

Guiding principles of a good local investigation into concerns about someone's practice

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With the help of our professionals, regulatory partners and patient representatives, we've identified 10 guiding principles of a good investigation into concerns about a professional's practice. You might find these useful if you have determined that a formal investigation is necessary.

These principles aren't meant to tell you how to do an investigation. They're high-level principles for you to consider alongside your own local processes and policies (including any relevant requirements under employment or data protection laws).

Our guiding principles:

- Promote a culture of openness and learning
- Have clear policies and procedures and follow best practice guidance
- Have a clear plan and terms of reference
- Start as early as possible
- Be objective
- Listen to people who use services and families, keep them informed, and take their information and views into account
- Support staff and encourage openness without blame
- Take equality, diversity and inclusion into account
- Keep records of all evidence and decisions
- Avoid delays and stick to a reasonable timeframe

If you need to [refer a concern to us](#), following these principles will help to make sure that your investigation will give us the information we need to reach a decision more quickly.

It's important to note that not all concerns about someone's practice will need to be investigated formally. Your organisation's processes should determine when to start an investigation. Clear and transparent processes will help make sure that any decision to investigate is fair, proportionate and justified.

Managing concerns involving agency staff

Some organisations use staff retained through agencies (or a third-party provider of bank staff).

If there's a concern about the practice of an agency professional, the organisation in which the incident occurred or where the concerns were identified should work closely with the agency to decide:

- how to investigate the concern (if necessary)
- how to minimise risks to people who use services
- whether the professional needs health and wellbeing support and whether it can be offered or signposted.

Sharing information with the agency

Normally the organisation in which an incident happened, or where concerns were raised, will have relevant information about:

- what happened or what concerns were raised about the professional's behaviour
- any systems issues or workplace pressures at the time

- any witnesses to the incident or the concerns.

Sharing information (while complying with relevant data protection legislation) means you can work together to respond to the concerns effectively (see next section).

Employers and agencies working together

When an organisation has concerns about an agency member of staff, they might be inclined not to offer them any more shifts. While this approach might address the immediate risks for the organisation, it doesn't help the agency understand these risks, nor does it give the professional the chance to address the concerns.

It's better to work together if there's a patient safety incident and/or concerns about the professional's practice. Working together can include:

- clearly identifying who'll lead an investigation into the concerns, and which process will apply
- identifying who'll be a point of contact and make sure that the member of the public and/or family is involved in any investigation where relevant
- keeping in close contact during an investigation, to share updates and information, and manage any risks related to someone's practice
- the agency checking records of any history of concerns, or information about other agencies or employers that the professional works for – this should inform any decision about how to respond
- agreeing next steps after an investigation ends, which might include supporting the professional to address any concerns, or the organisation or the agency making a regulatory referral.

There are other opportunities for organisations and agencies to work together. For example, an agency might decide to make a referral to us based on concerns across different organisations. They may need the organisations to collaborate on supporting information for the referral.

Sometimes we ask for information from both the organisation and agency involved when we respond to referrals from people using services or members of the public.