
Duty of Candour Policy

Ver2.0 April 2022

Document type:	Duty of Candour Policy
Version:	2.0
Primary Sponsor:	Clinical Leadership
Co-Sponsors:	
Approved by:	Policy Review Group
Date Policy Implemented:	30/04/2022
Policy Review Date:	30/03/2025 (30 days before expiry)
Policy Expiry Date:	30/04/2025
Date uploaded to Portal:	30/04/2022
Review Frequency:	3 Years

Version	Date	Type of change	Revisions since previous
Ver 2.0	30/04/22	Content & Presentation	Policy now incorporates highlighted key points for ease of access.
Ver 1.0	30/04/21	Major update	New Policy Drafted



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1 Introduction

Duty of Candour is a process rather than a one-off event

- 1.1.1 Candour is about being open, honest and transparent with the people we support compassionately and respectfully when something goes wrong with their treatment, care or support that causes or has the potential to cause harm and distress.
- 1.1.2 Duty of Candour is a contractual obligation that requires provider organisations to implement and measure the principles of being open.
- 1.1.3 The Care Quality Commission (CQC), Care Inspectorate Scotland / Health Inspectorate Scotland and Care Inspectorate Wales have made the Duty of Candour statutory responsibility.

[Duty of Candour CQC guidance for providers](#)

[Duty of Candour \(careinspectorate.com\)](#)

[Duty of Candour Scotland \(HIS\)](#)

[Duty of Candour Wales \(CIW\)](#)

- 1.1.4 All Healthcare Professionals have a professional responsibility to uphold the Duty of Candour and be honest with the people we support and involve them and their families when things go wrong.
- 1.1.5 This is described by the NMC and GMC as the Professional Duty of Candour, and forms part of a joint statement from eight regulators of healthcare professionals in the UK.
- 1.1.6 [Openness and honesty when things go wrong: the professional duty of candour \(GMC-uk.org\)](#)
- 1.1.7 The Duty of Candour, whether contractual, statutory or professional, rests on the same fundamental principle:



BE OPEN AND HONEST WITH THE PEOPLE IN YOUR CARE

- 1.1.8 The Disabilities Trust fully support this as a prerequisite to improving safety and the quality- of-service user and carer experience.



The Trust supports a positive reporting culture and being open and honest with the people we support in the most compassionate way when an incident occurs.

2 Purpose

- 2.1.1 The purpose of this policy is to set out the Trust's expectation for all staff to be honest and transparent with the people we support when things go wrong.
- 2.1.2 The policy informs all staff of their roles and responsibilities relating to the Duty of Candour.
- 2.1.3 This policy informs the people we support, relatives and carers of what they can expect from the professionals involved if something goes wrong with the care and treatment we provided.

3 Scope

- 3.1.1 This policy applies to all regulated services.

The Trust requires all employees including agency and volunteers to be open and honest about being involved in accidents, incidents, near misses or errors.

4 Responsibilities

Role	Responsibility
Chief Executive	To ensure and demonstrate the Trust's commitment to Duty of Candour principles and standards and ensure organisational systems are in place for implementation of the Duty of Candour.
Director of Governance and Quality Assurance	Ensuring that effective systems are in place for monitoring and assurance purposes. Caldicott Guardian responsibilities



