Whistleblowing Policy for Council Members and Associates

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1. **Introduction**

1.1 As a Council member or Associate of the General Dental Council (GDC) it is important to us that we are made aware of any concerns you have or issues you wish to raise. This policy deals with raising concerns about wrongdoing within the GDC that are in the public interest i.e. whistleblowing. If you have an issue or complaint about your individual relationship with the GDC and which you do not consider have a wider public interest dimension, then the Policy for Individual Issues and Complaints by Council members and Associates will apply.

1.2 This policy applies to all Council members and to those individuals identified by the GDC as Associates. “Associates” includes, but is not limited to, any non-Council members who are serving on Council Committees or Task and Finish Groups, members of the Statutory Committees, Quality Assurance Inspectors, Specialist List Appeal Panellists, Registration Assessment Panellists, ORE Advisory Group members and panellists, Dental Complaints Service Advisory Board members and panellists. Where the policy refers to “Council members” and/or “associates”, this means all those referred to in this paragraph unless it is otherwise indicated.

1.3 The Government has recognised that it might be difficult for an individual to raise a concern with their own employer (or equivalent), and so has listed a number of organisations as an alternative. The Professional Standards Authority for Health and Social Care (PSA) and the Information Commissioner are both “prescribed” persons which you could consider raising a concern with, as an alternative to the GDC. More information on this alternative can be found at Section 7 of this policy.

1.4 The GDC has also been made a “prescribed person” for workers who want to raise concerns about people or organisations, if they think those issues are connected to the GDC’s functions. Therefore, someone might want to raise such a concern with you as a Council Member or Associate. If you think someone has or would wish to raise such a concern with you, please contact the Governance team in the first instance.

2. **Whistleblowing**

2.1 The GDC is committed to maintaining the highest standards of honesty, openness and accountability and recognises that Council members and Associates have an
important role to play in achieving this goal. The GDC is committed to encouraging and providing the space for constructive conversations to take place. However, the GDC recognises that it can be difficult to know what to do when you have a whistleblowing concern. We have introduced this policy to reassure you that it is safe and acceptable to speak up and to enable you to raise any concern you may have within the GDC that would be in the public interest, at an early stage and in the right way. Rather than wait for proof, we would prefer you to raise the matter when it is still a concern or you have a concern that something may happen. It is then the responsibility of the GDC to investigate your concerns.

2.2 The purpose and scope of the whistleblowing policy is to:

- Encourage Council members and Associates to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate

- Explain clearly what types of issues are appropriately dealt with under this whistleblowing policy

- Provide a procedure for the Council member/Associate to follow if they have a concern

- Outline the steps that the GDC will take to investigate concerns

- Explain the support and protection that the GDC will provide for whistleblowers

2.3 Whistleblowing is raising a concern about wrongdoing, risk or malpractice with someone in authority either internally or externally. Many All of us at one time or another have a concern about what is happening at work. Usually these are easily resolved. However, you may be worried about raising such a concern and may 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 peers, managers or to the organisation, but it shouldn’t deter you from raising a concern.

2.4 Some examples of a concern which Council members or Associates may report under this policy include:

- You suspect that a GDC employee is transferring GDC money into their own bank account
- You have seen a report that shows that asbestos is present in the building; when you raised it, you were told to keep quiet and not to tell anybody about the content of the report
- You are aware that a statutory committee member has been offered money to reach a particular decision in a hearing

2.5 The GDC welcomes matters being raised by Council members and Associates, and will ensure that, if you raise a genuine concern, you will not suffer any detriment or adverse treatment as a consequence; it does not matter if you do not have proof or are mistaken. Of course we do not extend this assurance to someone who maliciously raises a matter they know is untrue. In such circumstances, it may be appropriate for formal disciplinary action to be taken.
3 Raising a whistleblowing concern with the GDC

3.1 Raising a whistleblowing concern about wrongdoing within the GDC

Step one:
If you feel that your concern could be addressed by your GDC contact person you should discuss it with them in the first instance.

Step two:
If your whistleblowing concern involves your GDC contact or you feel unable to raise your concern with them for whatever reason, then please contact a Head of Department or Director.

Step three:
If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact:

(i) the Chief Executive; or

(ii) the Chair of Council, if you reasonably believe that the Chief Executive is implicated in the wrongdoing, or that the Chief Executive will not take steps to remedy the situation (e.g. because you have previously raised these or other concerns with them and the concerns have not been adequately addressed); or

(iii) the Senior Independent Director, letting the Chair of the Audit & Risk Committee know for information (unless the Chair of the Audit & Risk Committee is implicated), if you reasonably believe that the Chair of Council is implicated in the wrongdoing, or that the Chair of Council will not take steps to remedy the situation (e.g. because you have previously raised these or other concerns with them and the concerns have not been adequately addressed).

