

OP02 *Duty of Candour***1. Policy Statement**

- 1.1 Promoting a culture that encourages candour, openness and honesty at all levels is an integral part of the Shared Lives ethos.
- 1.2 In line with Regulation 20 of the Health & Social Care Act 2008 (Regulated Activities) Regulations 2014, Shared Lives South West endeavours to work in an open and transparent way with all who facilitate and use our services.
- 1.3 This policy provides information surrounding requirements for when things go wrong in Shared Lives services, including information about the incident, notifications, reasonable support measures and providing apologies.

2. Application of the Duty of Candour

- 2.1 The Duty of Candour applies to incidents whereby moderate harm, significant harm or death has occurred. In the first instance, incidents may not be deemed significant until all information has come to light and may eventually warrant notification to the Care Quality Commission (CQC).
- 2.2 These types of Harm are defined in Section 7 of Regulation 20: Duty of Candour in full. When applied to a registered person, a "notifiable safety incident" means any unintended or unexpected incident that occurred in respect of an individual using Shared Lives services during the provision of a regulated activity that, in the reasonable opinion of a health care professional has resulted in:
 - The death of an individual who uses Shared Lives services, where the death relates directly to the incident rather than the natural course of an illness or underlying condition.
 - An impairment of the sensory, motor or intellectual function of an individual who uses Shared Lives services which has lasted, or is likely to last, for a continuous period of at least 28 days.
 - Changes to the structure of the body of an individual who uses Shared Lives services.
 - An individual who uses Shared Lives services experiencing prolonged pain or psychological harm for a continuous period of at least 28 days.
 - The shortening of the life expectancy of an individual who uses Shared Lives services.
 - The requirement of treatment by a health care professional in order to prevent death or injury, which if left untreated, would lead to one or more of the outcomes listed above for an individual who uses Shared Lives services.
- 2.3 Other useful definitions when interpreting the Duty of Candour include:

- Openness – enabling concerns and complaints to be raised freely without fear.
- Transparency – allowing information surrounding the truth about performance and outcomes to be shared with staff, patients, public and regulators.
- Candour – ensuring that any person harmed by the provision of a service is informed of the fact and an appropriate remedy offered, regardless of whether a complaint has been made.

- 2.4 Shared Lives South West takes action to tackle bullying and harassment generally and in relation to the Duty of Candour. It will investigate any instances where one member of staff may have obstructed another in exercising their Duty of Candour.
- 2.5 Shared Lives South West has a system in place to identify and deal with possible breaches of the professional Duty of Candour by staff that are professionally registered. This is likely to include an investigation that may lead to referral to a professional regulator or relevant body.
- 2.6 Shared Lives South West ensures that the Duty of Candour forms part of the induction and training for all carers. Staff will also be supported emotionally when involved in Duty of Candour processes, recognising the emotional impact such situations may carry.

3. Actions to Take Upon a Notifiable Incident

- 3.1 Should a notifiable safety incident occur the Registered Manager will:
- Complete a CQC notification, ensuring that Duty of Candour is recorded on the submitted form.
 - Notify the individual (relevant person) who uses Shared Lives services or, if necessary, the person acting lawfully on their behalf.
 - Provide reasonable support to the individual in relation to the incident.
 - Provide an account, which to the best of their knowledge is a true, of the incident.
 - Advise the individual, or their lawful representative, about further enquiries and actions.
 - Offer a meaningful apology.
 - Follow up the apology in writing alongside an update on the enquiry.
 - Keep a complete written record of all communication and actions taken relating to the incident, including dates of notifications, apologies, support provided, and outcomes of enquiries.
 - Respect confidentiality and only share information with consent or when we are legally obligated to.

- Share with staff at Shared Lives South West, the lessons learned and improvements to make. Learning will be embedded through updates to training, supervision, learning from experience exercises and policy reviews.

3.2 Responsibilities for carrying out specific elements of these steps may be delegated by the Registered Manager to appropriate senior staff. However, the Registered Manager retains overall oversight and accountability.

4. Supporting Policies

4.1 Shared Lives South West has policies that support the Duty of Candour. These are Whistleblowing, Bullying and Harassment, Safeguarding Adults, Safeguarding Children, Data Protection and Recordkeeping, Training and Development of Carers, Restrictive Physical Intervention, Accidents & Incidents, and Accident & Incident Reporting under Health & Safety requirements.

5. Review

5.1 This policy will be reviewed every three years, or earlier if required.

6. Responsibilities

6.1 The Registered Manager has overall responsibility for the implementation of this policy.