

# NHS Professionals: Guidance for Bank Members Subject to Trust Feedback

# Introduction

NHS Professionals has received feedback about you from one of our Client Trusts following an assignment you worked. This guidance will provide you with information about how we manage such feedback. You can also speak to the Investigating Officer allocated to your case if you have any further questions or queries. Our Investigating Officers aim to contact Bank Members within 48 hrs of NHS professionals receiving feedback about them from Client Trusts.

We appreciate how stressful this process may be for you. All NHS Professionals' staff can access our Employee Assistance Programme:

Tel: 0800 328 1437 (24 hours per day, 7 days a week)

Web: [www.employeeassistance.org.uk](http://www.employeeassistance.org.uk)

Access Code: nhsp

The Employee Assistance Helpline can be contacted 24 hours a day, 7 days a week. You can speak to a fully qualified and professional counsellor or other specialist advisor. The team of counsellors and advisors can help with a wide range of issues including:

## Personal & family issues:

Debt and money worries

Relationships, separation and divorce

Legal advice on personal matters

Depression and anxiety

Bereavement and loss

## Work-related issues:

Coping with workplace change

Balancing work and home life

Managing work-related pressures

Bullying and workplace relationships

Support after traumatic incidents

The Employee Assistance Helpline service is provided by a fully independent external organisation, and all calls to the helpline or contact via the website, and the advice provided, are completely confidential.

# The NHS Professionals Approach to Client Trust Feedback

NHS Professionals is committed to ensuring the process used to investigate and manage feedback submitted by Client Trusts about our Bank Members is balanced and fair. If you are subject to allegations made by a Trust, in most cases we will provide you with the allegations and give you the opportunity to address them by giving your account of what happened. In the same way, we will ask the Client Trust to provide statements from staff or patient witnesses to any alleged incidents, or to provide any other relevant evidence, such as documentation or CCTV. When we have received the information requested, the Investigating Officer will use it to make a fair and objective decision as to the outcome. You will be informed about this via letter, and can speak to the Investigating Officer should you have any questions or queries.

NHS Professionals believes feedback is a two-way process. If you have any problems when working an NHS Professionals assignment, we encourage you to speak to the nurse in charge at the time. If this is not possible or appropriate, you can complete a feedback form via the NHS Professionals website – just use the Feedback button on the top menu of our homepage. We will need your consent to send your feedback to the Client Trust with a request they investigate any concerns raised; you will be contacted about this by us when you submit any feedback, so it is important you reply to provide your consent.

## Types of feedback we receive from Client Trusts about Bank Members

- **Performance Evaluation** – As a Bank Member, Trusts rate your performance on a regular basis. If Trusts tell us you need support in terms of your skills or competence, we will contact you for a discussion.
- **Statement Request** – The Trust have asked you to provide a statement about an incident which occurred on one of your assignments. You may or may not have been involved in the incident, i.e. you may be a witness only.
- **Concern** – Feedback has been received about you which, following discussion with the Client Trust, we will manage as a Concern with an aim to support you with your practice.
- **Complaint** – Allegations have been made against you which are serious enough to require an investigation.
- **Safeguarding** – Allegations have been made about you which involve a patient or other person who is deemed to be vulnerable.



## Performance Evaluations

NHS Professionals ask Client Trusts to provide feedback about Bank Members' performance. They can rate you as 'Excellent', 'Good', 'Satisfactory', 'Needs Support' or 'Poor.' If you are rated as 'Needs Support' or 'Poor', we will consider whether you require additional support or training. This is part of a staged process and further feedback of concern may affect your ability to continue working for NHS Professionals.

If you are a Bank Member with a professional registration, you can request your performance evaluations to use as part of your revalidation.

## Statement Requests

If you were on assignment when an incident occurred, you may be asked to provide a statement. This statement will then be shared with the Client Trust and potentially with other bodies involved in an investigation, for example, the Local Authority. If your statement is regarding the death of a patient, it will be forwarded to the Client Trust and the Coroner's Office. If the patient's death is subject to further investigation by the Coroner, you may be asked to give evidence in Coroner's Court as part of an inquest. NHS Professionals will provide you with further information and support if this is required of you.

