

Assessment No	1043	Owner	Alastair.Handley
Resource	HSCP	Service	Joint
	FirstName	Surname	Job Title
Head Officer	Alastair	Handley	Systems, Digital & Information Governance Manager
Members	Alastair Handley (Systems, Digital & Information Governance Manager) Fiona Taylor (Head of Health & Community Care) Gillian Gall (Head of HR, HSCP) Julie Slavin (Chief Financial Officer) Lesley James (Head of Children's Health and Care / Chief Social Work Officer) Margaret-Jane Cardno (Head of Strategy & Planning, HSCP) Sharon Laing (Children and Families Senior Manager) Susan McGrory (Information Systems Lead) Sylvia Chatfield (Head of Mental Health, Learning Disability and Addictions) Val Tierney (Chief Nurse)		
	<i>(Please note: the word 'policy' is used as shorthand for strategy policy function or financial decision)</i>		
Policy Title	HSCP Duty of Candour Procedure		
	The aim, objective, purpose and intended out come of policy		
	Duty of candour is a legal duty which sets out how organisations should tell those affected that an unintended or unexpected incident appears to have caused death or harm, or where additional treatment was required to prevent injury that would result in death or harm. The duty applies to health, social care and social work services and supports an open, honest and supportive approach to an incident triggering the procedure. Duty of candour is well established for health services, so this procedure will focus on social care and social work. The procedure defines how an incident would be identified, including specific roles that are part of the procedure, and also sets out the investigation/review/meeting requirements to fully implement the procedure which would include contact with service users or their representatives.		
	Service/Partners/Stakeholders/service users involved in the development and/or implementation of policy.		
	West Dunbartonshire HSCP, NHS Greater Glasgow & Clyde		
Does the proposals involve the procurement of any goods or services?			No
If yes please confirm that you have contacted our procurement services to discuss your requirements.			No
SCREENING			
<i>You must indicate if there is any relevance to the four areas</i>			
Duty to eliminate discrimination (E), advance equal opportunities (A) or foster good relations (F)			Yes
Relevance to Human Rights (HR)			Yes
Relevance to Health Impacts (H)			Yes
Relevance to Social Economic Impacts (SE)			No
Who will be affected by this policy?			

HSCP employees - specifically those who deliver social work and social care services where an incident takes place, or those who have become involved once the procedure is activated.

Service users who have experienced an unintended or unexpected incident which has caused death or harm, or required treatment to prevent injury that would result in death or harm and/or family members / advocates of service users who may represent or accompany the service user through any meetings and the review process.

Within duty of candour there is a role of Relevant Person which can be the person harmed during the incident, or where that person has died, is lacking capacity or unable to make decisions about the service provided, can be a person acting on behalf of that harmed person.

The relevant person will receive a notification when the duty of candour procedure is activated, which can be done through various methods preferably using a preferred method of communication. The relevant person will also be contacted at stages of the process to offer an apology, be invited to a meeting to discuss the incident and enable the relevant person to ask questions and express their views, receive a note of the meeting and be notified of the result of the review created as part of the procedure and provided with a copy of the report alongside detail of actions taken and supports available.

Who will be/has been involved in the consultation process?

Consultation through an internal HSCP Governance Group which includes HSCP Senior Management as attendees. Fiona Taylor, Gillian Gall, Julie Slavin, Lesley James, Margaret-Jane Cardno, Sylvia Chatfield all had the opportunity to feedback on the procedure itself and how the HSCP is proposing to capture information to meet local and annual reporting requirements.

Margaret-Jane Cardno, Val Tierney, Susan McGrory, Alastair Handley have all been involved in consultation around development of the procedure, how information will be captured to allow annual reports to be produced, and how a registered health professional will be engaged/identified to assess whether the duty of candour needs to be triggered.

