

Freedom to speak up policy for GOC employees, members, workers and contractors

Status of document: Approved
Version: 1
Date of approval: 11 December 2024
Effective from: 11 December 2024
Owner: Council
Author: Andy Mackay-Sim, Head of Governance
Planned next review date: Approval date + 3 years (December 2027)

1. Equalities statement

- 1.1 Promoting equality, reducing inequalities and addressing discrimination are at the heart of our freedom to speak up commitments as an organisation.
- 1.2 Throughout the development of this policy and the processes that support it, we have:
 - Given due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality of opportunity, and to foster good relations between people who share a relevant protected characteristic (as cited under the Equality Act 2010) and those who do not share it; and
 - Given regard to the need to reduce inequalities, bias and unfair outcomes.

2. Purpose

- 2.1 Our freedom to speak up policy applies to all those who are engaged by GOC, as members, workers, contractors or employees, and describes how to speak up and what will happen when you do so. It is designed to be inclusive and support resolution by managers wherever possible. This policy is based on freedom to speak up policies drawn from NHS organisations and others providing NHS healthcare services in primary and secondary care in England, which has the aim of normalising speaking up for the benefit of patients and workers.
- 2.2 The aim of this policy is to ensure all matters raised are captured and considered appropriately. The GOC is committed to freedom to speak up, in line with its organisational values:
 - We act with integrity
 - We pursue excellence
 - We respect other people and ideas
 - We show empathy
 - We behave fairly
 - We are agile and responsive to change

3. Speak up – we will listen

- 3.1 We welcome speaking up and we will listen when someone does. By speaking up at work you will play a vital role in helping us improve the working environment for our employees, members, contractors and workers, and the services we provide for the public and our registrants.
- 3.2 This policy is for all who are engaged by the GOC. It includes contractors, employees, members and workers. We agree with the following commitment in the [NHS People Promise](#): “that we each have a voice that counts, that we all feel safe and confident to speak up, and take the time to really listen to understand the hopes and fears that lie behind the words.”

- 3.3 We want to hear about any concerns you have, whichever part of the GOC you work in. We know some groups in our workforce feel they are seldom heard or are reluctant to speak up. This policy applies to you whether you be a worker, apprentice, temporary member of staff, contractor, or Council associate. We also know that those with disabilities, or from a global majority background or the LGBTQ+ community do not always feel able to speak up. We want to encourage people to speak up, and we can achieve this by ensuring we have a transparent, fair policy and process for their concerns.
- 3.5 We ask all who work with us to complete the training on speaking up as part of their induction. For employees, this will be an online training module. There is a module on listening up specifically for managers to complete and a module on following up for senior leaders to complete. If you work in another capacity for the GOC, for example as a member or contractor, we will ensure that training is delivered when you join us.
- 3.6 You can find out more about what Freedom to Speak Up (FTSU) is in [these videos](#).

4. What can I speak up about?

- 4.1 You can speak up about anything that affects public protection or impacts your working life. That could be something which doesn't feel right to you, for example:
- a way of working or a process that isn't being followed;
 - you feel you are being discriminated against; or
 - you feel the behaviour of others is affecting your wellbeing, or that of your colleagues, the public or registrants.

Speaking up is about all these things.

- 4.2 Speaking up, therefore, captures a range of issues, some of which may be more appropriately addressed by other existing processes. That's fine. As an organisation, we will listen and work with you to identify the most appropriate way of responding to the issue you raise.

5. We want you to feel safe to speak up

- 5.1 You speaking up to us helps us identify opportunities for improvement that we might not otherwise know about.
- 5.2 We will not tolerate anyone being prevented or deterred from speaking up or being mistreated because they have spoken up.

6. Who can speak up?

6.1 Anyone who works for the GOC, including contractors, employees, members, workers and others. This encompasses any directors, heads of department, managers, officers, assistants, contractors, members, volunteers, students, student or work experience placements, trainees, Council associates and agency workers, as well as former contractors, employees, members and workers.

7. Who can I speak up to?

Speaking up internally

7.1 Most speaking up happens through conversations with line managers where challenges are raised and resolved quickly. We strive for a culture where that is normal, everyday practice and encourage you to explore this option – it may well be the easiest and simplest way of resolving matters.

