



Crosshouse Primary ELC

Duty of Candour Policy

This policy outlines how Crosshouse Primary and ELC meets the obligations introduced by the health (Tobacco, Nicotine, etc and Care) (Scotland) Act 2016 and the Duty of Candour Procedure (Scotland) Regulations 2018.

1. What is the duty of candour?

The duty of candour is about what happens if there is an unintended or unexpected incident within an organisation that results in death, severe harm, or other serious consequences specified in the act.

The focus of the duty of candour legislation is to ensure that organisations tell those affected that an unintended or unexpected incident has occurred; apologise' involve them in meetings about the incident; review what happened with a view to identifying areas for improvement; and learn (taking account of the views of relevant persons). Organisations must ensure that support is in place for their employees and for others who may also be affected by unintended or unexpected incidents.

Organisations must set out in an annual report the way that the duty of candour procedure has been followed for all the cases that they have identified.

2. When is the duty of candour activated?

Organisations (as responsible persons) must activate the duty of candour procedure as soon as reasonably practicable after becoming aware that:

- An unintended or unexpected incident occurred in the provision of the ELC care;
- In the reasonable opinion of a registered health professional not involved in the incident:
 - (a) That incident appears to have resulted in or could result in one or more of the following
 - (i) Death
 - (ii) Permanent lessening or a 28 day impairment of bodily sensory, motor, physiological or intellectual functions
 - (iii) Harm which changes the structure of a person's body
 - (iv) Harm which shortens a person's life expectancy
 - (v) Harm which causes the person to experience pain or psychological harm for 28 days
 - (vi) Harm which required treatment by a registered health professional in order to prevent any of the outcomes above
 - (b) That outcome relates directly to the incident rather than to the natural course of the person's illness or underlying condition.

It is important to note that where the duty of candour procedure start date is later than one month after the date on which the incident occurred, an explanation of this reason for this has to be provided to the relevant person.

3. Systems and Procedures in Crosshouse Primary ELC

If the ELC staff believe that an incident has occurred which may trigger the duty of candour, they will report it to the Head Teacher immediately, or as soon as they realise it may be such an incident.

The Head Teacher shall be responsible for managing the duty of candour from that point. She will:

- Obtain a viewpoint from a registered health professional as to the incident and its relationship to the harm caused. This must be a health professional who was not involved in the incident, but is someone who has an

existing involvement with the relevant person. The Head Teacher will ensure that this viewpoint covers the following questions:

- What was the incident?
- What was the outcome?
- What illnesses and underlying condition did/does the person have?
- Does it appear that this incident result in or could result in the death or harm caused?
- Does the natural course of the person's illness or underlying condition directly relate to the death or harm described?

If the registered professional's view is that the incident appears to have resulted in, or could result in, the harm caused, the Head Teacher will:

- Record the date that this view is given as the procedure start date
- Notify the relevant person (or their parents/carers if the person is a child in the setting) as soon as reasonably practicable after, and ideally within 10 working days of the procedure start date. The notification will include:
 - An account of the incident and all the facts that the school is aware of
 - An explanation of the actions that the school will take as part of the duty of candour procedure
 - An apology for the incident
 - An invitation to meet the person or their parents/carers if they want to ask any questions.
- Meet with the relevant person (or their parents/carers) to discuss the incident.
- Provide the relevant person with a "note of the meeting" which should include when and where the meeting took place, a record of the apology, and any actions and timescales that were agreed.
- Conduct a review of the circumstances which led to the incident within three months of the procedure start date, and write a written report of this review which will be copied to the relevant person
- Keep a written record for each incident to which the duty of candour is applied, including a copy of every document and any other evidence related to the procure
- Prepare an annual report at the end of the year which includes:
 - Information about the number and nature of incidents to which the duty of candour applied (incidents should be anonymised and not recognisable to members of the community)
 - An assessment of the extent to which she has carried out a duty of candour
 - Information about the school's policies and procedures in relation to the duty of candour