

Duty of Candour Policy

About this policy

Purpose

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 strive to be open, honest, candid and transparent, challenging ourselves and others. There is a legal responsibility for all services registered with the Care Quality Commission to formally demonstrate these values by applying the Duty of Candour when a notifiable safety incident occurs. There are specific requirements that must be followed when things go wrong which includes informing people about the incident, providing reasonable support, providing truthful information and an apology. This policy provides information to ensure that RNIB Group fulfils its legal obligations.

Scope

This policy covers RNIB and any third party providing a service on our behalf.

It applies to all staff, volunteers and contractors.

Review

This policy is due for review every 36 months or following any legislative changes, whichever comes first. This means it expires on 14 May 2018.

The policy will be reviewed by the RNIB Safeguarding and Compliance Manager. The final draft of the policy will then go to the Head of Business Support and Compliance for approval.

When does the Duty of Candour apply

The duty of candour applies when a notifiable safety incident happens. 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 things go wrong. 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.

Applying the Duty of Candour

All services registered with the Care Quality Commission have the following local procedures which specify how to apply the duty of candour:

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

Definitions

Notifiable safety incident:

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
- 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).

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:

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

Relevant person:

- 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 expression of sorrow or regret in respect of a notifiable safety incident.

Version control

The table below shows the history of the document:

| Version | Date |
|---------|-------------|
| 1 | 14 May 2015 |
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