


Duty of Candour

Services covered by this policy:	General Pre-school Children's Service	The Hamlet at Home Adult Services
Post holder(s) responsible for this policy:	Registered Manager and Senior Manager	
Date approved:	17 th May 2021	
Approved by:	Pauline Morgan	
Signed:		
To be reviewed:	May 2024	

A. Policy statement

Our belief is that everyone at The Hamlet should be happy and safe, is unique and valued, can explore choice and opportunities, is encouraged to unlock their potential, can communicate in their own way and is part of the wider community.

The policy sets out the approach of The Hamlet Charity to meeting its statutory requirements to be open and transparent with Hamlet Users if it makes mistakes when providing care and treatment that result in their suffering moderate or serious harm. These are situations that must be notified to the Care Quality Commission under Regulation 18 of the Care Commission (Registration) Regulations (as amended in 2015) "Notification of Other Incidents" and trigger a formal requirement to exercise a duty of candour as defined in Regulation 20 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014. Reporting to the Care Quality Commission applies to The Hamlet at Home only as this is the service area registered with the Care Quality Commission.

B. Purpose of this policy and why we have it

The Hamlet understands that it must always act in an open and transparent way with Hamlet users and the people closely involved in their care. This is reflected in our Statement of Purpose and our approach to leadership and management and in all of The Hamlet's relationships with its users and others involved in their care and treatment.

C. Scope of this policy

- The Hamlet Users – children
- The Hamlet Users – adults
- Parents/carers/home support staff of Hamlet Users
- The Hamlet staff
- The Hamlet Volunteers
- Educational or work placements e.g. Occupational Therapy or Nursing
- Visitors

D. Policy

The Hamlet understands that it owes a duty of candour particularly when things go wrong with Hamlet Users' care and treatment. Thus, it recognises that whenever an incident has occurred, which must be notified to the Care Quality Commission (CQC) (under Regulation 18 described above), it must also carry out the following actions.

The registered person, registered manager or a suitable person in authority acting on behalf of the registered person or registered provider will (in addition to notifying the CQC):

- be open with the Hamlet User and other relevant persons about the incident
- provide suitable support to the Hamlet User and others affected by the incident
- explain directly and in person to the Hamlet User and/or their representatives exactly what has happened
- apologise, for example express sorrow and regret for what has happened
- say what is being done to investigate and learn the lessons from what has happened and further actions that might be taken
- undertake to put in writing what has happened and the apology
- keep full records of the incident, including all associated correspondence and the actions that have been taken to carry out the duty of candour with the Hamlet User and/or representatives.

Where the person has given consent to their care and support the above actions will be directed at them personally and to others with their agreement. Where the person has been unable to give their consent to their care because of mental incapacity the actions will be followed through communication with their lawful representatives with the expectation that the Hamlet User will be involved as much as possible.

The Hamlet understands that the incidents to which a specific duty of candour is owed (as opposed to the general duty to act openly and transparently) are those described in the duty of candour Regulation 20.9, i.e., unintended or unexpected incidents that might occur in the delivery of the care service that: "in the reasonable opinion of a health care professional

- a. appears to have resulted in
 - i. the death of the Hamlet User, where the death relates directly to the incident rather than to the natural course of the Hamlet User's illness or underlying condition,
 - ii. an impairment of the sensory, motor or intellectual functions of the Hamlet User which has lasted, or is likely to last, for a continuous period of at least 28 days,
 - iii. changes to the structure of the Hamlet User's body,
 - iv. the Hamlet User experiencing prolonged pain or prolonged psychological harm, or
 - v. the shortening of the life expectancy of the Hamlet User; or

Name of policy:	Duty of Candour
Date approved:	17 th May 2021

- b. requires treatment by a health care professional in order to prevent
 - i. the death of the Hamlet User, or
 - ii. any injury to the Hamlet User which, if left untreated, would lead to one or more of the outcomes” described in (a) above.

The Hamlet will review and amend as necessary this duty of candour policy in the light of any experiences of having to apply it and CQC guidance.

Staff Conduct

The Hamlet expects its staff in line with their professional code of conduct to apply a duty of candour in all of their work with Hamlet Users. It requires them:

- to be open and honest
- to admit mistakes where they occur
- to apologise for them
- to put matters right promptly and
- to follow all applicable reporting and recording procedures.

The Hamlet will take appropriate disciplinary action if there is evidence that staff committing mistakes are doing so in breach of their professional code of conduct.

Training

Staff training covers The Hamlet ethos of openness and transparency, individual responsibilities to act in open and transparent ways and the procedures which The Hamlet will follow in exercising its duty of candour following incidents that fall within its scope.

E. Procedures and monitoring

When a staff member becomes aware that a mistake or accident has occurred they must:

1. Ensure Hamlet User is safe, or receives appropriate medical attention
2. Refer to management
3. Staff members involved each complete an [incident form](#)
4. Staff members meet with management to discuss the incident and decide on action to take. This could include further training, changes to processes, disciplinary action or something else.
5. An investigation into the incident may be started.
6. Management will report the incident to the local safeguarding team and the appropriate commissioner if the incident falls under the duty of candour Regulation 20.9

Name of policy:	Duty of Candour
Date approved:	17 th May 2021

7. The Hamlet will inform the Hamlet User and/or their parents/carers/home support staff of the incident as soon as practically possible. Hamlet Users and their parents/carers/home support staff will be provided with full information about the incident and about the progress of any investigation.
8. A formal apology will be written to the Hamlet User and/or their parents/carers/home support staff.

Monitoring

Incident records are reviewed monthly by the appropriate Management Team / Centre Administrator. They will report to management on trends that appear.

F. Regulations (Health and Social Care Act) and other legal references

- Regulation 18 of the Care Commission (Registration) Regulations (as amended in 2015) “Notification of Other Incidents”
- Regulation 20 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

This policy should be read in conjunction with any other relevant Hamlet policies and accompanying procedures.

Name of policy:	Duty of Candour
Date approved:	17 th May 2021