

Policy on raising concerns in the workplace ('whistleblowing')

1. Purpose of this policy

- 1.1. Whistleblowing has been defined as the raising of a concern, either within the workplace or externally, about a danger, risk, malpractice or wrongdoing which affects others.¹ Whilst the concern will have originated in the workplace, it can be raised either internally through channels laid down by the employer or externally with a recognised body.
- 1.2. 'Whistleblowers' are protected by UK legislation² and the General Chiropractic Council (GCC) is a recognised body to which whistleblowing concerns can be raised³. Under the legislation, the GCC is referred to as a 'Prescribed Person'.
- 1.3. Under the Public Interest Disclosure Act 1998 (PIDA), it is unlawful for an employer to dismiss or victimise a worker for having made a 'qualifying disclosure' of information. The protections afforded by PIDA apply to a worker from their first day of employment, and there is no minimum qualifying period of employment. The protections also apply to agency workers and people who are training with an employer. However, PIDA does not cover the self-employed or volunteers.
- 1.4. The Act also provides protection if individuals have difficulty gaining a reference from an employer because they have raised a concern and it makes it clear that any clause in a contract that seeks to prevent an individual from raising a concern that would be protected under the Act, is void.
- 1.5. A 'qualifying disclosure' is 'any disclosure of information which, in the reasonable belief of the worker making the disclosure, is made in the public interest and tends to show that one or more of the following has occurred, is occurring or is likely to occur:

¹ [The Whistleblowing Commission, Public Concern at Work, Report on the effectiveness of existing arrangements for workplace whistleblowing in the UK, November 2013](#), page 4.

² [Public Interest Disclosure Act 1998 \(PIDA\)](#) as amended and [Public Interest Disclosure \(Northern Ireland\) Order 1998](#) as amended. More information on PIDA can be found at Annex A to this policy.

³ www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies – list of Prescribed Persons which is updated regularly.

- a criminal offence (this may include types of financial crime such as fraud);
- a breach of a legal obligation;
- a miscarriage of justice;
- danger to health or safety of an individual;
- damage to the environment; or
- the deliberate covering up of wrongdoing in the above categories.⁴

1.6. We understand that raising any concerns, particularly workplace concerns can be difficult. If you are an employee and are considering raising a concern with the GCC, this policy will explain:

- the types of concern that we can consider as whistleblowing (a protected disclosure);
- how we will deal with that concern once it has been reported to us; and
- what action we will take and when.

2. Concerns that can be considered under this policy

2.1. The statutory duty of the GCC, as laid out in the [Chiropractors Act 1994](#), is to 'develop and regulate the profession of chiropractic'. The over-arching objective of the GCC in exercising its functions is the protection of the public.

2.2. Whistleblowing legislation, as outlined at 1.5 above covers matters which can be reported to the GCC as a whistleblowing concern.

2.3. Under this policy, the GCC can only consider matters relating to our statutory functions:

- the registration and fitness to practise of chiropractors registered with us; and
- any other activities that fall under the GCC's function such as approval of courses at educational institutions or the operations of our Council.

2.4. Unfortunately, if your concern is not covered by any of these categories, the GCC will not be able to consider it under this policy.

⁴ [Whistleblowing, Prescribed Persons Guidance, Department for Business, Energy and Industrial Strategy, April 2017](#), page 3.

3. Concerns that cannot be considered under this policy

3.1. The GCC cannot consider complaints under this policy relating to:

- employment issues;
- contractual disputes about business arrangements as part of providing chiropractic services such as room hire or partnership agreements;
- disputes about providing chiropractic services within a certain locality or proximity to an existing chiropractor;
- ownership of websites, domain names or other digital estate; or
- complaints about soliciting patients/clients from another chiropractor or chiropractic practice.

4. Confidentiality and anonymous concerns

4.1. We would prefer that you raise concerns with us openly and in your own name as it assists with the investigation process. However, we appreciate that that can sometimes be difficult.

4.2. If you decide to raise a concern with us anonymously, the GCC will not disclose your identity without your consent to do so, unless there are legal reasons that mean we must share your identity.

4.3. If the concern you are raising relates to a vulnerable adult or child at risk of harm or where the concern identifies a possible criminal offence, we may have to disclose your identity if ordered to do so by a Court.

4.4. Despite that, in order for us to properly investigate your concerns and for us to be able to provide cogent evidence to those who might make a decision about that disclosure, we really need your continued support, engagement and the ability to openly share that information with the individual to which it relates.