7.2 However, you have other options in terms of who you can speak up to, depending on what feels most appropriate to you and depending on the size of the team and directorate you work in:

- A manager, head of department or director with responsibility for the subject matter you are speaking up about.
- Our Freedom to Speak Up Guardian, TBC (who you can contact in confidence at speakingup@optical.org)¹. The guardian can support you to speak up if you feel unable to do so by other routes. The guardian will ensure that people who speak up are thanked for doing so, that the issues they raise are responded to, and that the person speaking up receives feedback on the actions taken. You can find out more about the guardian role [here](#).
- If you have concerns about public protection or the fitness to practise of a registrant, then you can refer this to speakingup@optical.org
- Our People and Culture team: peopleteam@optical.org
- Our senior lead responsible for Freedom to Speak Up and whistleblowing, Andy Mackay-Sim, Head of Governance (who you can contact in confidence at whistle-blowing@optical.org). They provide senior support for our speaking up guardian and are responsible for reviewing the effectiveness of our FTSU arrangements. They will also be responsible for supporting any serious whistle blowing concerns, including:
 - criminal offences (this may include, for example, types of financial impropriety such as fraud)
 - failure to comply with an obligation set out in law
 - miscarriages of justice
 - endangering of someone's health and safety

¹ The Freedom to Speak Up Guardian is in the process of being recruited. In the interim, you can contact the speaking up inbox and the Senior Lead for Freedom to Speak Up and whistleblowing will support you.

- damage to the environment
- covering up wrongdoing in the above categories
- Our Senior Council Member responsible for Freedom to Speak Up is Clare Minchington (who you can contact in confidence at cminchington@optical.org). This role is specific to organisations with boards, like the GOC, and can provide more independent support for the guardian; provide a fresh pair of eyes to ensure that investigations are conducted with rigor; and help escalate issues, where needed.

Speaking up externally

7.3 If you do not want to speak up to someone within your organisation, you can speak up externally to:

- The Charity Commission: The Charity Commission regulates charities in England and Wales. The GOC is a registered charity. Visit: www.charitycommission.gov.uk
- The Professional Standards Authority (PSA): The PSA oversees ten 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, if there are serious concerns raised with them. <https://www.professionalstandards.org.uk/share-your-experience/share-your-experience-of-regulators>

7.4 Please note that neither the PSA nor the Charity Commission can get involved in individual employment or fitness to practise matters.

8. How should I speak up?

8.1 You can speak up to any of the people or organisations listed above in person, by phone, over Microsoft Teams or in writing (including email).

Confidentiality

8.2 The most important aspect of your speaking up is the information you can provide, not your identity.

8.3 You have a choice about how you speak up:

- Openly: you are happy that the person you speak up to knows your identity and that they can share this with anyone else involved in responding.
- Confidentially: you are happy to reveal your identity to the person you choose to speak up to on the condition that they will not share this without your consent.
- Anonymously: you do not want to reveal your identity to anyone. This can make it difficult for others to ask you for further information about the matter and may make it more complicated to act to resolve the issue. It

also means that you might not be able to access any extra support you need and receive any feedback on the outcome.

8.4 In all circumstances, please be ready to explain as fully as you can the information and circumstances that prompted you to speak up.

9 Advice and support

9.1 Your staff networks ([Staff Networks \(sharepoint.com\)](#)) can be a valuable source of support.

9.2 You can access a range of health and wellbeing support, including the Mental Health First Aiders and the Employee Assistance Programme, via the following pages on IRIS: [Mental Health and Wellbeing \(sharepoint.com\)](#)

9.3 You can also contact the following organisations:

- [Speak Up Direct](#) provides free, independent, confidential advice on the speaking up process.
- The charity [Protect](#) provides confidential and legal advice on speaking up.
- The [Trades Union Congress](#) provides information on how to join a trade union.
- The [Advisory, Conciliation and Arbitration Service](#) (ACAS) gives advice and assistance, including on early conciliation regarding employment disputes. They have a free helpline which is also available over text relay and interpreters (including BSL) can also be provided.
- The [Law Society](#) may be able to point you to other sources of advice and support.