A current list of Council members and their roles, can be found at http://www.gdc-uk.org/Aboutus/Thecouncil/Pages/council.aspx

3.2 We will acknowledge receipt of your concern within two working days. The individual with whom you have raised your concern will arrange a meeting with you as soon as possible to discuss your concerns and clarify any outstanding points. If your concern cannot be addressed at that meeting they will follow the process outlined below. If you ask, we will write to you summarising your concern, 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 please let us know.

3.3 When you raise the concern it will be helpful 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 we think your concern falls more properly within another GDC policy, we will let you know.

3.4 Whenever possible, we will give you feedback on the outcome of any investigation. Please note, however, that we may not be able to tell you about
the precise actions we take where this would infringe a duty of confidence we owe to another person.

3.5 Concerns can be raised verbally or in writing. The GDC will take seriously concerns in whatever format they are raised. At any stage you may approach the GDC’s HR team for advice and assistance with raising a concern.

3.6 If you are unsure whether to use this whistleblowing policy or you want confidential advice at any stage, you may contact the independent charity Public Concern at Work (PCaW) on 020 7404 6609, which is free for the caller, or by email at helpline@pcaw.org.uk. Their lawyers can talk you through your options and help you to raise a concern. If you are a member of a trade union or a membership body, you can also contact them for advice.

3.7 If you feel that you have exhausted the internal routes within the GDC without your concern being adequately resolved or feel that you are unable to raise your concern with us, please see section 7 below regarding raising a whistleblowing concern externally. We strongly encourage you to seek advice from PCaW or your trade union before raising a whistleblowing concern externally, particularly to non-prescribed persons, as there may be additional requirements that will need to be met for you to retain the protection of the Public Interest Disclosure Act 1998 (see section 5.9 below).

4. **Confidentiality**

4.1 The GDC hopes that Council members and Associates will feel able to voice whistleblowing concerns openly under this policy. However, we recognise that there may be circumstances when you would prefer to report a concern confidentially i.e. your personal information is not shared with others as part of our investigation. If you provide us with your personal information and ask us not to disclose your identity, we will not do so without your consent, unless required by law. However, you should be aware that:

a. The nature of the matter reported may mean that it cannot be investigated without it becoming apparent who has raised the concern e.g. if you are the only witness. In these circumstances we will discuss with you any steps which may be taken to support and protect you throughout the process.

b. 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. In such cases, we will discuss with you whether and how the matter can best proceed.

4.2 You cannot raise serious issues about wrongdoing “off the record”; once your concern is known to the GDC, it is duty bound to act on it.

4.3 We do not encourage Council members and Associates to make raise a whistleblowing concern anonymously i.e. where you do not tell anyone who you are when raising your concern. However, we would rather you raised a concern anonymously than remained silent.

4.4 Proper investigation may be more difficult or impossible if we cannot obtain further information from the whistleblower. We will not be able to protect your position or to give you feedback. Accordingly you should not assume we can provide the assurances we offer in the same way if you report a concern anonymously.
Whistleblowers who are concerned about revealing their identity at any stage should speak to the PCaW Whistleblowing Advice Line (see section 3.6).

5. **Protection and support**

5.1 If you raise a genuine concern under this policy, you will not be at risk of losing your position or suffering any form for reprisal as a result. We will not tolerate any mistreatment of a Council member or Associate as a consequence of raising a whistleblowing concern and any reports of reprisal will be treated by the GDC as a serious disciplinary offence.

5.2 If at any stage you experience reprisal, harassment or victimisation for raising a concern please contact a member of the Executive Management Team, the Chief Executive, Chair of Council, or Senior Independent Director (whoever you consider most appropriate in the circumstances).

5.3 If a concern has been raised about a colleague(s) that means that the working relationship is going to be put under strain during the course of the investigation, consideration will be given to what alternative arrangements can be put in place, for instance as outlined in section 6.5 below or through a temporary transfer of an individual to alternative duties. The whistleblower will only be transferred with the whistleblower’s agreement.

5.4 The GDC recognises that the position of a whistleblower who has cause to complain about suffering reprisal is one that needs to be addressed with urgency. A timeline for investigating the complaint will be provided to you following receipt of your complaint, and you will be kept updated about any change to this timeline.

5.5 A suitable person will be allocated to investigate such a complaint, who is independent from both the whistleblowing concern and the subject of the complaint. If necessary this will be a person external to the GDC. Any further steps will follow the appropriate policy.

5.6 A report of the outcome of any investigation under this section of the policy will be made to the Council and the Audit & Risk Committee. This report shall be an outline of the concern and reprisal and shall not identify the whistleblower.