## Concerns

When we receive feedback that can be managed without an investigation and with training and development on your part, we call this a Concern. We will share the feedback with you and discuss the Continuing Professional Development you need to complete which has been agreed with the Trust.

## Complaints

If a complaint is received about you from a Client Trust, we will ask you to write a statement about the allegations made. The Investigating Officer will also request evidence from the Trust. When all the evidence has been gathered the Investigating Officer will conduct an impartial and robust investigation, informing you of

the outcome and any recommendations. Whether you can continue working during this process is dependent on the nature of the allegations and any requests for exclusions or ward restrictions made by the Client Trust. You will have a dedicated Investigating Officer allocated to your case who will be your main contact and provide you with any support you need.

## Safeguarding Allegations

If allegations are made about you which involve a patient or other person who is deemed to be vulnerable, the allegations may also be referred by the Client Trust to their own safeguarding team or to the Local Authority safeguarding team. Serious allegations may be referred to the Police. NHS Professionals will contact the appropriate body to find out how the case will be investigated and managed, and then work with them until the case is resolved.

Initially we may not be able to provide you with details of any safeguarding allegations made against you; this will only be until we have been informed how the case will be managed. When we can provide you with more information, we will ask you to write a statement about the allegations which have been made. Further information can be found in our Safeguarding Brochure which your Investigating Officer will send you.

## When the Police are Involved

If allegations made against you involve potentially criminal acts, Client Trusts will refer them to the police. At the start, NHS Professionals may not be able to tell you if allegations made against you have been referred to the police or the detail of those allegations. In most cases the police formally request your contact details from us and then contact you directly.

If the police contact you about allegations made against you when you were working for NHS Professionals, please notify the Investigating Officer allocated to your case as soon as possible so we can provide you with advice and support.

Please note: We may not be able to offer you assignments if allegations made against you are serious and/or subject to safeguarding or Police investigation.

# Outcome of the Feedback Process

The outcome of the feedback process depends on the type of feedback we received about you and any investigation undertaken. If allegations against you are not upheld, no further action will be taken, and you will be notified of this by letter.

Otherwise, you may be required to complete or take part in one of the following:

**Continuing Professional Development Plan** - When a complaint investigation outcome is inconclusive or feedback about you is managed as a Concern, we may ask you to complete some learning or reflection to support your practice. This plan will be agreed with the Trust. You will receive a letter outlining the investigation outcome and what is required of you. If you have a professional registration, this can be used to support your revalidation.

**Remedial Action Plan** – If our investigation concludes the allegations made against you are upheld or partially upheld, and/or you confirm them in your statement, you will receive a letter outlining the investigation outcome and be asked to complete a remedial action plan. This may include reflection, e-learning, or a competency assessment at the Trust. You are required to complete any remedial actions in order to maintain your registration with NHS Professionals.

**Standards and Expectations Letter** – When allegations made against you are upheld and/or you confirm them in your statement, in some circumstances we may issue you with a Standards and Expectations Letter. This is a formal warning which stays on your human resources file for one year. If we receive feedback of a similar nature about you within that time period, further action may be taken.

**Management Investigation (Disciplinary Hearing)** – If an investigation finds there is evidence of misconduct or gross misconduct on your part, you will be asked to attend a disciplinary hearing. Should this be required, our Flexible Worker Human Resources Team will discuss this with you and give you all the information you need to prepare.

**Referrals to other Services and Professional Bodies** - Depending on the nature of the allegations made against you and the outcome of any investigation, it may be necessary for NHS Professionals to refer you to the Disclosure and Barring Service (DBS). If you are a registered nurse or registered nursing associate, we may refer you to the Nursing and Midwifery Council (NMC). If such a referral is made, you will be informed by either the Investigating Officer for your case or our Flexible Worker Human Resources Team.

You can contact the Investigating Office for your case via email at:  
Nurse-LeadsInbox@NHSProfessionals.nhs.uk  
Please ensure the complaint case number and initials of the Investigating Officer are in the subject line.

# Frequently Asked Questions

## **I cannot open the attachments to the email sent to me, why is this?**

For security, we ensure all documents sent to you are either password protected or via our secure encryption service. If you receive a password protected document, please reply to the Investigating Officer to request the password.

