



Duty of Candour Policy

Contents

What this means for Fair Deal.....	3
Key Principles.....	3
Procedure Key Stages.....	3
Document Information.....	4
Amendment History.....	4
Appendix A – How to identify incidents where the duty of candour applies.....	5
Appendix B – Review of the incident (investigation).....	6
Appendix C - Incident Reporting.....	7
Appendix D - Duty of Candour Annual Report.....	11

What this means for Fair Deal

The organisation already operates in an honest, open and supportive manner; however, this regulation means that we must follow a set procedure should an incident result in serious injury or death to someone we work for. This document will set out the process we will follow in the event of such an incident.

Key Principles

Transparency: the organisation will be open regarding the incident, which resulted in harm, or death to the person we support

Accountability: the organisation will take accountability for safer system, engagement with staff to improve work and create greater trust with the people we support.

Throughout the duty of candour refers to the Responsible Person and the Relevant Person in relation to Fair Deal:

- Responsible Person is the organisation and not the individual
- Relevant Person is the person we support or their family member/guardian/next of kin

The procedure:

The duty of candour procedure has actions that must be followed by the organisation (Fair Deal) in accordance with the legislative regulations. These details that specific actions and recordings of information that Fair Deal must carry out at each stage of the procedure.

Procedure Key Stages

- Make available, or provide information about, support available to persons affected by the incident.

Fair Deal will offer the person we support, their families/relatives and staff involved in the incident support.

- Prepare and publish an annual report of the Duty of Candour on the 31st of March each year.

Fair Deal will immediately inform the Care Inspectorate and Local Authority at the time of the incident.

We will publish an annual report on our website detailing: -

- The number and nature of incidents that the duty has applied to
- As assessment of the extent to which Fair Deal carried out the elements of the duty
- Information on Fair Deal's policy regarding procedures for identifying and reporting incidents and support available to staff and the persons affected by the incident
- Information about any changes to policies and procedures as a result of the
- The report will NOT mention the name of the individual involved or contain information, which may identify them

End of Policy

Document Information

Document Ref:	Duty of Candour Policy
Version:	3
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Approved By:	Fiona Dunwoodie
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Amendment History

Date	Version	Created By	Description of Change
23/10/2019	1	Anne Marie Borthwick	Initial Release
23/10/2020	2	Anne Marie Borthwick	Addition of Annual Report Document as appendix 1
18/03/2024	3	Anne Marie Borthwick	Review of Policy, format updated in line with standardisation of all policies and procedures

Appendix A – How to identify incidents where the duty of candour applies

The duty of candour procedure must be carried out by the responsible person (Fair Deal) as soon as practicable after we become aware that a person we support has been the subject of an unintended or unexpected incident that has been resulted or could have resulted in:

- Death of a person we support
- A permanent lessening of bodily, sensory, motor, physiological or intellectual function
- An increase in treatment needed by the person we support
- Changes to the person we support's body structure
- Shortening of the person we support's life expectancy
- An impairment of the sensory, motor or intellectual functions of the person we support which has lasted or is likely to last continually for 28 days or more
- The person we support experiences pain or psychological harm which has lasted or is likely to last continually for 28 days or more.

Incident	Action
No Harm	<ul style="list-style-type: none"> - Incident form will be completed within 24 hours and recorded on our system - Line Manager will review the incident - Incidents (near miss) reported to Quality and Development Manager monthly for monitoring <p>This is outside the scope of the duty of candour; therefore, there is no requirement to complete duty of candour process.</p>
Low Harm	<ul style="list-style-type: none"> - Incident form completed - Line manager will review the incident - Incidents reported to Quality and Development Manager monthly for monitoring <p>This is outside the scope of the duty of candour; therefore, there is no requirement to complete duty of candour process.</p>
Moderate / Severe Harm (see above)	Duty of Candour Procedure is Implemented (See Appendix)

All incidents **MUST BE** reported to Fair Deal immediately and an incident form completed **within 24 hours**. Chief Executive, Care Inspectorate and Link Commissioner must be notified immediately by the line manager or Quality and Development Manager. On receipt of the incident form the line manager will review the circumstances relating to the incident and devise an action plan e.g. further training, change to protocol. The actions will be implemented and monitored.

Appendix B – Review of the incident (investigation)

An investigation will be conducted in relation to the incident, this will produce conclusions as to why/how the incident happened and make recommendations on how Fair Deal can avoid this happening again.

An Incident Debrief meeting will be held internally with the CEO and the Leadership Team once all information has been received.

Appendix C - Incident Reporting

Serious incidents/issues must be notified to Fair Deal Duty Manager / Fair Deal On Call. Fair Deal have a statutory responsibility to report serious issues / incidents to the Care Inspectorate and GCC immediately, therefore incident reports must be completed promptly.

Staff involved in an incident / issue must complete the Fair Deal incident reporting form for all serious incidents resulting from:

- the behaviour or actions of People We Support or Fair Deal Employees
- any incident or occurrence that puts the People We Support or Fair Deal Employees at risk
- Is Duty of Candour applicable to the incident?

