

Cases not referred for further investigation

Reference: SCR-1e Last Updated: 20/03/2019

Our initial consideration of allegations will often mean we do not refer a case for a full investigation. This could be where the matters included in the referral do not amount to an allegation of impaired fitness to practise, it is not possible to identify an individual nurse, midwife or nursing associate, or it is not possible to obtain credible evidence in support of the allegation. We will consider, where appropriate, the use of our powers to require a person to provide us with information.¹ Before we make this decision, we will make sure that we have obtained sufficient material to enable us to understand the full seriousness of the allegation.

If we decide that the referral is serious enough to be considered as an allegation of impaired fitness to practise, we will take the steps necessary to identify whether there are possible sources of credible evidence. If there are no sources of credible evidence available we will not refer the case for a full investigation.

A decision by us that a case does not require further investigation is a decision to take no further action at that time. If we receive valid concerns about our decision we will consider these concerns and whether as a result we need to reconsider our decision.

Where new information emerges about a case that we have not referred for investigation, we will review the new information and consider, together with any material that we have retained, whether our assessment of the seriousness of the case or of the availability of credible evidence has changed. This will inform our decision as to whether it is necessary for us to investigate further.

When we review our decision, we take into account all relevant factors. This may include:

- whether the decision or part of the decision was wrong. A decision may be wrong because we did not apply our threshold test correctly, we did not follow the correct process, or we did not properly consider all concerns raised
- the amount of time that has passed since the original decision not to investigate was taken, as the passage of time could affect the strength of the evidence.

¹ Nursing and Midwifery Order 2001, article 25(1). Our powers of investigation do not include powers of entry, search, confiscation, or other investigative methods which are reserved for the police or other prosecuting bodies.