

## **General Osteopathic Council**

### **Policy on handling whistle blowing concerns**

#### **1. The purpose of this policy**

- 1.1 'Whistleblowing' is where an employee, former employee or member of an organisation, raises concerns either within the workplace or externally, about a danger, risk, malpractice or wrongdoing which affects others. A whistleblower can be a current or former employee, a worker or a member of an organisation such as a trainee or student.
- 1.2 Whistleblowing can take place within an organisation or, if the worker feels they are unable to do this, to a third person known as a 'prescribed person'. In most cases, the individual is unable or unwilling to raise their concerns locally either through concern for their own role or because they have raised the concern previously and no action was taken.
- 1.3 In the UK, 'whistle blowers' are protected by legislation<sup>1</sup> and the General Osteopathic Council (GOsC) is one of the bodies to which whistle blowing concerns can be reported.
- 1.4 We recognise that raising concerns can be difficult. If you are thinking about raising concerns with the GOsC, this policy will explain:
  - a. the type of concerns that we can consider under the whistle blowing legislation;
  - b. how we will deal with concerns which have been reported to us; and
  - c. the action that we will take and the timescales for doing so.

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<sup>1</sup> Protection for whistleblowers in the UK is provided under the Public Interest Disclosure Act 1998 (PIDA), which amends the Employment Rights Act 1996. The PIDA protects both employees and workers.



## **2. The type of concerns that we can consider under the whistle blowing legislation**

- 2.1 There is a difference between raising concerns regarding an osteopath's fitness to practise and whistleblowing. To qualify in law as a whistle blower, your concern needs to amount to a 'qualifying disclosure'. This requires the disclosure to meet all of the following criteria set out below:
- You must be a 'worker', someone who works or worked under a contract. This includes employees, agency workers, trainees, volunteers and students.
  - You must reasonably believe you are acting in the public interest. This means that a number of people stand to benefit if action is taken and it is not solely for personal gain. Personal grievances (for example bullying and harassment) are not covered by whistleblowing law, unless there is a culture of bullying or discrimination in the workplace, which would then make this a public interest concern.
  - You must reasonably believe that the concern shows past, present or likely future wrongdoing in one or more of the following categories:
    - that a criminal offence has been committed, is being committed or is likely to be committed. This may be within or outside the UK.
    - that a person has failed, is failing or is likely to fail to comply with a legal obligation.
    - that a miscarriage of justice has occurred, is occurring or is likely to occur.
    - that the health or 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.
    - that information showing one or more of these criteria has been, is being or is likely to be deliberately concealed.
  - You must reasonably believe that the matter falls within our regulatory remit:
    - (a) the registration and fitness to practise of an osteopath registered with the GOC; and



- (b) any activities not covered by (a) in relation to which the GOsC has functions. This would include functions in relation to the approval of courses at osteopathic educational institutions, GOsC's Standards and those wishing to gain registration as an osteopath.

- You must reasonably believe that the information you disclose is substantially true.

2.2 Reasonably believe doesn't require you to prove what you say. It is enough that you show you have some reasonable basis or grounding for believing there has been some wrongdoing.

### **3. How to report whistle blowing concerns to the GOsC.**

3.1 We encourage individuals to consider raising concerns internally within their own organisations before approaching the GOsC. However, if you have raised your concerns within your organisation and are not satisfied with the response, or if you feel unable to raise your concerns within your organisation, you are able to contact us under this policy.

3.2 You can raise a concern with the GOsC either verbally or in writing in the following ways:

By telephone: 0207 357 6655 x224

In writing to: Director of Fitness to Practise  
General Osteopathic Council  
Osteopathy House  
176 Tower Bridge Road  
London SE1 3LU

By email: [whistleblowing@osteopathy.org.uk](mailto:whistleblowing@osteopathy.org.uk) or  
[regulation@osteopathy.org.uk](mailto:regulation@osteopathy.org.uk)

3.3 If you contact us by telephone, we will talk you through our process and record information about your concerns that you are willing to provide. However, we will usually ask you to confirm your concerns in writing (by post or email).

3.4 The GOsC regulates individual osteopaths. Wider concerns about the standards of quality and safety of healthcare offered by another healthcare provider are more appropriately covered by another healthcare regulator.

3.5 If your concern is about a healthcare professional who is not an osteopath, you should raise it with the regulator for that profession.

