

# Blackwood Primary School and ELC

## Duty of Candour Policy



This policy outlines how Blackwood Primary and ELC meets the legal requirements introduced by the health (tobacco, Nicotine, etc and Care) (Scotland) Act 2016 and the Duty of Candour Procedure (Scotland) Regulations 2018.

### **What is the Duty of Candour?**

The Duty of Candour is what happens if there is an unintended or unexpected incident within an organisation that results in death, severe harm or other serious consequences specified in the act.

Duty of Candour legislation ensures that organisations tell those affected that an unintended or unexpected incident has happened; apologise, involve them in meetings to review what happened and identify areas for improvement if required. Organisations must ensure that support is in place for their employees and for others who may be affected by unintended or unexpected incidents.

Organisations must set out in an annual report the way that the Duty of Candour procedure has been followed for all the cases that have been identified.

### **When is the Duty of Candour activated?**

Blackwood ELC must activate the Duty of Candour procedure as soon as reasonably possible after becoming aware that an unintended or unexpected incident occurred in the ELC which resulted in one or more of the following:

- Death
- Permanent lessening or a 28 day impairment of bodily sensory, motor, physiological or intellectual functions
- Harm which changes the structure of a person's body
- Harm which shortens a person's life expectancy
- Harm which causes the person to experience pain or psychological harm for 28 days
- Harm which requires treatment by a registered health professional in order to prevent any of the outcomes above.

\*It is important to note that where the Duty of Candour procedure start date is later than one month after the date on which the incident occurred, an explanation of this reason has to be provided to the relevant person.

### **Procedures at Blackwood Primary ELC**

ELC staff must report any incident which they feel triggers a Duty of Candour to the Senior Management Team as soon as possible.

The Senior Management Team are responsible for managing the Duty of Candour from that point. They will:

- Speak with registered health professionals (not directly involved with the incident) regarding the incident and the harm caused. The following questions will be asked:
- What was the incident?
- What was the outcome?
- What illness and or underlying condition does/did the person have?
- Does it appear that this incident resulted in or could result in the death/harm caused?
- Does the natural course of the person's illness or underlying condition directly relate to the death or harm described?

If the registered health professional's view is that the incident appears to have resulted in, or could result in the harm caused, the Senior Management Team will:

- Record the date that this view is given as the procedure start date
- Notify Care Inspectorate immediately.
- Notify the relevant person (parent/carer if incident involved a child) as soon as possible and ideally within 10 days. The notification will include:
  - An account of the incident and all the facts that the ELC is aware of
  - An explanation of the actions that will be taken as part of the Duty of Candour procedure
  - An apology for the incident
  - An invitation to meet in person to discuss the incident further
- Meet with relevant person if requested and provide them with a 'note from the meeting' which will include date and time of meeting, a record of the apology and any action points that were agreed.
- Conduct a review of the incident and write a report which will be copied for relevant person
- Prepare an annual report at the end of each session which includes:
  - Number of incidents to which Duty of Candour applied
  - Nature of incidents
  - Information about ELC's policies and procedures to support Duty of Candour incident
  - Changes made to the ELC policies and procedures as a result of a Duty of Candour incident