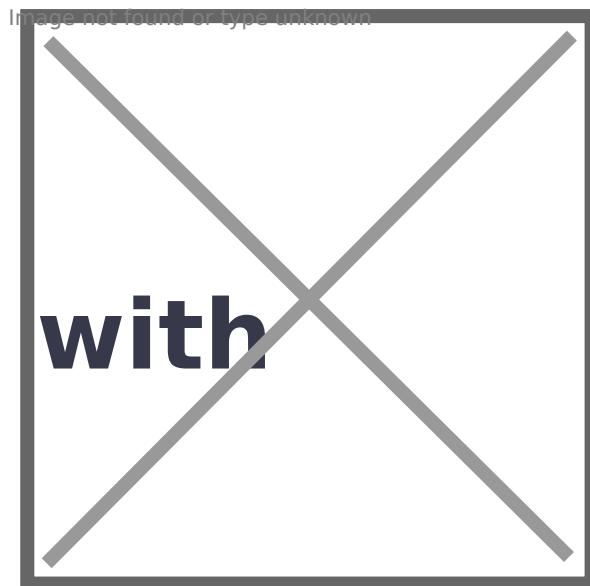


How we deal with concerns



Find out how we deal with concerns raised about registered persons and what to expect from us if a concern is raised.

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This document was downloaded from socialcare.wales and may not be the latest version.

Go to <https://socialcare.wales/dealing-with-concerns/how-we-deal-with-concerns> for the latest version.

As part of our responsibility to make sure social care workers on the [Register](#) have the skills, knowledge and character to carry out their work safely and effectively, we will investigate concerns raised about registered persons.

What is a concern?

A concern is where there is doubt about whether a registered person is doing their work safely, effectively and in-line with [the Code of Professional Practice](#). This includes incidents which happen outside work. If you've got a concern about a registered social care worker, then you can let us know by [raising a concern](#).

Universities will initially assess concerns raised about social work students. Should further action be required, we'll investigate concerns raised about students in the same way as any other registered person.

What concerns might we investigate?

Examples of the types of concern we might investigate include:

Shortcomings in professional performance

- dishonesty or abuse of someone's trust
- failure to meet the expected standards
- committing fraud
- trying to cover up mistakes or obstructing an investigation
- not following policy and procedures.

Actions which put others at risk

- an inappropriate relationship with someone who uses services
- exploiting a vulnerable person
- substance abuse
- violent or threatening behaviour
- a health problem the registered person hasn't told us about, which could place users of care and support at risk.

Actions that could undermine public confidence in social care

- not respecting the rights of individuals who use care and support services
- behaviour that could harm others or undermine public confidence in the profession.

Concerns we can't investigate

We can't investigate concerns that are about:

- a social care worker who isn't registered with us (instead, you should contact their employer). [Check the Register here](#)
- an organisation (instead, you should contact [Care Inspectorate Wales](#))
- something that happened more than five years ago, unless an investigation is in the public interest (to protect the welfare and well-being of the general public)
- an organisation's disciplinary process: we can't discipline someone, get them dismissed or change the outcome of a disciplinary investigation

- disagreements with anything raised in court or a court decision (instead, you should raise these in court).

How to raise a concern

Anyone, including members of the public, someone who works with a registered worker, or an employer, can raise a concern with us, as long as they provide us with the details we need to consider it further.

You can raise a concern by [completing and submitting the online form](#).

Whistleblowing

We accept whistleblowing reports, sometimes these can be called protected disclosures. Social Care Wales is a public protection body. We have a duty to respond to whistleblowing and to report any whistleblowing we receive to government.

- you're a whistleblower if you're a worker and you report certain types of wrongdoing. This will usually be something you've seen at work – though not always
- the wrongdoing you disclose must be in the public interest. This means it must affect others, for example, the general public
- as a whistleblower you're protected by law – you should not be [treated unfairly or lose your job](#) because you 'blow the whistle'
- you can raise your concern at any time about an incident that happened in the past, is happening now, or you believe will happen soon.

The information you provide will be processed in-line with data protection rules as part of the investigation. It may be shared with other agencies, including:

- the employer of the registered person
- [Care Inspectorate Wales \(CIW\)](#)
- the [Disclosure and Barring Service \(DBS\)](#)
- other regulatory bodies, inside or outside the UK
- the police
- the court, government departments or agencies acting on their behalf.

By submitting this form, you're giving permission for the information to be used as part of our legal responsibilities.

If you've already raised a whistleblowing concern with us about a worker registered with us, and feel you may need some support, [find out about the help you can get from the well-being support service](#).

What happens after a concern is raised?

When you raise a concern about a worker, we'll look at whether the information is something we can investigate.

If it's something we can investigate, we'll let the registered person know about the allegations and ask them for a response. They can carry on working unless we tell them otherwise.

If we decide a concern is a high risk to people using care and support, we'll either:

- ask for a panel to make an order to suspend a registered worker, or

- set conditions for the registered person to meet, while we carry out our investigation.

