

Oxgangs Care

Live Life to the Fullest

Duty of Candor		
Approved by:	Board of Trustees	
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	Reviews	
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	5th review -	6th review -

Duty of Candour

Scotland

Purpose:

The purpose of this duty is to ensure that Oxfams Care is open, honest and supportive when there is an unexpected or unintended incident resulting in death.

The duty also requires that Oxfams Care follow a duty of candour procedure, in accordance with the Duty of Candour Procedure (Scotland) regulations 2018. The key stages of this procedure include:

- Notifying the affected person (family/relative where appropriate)
- Provide an apology
- Carry out a review of the incident and circumstances leading to the incident
- Offer and arrange a meeting with the person affected and/or their family, where appropriate
- Provide the person affected with an account of the incident
- Provide information about support to persons affected by the incident
- Provide training and support to employees who carry out the duty of candour procedure on its behalf
- Prepare and publish an annual report on duty of candour

Principle:

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

Being candid promotes accountability for safer systems, better engages staff in implementing efforts and promotes trust from the people who use our services.

Scope:

Candour: Being open and honest, frankness

Duty of Candour: The responsibility attached to all employees to report unexpected or unintended incidents or death.

The Act: Health Act 2016

Incident: Unexpected or unintended incident resulting in death or harm

Relevant person: The person in receipt of the care (service user). Where that person has died or is lacking capacity or otherwise unable to make decisions about the service provided

Responsible person: The person who provides the service

Apology: Statement of sorrow or regret

Oxgangs Care will follow the Duty of Candour procedure immediately or as soon as reasonably practicable after becoming aware that an unintended or unexpected incident has occurred, during the provision of care. This may include the following:

- Death of a person
- A permanent lessening of bodily, sensory, motor, physiologic or intellectual functions
- The shortening life expectancy of someone
- An impairment of the sensory, motor or intellectual functions of the person which has lasted or is likely to last 28 days
- The person is experiencing pain for a continuous 28 period of days
- The injury of someone which left untreated, would lead to one or more of the outcomes listed above

We will also recognise that a Duty of Candour procedure can be activated because of a complaint or other feedback received or a disclosure made under the Whistleblowing policy.

After becoming aware that an unintended or unexpected incident has occurred, Oxgangs Care will identify a lead person, e.g., Registered Service Manager, Assistant Manager or another nominated person.

We will make every attempt to communicate with the service user/relevant person and a record will be kept providing information. These records will also provide information if the service user/relevant person is unable to be contacted or declines to communicate with us.

Limitations on provision of information:

In accordance with the Duty of Candour Act 2018, these regulations do not permit or require Oxfangs Care to disclose any information which:

- Would prejudice any criminal investigation or prosecution
- Would contravene any restriction on disclosure arising by virtue of an enactment or rule of law

Notification:

In respect of an incident, Oxfangs Care will notify the service user/relevant person in writing, which will include:

- An account of the incident, insofar as we are aware of the facts, with an account of our actions
- Where this is later than one month after the date of the incident occurred, we will explain this

Apology:

In addition to any apology given at the time, Oxfangs Care will give the service user/relevant person a written apology. Our apology will:

- Be based on the incident as it occurred
- Be given to the right people
- Be given without delay
- Be given using language that is clear and direct
- Be open, honest, sincere and meaningful

Oxfangs Care will hold a meeting with service users/relevant person to provide an account of the incident. We will provide an explanation of any further steps we will take to investigate the circumstances., an opportunity will be given to the service user/relevant person to ask questions about the incident. Time will be given for the service user/relevant person to express their views.

Following the meeting we will provide the service user/relevant person minutes of the meeting; we will also provide contact details of the lead person dealing with this incident.

If the service user/relevant person does not wish to or is unable to attend we will provide the information mentioned in this section along with a copy of the minutes should the service user/relevant person wish it.

Oxgangs Care will produce an annual report at the financial year just gone, and provide a copy to Care Inspectorate, with names withheld if applicable.

Elaine Black

2022