

## INITIAL FACTFINDING EXERCISE - FLOWCHART

Factfinding is critical in any investigation into concerns relating to our colleagues.

Below is a guide to support managers when completing the Initial Factfinding Exercise Form. It is important to remember you are not being asked to undertake a full investigation. The purpose of Factfinding is to gather information regarding the alleged incident, to determine what appropriate actions should be taken next. For example, whether a disciplinary investigation is warranted.

Fact-finding is a preliminary step which is carried out informally, however, should be clearly documented.

Please refer to the Trust's Disciplinary Policy for full information on the Fact-Finding process, to include the role of Trade Unions.

**Section 1:** Please ensure all contact details are completed and accurate.



### **Section 2: Situation and Context.**

The information you include within this section is crucial to support the decision how the matter can be addressed moving forward.



#### **Points to Consider:**

- Make sure that all colleagues involved in the Fact-Finding are fully aware of the process and the reason for their involvement.
- Only disclose information which is relevant and needed to complete the Fact-Finding exercise.
- The information gathered and presented in the form should be high-level; do not include specific detail if it is not required at this point in the process.
- Only carry out meetings, or gather other sources of information, which are essential to the decision on next steps.
- Information included on the form should be factual and objective. Do not include personal viewpoints on the allegations if they are not supported with facts/evidence. It should not be an accusatory process; only to gather information.



### **Section 3: Additional information**



#### **Points to Consider:**

- The colleague(s) subject to the allegation should: -
  - Always be given an opportunity to respond to the concerns as part of the Fact-Finding process **unless this is not advised for safeguarding or data protection reasons** (always seek advice from HR);
  - Be made aware of the concerns that they are being accused of to ensure they have a fair opportunity to respond, but to keep the information shared at a high-level and as general as possible.



**Section 4:  
Assessment of the  
situation (key risks to  
consider and any  
immediate  
learning/training)**



**Points to Consider:**

- Review our Safeguarding Policy and seek advice from the HR and Safeguarding Team if necessary.
- Should any other individuals, teams, or organisations need to be involved at this stage from a risk perspective at this stage? e.g. Police, NMC.



**Section 5: Sign off by the person completing the initial fact find investigation.**



**Section 6: Senior  
Managers decision**



**Points to Consider:**

- Senior Manager is defined as Band 8a or above for this purpose.
- Does the Senior Manager have all the information required to make a fair and reasonable decision on next steps? If not, request for further Fact-Finding.
- Does the Fact-Finding form appear objective and unbiased?
- Does all the information provided at this stage appear valid?
- Senior Manager to document the reason for the initial decision.
- Consideration should be made to how the decision should be communicated to the colleague(s) subject to allegation.
- This process is **CONFIDENTIAL**, and appropriate steps should be taken to maintain strict confidences and adhere to data protection requirements.
- Who else has a **legitimate need** to be made aware of the decision made?
- What additional support should be put in place following the outcome? (for affected colleague(s), the Team, the department/unit).

## EXAMPLE INITIAL FACT-FINDING

**INITIAL FACTFINDING EXERCISE INTO CONCERNS RAISED THAT STAFF NURSE, MRS V. PURPLE, ALLEGEDLY FALSIFIED INFORMATION ON A PATIENT'S RECORD**

*31<sup>st</sup> July 2024*

***Please note this form must be completed in full before any consideration of formal investigation is launched.***

<b>Section 1 Contact Details:</b>	
<b>Service Area where an incident has occurred:</b>	<i>General Surgery- Rainbow Unit</i>
<b>Initial Fact-finding Exercise in respect of the member of staff, the concerns are allegedly against:</b>	Name: Violet Purple Job Role: Staff Nurse Service: General Surgery Email: violet.purple@nhs.net
<b>Details of person completing the Initial Fact-finding exercise:</b>	Name: Sage Green Job Title: Ward Manager Service: General Surgery Email: sage.green@nhs.net
<b>Details of line manager (if different to the person completing the initial fact finding exercise:</b>	Name: N/A Job Title: Service: Email:
<b>Section 2 Situation and Context (Overview of the matters of concern and details of employee):</b>	
<b>1. Overview of the incident and allegation/s:</b>	<i>HCA Silver Grey (Agency staff) raised a concern with Nurse in Charge, Hazel Brown, that Nurse Purple falsified that they carried out observations on a patient.</i>