The completed reporting form should be returned to the Manager notified of the incident and copied to the Chief Executive, in order that practice is monitored, and the organisation is accountable.

Consideration must be given to the **Duty of Candour Policy** and if it applies to the incident.

We should not confuse the ongoing monitoring & recording of people's behaviours in relation to the challenges they present with the requirement to report serious incidents. Support staff if instructed should continue to record incidents arising from people's challenging behaviour or complex needs, following the ABC method recommended in Fair Deal's Challenging Behaviour Policy.

<p>NB: FOR MANAGERS, IS THIS A NOTIFIABLE INCIDENT?</p> <p>DOES DUTY OF CANDOUR APPLY?</p> <p>Always update the back page</p>
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Fair Deal Reporting Form

Date	
Name	
Other(s) Involved	
Staff Members Involved	
C.A.L.M techniques used	
PRN administered <i>(time, date and dose)</i>	
Any other agencies contacted <i>(e.g. CPN, CLTD)</i>	
Was Fair Deal Senior on Call contacted:	Name:

TO BE RETURNED TO MANAGER IMMEDIATELY

Summary of the incident:

Staff Signature:

Date:

Actions taken by Team Leader/ Quality and Development Manager following the incident (Must include dates & time scales):

Please note below any follow up actions taken by manager:

For Example: Duty of Candour applies, lead to Investigation, Disciplinary, Staff debrief, referral to employee counselling, Urgent supervision session, further training for staff member or refresher of training. If lead to investigation, please state investigation number. Please put dates and timescales.

Manager Signature:

Date:

FOR MANAGER DEALING WITH INCIDENT

Report Incident To:

Yes

No

Care Manager	<input type="checkbox"/>	<input type="checkbox"/>
Was API Required	<input type="checkbox"/>	<input type="checkbox"/>
Notification to Care Inspectorate	<input type="checkbox"/>	<input type="checkbox"/>
Family Notified	<input type="checkbox"/>	<input type="checkbox"/>
Notification to Link Commissioner	<input type="checkbox"/>	<input type="checkbox"/>
Notification to Mental Welfare Commission	<input type="checkbox"/>	<input type="checkbox"/>
Police Notified	<input type="checkbox"/>	<input type="checkbox"/>
Notification to Health & Safety Executive	<input type="checkbox"/>	<input type="checkbox"/>

Does Duty of Candour apply: **Yes / No**

Manager Signature:

Date:

PLEASE NOTE IF THIS IS A NOTIFIABLE INCIDENT OR DUTY OF CANDOUR APPLIES, THE FOLLOWING PEOPLE HAVE RESPONSIBILITY TO NOTIFY

Care Inspectorate:	Manager who is informed
AP1 to be completed:	Manager who is informed
Care Manager/Duty/family/Police:	Manager who is informed
GCC Link Commissioner, PVG, SSSC, MWC:	Chief Executive
Fair Deal Health and Safety Exec:	Manager who is informed

Appendix D - Duty of Candour Annual Report

Fair Deal must be open and honest with people who use our services and their family carers when something that goes wrong with their support, or has the potential to cause, harm or distress. Services apologise, offer appropriate remedy, or support and fully explain the effects to the person supported. As part of our responsibilities, we must produce an annual report to provide a summary of the number of times we have triggered Duty of Candour within our services. We have a requirement to report any Duty of Candour events to the local authority commissioning and Care Inspectorate within a 24-hour period. Duty of Candour within Fair Deal is the responsibility of the Quality and Development Manager to report back to the CEO. Any DoC events are recorded on incident reports.

Name and Address of Service	Fair Deal 355A Tormusk Road Castlemilk Glasgow G45 0HF	
Date of Report		
How have you made sure that you (and your staff) understand your responsibilities relating to the duty of candour and have systems in place to respond effectively? How have you done this?		
Do you have a Duty of Candour Policy or written duty of candour procedure?		
How many times have you/your service implemented the duty of candour procedure this financial year?	Number of times this has happened (April – March)	
A person died		
A person incurred permanent lessening of bodily, sensory, motor, physiologic or intellectual functions?		
A person's treatment increased		
The structure of a person's body changed		
A person's life expectancy shortened		
A person's sensory, motor, or intellectual functions was impaired for 28 days or more?		
A person experienced pain or psychological harm for 28 days or more?		
A person needed health treatment in order to prevent them dying		
A person needing health treatment in order to prevent other injuries as listed above?		
TOTAL		

Did the responsible person for triggering duty of candour appropriately follow the procedure? If not, did this result in any under or over reporting of duty of candour?	
What lessons did you learn?	
What learning & improvements have been put in place as a result?	
Did this result in a change / update to your duty of candour policy / procedure?	
How did you share lessons learned and with whom?	
Could any further improvements be made?	
What systems do you have in place to support staff to provide an apology in a person-centred way and how do you support staff to enable them to do this?	
What support do you have available for people involved in invoking the procedure and those who might be affected?	
Please note anything else that you feel may be applicable to report	