

Beyond Limits Dumfries & Galloway provides policies and procedures to promote safe and consistent practice across the Organisation. The framework laid down within our policies and procedures lets everyone know how we work and reflects our values and mission statement. Our policies and procedures are written to help us, employees of Beyond Limits Dumfries & Galloway, to make good, safe decisions.

Beyond Limits Dumfries & Galloway expects all employees to be familiar with the contents of all policies and procedures relevant to their role and to understand how to apply them within their daily work.

None of these documents stand alone, all fit within the larger framework of the way we work and any associated policies which are particularly relevant will be directly referenced.

Duty of Candour (Regulation 20)

Duty of Candour Policy – what this means to Beyond Limits Dumfries & Galloway

As an organisation that provides care and support, we have a responsibility and a duty to be open and honest about the support that we provide. This policy and procedure outline the duties responsibilities and timescales for providing information when someone may have been harmed in the form of physical, psychological and/or emotional harm whilst receiving support from Beyond Limits Dumfries & Galloway.

This policy is to be implemented by all employees of Beyond Limits Dumfries & Galloway. Other guidance to refer to includes Fundamental Standards of Quality and Safety (Care Inspectorate), The Health & Social Care Act 2008 (Regulated Activities) Regulations 2014, Mental Capacity Act 2005 and Mental Capacity Act Code of Practice.

Procedure

1. Requirements of the Duty of Candour

As soon as reasonably practicable after becoming aware that a safety incident has occurred that falls into the moderate harm or more serious categories the registered manager must:

- a. Notify the relevant person (relative, advocate, care co-ordinator etc) that the incident has occurred, and
- b. Provide reasonable support to the person in relation to the incident.

1.2 The notification must:

- A.** Be given in person by the member of staff.
- B.** Provide an account of the facts known about the incident to date.
- C.** Advise the relevant person what further enquiries into the incident will be undertaken.
- D.** Include an apology and/or a sincere expression of regret.
- E.** Be recorded in writing in the notes. It should also be recorded if there is a refusal by relevant person or their representative to communicate.
- F.** Ensure that all writing information is in an accessible format that makes sense to the person.

This notification must be followed up in writing to the relevant person.

The member of staff should be clear in the first meeting that the facts may not yet have been established, tell the relevant person only what is known and believed to be true, and answer any questions honestly and as fully as they can.

The aim of the Duty is to ensure that people we support and those who advocate for them are told when harm occurs as a result of the support they receive. Where the degree of harm is not yet clear but may fall into the moderate or above categories, then the relevant person must be notified.

2. What Duty of Candour relates to:

Duty of Candour relates to safety incidents. A safety incident is an unintended or unexpected incident which is suspected to have occurred during the provision of regulated activity, and that could result or appear to have resulted in harm to the person we support.

Notifiable incidents in Social Care settings include:

- Death of the person we support, where death relates to the incident rather than the natural cause of the person's illness or underlying condition.
- Permanent (lasting for a continuous period of at least 28 days) impairment of sensory, motor or cognitive functions.
- Prolonged pain or psychological harm lasting (or expected to last) at least 28 days; or
- Changes the structure of the body; or
- Shortens life expectancy; or
- Requires medical treatment in order to prevent any of the above.

These incidents are when a Duty of Candour is essential. At Beyond Limits Dumfries & Galloway, we will attempt to show Candour throughout all of our work by being transparent, honest and acknowledging when we have done things wrong, regardless of the severity. We will create a culture that promotes honesty and openness at all levels.

3. Actions to be followed

- When something has gone wrong it is important this be communicated to a line manager as soon as possible so appropriate action can be agreed. If a support person knows that we have not fulfilled our duties at this stage, they may offer an apology to the person or their advocates instantly.
- The line manager should meet with the person where possible to review what has happened, evaluate if the person is safe now, and apologise for any harm or distress that the person may have experienced.
- Where it is not possible to do this with the person due to communication difficulties this should be communicated to their nearest relative or advocate.
- Ensure the person or their representative is aware of how to make a formal complaint to Beyond Limits Dumfries & Galloway.
- An internal incident form must be completed. A Care Inspectorate notification should be made by the Registered Manager. The Commissioning Care Manager should be informed.

- The line manager should complete an initial fact find, unless there are legal investigations required which an internal fact find could jeopardise.
- Once the fact find is completed, the results are to be communicated to the person or their representative. It will also be communicated what the next steps will be and agree when the next communications will be with them.