We'll always assess risk and how it's being managed by employers or other services.

For example, if a registered worker is already serving a prison sentence, we would assess them as high risk. But the risk to users of care and support is managed by the prison service, so we may not ask for an interim suspension order.

We'll update employers every eight weeks until the investigation is finished and we'll let them know the outcome. We can't tell members of the public who've made a referral what's happening in an investigation because of confidentiality. There are no timeframes for how long an investigation can take.

Providing a witness statement

We may ask you for a witness statement to help us check information we hold and answer any questions we have.

If you're an employer who has raised a concern with us, our case officer will contact you to ask for permission to interview specific staff. They'll arrange a convenient time to meet with staff and explain the process. If the registered person being investigated is referred to a fitness to practise hearing, we may ask these staff to be witnesses for us.

If you're a member of the public who has raised a concern with us, our case officer will contact you to request a statement. They'll arrange a convenient time to meet with you and explain the process. If the registered person being

investigated is referred to a fitness to practise hearing, we may ask you to be a witness for us.

If you've been asked to be a witness at a hearing, you can [watch this video](#) for more information about what to expect.

What happens when an investigation is complete

When we've finished our investigation, we'll consider how to close the case. Only about 10% to 15% of our investigations result in a fitness to practise final hearing, most cases close with other outcomes.

We can decide not to take further action, or we can use officer decisions, such as:

- warnings for a fixed period of time
- undertakings – an agreement between the registered worker and Social Care Wales to complete a specific task in a given time period
- removals by agreement – a request from the registered worker to be removed from the social care register, which we may consider depending on the nature and circumstances of the case.

Warnings and undertakings will appear on the registered person's entry on the Register until they expire.

Removals by agreement will be published for 2 years on our [hearings outcomes page](#).

Other more serious concerns may be referred to a fitness to practise panel. [Find out more about the outcomes of panel hearings.](#)

Advice for employers about raising a concern about an employee

Employers of social care workers have a duty to provide us with details of any concerns you might have about a registered person as soon as possible.

When to refer an employee to us

Employers play a key role in initially assessing and dealing with any allegations about an employee's fitness to practise.

You should refer employees to us at the start of their processes if:

- the employee has been suspended or dismissed
- the employee has resigned or left before the disciplinary process is complete and the outcome would have been dismissal
- the employee is subject to a police or safeguarding investigation.

Otherwise, you should let us know at the end of the process.

Employers should keep us informed while processes are ongoing, let us know when they're complete and provide us with any relevant supporting evidence. If an employee leaves during the investigation, we encourage you to complete the disciplinary process including the hearing.

Information to share with the fitness to practise team

When you make a referral to the fitness to practise team, you'll need to give us the following information:

- the allegations you're referring
- any actions you've taken, including any risk assessments you've done
- the current status of the worker's employment, e.g. are they in work, whether they've been moved to alternative work, suspended etc
- whether a Police or Local Authority Safeguarding investigation is ongoing
- the progress of your investigation.

At a later stage, or if you make a referral to us at the end of your investigation, we may also need:

- your investigation report and appendices
- witness statements
- disciplinary letters, minutes and outcome sent to the worker
- the worker's job description
- training records
- occupational health reports (with the worker's permission)
- any appeal documents and outcome letter.

If your investigation is not complete when you make a referral to the fitness to practise team you'll need to provide:

- details of the allegation/s
- the Registered Person's current employment status
- copies of letters sent to the Registered Person regarding the investigation
- any available evidence.

Employers who wish to make a referral can [raise a concern](#) online.

Examples of concerns that don't need to be referred to us:

- employment matters where the only issues relate to annual leave, lateness or sickness absence
- where the issues are low-level or a letter of concern has been issued by the employer, but no disciplinary sanction has been given
- concerns which, after initial consideration, were not investigated further.

Misuse of social worker title

If you think a person is working as a social worker or calling themselves a social worker, when they don't have the qualifications required or aren't registered with us, you should [raise a concern](#) immediately.

[Misuse of 'social worker' title](#)

DOCX 65KB

[Protection of title policy](#)

PDF 133KB

Compromise agreements

A compromise agreement is a settlement between an employer and a worker. It outlines terms agreed between the two to settle an employment dispute and will involve a financial pay out.

When there's a duty to refer a worker to us, you should still do so even if a compromise agreement has been signed. We don't need details about any monies paid but we do need to know the reasons for the compromise agreement.

When you write an agreement, you should make it clear that any confidentiality clause won't apply to information passed on to us.

Rules we use to investigate concerns

Rules set out how we might respond to an allegation that someone on the Register is unfit to practise. They show the options available to our fitness to practice team at the investigation stage and the process by which an allegation might be dealt with at officer level or referred to a fitness to practise panel.

[Investigation Rules 2024](#)

PDF 277KB

[Investigation rules 2022](#)

DOCX 100KB

[Investigation Rules 2020](#)

PDF 266KB

Contact us

If you have a question or if you can't find what you are looking for [get in touch with us](#).