

# GOC guidance for registrants: Speaking Up

## College of Optometrists draft response to the GOC speaking up consultation

### Q7

#### **Is the guidance presented in a way that is clear, accessible and easy to use?**

Yes

However, our members feel a more straightforward explanation of what speaking up means would be helpful. A one-page summary document and a supporting poster aimed at both registrants and business registrants would further improve the guidance.

### Q8

#### **Would the guidance give you more confidence in knowing what to do if you encounter a patient/public safety concern?**

No

Our members had mixed views on whether this would provide more confidence in knowing what to do when raising a concern. Most felt this guidance is a helpful step in the right direction, but did not improve confidence in knowing what to do.

It should be made clearer that this guidance also applies to Scheme for Registration students. More emphasis should be placed on the role of the business registrant to facilitate a culture of openness at all levels of the management structure, and how to escalate concerns internally to improve understanding and confidence amongst registrants to raise a concern and how to do it. Speaking up should be made a compulsory element of knowledge to be covered by all trainees and could form part of the required CPD topic themes.

### Q9

#### **Would the guidance give you the confidence to speak up if you identify patient safety concerns?**

No

Our members had mixed views on whether this would provide more confidence, with the majority feeling it would not make them more likely to speak up. Their over-riding concern is that individual registrants are not supported and they do not have confidence that the current legislation will protect their job or opportunities for future promotion or training if they raise a concern. As already mentioned in our response above, more emphasis should be placed on the role of the business registrant to facilitate a culture of openness at all levels of the management structure, and how to escalate concerns internally to improve confidence amongst registrants to raise a concern and how to do it.

It should be noted that members said they would speak-up if they had immediate or urgent patient safety concerns, in order to act in the patients' best interests. However, we were concerned to hear that some registrants do not have the confidence to raise concerns about other serious issues, such as not enough time to perform a good sight test, poor compliance with the guidance and inadequate training or supervision of support staff.

We welcome the introduction of '**GOC's designated Speaking Up team**', which should be actively promoted to all registrants by both the GOC and practice owners.

## Q10

### **Is anything missing, incorrect or unclear in the guidance?**

We feel speaking up should be made a compulsory element of understanding to be covered by all trainees and could form part of the required CPD topic themes. Changes to peer discussion should also be considered to encourage registrants to participate with groups of clinicians who do not have the same employer. This would ensure poor organisational practice is not reinforced, and provide a breadth of perspectives to the discussion from a variety of settings.

It should be made clear that this guidance also applies to Scheme for Registration students and in the future, students on clinical placements in commercial settings.

The guidance should include more emphasis on the role of the business registrant to both facilitate a culture of openness and provide clarity on how to escalate concerns internally. This would improve the understanding of how to raise a concern internally and increase the confidence in speaking up amongst registrants.

Where practices are managed by non-registrants, a mechanism should be created by which a registrant, such as a lead clinician or member of the professional services team, is available to support non-registrant managers to assess the merits of every concern.

All registrants should be presumed to be acting honestly and in good faith. Section 68 should be removed from the guidance or rewritten as it wrongly gives the assumption that employees are fundamentally dishonest.

In Section 35 it should be made clearer that 'going public' will mean an individual would not be afforded protected disclosure' status. It should also make it clear that publishing concerns on social media is considered as 'going public', may bring the profession into disrepute and may not result in any action to protect the public. 'Going public' may also negatively affect the public perception of the professionalism of optometrists.

## Q11

### **Is the guidance sufficiently flexible to accommodate differences in policy and practice across the nations of the UK?**

Yes

## Q12

### **Do you think the guidance will help to protect patient and public safety?**

Yes

Subject to the concerns raised in question 9.

## Q13

### **Are there any specific issues or barriers which might prevent registrants from using the guidance?**

Yes

The guidance in section 47 needs to be more specific and explicitly state the majority of 'self-employed' (locum) optometrists would be considered a worker for the purpose of PIDA (Section 47).

An example would be useful to ensure registrants understand what this means. Such as removing notes from practice, making non-authorized duplicates, publishing confidential commercial documents or making a covert recording (Section 49).

**Q14**

**Are there any aspects of the guidance that could have an adverse or negative impact on patients and the public, individual registrants, businesses or others?**

Yes

We recognise that full implementation will add some additional burden to practice owners and business registrants, however, it is our view that promoting a culture of openness will not only benefit the public and reduce business reputational risk but also improve workplace relations and help ensure the public trust in the sector and professions of optometry and dispensing.

**Q15**

**Are there any aspects of the guidance that could discriminate against stakeholders with specific characteristics? (Please consider age, sex, race, religion or belief, disability, sexual orientation, gender reassignment, pregnancy or maternity, caring responsibilities or any other characteristics.)**

No

**Q16**

**Overall, do you expect that the guidance will have a positive impact on patients and the public, individual registrants, businesses or others?**

Patients	Positive impact
Public	Don't know
Individual registrants	Positive impact
Optical businesses	Don't know
Others	N/a

**Q17**

**Would any specific supporting activities be beneficial to registrants in implementing the guidance?**

Yes

A one-page summary document. A poster that can be displayed in practices by all business registrants.

**Q18**

**Is there anything further we could do to promote speaking up and a culture of openness and honesty within optical care?**

There needs to be an external mechanism by which individuals can escalate concerns regarding micro businesses/sole traders. Where the organisation is so small, there may be not sufficient members of staff for escalation or independent consideration.

Changes to section 29:

*“Your employer ~~should~~ **must** have processes and policies in place for you to follow when speaking up ~~and if they do~~, you should follow these wherever possible. These policies may be titled ‘whistleblowing’ or ‘raising concerns’ instead of ‘speaking up’. If you think the processes your employer has in place are unfair or an unnecessary barrier to speaking up, seek independent advice from one of the sources listed in section G.”*

This should be made more robust, and in order to facilitate a culture of openness, registrants should be encouraged to report to the GOC if their employer doesn't have a speaking up policy or they are not provided a copy of the policy upon starting with an organisation. This will ensure that processes are in place prior to the need to speak up. The GOC should write to any business registration that fails to either have a policy or fails to communicate it to all their registrants.

The GOC must be more proactive in ensuring business registrants have processes in place and are actively promoting them. It doesn't seem fair to put all the burden on the individual registrants to ensure their employer complies; business registrants need to ensure both policy and organisational culture to protect the public.

## Q19

### **Are there any further comments you wish to make on the guidance?**

We support and welcome the introduction of ‘**GOC’s designated Speaking Up team**’; we hope it is actively promoted to all registrants.

We welcome the advice regarding speaking up anonymously. It provides support to registrants with concerns who want to discuss the merits of their concerns or mechanisms by which they should make a disclosure. The College would welcome joint working on this and consistency of the advice given so all professional/representative advice can contribute to supporting registrants regardless of who they contact (GOC, College and AOP).

The guidance is welcomed as a step in the right direction, but our members have highlighted how it alone will not be sufficient to change the current culture in the optical sector. We call on the GOC to fundamentally embed ‘speaking up’ into education, professional development, peer discussion and the culture of practice to ensure registrants have the knowledge of the correct process and confidence to speak up in order to protect the public.