



Integration Joint Board
Clinical and Care Governance

12th December 2019

This Report relates to
Item 6 on the Agenda

Duty of Candour Update Report

*(Paper presented by
Maureen Stevenson and Heather Collington)*

For Discussion and Noting

Approved for Submission by	Maureen Stevenson
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List of Background Papers	NHS Dumfries and Galloway Duty of Annual Report 2018 - 2019 Social Work Duty of Candour Annual Report 2018 - 2019
Appendices	Appendix 1 – NHS Duty of Candour Report 2018-19 Appendix 2 – Social Work Duty of Candour Report 2018-19

SECTION 1: REPORT CONTENT

Title/Subject:	Duty of Candour Update Report
Meeting:	IJB Clinical and Care Governance Committee
Date:	12th December 2019
Submitted By:	Maureen Stevenson
Action:	For Discussion and Noting

1. Introduction

1.1 The organisational Duty of Candour (DoC) provision came into effect on the 1st April 2018. This created a legal requirement on health and social care organisations to:

- inform people (or their carers/families) when they have been harmed as a result of the care or treatment they have received
- to offer an apology
- invite them to participate and be informed by a review
- offer an appropriate remedy or support to put matters right (if possible)
- and explain fully to the patient (or, where appropriate, the patient's advocate carer or family) the short and long term effects of what has happened.

Duty of Candour provisions will apply when there's been an unexpected or unintended event or incident that has resulted in death or harm that is not related to the course of the condition for which the person is receiving care.

2. Recommendations

2.1. The Clinical and Care Governance Committee is asked to:

- **Discuss and note the Duty of Candour Report, this combines information from the NHS Duty of Candour Annual Report 2018 – 2019, Appendix 1 and to note the progress within Social Work on the implementation of Duty of Candour regulations, as set out in the Social Work Duty of Candour Report 2018 – 2019, Appendix 2.**

3. Background

3.1 DoC 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.

- 3.2 DoC 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. The DoC provision reflects the Scottish Government's commitment to ensure that where harm occurs, the focus should be on personal contact with those affected. The Act outlines the arrangements that need to be in place to ensure individual cases are identified, reviewed and action taken. The principles of learning and continuous improvement are the philosophy underpinning the approach.

4. Main Body of the Report

- 4.1 The NHS Duty of Candour Annual Report 2018 – 2019 is attached in **Appendix 1**, this sets out the policies and procedures of the NHS reporting system, information on number of incidents, what changes around recording incidents have been implemented and any changes to clinical process following review of duty of candour events. The report then goes on to conclude work completed over the year since the DoC was implemented and the next steps for the year ahead.
- 4.2 For Social Work the DoC 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. The Social Work Duty of Candour Annual Report is attached in **Appendix 2**.
- 4.3 Implementation of the new Act requires health and social work to establish comprehensive arrangements to support implementation of Duty of Candour. This has necessitated the development and /or refinement of systems and processes to ensure staff are aware of responsibilities, incidents are reported, cases are reviewed, and findings examined and acted on.
- 4.4 Whilst health and social work have different reporting systems and mechanisms for incident and complaints reporting, investigation and learning the fundamental principles around how we identify and respond to Duty of Candour cases remain the same.
- 4.5 NHS Dumfries and Galloway's (NHS D&G) implementation plan was drawn together and approved by Performance Committee last year.
- 4.6 The Social Work Services Committee received a paper setting out the implications for Social Work of the legislative changes arising from Duty of Candour and the resource implications regarding implementation. Social work has 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. Social Work have developed a Policy and Procedure document which includes links to an e-learning resource and a series of factsheets.

5. Conclusions

- 5.1 This report combines information from the NHS Duty of Candour Annual Report and Social Work Duty of Candour report to show the work around implementation, reporting and governance of the Duty of Candour legislation, to confirm;
- 5.2 On the 27th November 2018 NHS D&G's DoC tracking system went live. This system will allow us to gather quantitative and qualitative data on incidents which trigger Duty of Candour. The Patient Safety and Improvement Manager on behalf of the organisation is required to submit an annual report to Scottish Government, this has been submitted and is now published live on the NHS Dumfries and Galloway's website ¹.
- 5.3 NHS D&G's Adverse Event System (DATIX) has been updated to ensure that incident investigators consider if DoC should be triggered, logging the reasons for the decision. NHS Dumfries and Galloway's (NHS D&G) Adverse Event Co-ordinator is currently on maternity leave, her cover is now in place and will continue to offer support on DOC with the Patient Services Managers to the organisations key contacts and staff. NHS D&G's Adverse Event Framework has been updated to reflect the new legislation brought in and this is in line with changes made to the national framework in summer 2018. The Adverse Events Framework has been approved and uploaded on the BEACON intranet site.
- 5.2 A similar process has been set up within Social Work which works within current complaints and Significant Occurrence procedures.

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. The Social Work Annual Report for 2018-19 (Appendix 3) reflects this position.
- 5.4 The Knowledge Network, the national knowledge management platform for health and social care in Scotland has an online module for staff across health and social care to help raise their awareness of DoC ².
- 5.5 Clear governance and reporting arrangements are being established as part of implementation of this new Act, this requires the development of joint reporting processes with colleagues within the Health and Social Care partnership, NHS and Police Scotland in addition to organisation specific Governance arrangements.
- 5.6 It is proposed that leads from each of the organisations come together to explore how this might happen.

1. https://www.nhsdg.scot.nhs.uk/About_Us/Publications/Publications

2. The Knowledge Network, online DoC module (knowledge.scot.nhs.uk/dutyofcandour)

SECTION 2: COMPLIANCE WITH GOVERNANCE STANDARDS

6. Resource Implications

- 6.1. Time from each of the partners to come together and explore shared Governance arrangements.

7. Impact on Integration Joint Board Outcomes, Priorities and Policy

- 7.1. Duty of Candour is a National priority backed up by legislation and enshrined in; *Outcome 7. People using health and social care services are safe from harm.*

8. Legal & Risk Implications

- 8.1. Implementation of Duty of Candour is a legal requirement as set out in the Health (Tobacco, Nicotine etc. And Care) (Scotland) Act 2016.

9. Consultation

- 9.1. NHS Performance Committee; Social Work Services Committee, Area Clinical Forum; NHS Healthcare Governance Committee, IJB Clinical and Care Governance Committee.

10. Equality and Human Rights Impact Assessment

- 10.1. As this report does not propose a change in policy/strategy/plan/project, it is not necessary to complete an Impact Assessment.

11. Glossary

- 11.1. DoC: Duty of Candour
GM: General Manager
HR: Human Resources
NHS D&G: NHS Dumfries and Galloway
PSG: Patient Safety Group
QI: Quality Improvement