

## Duty of Candour Policy

### About this policy

#### **Purpose**

The purpose of this policy is to ensure that health and care services across RNIB Group understand their legal responsibilities where there is a requirement to formally demonstrate our values of openness, honesty, candidness and transparency, challenging ourselves and others.

#### **Scope**

This policy applies to all employees, volunteers, contractors, third parties, Trustees and customers within RNIB Group health and care services.

#### **Review**

This policy is due for review every year or following any relative legislative changes, whichever comes first. This policy expires on 31 October 2017.

The policy will be reviewed by the RNIB Group Safeguarding and Compliance Manager. The final draft of the policy will then go to the Executive Board and finally to the Board of Trustees for approval.

## **1. Policy**

Our aim is to ensure that people accessing our services are not harmed in any way through our actions. However, there is always the possibility, however remote, that people may be harmed.

As an organisation we must always strive to be open, honest, candid and transparent, challenging ourselves and others whenever incidents occur. In addition to this some of our health and care services have additional legal duties that must be complied with when an incident occurs and it could or should have been prevented.

## **2. England**

In England the Care Quality Commission has put in place a requirement for providers to be open with people and apologise when things go wrong. This duty applies to all registered providers of both NHS and independent healthcare bodies, as well as providers of social care.

The duty applies in very specific circumstances which are described in appendix 1 of this policy.

The Duty of Candour applies when a notifiable safety incident happens as described in appendix 1. It should be noted that the requirement to notify the Care Quality Commission of certain events will not automatically mean that the Duty of Candour applies. The Duty of Candour is specifically related to situations where we could or should have prevented an incident occurring.

As an example, a person may fall in their accommodation and break their hip. This would be notifiable to the Care Quality Commission as it is a serious injury. However, the Duty of Candour would only apply if the injury could and should have been prevented by the service, for example, if a child or adult has been assessed as needing 1 – 1 supervision to prevent falling and this did not happen.

All notifiable safety incidents will also be classified as adult or child protection concerns, therefore managers must refer to the following procedures to ensure that there is full compliance with the Duty of Candour requirement:

- Recognising and responding to child abuse
- Recognising and responding to adult abuse and neglect

### **3. Wales**

There is currently no legal duty of candour in Wales. However, a consultation to determine if there is a need or will to introduce this has taken place.

### **4. Northern Ireland**

There is currently no legal duty of candour in Northern Ireland. However, a proposal has been put forward to introduce one.

### **5. Scotland**

Legislation to support duty of candour requirements has been passed in Scotland however the duty of candour provisions is not yet in force.

## **6. Roles and responsibilities**

### **All staff, volunteers and contractors**

All staff, volunteers and contractors should be open, honest, candid and transparent when incidents occur.

### **Managers**

Managers are responsible for:

- implementing and ensuring compliance with this policy
- training all staff to ensure they can recognise notifiable safety incidents
- managing notifiable safety incidents in line with the recognising and responding safeguarding procedures

### **Executive Board and Trustees**

The Executive Board are responsible for reviewing and endorsing this policy.

### **RNIB Group Safeguarding and Compliance Manager**

The RNIB Group Safeguarding and Compliance Manager will review this policy yearly or when any legislative change occurs.

## **7. Further information**

For further information or if any questions, please contact the Safeguarding and Compliance Manager at [safeguarding@rnib.org.uk](mailto:safeguarding@rnib.org.uk)

## **8. Version control**

The table below shows the history of the document and the changes that were made at each version:

Version Number	Date	Author & Job Title	Status & Level of Approval	Changes made
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V 1.0	14 May 2015	Safeguarding and Compliance Manager, Debbie Lynch.	Approved by Managing Director of RNIB Places, Sally Harvey.	Policy first written in response to CQC requirements.
V 2.0	31 October 2016	Safeguarding and Compliance Manager, Debbie Lynch	Draft – to be approved by Executive Boards	Policy updated to be applicable across the UK

# Appendix 1: Notifiable incidents

## Definitions

### **Notifiable safety incident in relation to a registered person who is not a health service body**

A notifiable safety incident is any unintended or unexpected incident that occurs in respect of a service user during the provision of regulated activity that, in the reasonable opinion of a health care professional –

(a) appears to have resulted in -

- the death of a service user, where the death relates directly to the incident rather than to the natural course of the service user's illness or underlying condition,
- an impairment of the sensory, motor or intellectual functions of the service user which has lasted, or is likely to last for a continuous period of at least 28 days,
- changes to the structure of the service users body,
- the service user experiencing prolonged pain or prolonged psychological harm, or
- the shortening of the life expectancy of the service user; or

(b) requires treatment by a health care professional in order to prevent-

- the death of the service user or
- any injury to the service user which, if left untreated, would lead to one or more of the outcomes mentioned in paragraph (a).

### **Notifiable safety incident in relation to a health service body**

A notifiable safety incident is any unintended or unexpected incident that occurred in respect of a service user during the provision of regulated activity that, in the reasonable opinion of a health care professional, could result in, or appears to have resulted in –

(a) the death of the service user, where the death relates directly to the incident rather than to the natural course of the service user's illness or underlying condition, or

(b) severe harm, moderate harm or prolonged psychological harm to the service user.

### **Prolonged pain**

Prolonged pain means pain which a service user has experienced, or is likely to experience for a continuous period of at least 28 days.

**Prolonged psychological harm:**

Prolonged psychological harm means psychological harm which a service user has experienced, or is likely to experience, for a continuous period of at least 28 days.

**Moderate harm**

Moderate harm means –

- (a) harm that requires a moderate increase in treatment, and
- (b) significant but not permanent harm;

**Moderate increase in treatment**

Moderate increase in treatment means an unplanned return to surgery, an unplanned re-admission, a prolonged episode of care, extra time in hospital or as an outpatient, cancelling of treatment, or transfer to another treatment area (such as intensive care)

**Severe harm**

Means a permanent lessening of bodily, sensory, motor, physiologic or intellectual functions, including the removal of the wrong limb or organ or brain damage, that is related directly to the incident and not related to the natural course of the service user's illness or underlying condition.

**Relevant person**

The relevant person is:

- The service user; or
- A person lawfully acting on their behalf on the death of a service user, where the service user is under 16 and not competent to make a decision in relation to their care and treatment or where the service user is 16 or over and lacks capacity in relation to the matter.

**Apology**

An apology is an expression of sorrow or regret in respect of a notifiable safety incident.