

## ITEM No ...10.....

**REPORT TO:** POLICY AND RESOURCES COMMITTEE – 4 JUNE 2018  
**REPORT ON:** UPDATE ON DUTY OF CANDOUR PREPARATIONS  
**REPORT BY:** CHIEF SOCIAL WORK OFFICER  
**REPORT NO:** 187-2018

### **1.0 PURPOSE OF REPORT**

- 1.1 To inform Committee of ongoing and planned work in relation to the implementation of the Duty of Candour procedure which came into force on 1 April 2018.
- 1.2 The Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 received Royal Assent on 6 April 2016 and introduced a new organisational duty of candour on health, care and social work services.

### **2.0 RECOMMENDATIONS**

It is recommended that committee:

- 2.1 Notes the preparations that are being undertaken by Dundee City Council for the implementation of the Duty of Candour (Scotland) Regulations 2018.
- 2.2 Notes that the responsibility for the reporting of the Duty of Candour events remains with the responsible person.

### **3.0 FINANCIAL IMPLICATIONS**

There are no financial implications related to the preparations for the Duty of Candour (Scotland) Regulations 2018.

### **4.0 MAIN TEXT**

- 4.1 The Duty of Candour (Scotland) Procedure came into force on 1 April 2018. The purpose of the new duty of candour provisions is to support the implementation of consistent responses across health and social care providers when there has been an unexpected event or incident that has resulted in death or harm that is not related to the course of the condition for which the person is receiving care.
- 4.2 Severe harm is described as:
- The death of a person;
  - Permanent disability either physical or psychological (such as removal of the wrong limb or organ, or brain damage).
- 4.3 The legislation also outlines harm to people which is not severe but which results in:
- An increase in their 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.
- 4.4 Examples of harm or severe harm to which the duty of candour apply could include:
- If care staff failing to raise the bed rails on a person assessed as needing them, which resulted in the person falling from bed and sustaining a bleed on the brain, and dying two days later;

- 4.5 Unintended incidents which do not result in harm as outlined in the duty of candour provisions could include:
- The incorrect administration of medication which results in no lasting effects.

- 4.6 The key principles of the regulations are:

Providing health and social care services is associated with risk and there are unintended or unexpected events resulting in death or harm from time to time. When this happens, people want to be told honestly what happened, what will be done in response, and to know how actions will be taken to stop this happening to someone else in the future.

It is recognised that there is a need to improve the focus on support, training and transparent disclosure of learning to influence improvement and support the development of a learning culture across services.

Candour is one of a series of actions that should form part of organisational focus and commitment to learning and improvement; Transparency, especially following unexpected harm incidents, is increasingly considered necessary to improving the quality of health and social care. Being candid promotes accountability for safer systems, better engages staff in improvement efforts, and engenders greater trust in service users and patients.

- 4.7 Preparations are ongoing to prepare the workforce as follows:

- Preparations are underway to complete a Duty of Candour policy for Dundee City Council. Duty of Candour will be relevant not only for the Health and Social Care Partnership, but for all council services providing care including Children and Families and the Housing Support Team.
- Comprehensive materials are available on the Scottish Government website, including e-learning <http://www.gov.scot/Topics/Health/Policy/Duty-of-Candour>;
- Duty of Candour awareness sessions provided by NHS Tayside have been happening which are accessible to the Partnership workforce;
- In terms of reporting Dundee City Council Duty of Candour events will be recorded on Mosaic (service user recording system). NHS Tayside events will be recorded on Datix (incident reporting and risk management system). Where the event relates to an issue covered by the Health and Social Care Partnership the same information will be recorded to ensure consistency.

- 4.8 It should be noted that the responsibility of the reporting of the Duty of Candour events remains with the responsible person. The Act defines the “responsible person” as:

- a Health Board;
- a person (other than an individual) who has entered into a contract, agreement or arrangement with a Health Board to provide a health service;
- the Common Services Agency for the Scottish Health Service;
- a person (other than an individual) providing an independent health care service;
- a local authority;
- a person (other than an individual) who provides a care service;
- an individual who provides a care service and who employs, or has otherwise made arrangements with, other persons to assist with the provision of that service;
- a person (other than an individual) who provides a social work service.

This means that the new Duty applies to organisations and not individuals. It is placed upon health, care and social work organisations. Dundee City Council and NHS Tayside will therefore maintain their own recording systems.

- 4.9 In relation to reporting Duty of Candour events the following will be put in place:

- The Council and NHS Tayside will produce annual reports on Duty of Candour events;
- The Integrated Joint Board will be provided with a report specific to the Partnership services;
- Information will be included in the Annual Chief Social Work Officer Report

## **5.0 POLICY IMPLICATIONS**

This report has been screened for any policy implications in respect of Equality Impact Assessment. There are no major issues

## **6.0 CONSULTATIONS**

The Council Management Team have been consulted in the preparation of this report.

## **7.0 BACKGROUND PAPERS**

None.

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25 April 2018