2. Date of Incident:	30 <sup>th</sup> July 2024
3. Describe how the incident come to light:	<p><i>HCA Grey was assisting Nurse Purple with the care and observations of Patient A. Nurse Purple was responsible for carrying out hourly observations on Patient A. Whilst completing a set of observations Nurse Purple admitted to HCA Grey that they missed the previous hour's observations, but that they were going to falsify the records to show that it was carried out.</i></p> <p><i>HCA Grey raised their concern with Nurse Purple's actions to Nurse in Charge Brown. Nurse in Charge Brown met with Nurse Purple and completed Datix.</i></p>
4. Does the incident involve Patients/Service users?	Yes / No If yes, provide further detail:
5. Does the incident involve external organisations?	Yes – Agency B (employer of HCA Grey)
6. Details of colleagues (including job roles) involved/know of or witnessed this incident:	<p><i>Violet Purple- Staff Nurse</i>  <i>Silver Grey- HCA (agency)</i>  <i>Hazel Brown- Nurse in Charge</i></p> <p><i>Possible other witnesses- HCA Blue, HCA Red and Nurse Yellow who were also working on Ward at the time of the incident.</i></p>
7. Have any written statements been received (using the template provided) if so by whom please enclose with this document.  <i>(if verbal statements have been provided, please ensure notes are taken dated and signed by the person completing this document).</i>	Yes- <ul style="list-style-type: none"> <li><i>Written statement provided by HCA Grey;</i></li> <li><i>Meeting notes of conversation had between HCA Grey and Nurse in Charge Brown on 30<sup>th</sup> July;</i></li> <li><i>Meeting notes of conversation between Nurse Brown and Nurse Purple on 30<sup>th</sup> July.</i></li> <li><i>Meeting notes of conversation held between Line Manager Green (Fact-Finder) and Nurse Purple (notes approved via email by Nurse Purple) on 31<sup>st</sup> July.</i></li> </ul>
8. Is there any other information available which needs to be taken into consideration for example, DATIX (or DATIX ref number), emails, message images, notes etc.?	Yes- <ul style="list-style-type: none"> <li><i>Patient A's medical notes</i></li> <li><i>Datix WB123456</i></li> <li><i>Conversation of Concern record on Nurse Purple's personnel file dated June 2023.</i></li> </ul>

<p><b>9.</b> Has this or a similar issue occurred previously?</p> <p><u>Consider:</u></p> <p>Has the manager previously raised these concerns informally with the colleague and if so, when?</p> <p>Are there any live warnings or any conversations of concerns that need to be taken into consideration?</p>	<p>Yes-</p> <p><i>Concerns raised previously that Nurse Purple was not completing medical notes in a timely manner. Line Manager undertook a Conversation of Concern in June 2023 (on file).</i></p>
<p><b>10.</b> Are there any historical issues or trends, mitigating factors or systemic issues within the Team/Service or Trust to consider?</p>	<p>Yes-</p> <p><i>On the day/time of the incident, the Ward had lower than normal staffing numbers.</i></p>
<p><b>Section 3 Additional information:</b></p>	
<p>Where individual action may have resulted in the incident, consider the individual's and line manager's perspectives:</p> <p><b>1.</b> Did the colleague intend to cause any harm or damage harm?</p>	<p><i>In the meeting notes of conversation held between Nurse in Charge Brown and Nurse Purple, Nurse Purple denied that she missed the observation, but admitted that she was delayed in writing up the record on the patient's notes.</i></p> <p><i>In the meeting notes of conversation held between Manager Green and Nurse Purple, Nurse Purple said that they were under a lot of pressure due to another Nurse unexpectedly leaving shift due to sickness. Nurse Purple said she did not intend to harm patient and did carry out the observation allegedly missed.</i></p>
<p><b>2.</b> Did the colleague knowingly and unreasonably increase risk by violating known safe operating procedures?</p>	<p><i>Nurse Purple confirmed that they are aware of their responsibility to keep honest, accurate, and timely patient records.</i></p>
<p><b>3.</b> Would another similarly trained and skilled employee in the same situation act in a similar manner?</p>	<p><i>A Nurse of similar experience would be aware of their responsibility with regard to patient record keeping.</i></p>