5.7 The GDC recognises that a valid complaint about reprisal is a separate matter to the outcome of the original whistleblowing concern and investigation.

5.8 In addition to Public Concern at Work, the employee assistance programme provides employees, workers, Council members and Associates with a free, confidential source of advice on a range of information, and services to help employees deal with issues and events in their everyday life. You can contact them via a telephone helpline staffed by specially trained advisors, who can be contacted 24 hours a day, 365 days a year on a strictly confidential basis. Further details can be found below:

   Legal and General  
   0800 316 9337  
   www.legalandgeneral.com/worklifesolutions  
   Username: worklife  
   Password: solutions
What is the Public Interest Disclosure Act 1998 (PIDA) and how does it relate to our whistleblowing policy?

The Public Interest Disclosure Act 1998 is part of UK employment law. It provides protection for workers who raise genuine concerns about certain types of wrongdoing and who then suffer a detriment or are dismissed for having done so.

For more information about the law see www.pcaw.org.uk

6. How we will handle a whistleblowing concern

6.1 The person to whom you have reported your concern will take advice as necessary in order to decide on the appropriate action to take. They will agree a timetable for communication and feedback with you and you will be kept updated about any change to this timeline.

6.2 They will then take one of the following actions:

a) explain in writing the reasons for believing that there are insufficient grounds to warrant an investigation; or

b) take on the role of ‘investigating officer’ if they are an appropriate person to explore the concern in more detail; or

c) if they are not taking on that role, they will consult with you about the most appropriate person to do so and provide that person with all the information associated with the case.

6.3 If a) above applies and you feel that you still have a serious concern, you should take your concern to the Chair of Council, or to the Senior Independent Director if the Chair of Council is part of your concern.

6.4 The GDC recognises that being the subject of an investigation could be a stressful situation for the persons(s) under investigation and equally it may be stressful to be the whistleblower. All parties should therefore strive to resolve the issue without unnecessary delay. The GDC recognises, however, that whistleblowing issues are often complex, and it is of paramount importance that such issues should be fully and properly investigated, and, in a matter of public interest, thoroughness of investigation should take precedence over speed.

6.5 Where the presence of the person(s) under investigation might make it difficult to complete a thorough investigation, there may be a need for those person(s) to be temporarily suspended from the workplace, using the relevant and appropriate mechanisms, until the investigation has been completed. This would be a neutral act. The persons(s) involved would still have the right to respond within the appropriate timeframe and they will be given access to any documents necessary to allow them to do so within the boundaries of this and other relevant policies.

6.6 Where the person(s) under investigation is a Council member or statutory committee member there may be a need for those person(s) to be temporarily suspended from their role until the investigation has been completed. This would be in accordance with the statutory framework for Council members and statutory committee members. The person(s) under investigation would still have the right to respond within timeframe and they will be given access to any documents necessary to allow them to do so.
6.7 If the alleged wrongdoing involves a worker or a ‘third party’ to the GDC (e.g. an agency worker or a supplier), the investigating officer will work with the third party organisation, agency etc. If the third party refuses to co-operate or does not provide adequate responses, the investigating officer will report to the Chair of Council to agree the appropriate next steps.

6.8 The investigator should investigate matters fully, keeping a record of all steps and decisions taken (including the reason for them). The GDC has a set of whistleblowing guidelines for managers which should be read and followed.

6.9 At any stage during the investigation, we may take the view, based on the progress of the investigation, that we should inform external authorities (for example, the police or another regulatory body or our insurers). Where appropriate we will discuss this with you beforehand and agree how/if the matter can best proceed.

6.10 As is appropriate we will report to the Council and the Audit & Risk Committee about the effectiveness of our whistleblowing arrangements and investigations. This report shall be an outline of the concern(s), and shall not identify the whistleblower.

6.11 On receiving the response of the implicated person(s), the investigating officer will decide on appropriate further action in the investigation process.

6.12 If there is insufficient evidence to warrant further action, the reasons will be supplied in writing to both you and any person(s) implicated. The investigating officer and the Chair of Council (and the Chief Executive if he/she is not the investigating officer) will review the case to determine whether any training and development issues need to be addressed or other actions carried out.

6.13 If there is sufficient evidence of wrongdoing, the investigator, alone or with a panel, will conduct an in-depth enquiry and make a report to the Chair of Council. The report may recommend (for example – this is a non-exhaustive list):

- informing external authorities with the possibility of civil or criminal proceedings
- invoking disciplinary procedures
- amending internal policies and procedures
- introducing further training
- terminating contracts with third parties

6.14 After receiving the report, the Chair of the Council will present a decision in writing to all parties concerned. The decision will set out the outcome and any recommendations that are being adopted. The confidentiality of any individuals being investigated may restrict the detail of the outcome provided to the whistleblower.