Clinical Director	<p>To foster a culture of openness and ensure all staff are supported to follow the principles of Duty of Candour in being open, honest and transparent.</p> <p>To fulfil their duty to be open and honest with the people in their care and or those close to them if something goes wrong. Saying sorry when it is identified as your role to do so working with the responsible Senior Operational Manager</p>
Operational Director	<p>For ensuring that Operational teams comply with the requirements of this policy</p>
Head of Risk	<p>Ensure an appropriate incident reporting process is in place. Ensure Serious Incidents are managed in a consistently open and honest way.</p> <p>Ensure appropriate guidance and support is available to clinical staff and managers regarding the Duty of Candour</p>
Quality Compliance and Governance Manager	<p>Seek evidence of a robust Duty of Candour process.</p> <p>Seek assurance that the policy is consistently applied across the Trust.</p> <p>Appropriately escalate concerns regarding the Duty of Candour process</p>
Regional Managers	<p>To promote the Duty of Candour Policy: Being Open, Honest and Transparent and review processes</p> <p>To fulfil their duty to be open and honest with the people we support and those close to them if something goes wrong.</p> <p>Saying sorry when it is identified as your role to do so working with the responsible Director</p>
Service/ Area Managers	<p>Deciding if the safety incident is notifiable and, ensuring the most appropriate person fulfils the requirements of Duty of Candour.</p> <p>To ensure that the Regional Manager and Specialist Lead are fully briefed on any serious incident.</p> <p>Ensure a Datix has been completed, and lessons learned shared following an investigation</p>
All Trust Employees	<p>Have a responsibility to participate and comply with the requirements of this policy and will be appropriately supported</p>



5 Procedure

5.1 Duty of Candour

Definition – Duty of Candour

A process of being open, honest and transparent with patients and or their family when something goes wrong during the course of a patients care and treatment

- 5.1.1 The Trust has a legal duty to act in an open, honest and transparent way with the people we support and or relevant persons about care and treatment provided whilst carrying out a regulated activity.
- 5.1.2 A regulated activity means the care and treatment we provide.
- 5.1.3 The Duty of Candour process applies to any unintended OR unexpected notifiable safety incident that could have or did lead to harm to a person we provide care and treatment for.
- 5.1.4 Duty of Candour Process is covered in Section 5.3 below.

5.2 Notifiable Safety incidents

Definition – Notifiable Incidents

Any unintended or unexpected incident that could have or did lead to harm of a patient during the course of providing care and treatment.

No Harm / Near Miss

- 5.2.1 A safety incident that had the potential to cause harm but was prevented resulting in no harm, loss or damage.
- 5.2.2 Incidents resulting in no harm require reporting on DATIX but are not notifiable safety incidents.

Minor Harm

- 5.2.3 This is a safety incident that has resulted in a person suffering minimal harm requiring a period of additional observation or minor treatment. Incidents resulting in low harm require reporting on DATIX but are not notifiable safety incidents



Moderate Harm

- 5.2.4 A safety incident that has resulted in short term harm to a person that has required additional treatment in an acute hospital e.g., stitches or Xray.
- 5.2.5 Incidents resulting in moderate harm should be considered for Duty of Candour by the team involved.
- 5.2.6
- 5.2.7 A Risk team review may be requested which will be reviewed at the relevant regional Manager meeting where the Duty of Candour will be assured.

Major Harm

- 5.2.8 A safety incident resulting in permanent or long-term harm caused to a person. Incidents resulting in severe harm are reported as Serious Incidents and reviewed by the Risk Team.
- 5.2.9 Services are required to apply the principles of Duty of Candour.
- 5.2.10 The Service will investigate the incident using the serious incident review template on Datix. The final report will be reviewed by the specialist lead and thereafter will be reviewed at the Quality Performance and Risk meeting.
- 5.2.11 A formal Duty of Candour letter will be sent from the Service following review by the Regional Manager to the relevant person advising of any contributory findings or a root cause.

Unexpected Death

- 5.2.12 A safety incident resulting in the unexpected death of a person we support.
- 5.2.13 The Operational Director will review the case and send a formal letter of condolence that will be individualised to the case.
- 5.2.14 These incidents are reported and reviewed as Serious Incidents by the Risk Team. The incident will be fully investigated using the SIR template with support from the Specialist lead.
- 5.2.15 The Service is required to apply the principles of Duty of Candour.



Notifiable Incidents

No harm/ near miss- report on Datix but not notifiable safety incidents

Minor harm- report on Datix but not notifiable safety incidents

Moderate harm report on Datix duty of candour should be considered

Major harm report on Datix Serious incident review required Duty of candour applies

Unexpected Death report on Datix Serious incident review required Duty of candour applies

5.3 Duty of Candour Process

5.3.1 Immediately, or as soon as is reasonably practicable after a notifiable safety incident is identified, the appropriately registered person must:

- **Notify the relevant person** that the incident has occurred (no later than 10 days after the incident is identified)
- **Apologise** for what has happened and **fully explain what is known at the time** along with information about any likely **long- and short-term effects**.