If you are emailed via our secure system, you will need to register with our encryption service. This will require you to set a password of your choice which you will need to access this service. If you have forgotten your password please follow the reset password link, which is displayed when you try to open a secure email.

## **Why am I restricted from booking assignments?**

Some Client Trusts have a policy whereby all Bank Members subject to allegations are either excluded or restricted from booking assignments. Other Trusts make such decisions on a case by case basis. In certain circumstances, NHS Professionals may impose an exclusion or restriction on your booking assignments. If an exclusion or restriction is imposed on your working you will be notified by letter by our Flexible Worker Human Resources Team. You can also telephone or email your Investigating Officer for more information.

When an investigation is concluded the Client Trust must agree to remove or lift any exclusions or restrictions. Your Investigating Officer will liaise with the Client Trust about this on your behalf.

## **Can I speak to the Client Trust about the complaint made against me?**

We would advise you not to contact anyone from the Trust regarding allegations made against you. If you have any specific questions, your NHS Professionals Investigating Officer will be able to provide or seek answers on your behalf. If you have been either excluded or restricted from working, please read the confirmation letter you received about this for further information.

## **I think the allegations made against me are unfair or untrue, what can I do?**

As part of our investigation we will ask for evidence in the form of statements from you and from witnesses at the Client Trust. We will also ask the Trust to provide any other evidence which may support the allegations made. We will use all the information received to make a fair and robust decision as to the outcome. It is therefore essential you take time to provide us with a full and detailed statement which names any other staff present (do not provide patient's names – use their bed and bay numbers) and gives times and places, if possible. Make sure you address all of the allegations made, and provide reasoning or an explanation for any errors you made, if relevant.

It is important to note that allegations can only be upheld when Client Trusts provide sufficient evidence to support them and/or when Bank Members confirm them.

## **How long does the investigation process take?**

The time frame for investigation is most often dictated by the time taken for the Client Trust, and you, to provide any evidence we request. NHS Professionals seek to resolve complaints within 25 working days; however, this can be extended should it be deemed necessary, and may well be extended if other bodies such as the Police or a Local Authority are involved.

## **How will I know what is happening with my case?**

You will have an Investigating Officer allocated to your case who will be your main point of contact at NHS Professionals. They will contact you at the outset to discuss the feedback received and let you know what will happen next; they will also provide you with their email address and telephone number. Investigating Officers aim to update Bank Members on their cases on a weekly basis. Alternatively, you can either telephone or email your Investigating Officer to request an update.

# Frequently Asked Questions

## **I have been asked to attend a meeting, can I bring anyone with me?**

If you are invited to a meeting by the Client Trust, please speak to the Investigating Officer allocated to your case for advice and support. If you are invited to an investigation meeting by NHS Professionals, you may bring a work colleague or Union representative if you wish. If you are asked to come in for interview by the Police under caution, legal representation will be arranged and provided by the Police.

## **Can I appeal the decision made against me?**

You can appeal any decision within 10 days of being provided with a formal outcome. Should you wish to appeal, please contact Flexible Worker Human Resources via [FWHR@NHSProfessionals.nhs.uk](mailto:FWHR@NHSProfessionals.nhs.uk)

## **Can I make a complaint about a Client Trust or another member of NHS Professionals' staff?**

Yes, you can submit feedback about an assignment, about another Bank Member, or about a member of NHS Professionals corporate staff via our website's homepage. You can access this form [here](#).

## **I have been excluded from working by one Client Trust, am I able to work elsewhere?**

If you joined NHS Professionals via the Bank Only recruitment process it may be possible for you to work at another Client Trust represented by NHS Professionals. This will depend on whether you have been excluded from one Trust or all our Client Trusts. If your exclusion is for one Trust only and you would like to add a new Trust to your profile, please contact our Service Centre on 03332 407 552 or via [contactus@nhsprofessionals.nhs.uk](mailto:contactus@nhsprofessionals.nhs.uk)

If you registered with NHS Professionals via the Bank Exclusive process or are registered with NHS Professionals as a Substantive member of Trust staff, you can only work in that specific Trust and any other Trusts within a Bank Share agreement. In such circumstances you may wish to consider making a Bank Only application.