10. What will we do?

10.1 The matter you are speaking up about may be best considered under a specific existing policy/process, for example, our processes for dealing with bullying and harassment. If so, we will discuss this with you. If you speak up about something that does not fall into an HR or another process, this policy ensures that the matter is still addressed.

Resolution and investigation

10.3 We support our managers to listen to any issues you raise and take action to resolve them wherever possible. In most cases, it's important that this opportunity is fully explored, which may be with facilitated conversations and/or mediation.

10.4 Where an investigation is needed, this will be objective and conducted by someone who is suitably independent (this might be someone outside the GOC or from a different part of the organisation) and trained in investigations. It will reach a conclusion within a reasonable timescale (which we will notify you of), and a report will be produced that identifies any issues to prevent problems recurring.

10.5 Any employment issues that have implications for you and/or your capability or conduct identified during the investigation will be considered separately.

Communicating with you

10.6 We will treat you with respect at all times and will thank you for speaking up. We will discuss the issues with you to ensure we understand exactly what you are worried about. If we decide to investigate, we will tell you how long we expect the investigation to take and agree with you how to keep you up to date with its progress. Wherever possible, we will share the full investigation report with you (while respecting the confidentiality of others and recognising that some matters may be strictly confidential; as such it may be that we cannot even share the outcome with you).

How we learn from your speaking up

10.7 We want speaking up to improve the services we provide for patients and the environment our staff work in. Where it identifies improvements that can be made, we will ensure necessary changes are made and work effectively. Lessons will be shared with teams across the organisation, or more widely, as appropriate.

Review

10.8 We will seek feedback from those involved about their experience of speaking up. We will review the policy on a three-year cycle, looking at the outcomes of referrals to make changes as appropriate.

Senior leaders' oversight

10.9 Our Senior Management Team (SMT) and Council will receive a report at least annually providing a thematic overview of speaking up by our employees, members, workers and contractors to our FTSU guardian(s). The broad themes from our speaking up referrals will be reported in our annual report. SMT and Council are committed to considering where themes are arising in speaking up referrals, and what action could be taken to address people's concerns.

11. Whistleblowing and making a protected disclosure

11.1 Speaking up is about anything which gets in the way of public protection or the well-being of our people.

11.2 Whistleblowing is a form of speaking up, although it has a specific status in law under the Public Interest Disclosure Act 1998. The Department for Business and Trade has a [code of practice for employers](#), which the GOC is committed to.

11.3 Whistleblowing is the term used when a worker passes on information concerning wrongdoing. It can also be called "making a disclosure" or "blowing the whistle". The wrongdoing will typically (although not necessarily) be something they have witnessed at work.

11.4 When an employee or worker who makes a disclosure that would be covered by whistleblowing, they must reasonably believe two things:

- The first is that they are acting in the public interest. This means in particular that personal grievances and complaints are not usually covered by whistleblowing law.
- The second thing is that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:
 - criminal offences (this may include, for example, types of financial impropriety such as fraud)
 - failure to comply with an obligation set out in law
 - miscarriages of justice
 - endangering of someone's health and safety
 - damage to the environment
 - covering up wrongdoing in the above categories

11.5 Whistleblowing law is found in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). It provides the right for employees and some categories of worker to take a case to an employment tribunal if they have been victimised at work or have lost their job because they have "blown the whistle".

11.6 A protected disclosure is defined in the Public Interest Disclosure Act 1998. This legislation allows certain categories of worker to lodge a claim for compensation with an employment tribunal if they suffer as a result of speaking up. The legislation is complex and to qualify for protection under it, very specific criteria must be met in relation to who is speaking up, about what and to whom. To help you consider whether you might meet these criteria, please seek independent advice from [Protect](#) or a legal representative.

11.7 The term 'whistleblowing' can have negative connotations which may be a barrier to speaking up. Some people associate 'whistleblowing' with a formal process, or a matter that is escalated outside an organisation.

11.8 It may not be clear to you whether what you are doing is whistleblowing or speaking up. This should not discourage you from saying something, as we will always support those at the GOC who speak up when they have concerns. You can contact our senior lead responsible for Freedom to Speak Up and whistleblowing, Andy Mackay-Sim, and have a discussion in confidence at whistle-blowing@optical.org