6.15 At all stages the Chief Executive, Chair of Council, and Senior Independent Director may delegate actions to members of the GDC executive or to others as appropriate, following consultation with the whistleblower.

6.16 Council members and Associates should treat any information about an investigation or its outcome as confidential.

6.17 Where appropriate the outcomes of a whistleblowing investigation will be reported by the Chair of Council to the Council and to the Audit & Risk Committee, including
any learning points (even if the complaint has not been upheld). Responsibility for implementing any recommendations and addressing any learning points shall be allocated to a designated manager for completion within a specified timescale. The Chair of Council shall be responsible for ensuring that those responsibilities are notified to the relevant managers, and that a mechanism is in place for following up after the period for completion to ensure that these tasks have been carried out.

6.18 If disciplinary action is required, this will be initiated in accordance with the policies relevant to the person(s) whom has been investigated.

6.19 The GDC recognises that this may be a stressful situation for all concerned and will endeavour to conduct and conclude investigations thoroughly and efficiently. While the GDC will endeavour to adhere to timeframes, it may be necessary for these timeframes to be extended from time to time, especially where the matter is complex. If this is the case you will be informed of these circumstances, and notified of the timeframes to which the GDC is intending to work.

6.20 While we cannot guarantee that we will respond to all matters in the way that you might wish, we will handle the matter fairly and properly. By using this policy you will help us to achieve this.

7. Raising whistleblowing concerns externally

7.1 While we hope this policy gives you the reassurance you need to raise your concern internally with us, we recognise that there may be circumstances where you may wish to report a concern to an outside body, for example, because you are not satisfied with the outcome of the internal procedure. Details for the Professional Standards Authority for Health and Social Care (PSA) are outlined below. We have also provided details for the Information Commissioner whose role is to uphold information rights in the public interest. PCaW (or if applicable your union or membership body) will be able to advise you on such an option if you wish.

Professional Standards Authority for Health and Social Care
157 -197 Buckingham Palace Road
London
SW1W 9SP
Telephone: 020 7389 8030
Email: info@professionalstandards.org.uk

The Information Commissioner
Wycliffe House Water Lane
Winslow
SW9 5AF
Telephone: 0303 123 1113
Email: casework@ico.org.uk
www.ico.org.uk

7.2 Prescribed persons are independent bodies or individuals that can be approached by whistleblowers where an approach to their employers would not be appropriate. Prescribed persons can be regulatory or legislative bodies, central government departments, arm’s length bodies or charities and include all Members of Parliament.
The GDC is a prescribed person and can be contacted about matters relating to the registration and fitness to practice of a member of a profession regulated by the GDC. The PSA and Information Commissioner, outlined above are prescribed persons.

7.3 A full list of the prescribed persons for healthcare and other industries can be found at: https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2

8. Appendices

8.1 Appendix 1: How to raise a concern with the GDC

Appendix 2: Overview of process for Council Members and Associates
How should you raise a concern with the GDC?

i. Approach your GDC contact person

There will typically be a member of GDC staff who makes all the arrangements with you for attendance, payment of expenses etc. He/she should be your first port of call when you have a query or problem you wish to raise.

ii. Refer up the line management chain

If your concern relates to your contact person, or if you cannot approach that individual, please contact the relevant Head of Department or Director who will have a responsibility to meet you to discuss any concerns you have.

iii. Contact the Chief Executive

If the matter is more serious, or you are not getting satisfaction from the responsible Director please contact the Chief Executive.

iv. The Chair of the Council

If your concern is about a Council member or you have not had a satisfactory response from the Chief Executive you should raise your concern with the Chair of the Council.

v. The Senior Independent Director

If your concern is about the Chair of Council or you have not had a satisfactory response from the Chair of Council you should raise your concern with the Council member who has been designated as the Senior Independent Director.
Overview of process: Associates/Council Members

1. **Concern received**

2. **Step 1: personal or of public importance?**
   - **Personal**
     - Individual complaints procedure
   - **Public**
     - Whistleblowing Policy

3. **Step 2: Recipient of concern will take advice as necessary and timetable agreed for communication and feedback to the whistleblower**
   - Whistleblower may escalate to next level
   - Explain insufficient grounds to investigate
   - Appoint another person as investigating officer

4. **Step 3: initial investigation**
   - Recommend in-depth enquiry
   - Explain insufficient evidence to warrant in-depth enquiry

5. **Step 4: in-depth enquiry and report**
   - Review to determine learning points and actions

6. **Step 5: decision made and communicated by Chair of the Council**
   - Allocate actions to Managers
   - Follow up actions taken
   - Report to Council, ARC and other relevant committees