5.3.2 The notification given must:

- Be given **in person by the appropriate person** and **include an account of what happened**, which to the best of the registered person's **knowledge is true**, with all facts that the registered person knows about the incident at that time
- **Advise** the relevant person if there is to be any **further action/enquiry** because of the incident
- **Give an apology** (say 'I am sorry for what happened')
- Advise what will happen next in terms of their care and treatment (offer an appropriate remedy and or support to put the matter right, if this is possible)
- **Record all communication** within the relevant person's records.

5.3.3 Offer a **written notification** to the relevant person containing:

- The information provided verbally.
- Details of any enquiries to be made and then when complete the results of these enquiries when available.



- Provide reasonable support to the relevant person from the point they are informed and include family or carers where appropriate.

- 5.3.4 Template Letter Duty of Candor (CoD) is available in Section 9, Appendix A.
- 5.3.5 If the relevant person cannot be contacted in person or declines communication from the member of the team a record of every attempt to contact or speak to the relevant person must be recorded in the person record and uploaded to Datix (documents section of the investigation)
- 5.3.6 The incident must be reported via the Trusts incident report system DATIX.
- 5.3.7 If a person has died as a result of a safety incident the Trust's condolence letter will be sent out from the Operational Director
- 5.3.8 Duty of Candour Checklist (Section 10, Appendix B) Should be completed in line with this policy.

5.4 Saying Sorry to the Person We Support

- 5.4.1 Saying sorry does not mean that you are admitting legal liability for what has happened and does not constitute an admission of negligence.

When saying sorry you will be expected to:

- 5.4.2 Speak to the individual (relevant person) in person in a place and at a time when they are best able to understand and retain the information and have someone with them who can support them.
- 5.4.3 Give the individual (relevant person) the information they want or need to know in a way that they can understand and avoid jargon.
- 5.4.4 Take into account the individual (relevant person) may find receiving the information distressing and carry this out in a considerate way, respecting their right to privacy and dignity.
- 5.4.5 Say "I am sorry" rather than a general expression of regret about the incident on the organisation's behalf.
- 5.4.6 Make sure the individual (relevant person) knows how to contact an appropriate person to ask additional questions.



- 5.4.7 Give information about Independent Advocacy, counselling and or details of support.

Do say

- I'm sorry 'X' happened
- We're truly sorry for the distress caused
- I'm sorry, we have learned that 'X' happened

1.1.2 Don't Say

- I'm sorry you feel like that...
- We're sorry if you're offended....
- I'm sorry you took it that way.....
- We're sorry but...

5.5 Saying Sorry to the Family and / or Carers

- 5.5.1 If something has gone wrong that caused a person's death or major harm that the person is unlikely to regain consciousness or capacity, the Service Manager must be open and honest with those close to the person, in the most compassionate way possible. This will require support from members of the clinical team, or the Trust's Clinical team as required.
- 5.5.2 Time will need to be taken to convey the information compassionately with the opportunity for the family to ask questions at the time and afterwards.
- 5.5.3 If the person has died in our care, respect and sensitivity are required. Additionally, the wishes and plans of the deceased must also be taken into account if they are known.
- 5.5.4 Appropriate support and assistance should be offered to the bereaved family or carer, for example informing them where and how they can get help from the Chaplaincy and Funeral Director

[End of Life Care Policy](#)

6 Training

- 6.1.1 All new staff will complete the Duty of candour eLearning on [My Learning Cloud](#) during induction.

7 Implementing and Auditing

This policy will be published on the Trust's intranet.



The Trust will share this policy via the Managers bulletin and direct it to all Operational Managers.

The policy and processes will be reviewed by Quality Assurance Business Partners.

