



# **DUTY OF CANDOUR POLICY**

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## Introduction

This policy has been developed to be open and transparent with people who use our services if we make mistakes when providing care and support that result in the death, severe harm, moderate harm or prolonged psychological harm of a service user.

Being open and transparent with people who use our services, particularly when things go wrong, is recognised as best practice.

JRH Support believe that staff should be open with service users and carers when any incident has occurred, and service users and carers are kept up to date when incidents occur. Being open involves apologising and explaining what happened to cause suffering.

## When the Duty of Candour applies

The duty of candour applies when a notifiable safety incident happens. It should be noted that the requirement to notify the Care Quality Commission (CQC) of certain events will not automatically mean that the duty of candour applies. The duty of candour is specifically related to situations where things go wrong. As an example, a person may fall in their property and break their hip. This would be notifiable to the Care Quality Commission as it is a serious injury. However, the duty of candour would only apply if the injury could and should have been prevented by the service, for example, if an adult has been assessed as needing 1:1 supervision to prevent falling and this did not happen.

The registered manager or a suitable person in authority acting on behalf of the registered person or registered provider will (in addition to notifying the CQC):

- Be open with the service user and other relevant persons about the incident
- Provide suitable support to the service user and others affected by the incident
- Explain directly and in person to the service user and / or their representatives exactly what has happened
- Apologise, for example express sorrow and regret for what has happened
- Say what is being done to investigate and learn the lessons from what has happened and further actions that might be taken
- Undertake to put in writing what has happened and the apology
- Keep full records of the incident, including all associated correspondence and the actions that have been taken to carry out the duty of candour with the resident and / or representatives.

Where the person has given consent to their care and support the above actions will be directed at them personally and to others with their agreement. Where the person has been unable to give their consent to their care because of mental incapacity the actions will be followed through communication with their lawful representatives with the expectation that the service user will be involved as much as possible

JRH Support understands that the incidents to which a specific duty of candour is owed (as opposed to the general duty to act openly and transparently) are those

described in the duty of candour Regulation 20.9, i.e. unintended or unexpected incidents that might occur in the delivery of the care service that: “in the reasonable opinion of a health care professional

- a. appears to have resulted in
  - i. the death of the service user, where the death relates directly to the incident rather than to the natural course of the service user’s illness or underlying condition,
  - ii. an impairment of the sensory, motor or intellectual functions of the service user which has lasted, or is likely to last, for a continuous period of at least 28 days,
  - iii. changes to the structure of the service user’s body,
  - iv. the service user experiencing prolonged pain or prolonged psychological harm, or
  - v. the shortening of the life expectancy of the service user; or
- b. requires treatment by a health care professional in order to prevent
  - i. the death of the service user, or
  - ii. any injury to the service user which, if left untreated, would lead to one or more of the outcomes” described in (a) above.

## **Training**

Staff training covers the service ethos of openness and transparency, individual responsibilities to act in open and transparent ways and the procedures which the service will follow in exercising its duty of candour following incidents that fall within its scope.

**Paul Battershall**  
**General Manager**