- 3.6 Since April 2017, the GOsC, along with seven other healthcare professional regulators<sup>2</sup> is required to publish an annual report on the whistleblowing disclosures made to us by workers.<sup>3</sup>

#### **4. Confidentiality and concerns raised anonymously**

- 4.1 Wherever possible, we would prefer you to raise any concerns with us openly. This would assist us in investigating the matter in the most effective way.
- 4.2 The GOsC will not disclose your identity without your consent unless there are legal reasons that require us to do so. This might be, for example, where your information is about a child or vulnerable adult who is at risk, or where a possible criminal offence may have been committed. We may also have to disclose your identity if ordered to do so by a Court.
- 4.3 However, in order for us to be able to act upon your concerns, we may need your consent to disclose information to any osteopath or institution that we are investigating. If you do not provide this consent, we may not be able to investigate your concerns properly, or at all.
- 4.4 If you wish, you may give us information anonymously. However, in such circumstances, we would not be able to contact you to discuss your concern or ask you for further information, and we would not be able to give you any feedback about any action that we might be able to take.
- 4.5 Unless we consider that evidence or information might be available from other sources, we may decide not to act upon concerns that have been raised anonymously.

#### **5. Action upon receipt of a concern**

- 5.1 Where you have provided us with your contact details, we will acknowledge receipt of your concern in writing or by email, within five days. The information you provide to us needs to include some factual detail, so we may also seek further information from you at this stage.
- 5.2 When we have sufficient information, we will make a preliminary assessment of your concern.

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<sup>2</sup> The General Osteopathic Council; the General Pharmaceutical Council; the General Chiropractic Council; the General Dental Council; the General Medical Council, the General Optical Council; the Health and Care Professions Council; the Nursing and Midwifery Council.

<sup>3</sup> <https://www.osteopathy.org.uk/about-us/our-work/handling-whistleblowing-concerns-policy/>



- 5.3 If we consider that the matter should be dealt with under our fitness to practise procedures, we will inform you of this, and will send you further information about how those procedures work. Please note that under our fitness to practise arrangements, we are not able to deal with concerns anonymously.
- 5.4 If we decide that your concerns raise issues that the GOsC is not able to deal with, we may refer or signpost the matter to another body. We will inform you of this. Alternatively, we may provide you with details of the appropriate body to contact.
- 5.5 If we consider that your concerns should be investigated under our whistle blowing policy, we will confirm this and provide you with an estimate of how long we think any investigation might take.
- 5.6 Wherever possible, we will seek to inform you of the outcome of our investigation and any action we have taken or recommendations that we have made to third parties.
- 5.7 The sorts of action that we can take in relation to your concern include:
- a. adding your concerns to the information that we hold about institutions that the law requires us to approve, and using your information in deciding whether or not to renew our approval of them
  - b. raising your concerns directly with the institution or person if we consider this appropriate
  - c. undertaking visits to institutions that we approve under our legislation, and seeking information and documents from them
  - d. identifying learning points from your concerns and feeding these back to the organisations and individuals that we regulate, or amending our own policies and procedures
  - e. seeking further information about your concerns from other sources
  - f. if your concerns relate to an individual osteopath, dealing with the matter in accordance with our fitness to practise procedures
  - g. referring the matter to another regulator, official body or the police.

## **6. Sources of further advice**

- 6.1 Before you decide whether or not to raise a concern with the GOsC, you may want to get independent advice first, or contact your trade union or professional body.
- 6.2 If you work in the NHS, you can get free, independent and confidential advice from the Whistleblowing Helpline for NHS and Social Care on 08000 724725.
- 6.3 You can also call the independent whistle blowing charity, Protect, confidentially – on 020 3117 2520<sup>4</sup>

## **7. Support for whistleblowers**

- 7.1 The GOsC provides an Independent Support Service for people who have raised whistleblowing concerns. This service is independent of the GOsC and run by volunteers from the charity Victim Support.
- 7.2 Whistleblowers can use this confidential support at any time. Alternatively, a whistleblower can speak to the GOsC and ask to be referred into the service, or alternatively can self-refer into the service by calling 0300 303 1964. The helpline is open 24/7, 365 days a year, with caseworkers available to provide ongoing support Monday-Friday 8am-6pm (excluding bank holidays).

## **8. Review**

- 8.1 The GOsC will review this policy regularly in the light of any changes in the law or revisions to relevant codes of practice.

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<sup>4</sup> <https://protect-advice.org.uk/contact-protect-advice-line/>