4.5. If you do not provide your consent, regrettably, we may not be able to investigate your concern properly or at all. If information is disclosed anonymously to us, for example, we may not be able to contact you to clarify that information, seek further information or evidence, take a witness statement or provide our decision makers with best evidence to take the appropriate action.

4.6. Unless we consider that evidence or information might be available from other sources, we may have to close your concern or decide not to take it forward at all.

5. What happens when a concern is received?

5.1. Where we have your contact details, we will acknowledge receipt of your concern in writing within 5 working days, including seeking further information from you if we cannot establish the full extent of your concern or we feel more information may be available.

5.2. Where we have sufficient information, we will make a preliminary assessment of your concern.

5.3. If we consider that the matter should be dealt with under our fitness to practise process, we will inform you of this and send further information about how that process works.

5.4. If we decide that your concern raises issues that the GCC is not able to deal with, we may refer the matter to another body or provide you with information about where to redirect your concern.

5.5. If we consider that your concerns should be investigated under our whistleblowing policy, we will confirm this and provide you with an estimate of how long we think the investigation might take.

5.6. Wherever possible, we will inform you of the outcome of our investigation and any action we have taken or recommendations we have made to third parties.

5.7. We could take a number of actions under this policy in relation to your concern:

- adding your concerns to the information we hold about institutions our legislation requires us to 'approve' and using your information when deciding whether to approve or renew our approval of them;
- raising your concern directly with the institution or person involved if appropriate;

- undertaking visits to institutions that we approve under our legislation and seeking information and documentation from them;
- identifying learning points from your concerns and feeding these back to the organisation and individuals that we regulate or amending our own policies and procedures;
- seeking further information about your concerns from other sources;
- if your concern relates to an individual chiropractor, dealing with the matter in accordance with our fitness to practise procedures; and/or
- referring the matter to another regulator, official body or the police.

6. Further sources of information and support

6.1. We would always encourage you to seek independent advice and support before raising a concern with the GCC. You may want to source that through your professional association, trade union or [independent legal assistance](#).

6.2. If you work in the NHS, you can get free, independent and confidential advice from the [Whistleblowing Helpline for the NHS](#) and social care on 0300 311 2233.

6.3. You can also call the independent whistleblowing charity [Protect](#) for free and confidential advice on 0203 117 2520.

7. How to report a whistleblowing concern to the GCC

7.1. Firstly, we would always encourage concerns to be raised internally within the workplace before approaching the GCC using the appropriate mechanisms as laid down by the employer. This is so the employer is given an opportunity to address the concern.

7.2. If you have raised your concern within the workplace and you are not satisfied with the response, or if you just don't feel able to raise a concern with your workplace directly, you are able to contact us under this policy.

7.3. Whistleblowing legislation requires that you must reasonably believe your concern to be true and capable of proof, although you don't have to be able to prove it.

7.4. You must also have a reasonable belief that the disclosure will be in the public interest.

7.5. You can raise a concern with the GCC in the following ways:

By telephone: 0207 713 5155

By post: The Whistleblowing Officer
General Chiropractic Council
Park House
186 Kennington Park Road
London
SE11 4BT

By email: whistleblowing@gcc-uk.org

7.6. If contact is made by telephone, we will talk you through our process and take a record of the information you provide to us. We will then send you a copy of the information we noted from the call and ask you to confirm it is correct in writing, either by post or email.

7.7. To reiterate, any concerns you report to us must relate to the GCC's statutory functions, otherwise we won't have the ability to consider them. Those functions are laid out in section 2 of this policy above.

7.8. The GCC regulates individual chiropractors. If you have wider concerns about the standards of quality and safety of healthcare offered by a healthcare provider, it will be more appropriate to contact the relevant regulator directly. The organisations that regulate healthcare providers are the [Care Quality Commission](#) (England), the [Regulation and Quality Authority](#) (Northern Ireland), [Healthcare Improvement Scotland](#) and [Healthcare Inspectorate Wales](#).

7.9. Additionally, in England, you can also contact [NHS Improvement](#).

7.10. If your concern relates to a healthcare professional who is not a registered chiropractor, you should raise that concern with the relevant regulator for that profession. You can find out who regulates various health and social care professionals by contacting the [Professional Standards Authority](#).

