

Raising concerns

It is your duty as a doctor to raise a concern if you believe a patient has or will come to harm, either as a result of the care they have received or as a consequence of policies and procedures in place within an organisation.

However, individuals may feel resistant to raising a concern, or 'whistleblowing', for fear of reprisal, uncertainty surrounding the process for raising a concern or because they believe nothing will be done about it anyway.

The consequences of not speaking up can be catastrophic, as we have seen in the past with the Mid-Staffordshire and Gosport scandals. It is essential that employers and healthcare providers create and promote a culture of openness and honesty where staff are encouraged to speak up freely and learn from these concerns in order to protect patients.

Related topic hyperlinks: <https://www.gmc-uk.org/ethical-guidance/ethical-guidance-for-doctors/raising-and-acting-on-concerns>

Basic considerations

The GMC states that: *"All doctors have a duty to raise concerns where they believe that patient safety or care is being compromised by the practice of colleagues or the systems, policies and procedures in the organisations in which they work. They must also encourage and support a culture in which staff can raise concerns openly and safely."*

The law protects workers who raise concerns when it is in the public interest. The Public Interest Disclosure Act 1998 (PIDA) was introduced to support workers all over the UK when blowing the whistle on wrongdoing, in the public interest.

PIDA states that, as a worker, you are protected from unfair dismissal, selection for redundancy or other detrimental treatment as a consequence of making a "qualifying disclosure". An individual is protected where they reasonably believe that the information disclosed shows that one or more of the following factors is either happening now, took place in the past or is likely to happen in the future:

- a criminal offence
- a breach of a legal obligation
- a miscarriage of justice
- danger to health or safety of an individual
- damage to the environment
- the deliberate concealment of information showing any of the above

Each health and social care organisation should have policies in place for reporting concerns. These should also include details on who to escalate your concern to if you are unsatisfied with the response you receive.

The GMC says, when raising a concern:

"You should first raise your concern with your manager or an appropriate officer of the organisation you have a contract with or which employs you – such as the consultant in charge of the team, the clinical or medical director or a practice partner. If your concern is about a partner, it may be appropriate to raise it outside the practice – for example, with the medical director or clinical governance lead responsible for your organisation. If you are a doctor in training, it may be appropriate to raise your concerns with a named person in the deanery – for example, the postgraduate dean or director of postgraduate general practice education."

If you are unsatisfied with the response you receive locally or if you feel that there is a serious and immediate risk to patients, you can raise your concern with a regulatory body such as the GMC.

The GMC's Guidance on leadership and management provides that, whatever your role, all doctors must:

- Engage with colleagues to maintain and improve the safety and quality of patient care.
- Contribute to discussions and decisions about improving the quality of services and outcomes.
- Raise and act on concerns about patient safety.

It is important to distinguish between a personal grievance (i.e. a complaint about one's own employment situation) and a concern about a risk, malpractice or wrongdoing that affects others. The guidance acknowledges that it can be hard to separate personal grievances from concerns about patient safety, but makes clear that if these overlap, you should acknowledge any personal grievance that may arise from the situation, but focus on patient safety.

Further guidance hyperlinks: <https://www.gmc-uk.org/ethical-guidance/ethical-guidance-for-doctors/raising-and-acting-on-concerns/part-1-raising-a-concern#paragraph-9>

Common pitfalls

When you have a concern about the practice of colleagues or organisational systems/policies, it may be tempting not to act in the belief that someone else will highlight the problem. But the GMC has made it clear that anyone who is aware of wrongdoing but chooses not to disclose it could find themselves in professional difficulties. The bottom line is that if you have reason to believe that patients are, or may be, at risk of death or serious harm for any reason, you should report your concern immediately.

You may wish to act collectively with colleagues who share your concerns.

Contrary to popular belief, you are not required to gather evidence of wrongdoing before raising a concern. Always report a concern promptly, before it gets any worse. The GMC states that you will be able to justify raising concerns as long as these are genuine and on the basis of reasonable belief.

A common barrier to reporting concerns is the fear of getting your colleagues into trouble. While this is understandable, your duty to your patients overrides any professional or personal loyalties, no matter the circumstances.

You may wish to seek advice from MDDUS or other similar organisation before taking action.

Key points

- Familiarise yourself with your organisation's process for raising concerns.
- If you feel unable to turn to your line manager or are unhappy with their response, you can escalate your concern to the next appropriate person. This should be detailed in your organisation's policy.
- You do not need to wait to gather evidence. If you are genuinely concerned for the safety of patients you should speak up right away.

MDDUS resource hyperlinks:

GMC Guidance on Leadership and management for all doctors:

https://www.gmc-uk.org/-/media/documents/leadership-and-management-for-all-doctors--english-1015_pdf-48903400.pdf?la=en&hash=56A6B67C00925DB6A2EE73956E915DEAD3B627AC

CQC Guidance on Whistleblowing (November 2013):

https://www.cqc.org.uk/sites/default/files/documents/20131107_100495_v5_00_whistleblowing_guidance_for_providers_registered_with_cqc.pdf