

# Investigating concerns in your workplace



First published: 18 September 2024

Last updated: 22 January 2025

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Many concerns that arise in the workplace can be appropriately resolved without the need for a formal investigation. You should always follow your organisation's policies and procedures when managing concerns. If you need to undertake an investigation, the goal is to collect evidence to help give an accurate and objective picture of the situation.

During your investigation process, consider if referrals should be made to other agencies. This includes:

- our fitness to practise team
- local safeguarding teams
- Care Inspectorate Wales
- the Disclosure & Barring Service
- the Police
- or other regulators.

## **Principles to support your investigation**

We've developed a set of principles which might help your local investigation. These principles won't tell you how to do an investigation, but can be considered alongside your own policies and procedures. The principles have been drawn from best practice from other agencies and from the learning of the fitness to practise team.

### **1. Follow your organisation's policies and procedures**

Identify what specific policies, local processes and guidance will support your investigation.

## **2. Create an investigation plan**

It's important to have a clear plan for the investigation to make sure that all the key facts are being investigated and only relevant information is collected.

## **3. Act in a way that takes in to account the rights of those involved**

It's important to conduct an unbiased investigation. Everyone has the right to be treated fairly, equitably and proportionately. There's no place for discriminatory behaviour in social care.

People are protected in law from discrimination if they have protected characteristics under the Equality Act. Understanding your responsibilities in law will help you undertake an investigation free from discrimination.

Consider whether bias (unconscious or conscious) or discrimination could have been a factor in an incident, concern, investigation or disciplinary process and take action to address this.

## **4. Take a person centred approach**

A person-centred approach puts people using care and support, families and the public at the heart of what you do. It will make sure everyone is treated with respect and dignity. It involves listening to what people tell you about their experiences so that you can understand what their concerns about social care professionals might be so that you're better placed to act on those concerns.

It's important to support all those involved so they feel confident to take part in the investigation, and to give an open and honest account of what happened. This may include signposting to advocacy services in your area.

## **5. Act quickly and openly**

Begin your investigation as soon as possible. This will reduce any delays in taking action and evidence can be gathered while it's still recent.

Throughout the process, it's important to communicate openly and honestly with those involved, sharing information where appropriate to do so.

## **6. Keep records of all evidence and decisions**

The person investigating should get all the information they reasonably can and need for the case. All investigations should be based on evidence, rather than rumours or things we might've heard from others (sometimes called 'hearsay evidence'). Well documented and dated evidence will support any decisions being made. This type of evidence is useful if a referral is made to the fitness to practise team or other agencies.

## **Guidance on investigations from ACAS**

If you need more information or advice about conducting an investigation, [ACAS](#), the Advisory, Conciliation and Arbitration Service provides information on [investigations at work](#). This information outlines the steps an employer should take to investigate any disciplinary or grievance issues at work. This can be used alongside your own policies.

ACAS have also produced a detailed [guidance document](#) on conducting workplace investigations.

## **Dealing with concerns involving agency staff**

If there are concerns about agency staff, the placement setting should undertake an investigation in the same way they would for a member of staff they directly employ. This includes any referrals to other agencies.

If an agency staff member leaves your setting without an investigation, the risk won't have been addressed. They may start work in another social care organisation and might still pose a risk to vulnerable users of care and support.

Sharing information with the agency (while complying with relevant data protection legislation) means you can work together to respond to the concerns effectively. This could include supporting the staff member to address any concerns or making a referral to us.

## **If an employee leaves during an investigation**

If an employee leaves your employment during an investigation, consider whether they might present a risk to people using services at a new organisation. If you think they'll pose a risk, consider making a [referral to us](#).

Wherever possible, you should continue with and complete your investigation to reach a conclusion. That way evidence will be available to us in the event of a referral.

## **Getting advice**

If, at the end of your investigation, you're not sure if you should make a referral to the fitness to practise team, please email us [ftp@socialcare.wales](mailto:ftp@socialcare.wales) and we'll be able to discuss your case with you.

For more information on the cases we investigate, please go to our [how we deal with concerns](#) pages.