8 References

[The duty of candour: guidance for providers \(cqc.org.uk\)](http://cqc.org.uk)

[The professional duty of candour - ethical guidance - GMC \(GMC-uk.org\)](http://GMC-uk.org)

[Openness and honesty when things go wrong: The professional duty of candour - ethical guidance - GMC \(GMC-uk.org\)](http://GMC-uk.org)

[Openness and honesty when things go wrong: the professional duty of candour \(GMC-uk.org\)](http://GMC-uk.org)

[Report of the Mid Staffordshire NHS Foundation Trust Public Inquiry: executive summary HC 947, Session 2012-2013 \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

[The Health and Social Care \(Quality and Engagement\) \(Wales\) Act: summary \[HTML\] | GOV.WALES](http://GOV.WALES)

[Duty of candour - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[Regulation 20: Duty of candour | Care Quality Commission](http://Care Quality Commission)

[\(cqc.org.uk\)](http://cqc.org.uk)

[Duty of Candour - Healthcare standards - gov. scot](http://gov.scot)

[\(www.gov.scot\)](http://www.gov.scot)



9 Appendix A – DoC Template Letter

Template letter (initial contact)

This template acts as guidance only.

The template can be used to develop a letter of apology following an incident requiring a duty of candour.

The letter can be sent from the Service Manager, Operational Director or Chief Executive in line with policy.

All letters must be personalised and tailored to the individual needs of the person receiving the letter, before being presented on headed paper.

A copy of the letter should be uploaded to the Datix record.

Dear Mr. /Mrs. xxxxxxxxxxx

I am writing to express my sincere regret that (you/your relative XXXXX) has been involved in an incident whereby (describe the event here).

As a Trust, we are committed to being open with the people we support, their families and carers when events such as these occur so that we gain a shared understanding of what happened, and what we can do to prevent such an incident from occurring again in the future.

An investigation is already underway to try and establish the cause of the incident. If you would like to meet with a member of staff to discuss our findings, please let me know within the next two weeks, and we will arrange a mutually convenient time and place to meet.

Staff member XXXXX is acting as your lead contact for the duration of the investigation. They can be contacted by email on xxxxxxxxxxxxxxxx or telephone number xxxxx xxxxxxxx

Yours sincerely

CC

Keeley Mitchell – Responsible Individual.

Irene Sobowale – Chief Executive



10 Appendix B – Duty of Candour Checklist

Duty Of Candour Checklist

This checklist will support completion of the full duty of candour process ensuring that the service have evidence for auditing purposes.

The completed checklist should be uploaded to Datix as evidence of completion.

Actions required	Yes/ No
It is agreed that the incident resulted in moderate/major harm or death	
Has the individual involved, or their family/ carer been made aware of the incident	
If the individual or their family/carer cannot be contacted or does not want to be informed. The records have been updated with this information	
The person, family/carer has been offered a face-to-face meeting and/or written notification to explain facts known at the time and what will happen next i.e., a review of the care and treatment and that they can be involved in the review	
A DATIX has been completed as soon as practicable and informs the Head of Service	
Record the incident as well as actions taken for Duty of Candour, including any failed attempts to contact the relevant person or where the relevant person has declined communication in person records This is classed as a formal record for Duty of Candour	



Save all Duty of Candour letters in the person's file and on Datix including the date the letter has been sent – if sent via email this should be followed up by a hard copy and both documents saved to Datix.	
In the event of the death of a person, a condolence letter must be sent to the next of kin from the Service Manager following approval of the Regional Manager, this should be uploaded to the Datix record.	

11 Appendix C – DoC Meeting Minutes Template

Duty Of Candour Meeting Minutes Template

This template should be used to minute the details and conversations of the Duty of Candour meetings

The completed minutes should be shared with the person and carers and signed as agreed. The completed template should be uploaded to the Datix record



Minutes from Duty of Candour Meeting

Meeting:	
Incident reference	
Date:	
Time:	
Venue:	
Attendees:	
Note of Discussion <i>These notes are not verbatim.</i>	
Item	Description
1.	Welcome & Introductions
2.	Details of the meeting
3.	Outcome of meeting
4.	Action Plan



12 Appendix D – DoC Process Flow Chart

