

Concerns you should refer to us

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In this guide

Overview

The three types of concerns you should raise with us

Important things to remember about Fitness to practise

Overview

[Back to top](#)

Referring someone to their professional regulator is a significant step. When deciding whether to make a referral, you'll need to think about the types of allegations that we consider:

- allegations that a nurse, midwife or nursing associate has fraudulently or incorrectly joined our register. Or allegations about fitness to practise based on:
 - misconduct
 - lack of competence
 - criminal convictions and cautions;
 - health problems that impair the ability to practise safely
 - not having the necessary knowledge of English
 - determinations by other health or social care organisations.
- The nature and seriousness of the concern
- Were there any **contextual factors** or **health issues** that contributed to the concerns?
- Has the person shown insight into the problems in their practice and been supported to try to **put things right**?
- Can you be sure that your referral is **fair and unbiased**
- Do you have the **right information** to support the referral?

The three types of concerns you should raise with us

[Back to top](#)

1. **[Concerns that pose a serious risk to people who use service and would be difficult to put right](#)**
2. **[Concerns where local action can't effectively manage any ongoing risks to people who use services](#)**
3. **[Concerns requiring us to take action to protect public confidence in the professions and uphold standards](#)**

Important things to remember about Fitness to practise

[Back to top](#)

Bear in mind that our fitness to practise process is about managing any risk that a nurse, midwife or nursing associate poses to members of the public in the future. It isn't about punishing people for past events.

We may not need to take regulatory action for a clinical mistake if there's no longer a risk to members of the public and the person has been open about what went wrong and can demonstrate they've learned from it.

After reading through this resource, you may find it would still be helpful to talk to us about whether a referral is necessary. You can call our **advice line** to talk to one of our experienced regulation advisers.