



Duty of Candour Policy

Director Responsible	Director of Adult Services
Author	Iain Dodds (Learning and Development)
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DOCUMENT HISTORY

Date	Author/Editor	Summary of Changes	Version No.
07.03.2018	Adele Houston	Review of 1 st version of policy	1
16.03.2019	Robert Krawczyk	Creation of 2 nd version of policy	2
13.9.2023	Iain Dodds	Review of 2 nd version of policy	3

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CONSULTATION AND RATIFICATION SCHEDULE

Name of Consultative Body	Date of Approval
Senior Management Team	

CROSS REFERENCE TO OTHER POLICIES/STRATEGIES

This policy should be read in conjunction with:	Detail
Policy 1	Adult Support & Protection Policy
Policy 19	Health and Safety Policy
Policy 28	Accident and Incident Reporting Policy

KEYWORDS: candour, duty of care, incident

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1. INTRODUCTION

The implementation date for Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 is 1st April 2018 placing an organisational duty (Duty of Candour) on health, care and social work services. The overall purpose of the new duty is to ensure that organisations are open, honest and supportive when there is an unexpected or unintended incident resulting in death or harm as defined in the Act and have a clear procedure to respond to an unexpected or unintended incident, part of which will involve offering a verbal and written apology. Primecare Health LTD is required to report on all Duty of Candour incidents on an annual basis.

2. DEFINITIONS

The definition of Severe Harm and Not Severe Harm within the Act is as follows:

Severe Harm is described as:

- The death of an individual
- Permanent disability either physical or psychological (such as the removal of the wrong limb or organ, or brain damage)

Not Severe Harm – harm which is not severe but results in:

- An increase in treatment
- Changes to the structure of their body
- Shortening of their life
- An impairment which can be sensory, motor or intellectual and has lasted or is likely to last at least 28 days
- Pain or psychological harm which lasts, or is likely to last, for at least 28 days.

Harm also includes individuals requiring treatment by a health professional in order to prevent:

- Their death
- An injury to them which, if left untreated, would lead to one or more of the harms outlined above.

3. CONDITIONS OF IMPLEMENTATION

The Duty of Candour procedure will be implemented:

- As soon as a health professional confirms an unintended or unexpected incident has occurred and has resulted in harm or death or,
- A complaint is received detailing harm/severe harm as defined above,
- A significant event which triggers a case review,
- A Whistleblowing Policy disclosure.

4. DUTY OF CANDOUR - APOLOGY

In the event that harm has been caused, Primecare Health LTD must issue an apology to the service user and / or family giving full details of the incident as known at that time and explaining that an investigation will take place. This should be worded so as to not assign liability.

The duty of candour provisions laid out in the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 states this about apologies:

“An apology means a statement of sorrow or regret in respect of the unintended or unexpected event. An apology or other step taken.....does not in itself amount to an admission of negligence or a breach of statutory duty”

5. POLICY REVIEW

This policy will be reviewed every three years or sooner if required.