

 <small>YOUR LIFE · YOUR HOME · OUR CARE</small>	EnViva Complex Care Policies and Procedures		
	TITLE: PROFESSIONAL DUTY OF CANDOUR		
Ref Number:PP/CO4	Date Approved: November 2019	Review Date: November 2021	Version:PP/CO4.1

1. References:

- Information Sharing Policy
- Mental Capacity and Deprivation of Liberty Safeguards Policy
- NMC - Open and honesty when things go wrong the professional duty of candour 2015
- Safeguarding Adults Policy
- Safeguarding Children policy
- Incident Reporting Policy
- Complaints and Compliments Policy
- Public Interest Disclosure (Whistleblowing) Policy
- Grievance Policy
- Regulation 20 - Duty of Candour / Care Quality Commission 2015 Death of a client Policy
- Reporting Incidents to External Agencies Policy

2. Scope:

- All Staff

3. Policy Statement:

EnViva Complex Care embraces a culture of openness and honesty with its staff and clients. It promotes a culture that encourages candour and is embedded in all aspects of day to day practice. Opportunities are provided for staff to report on lessons learned and improve in practice.

4. Overview:

All staff working for EnViva Complex Care must be open and honest when things go wrong with a client's care or when there is potential to cause harm or distress.

This means:

- Telling them or their advocate when something has gone wrong
- Apologising
- Offering an appropriate remedy or support to put matters right
- Explaining fully the short and long-term effects of what has happened

Staff must also be open and honest with their colleagues, employers and relevant organisations and take part in reviews and investigations when required.

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5. The Procedure: Considering capacity

- In the case of a person lacking capacity or being under the age of 16 years, the duty of candour will be with the person who has either power of attorney, appointed deputyship or in the case of a child a legal guardian or parent.
- Where there is no appointed person and a client lacks capacity the Nurse/Care Manager will act in the client's best interest and inform the Commissioner or an appropriate professional, this will be done in conjunction with the best interest checklist.

Working with external agencies

- Where harm may have occurred outside of EnViva Complex Care, for example an Agency that is providing breaks or double ups for moving and handling the candour should support co-operation between providers.

Lessons learned culture

- EnViva Complex Care has a 'lessons-learned' culture embedded in its structure. Incident reports are analysed regularly and trends identified. All disciplines are encouraged to use reflective practice and learn and develop from previous mistakes this is shared with colleagues through meetings and training opportunities.
- It is important to realise that being candid is the right thing to do and concerns over litigation should not be an influencing factor in exercising this duty.

Governance and Quality

- EnViva Complex Care has always promoted a bottom up approach to Governance, and this should be adopted in the duty of candour and used as part of a continuous improvement process
- The risk management process allows for risk ratings to be applied to delivery of care and day to day working practice
- Internal incident reporting process is embedded in all levels of care provision, reported on internally and externally and used to improve practice
- Customer Service is a key to addressing where things have gone wrong and is embedded in the complaints process.

Reporting to external agencies

- The Registered Manager is responsible for statutory and internal reporting processes including notification requirements for CQC, RIDDOR reporting and Health and Safety Reporting.
- CQC Reporting. Under regulation 20 Duty of Candour comes into effect when the following incidents occur:

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- Moderate harm (harm that requires a moderate increase in treatment)
- Significant harm
- Notifiable safety incident
- Prolonged psychological harm
- Prolonged pain (for a continuous period of at least 28 days)
- Severe harm
- Death of a client where the death relates directly to the incident rather than natural causes

CQC recommend that the notification to the client (or their representative) is given in person by one or more representatives.

- The Nurse/Care Manager reports any safeguarding concerns to the relevant authorities.

Open and honest culture of working

- It is the duty of all disciplines of staff to be open and honest to the client or those close to them when things go wrong
- It is the duty of all employees to be open and honest to EnViva Complex Care managers when things go wrong
- The Nurse/Care Manager should encourage a culture of discussing risks and benefits from the outset with clients and commissioners about what could go wrong with care provision.
- Information should always be given in a way that can be understood, in a place and time when understanding and retention of information can be achieved.
- Respect dignity, privacy and confidentiality must always be considered

Saying sorry

- When saying sorry the expectation is to be told three things
 1. What happened
 2. What can be done to deal with any harm caused
 3. What will be done to prevent anyone else being harmed or re occurrence
- A record of the apology must be made in the person/client's record on the designated computer system.
- Verbal apologies may be followed up in writing but at the very least be recorded on the computer system.

Procedure Review		
Review Date	Sections changed	Reasons