

**Dumfries and Galloway Social Work service
Duty of Candour
Annual report 2018- 19**

1. Introduction

- 1.1 This report provides an updated position on the implementation within social work of the Duty of Candour Provisions which are set out in the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (The Act).
- 1.2 This follows on from the report presented to Social Work Committee on the 4th December 2018 setting out the implications for the Social Work Service of the Duty of Candour Provisions.

2. Recommendations

- 2.1 The Clinical and Care Governance Committee is asked to note the progress within social work on implementation of Duty of Candour regulations.

3. Background

- 3.1 The implementation of the new Act is supported by regulations which identify the procedures that organisations should follow when unintended or unexpected incidents result in the death or harm of an individual (or additional treatment is required to prevent injury that would result in death or harm).
- 3.2 Duty of candour is a legal requirement for Health, Care Services and Social Work to inform people (and their families) of incidents where they have been harmed as a result of the care or treatment they received. The intention of the legislation is to promote openness and transparency and ensure individuals are made aware of occurrences. The purpose of the new provisions is to support the implementation of consistent responses across health and social care providers.
- 3.3 Duty of candour provisions apply when an individual has been the subject of an unintended or unexpected incident and in the reasonable opinion of a registered health professional has resulted in or could result in:
 - death of the person or a permanent lessening of bodily, sensory, motor, physiologic or intellectual functions
 - an increase in the person's treatment
 - changes to the structure of the person's body
 - the shortening of the life expectancy of the person
 - an impairment of the sensory, motor or intellectual functions of the person which has lasted, or is likely to last, for a continuous period of at least 28 days
 - the person experiencing pain or psychological harm which has been, or is likely to be, experienced by the person for a continuous period of at least 28 days

- the person requiring treatment by a registered health professional in order to prevent – (i) the death of the person, or (ii) any injury to the person which, if left untreated, would lead to one or more of the outcomes mentioned above.

4. Main Body of the Report

- 4.1 As a requirement of the new Act, social work have established arrangements to support implementation of Duty of Candour. A series of awareness raising events have been delivered to ensure that staff are aware of the regulations and the agreed procedure. The Policy and Procedure document attached as Appendix 1, includes links to an e-learning resource and a series of factsheets.
- 4.2 The Duty of Candour regulations build on existing practice within the social work complaint handling procedure which seeks to involve people making a complaint and be as open as possible about what happened, the reasons for this, the learning the service gained, and the changes being made as a result of the learning.
- 4.3 A requirement of the regulations is that each organisation should produce an Annual report on the use of the Duty of Candour regulations.
The Annual Report will cover:
- Information about the number and nature of incidents to which the duty of candour procedure has applied;
 - An assessment of the extent to which social work carried out the duty of candour
 - Information about social work policies and procedures in relation to the duty of candour. This should include information about procedures for identifying and reporting incidents, support available to staff and support available to persons affected by incidents;
 - Information about any changes to the responsible person's policies and procedures as a result of incidents to which the duty of candour has applied;
 - Other information social work identifies as relevant
- 4.4 When an organisation publishes a report, they must also notify:
- Healthcare Improvement Scotland, in the case of a report published by an organisation which provides an independent healthcare service (within the meaning of section 10F(1) of the NHS (Scotland) Act 1978);
 - The Scottish Ministers, in the case of a report published by any other organisation which provides a health service; and
 - The Care Inspectorate, in the case of a report published by an organisation which provides a care service or a social work service.
- 4.5 The social work service is not aware of any incident relating to delegated adult services which fall within the requirements of the Duty of Candour regulations.

5. Resource Implications

There are currently no identified resource implications.

- 6. Impact on Integration Joint Board Outcomes, Priorities and Policy**
Given the legislative duty there is a clear expectation of compliance with the provision.
- 7. Legal & Risk Implications**
There are no legal or risk implications identified.
- 8. Consultation**
Consultation is not required.
- 9. Equality and Human Rights Impact Assessment**
No Equality and Human Rights Impact Assessment is required.
- 10. Glossary**

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