

# Concerns where local action can't effectively manage any ongoing risks to people who use services

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## Overview

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Some serious concerns can be put right with reflection and action by the nurse, midwife or nursing associate, and support from an employer. Our fitness to practise process is about managing any risk that a nurse, midwife or nursing associate's practice poses 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. These types of concerns might include clinical errors, communication problems, and concerns related to an individual's physical or mental health.

Normally, you should be able to [manage these concerns locally](#) without making a referral. But if you can't, you may need to refer the case to us.

Below are some examples where you might not be able to effectively manage the concerns and may need to make a referral to us:

- The individual has resigned or otherwise disengaged as a direct response to questions about their practice or being informed of your investigation, without taking action to fully address the concerns.
- You've dismissed the individual due to serious concerns about their ability to practise safely and effectively.
- You've suspended the individual pending an investigation but are aware that they're working elsewhere and this may put people who use services at risk.
- The individual has refused to engage with an action plan, or has failed to pass or fully complete an action plan (for example, by resigning before completion).
- Previous support hasn't been effective in addressing the risk of the nurse, midwife, or nursing associate's practice. For example, there are continued errors in clinical practice after retraining, or a persistent significant lack of competence.
- Previous support hasn't been effective in addressing a risk associated with an individual's health condition. For instance, the individual has stopped managing the health condition or engaging with necessary adjustments and this puts either themselves, the public or colleagues at risk of harm.

[Read more about deciding whether to refer concerns about health.](#)

## When to refer these concerns to us

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Usually, you should [complete a local investigation](#) before referring serious concerns that could be put right with reflection, insight and strengthened practice and support.

If you feel that there are risks to people who use services that can't be effectively managed while you do a local investigation, you should refer the concern to us.