8. Responsibilities under this policy

Person/Group	Responsibility
Whistleblowing Officer	<p>The Director of Fitness to Practise will act as the Whistleblowing Officer.</p> <p>The Whistleblowing Officer will acknowledge concerns raised with the GCC, assess the concerns and decide on the appropriate action, referring the matter to other departments and bodies where necessary.</p>
Chief Executive and Registrar	<p>The Chief Executive and Registrar will provide a yearly report to the Audit & Risk Committee about:</p> <ol style="list-style-type: none"> a. The number and type of concerns raised by whistleblowers to the GCC. b. The number of fitness to practise matters that have been instigated or contributed to by whistleblowers.
Audit & Risk Committee	<p>The Audit & Risk Committee will monitor the operation of this policy; consider a yearly report on any whistleblowing activity and make recommendations to Council where required.</p>
Council	<p>Council will consider recommendations from the Audit & Risk Committee and keep this policy under review.</p>
Staff	<p>All staff will be responsible for following the policy, being alert to when a concern could constitute a whistleblowing concern and be responsible for referring it on to the Whistleblowing Officer.</p>

9. Review and monitoring of this policy

9.1. This policy will be reviewed annually or earlier if legislation, best practice or contact information changes.

General Chiropractic Council
1 October 2020⁵

⁵ First published 1 October 2020.

What the law says...

1. Under the Public Interest Disclosure Act 1998 (PIDA), it is unlawful for an employer to dismiss or victimise a worker for having made a 'qualifying disclosure' of information. The protections afforded by PIDA apply to a worker from their first day of employment, and there is no minimum qualifying period of employment. The protections also apply to agency workers and people who are training with an employer. However, PIDA does not cover the self-employed or volunteers.
2. The Act also provides protection if individuals have difficulty gaining a reference from an employer because they have raised a concern and it makes it clear that any clause in a contract that seeks to prevent an individual from raising a concern that would be protected under the Act, is void. [Protect](#) provide more information on the law along with lots of other helpful resources.
3. For a disclosure to be protected, the worker who made it must have a reasonable belief that:
 - a. the disclosure was made in the public interest; and
 - b. the disclosure tends to show one or more specified categories of wrongdoing.
4. These categories are set out in section 43B of the Employment Rights Act 1996 (as amended by PIDA) that:
 - a. a criminal offence has been committed, is being committed or is likely to be committed;
 - b. a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject;
 - c. a miscarriage of justice has occurred, is occurring or is likely to occur;
 - d. the health or safety of any individual has been, is being or is likely to be endangered;
 - e. the environment has been, is being or is likely to be damaged; or

- f. information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.
5. However, the disclosure will not be protected if, by making the disclosure, the worker commits an offence such as misconduct in public office.
6. Under PIDA, disclosure of information by a worker will be protected if the worker makes a qualifying disclosure to a 'prescribed person', reasonably believing that the information and any allegation contained within it are substantially true.
7. Under the Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2014, the General Chiropractic Council (GCC) is a 'prescribed person' to which qualifying disclosures may be made.
8. However, the disclosures that can be considered by the GCC are limited to:
'Matters relating to:
 - (a) the registration and fitness to practise of a member of a profession regulated by the Council; and
 - (b) any activities not covered by (a) in relation to which the Council has functions.'
9. Where an individual is subjected to a detriment by their employer for raising a concern, or is dismissed in breach of PIDA, they can bring a claim for compensation in the Employment Tribunal (or the Industrial Tribunal in Northern Ireland).
10. In Northern Ireland, Part 5A of the Employment Rights (Northern Ireland) Order 1996 (the '1996 Order') gives protection to 'whistleblowers', who raise concerns by making a protected disclosure about dangerous or illegal activity that they are aware of in the workplace. The disclosures qualifying for protection are listed at Article 67B of the 1996 Order, which can be viewed via the attached link:
<https://www.legislation.gov.uk/nisi/1996/1919/article/67B>.
11. The 1996 Order ensures that protection is provided against any consequent victimisation or dismissal and is contingent on the whistleblower having acted in a responsible way in dealing with their concerns. Disclosures can be made to a person or body which has been prescribed by the Public Interest Disclosure (Prescribed Persons) Order (Northern Ireland) 1999 (the '1999 Order'), for which the Department for Employment and Learning has responsibility.

12. Further information about whistleblowing in general, can be found at <https://www.gov.uk/whistleblowing>.