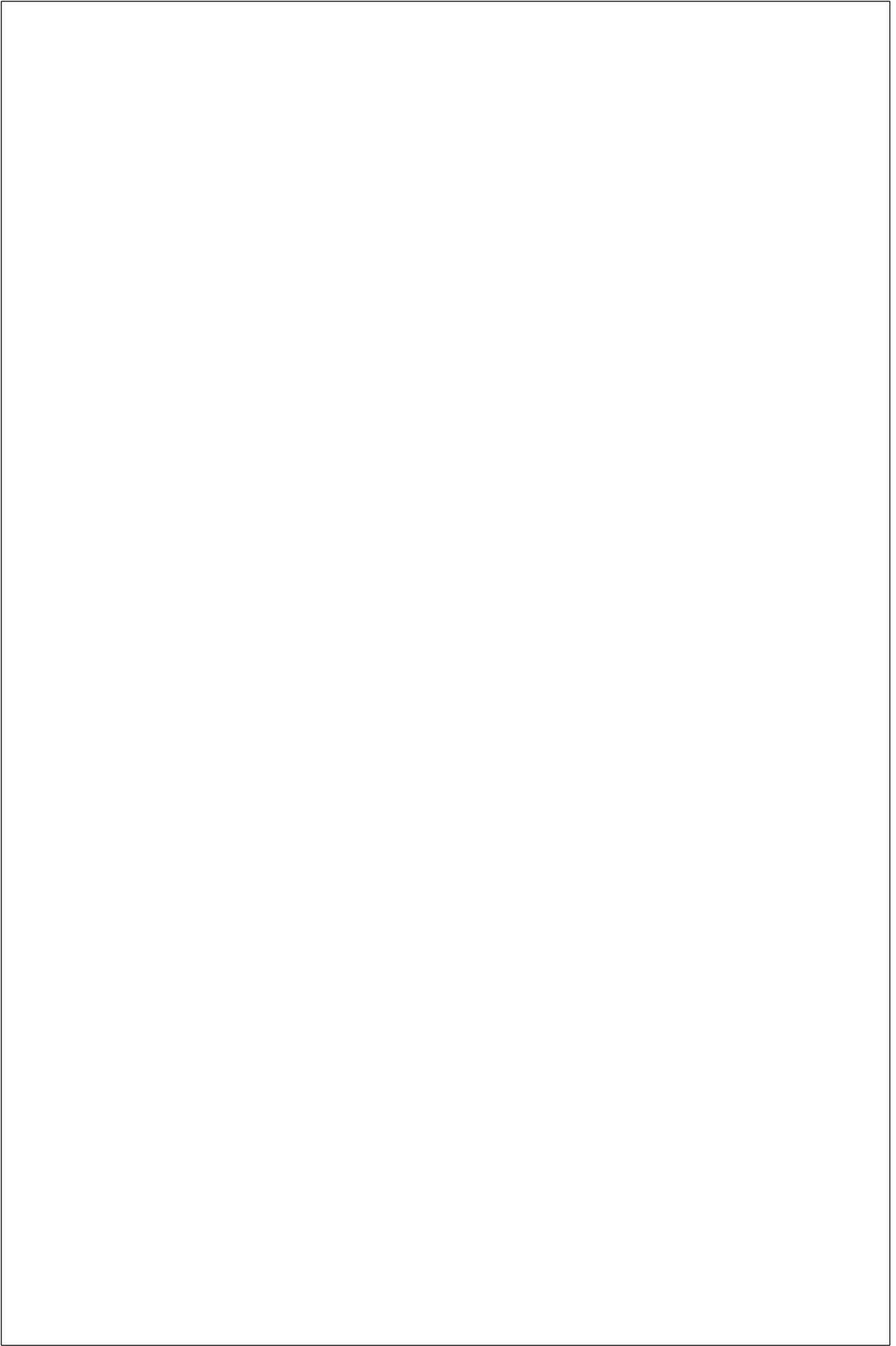
The procedure will be submitted for approval at the HSCP Senior Management Team meeting in August, and will then go to the HSCP Board for approval.

Please outline any particular need/barriers which equality groups may have in relation to this policy list evidence you are using to support this and whether there is any negative impact on particular groups.

Specific group to consider	Needs	Evidence	Impact
Age	Duty of candour can apply to both children and adults, so age could be a factor in identifying whether the person harmed would act as the Relevant Person or if someone would need to act on their behalf.	Were the duty of candour to be triggered following an incident affecting a child/young person, the procedure would allow for someone to act on their behalf which could be a parent or other relative. For any age group, where the harmed person was acting as the relevant person this doesn't prevent them being supported by someone which again could be a family member. That is available regardless of age but would support younger and older people affected by an incident.	Duty of candour procedure should ensure that the triggering of procedure and the following steps doesn't have a negative impact through ability for a representative to either support the person or act as relevant person where appropriate. Positive impact in ensuring that anyone impacted by an incident which triggers the duty is treated equally with the same steps taken to investigate, report on and learn from any incident with full involvement of the person affected or their agreed representative.