<p>4. Has the manager reviewed the colleague's knowledge against their skills and determined if they knew the rule or performance standard? If so, which of these applies? *Tick as appropriate*</p>	<p><i>The colleague does not have the knowledge of what to do and so can't in practice [ ]</i></p> <p><i>The colleague knows in theory but can't in practice [ ]</i></p> <p><i>The colleague knows how to and can in practice [x ]</i></p>
<p>5. Consider the colleague's perspective on the above:  Has the colleague provided a statement? <i>Please enclose with this document.</i></p>	<p><i>Statement has been requested, but yet to be provided. Nurse Purple has seen and approved the meeting notes of 31<sup>st</sup> July.</i></p>
<p>6. Consider if the manager has maintained consistency in dealing with this situation regardless of the employee's banding and protected characteristics?</p>	<p><i>Manager has acted appropriately in line with Trust expectations and professional code of conduct.</i></p>
<p><b>Section 4 Assessment of the situation (key risks to consider and any immediate learning/training):</b></p>	
<p><u>Please outline any immediate risks to consider:</u></p> <ul style="list-style-type: none"> <li>Risk of harm to patient's/service users?</li> </ul>	<p><i>There was no known harm caused to the patient in the alleged incident.</i></p> <p><i>Alleged actions puts patient at direct risk of harm.</i></p> <p><i>There is a potential pattern of behaviour (similar incidents previously) which puts patients at risk of harm. The concern calls into question the trustworthiness of Nurse Purple as a professional.</i></p>
<ul style="list-style-type: none"> <li>Risk of harm to other employees?</li> </ul>	<p><i>No information to suggest a risk of harm.</i></p>
<ul style="list-style-type: none"> <li>Risk of harm to self-including impact on the wellbeing of employee/s affected?</li> </ul>	<p><i>No particular risk known; however, appropriate wellbeing support has been offered to all those involved in incident/fact-finding.</i></p>
<ul style="list-style-type: none"> <li>Risk of harm to Trust?</li> </ul>	

	<i>Potential Trust disrepute externally. Public protection concern.</i>
<ul style="list-style-type: none"> <li>Risk of continued fraud?</li> </ul>	<i>Risk that the alleged behaviour could continue whilst the member of staff continues to care for patients.</i>
<ul style="list-style-type: none"> <li>Risk of service provision?</li> </ul>	<i>Yes- alleged behaviour compromises patient safety.</i>
<ul style="list-style-type: none"> <li>Any there any other risks or key considerations? i.e. <i>Duty of Candour</i> <i>NMC Referral</i> <i>Safeguarding</i> <i>Police involvement</i></li> </ul>	<i>Duty of Candour</i> <i>NMC referral</i>
<b>Learning /Training</b>  Please state what learning or training has been considered, and provide details of this?	<i>Nurse Purple is up to date with Mandatory Training.</i>  <i>Nurse Purple has a valid current PIN.</i>  <i>Training in record keeping available through the Trust.</i>
<b>Section 5 Sign off by the person completing the initial fact find investigation:</b>	
Date the initial fact-finding exercise was completed:	31 <sup>st</sup> July 2024
Signature:	

Date forwarded to the Senior Manager (Band 8a or above):	31 <sup>st</sup> July 2024
<b>Section 6 Senior Manager decision based on the information provided by the appointed manager:</b>	
Senior Manager Details:	Name: Rose Pink Job Title: Matron- General Surgery Email: rose.pink@nhs.net
Senior Manager Signature:	
Date:	1 <sup>st</sup> August 2024
Initial Decision:  *Tick as appropriate*	<input type="checkbox"/> No further action <input type="checkbox"/> Conversation of Concern <input checked="" type="checkbox"/> Proceed to a formal investigation
Reason for Decision:	
Are there any immediate recommendations considered to eliminate any risks to patient care/safety, staff, visitors, external bodies or to the Trust which also need to be considered:  *Tick as appropriate*  <b>If suspension is being considered, the Suspension Checklist will be required to be completed.</b>	<input checked="" type="checkbox"/> Action short of suspension ( <i>include detail of action</i> ) <i>Undertake work with full supervision at all times until further notice.</i> <input type="checkbox"/> Restricted duties ( <i>include detail of restrictions</i> ) <input type="checkbox"/> Temporarily redeployment <input type="checkbox"/> Full suspension