants in this area and outlines how to raise any concerns you may have.

The purpose of this advice sheet is to provide employers with guidance on what is expected of them, and to help you with raising any concerns you might have that patients are at risk, by explaining the processes to follow and offering advice on the support available.

Where appropriate this advice sheet should be read with local authority safe guarding policies.

Raising a concern or making a complaint

If you are worried about something dangerous or illegal affecting (or which could affect) other people, and are raising awareness of it in order to protect vulnerable individuals and so that others can deal with it, you are raising a concern and should follow the stages detailed on page 3.

Raising a concern is different from making a complaint.

When someone makes a complaint, they may be expected to prove their case. When you raise a concern, you should not be expected to prove the malpractice you are concerned about.

If you have a complaint over how you have been treated at work you should follow the appropriate internal complaints or grievance procedures.

In either situation if the relevant policy is unavailable you should contact your professional association, union or an organisation such as Public Concern at Work (PCaW).

PCaW is an independent authority that provides free, confidential advice to people who are not sure whether, or how, to raise concerns about practices they have seen at work.

What legislation is in place to protect me?

The Public Interest Disclosure Act (1998) (PIDA) was introduced in 1999 to provide protection for those who honestly raise concerns about wrongdoing or malpractice in the workplace and are victimised and/or dismissed for doing so.

Workers are most easily given protection by the Act when they raise a concern internally.

Protection is also available for disclosures made to certain regulators and, in exceptional circumstances, wider disclosures (for example to an MP or the media) may also be protected.

The role of employers

It is in an employer's interest to promote a culture where staff can raise concerns safely and therefore prevent further problems.

An increasing number of employers have a whistleblowing policy in place which outlines the procedure for raising concerns, and identifies who individuals can raise their concern with.

If you employ or manage staff, promoting an open and accountable environment in which staff feel able to raise concerns will increase the identification and prevention of bad practice and will be a positive step towards safeguarding the public.

If you are a manager or hold a position where others may bring their concerns to you, you should:

- ensure that systems are in place through which colleagues can confidently raise concerns
- ensure that concerns raised are taken seriously
- Maintain confidentiality if and where appropriate
- investigate properly and make an objective assessment of the concern
- keep the employee who raised the concern advised of progress
- ensure that action to resolve a concern is taken and monitored
- follow your local authority safeguarding policy and that of the organisation.

PCaW can help you to develop your own procedures to encourage staff to raise concerns in an appropriate and supportive manner. Support is also available from your professional association.

HOW TO RAISE YOUR CONCERN

Key points

- Take immediate or prompt action
- Protect patient confidentiality
- Keep an accurate record of concerns and actions taken

Stage 1 - Check your workplace's policy

If possible, follow your workplaces whistle blowing policy or local safeguarding procedures. These should provide clear advice on how to raise your concern and give details of a named person who acts as a contact in the organisation.

If you cannot find these policies or they seem unclear, ask for advice from your professional association, trade union, or PCaW.

Stage 2 - Raise your concern internally

If your employer has a policy, you will probably be expected to raise your concern internally first. This could be with your line manager or practice manager. If you feel unable to do this (perhaps because your concern relates to them), raise your concern with the person named in the policy. If you want your identity to remain confidential, you should say so at this stage.

You should keep a clear written record of your concerns and any steps that you have taken to resolve them. You should also keep a record of any written or verbal communication that you send or receive from your employer, while respecting people's right to confidentiality. Your employer should inform you of how they propose to handle your concern, and set a timeframe in which they will feed back to you. The timeframe will vary depending on the nature and seriousness of your concern, but should be agreed by your employer when you make your report.

Stage 3 - Escalating your concern internally

Your organisation's policy should provide options for you to raise your concern outside the management line or to escalate a concern which has been raised through your immediate superior or nominated person.

If the concern has been raised but is not addressed in a reasonable timeframe, or you are not satisfied with the response, you should raise your concern with someone higher within your employing organisation. For example, you could take your concern to the laboratory or practice owner, or in some circumstances the nominated person in your local health authority.

Stage 4 - Escalating your concern to a regulator

If you feel your concern has not been addressed in reasonable time, feel unable to raise your concern at any level in your organisation, or you feel there is an immediate risk to someone in your care, you could raise your concern outside of work.

This should be with a recognised organisation that has the authority to investigate (see 'Regulators' over the page). Seek advice from your professional association, trade union, or PCaW to make sure you receive appropriate support and guidance. If you haven't already, you may wish to inform your employer of your actions.

Stage 5 - Raising or escalating your concern externally – going public

If you are thinking of going public with a concern, you should seek advice from your professional association, trade union, or PCaW before you take action. You need to bear in mind that without clear evidence of first raising the concern internally or with a regulator, this action would only be considered appropriate and protection provided under the terms of PIDA in the most extreme circumstances.

In particular, before revealing an individual's identity without their consent, you must consider carefully whether this might then breach the confidentiality of those in your care. You should refer to our 'Principles of patient confidentiality' booklet which explains the issues in more detail.

SOURCES OF HELP AND ADVICE

There may be times when you are not sure whether to raise concerns about practices or behaviour. There are a number of possible sources of help including:

- Colleagues
- Your professional association
- Public Concern at Work
- Your employer
- Your dental defence organisation

You can also contact other organisations, if appropriate, such as the Health and Safety Executive, and can find a range of further sources of information and advice for dental professionals and the public on our website.

If at any time you are not sure what to do, contact us:

Phone: 0845 222 4141 (UK local rate) Email: standards@gdc-uk.org

Useful contacts

Public Concern at Work

Web: www.pcaw.co.uk
Helpline: 020 7404 6609

Health and Safety Executive

Web: www.hse.gov.uk
Phone: 0845 345 0055

NHS Counter Fraud and Security Management Service

Web: www.nhsbsa.nhs.uk/fraud
Fraud and corruption line: 0845 126 8000

Care Quality Commission

Web: www.cqc.org.uk
Phone: 03000 616161

Care and Social Services Inspectorate Wales

Web: www.cssiw.org.uk
Phone: 01443 848450

Scottish Commission for the Regulation of Care

Web: www.carecommission.com
Phone: 0845 603 0890

Regulation and Quality Improvement Authority

Web: www.rqia.org.uk
Phone: 028 9051 7500

Department of Health (England)

Web: www.dh.gov.uk
Phone: 020 7210 4850

Monitor

Email: enquiries@monitor-nhsft.gov.uk
Phone: 020 7340 2400

Department of Health, Social Services and Public Safety (Northern Ireland)

Web: www.dhsspsni.gov.uk
Phone: 028 90520500

The Scottish Government

Website: www.scotland.gov.uk
Phone: 0131 556 8400 or 08457 741741

Department for Health and Social Services (Wales)

Web: www.wales.gov.uk
Phone, English: 0845 010 3300
Welsh: 0845 010 4400

Scotland's Health on the Web

Website: www.scot.nhs.uk

Regulators

Under the law, there are organisations who have been prescribed by the Secretary of State as prescribed regulators for the purpose of receiving disclosures about matters of concern or wrongdoing. A full list of these organisations can be found at www.pcaw.co.uk/law/uklegislation.

This document is supported by these guidance booklets:

- Principles of raising concerns (published May 2006)
- Standards for dental professionals (published May 2005)
- Principles of patient confidentiality (published May 2005)
- Principles of patient consent (published May 2005)
- Principles of dental team working (published January 2006)
- Principles of handling complaints (published May 2006)

You can download these booklets from our website, or phone or e-mail us for copies.