Disability	Barrier - the duty of candour procedure requires communications with the Relevant Person which would include initial contact, meetings, sharing information and written reports. Depending on the nature of a persons disability, adjustments may be required to facilitate communications, support the person to attend meetings or ensure the harmed person is properly represented.	<p>Procedure and national guidance is clear on when contact should be made with the relevant person, and how they should be kept informed and involved throughout the process. Both procedure and guidance is clear that communication can be made through various methods and reasonable steps should be taken to establish the preferred method of communication and who should lead this. Information should be provided in accessible formats.</p> <p>Procedure is also clear that where a meeting is arranged the meeting should be accessible to the relevant person with reasonable adjustments made which could include e.g BSL interpreter, advocate or other support.</p> <p>In addition where the person affected does not have capacity a family member or other person can take on the role of Relevant Person to represent them</p>	<p>Duty of candour procedure should ensure that the triggering of procedure and the following steps don't have a negative impact through establishing communication needs, reasonable adjustments and ability for a representative to either support the person or act as relevant person.</p> <p>Positive impact in ensuring that anyone impacted by an incident is which triggers the duty is treated equally with the same steps taken investigate, report on and learn from any incident with full involvement of the person affected or their agreed representative.</p>
Gender Reassign			
Marriage & Civil Partnership			
Pregnancy & Maternity			
Race			
Religion and Belief			
Sex			
Sexual Orientation			
Human Rights			

Health	<p>The duty of candour procedure would be triggered following an unintended or unexpected incident which, in the opinion of a registered health professional, has resulted in death, harm or treatment by a registered health professional in order to prevent death or harm, so any trigger would imply a health impact. This could be alongside existing health conditions that would be considered as part of the decision to trigger.</p>	<p>The duty of candour procedure would take into account any health requirements (which may overlap with disabilities) when communicating with the person harmed which would include reasonable steps take to accommodate meetings. In addition where a person was unable to act as the Relevant Person because of health conditions (either pre existing or following an incident) someone else can act on their behalf.</p>	<p>Duty of candour procedure should ensure that the triggering of procedure and the following steps don't have a negative impact through establishing communication needs, reasonable adjustments and ability for a representative to either support the person or act as relevant person.</p> <p>Positive impact in ensuring that anyone impacted by an incident is which triggers the duty is treated equally with the same steps taken investigate, report on and learn from any incident with full involvement of the person affected or their agreed representative..</p>
Social & Economic Impact			
Cross Cutting	<p>Duty of candour procedure could be triggered for a person who would require additional support through an interpreter.</p>	<p>Procedure and national guidance is clear on when contact should be made with the relevant person, and how they should be kept informed and involved throughout the process. Both procedure and guidance is clear that communication can be made through various methods and reasonable steps should be taken to establish the preferred method of communication which would include preferred language.</p> <p>Procedure is also clear that where a meeting is arranged the meeting should be accessible to the relevant person with reasonable adjustments made which could include e.g interpreter, advocate or other support which may include a family member acting as translator but this should be clarified through those initial discussions.</p> <p>In addition where the person affected does not have capacity a family member or other person can take on the role of Relevant Person to represent them</p>	<p>Duty of candour procedure should ensure that the triggering of procedure and the following steps don't have a negative impact through establishing communication needs, which would include any need for an interpreter, reasonable adjustments and ability for a representative to either support the person or act as relevant person.</p> <p>Positive impact in ensuring that anyone impacted by an incident is which triggers the duty is treated equally with the same steps taken investigate, report on and learn from any incident with full involvement of the person affected or their agreed representative..</p>



Actions

Policy has a negative impact on an equality group, but is still to be implemented, please provide justification for this.

Will the impact of the policy be monitored and reported on an ongoing basis?

The HSCP requires to prepare an annual report, as soon as reasonably practicable after the end of that financial year. The report must include

- information about the number and nature of incidents to which the duty of candour procedure has applied in relation to a health service, care service or social work service provided.
- an assessment of the extent to which the duty of candour has been carried out.
- information about policies and procedures in relation to the duty of candour, including information about for identifying and reporting incidents, and support available to staff and to persons affected by incidents.
- details of any changes to policies and procedures as a result of incidents to which the duty of candour has applied.
- other information the organisation thinks fit.

Personal identifiable information should not be included in the report.

For monitoring purposes, information will be gathered based on any instances of the duty of candour procedure being initiated as part of the regular SMT dashboard reporting. Where the procedure has not been initiated a nil return will be shown.

In addition, HSCP will submit the annual report to the HSCP Audit & Performance Committee for approval and, upon approval, will publish the report on the HSCP website. The Care Inspectorate should be notified when an annual report is published through their returns process.

Q7 What is your recommendation for this policy?

Introduce

Please provide a meaningful summary of how you have reached the recommendation

Organisational duty of candour underpins the Scottish Government's commitment to openness and learning to support the provision of safe, effective, person-centered health and social care. The HSCP has a legislative duty to follow a duty of candour procedure where there has been an unintended or unexpected incident resulting in death, harm or additional treatment to prevent those outcomes. National guidance and the HSCP procedure are designed to ensure that any person suffering harm, or their representatives, are involved in the stages of the procedure from the initial trigger through investigation, meetings, and written reports. In addition the EIA highlights that particular efforts will be made to ensure that any person suffering harm or their representative with disabilities will be supported and enabled to be involved in any relevant processes.