

Lainshaw ECC Duty of Candour Statement

Introduction:

All health and social care services in Scotland have a duty of candour. This is a legal requirement which means that when things go wrong and mistakes happen, the people affected understand what has happened, receive an apology, and that organisations learn how to improve for the future.

An important part of this duty is that we provide an annual report about the duty of candour in our services. This short report describes how Lainshaw Early Childhood Centre has operated the duty of candour during the time between 1 January 2021 – 1st January 2022. We hope you find this report useful.

Aim:

This policy sets out the appropriate processes for communicating with a child and/or family/carer following a reportable incident and should be followed in conjunction with the Duty of Candour Procedure. This document outlines the settings policy on its statutory duty of candour and the processes by which openness will be supported. This will support the setting to meet its obligations to children and their families by being open and honest about any mistakes that are made whilst our staff care for their children. This document is aimed at all staff working within the setting and sets out the infrastructure which is in place to support openness between practitioners and children, their families and carers, following a safety incident. Our staff will feel able to report concern or things that go wrong without fear of blame.

What is 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 Early Years settings take specific steps when a serious adverse event happens.

They will need to let the people affected know, offer to meet with them, and apologise.

This is an important part of being open with people who experience care, and also learning from things that go wrong.

Settings must, by law, produce a short annual report showing their learning from any incidents that year, publish it and notify Care Inspectorate that it has been published.

When is Duty of Candour activated?

Early Years Settings must activate the duty of candour procedure as soon as reasonably possible after becoming aware that an individual has been subject to an unintended or unexpected incident occurred in the provision of the nursery care, and in the reasonable opinion of a registered health professional has resulted in or could result in:

- death of the person - a permanent lessening of bodily, sensory, motor, physiologic or intellectual functions - an increase in the person's treatment
- changes to the structure of the person's body
- the shortening of the life expectancy of the person
- an impairment of the sensory, motor or intellectual functions of the person which has lasted, or is likely to last, for a continuous period of at least 28 days
- the person experiencing pain or psychological harm which has been, or is likely to be, experienced by the person continuous for a period of at least 28 days
- the person requiring treatment by a registered health professional in order to prevent the death of the person. Or any injury to the person which, if left untreated, would lead to one or more of the outcomes mentioned above.

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 the reason for this has to be provided to the relevant person.

Roles and responsibilities

The overall approach within the setting is one of help and support for staff involved in incidents of unintended or unexpected harm, rather than blame. Staff will feel confident that they will be safe and supported to report duty of candour incidents so that lessons are learned and shared to improve and increase the safety of our care system for everyone.

Depute Manager/Head of Centre – Monitoring implementation of policy, activating Duty of Candour procedure when necessary. Supporting all staff throughout training and implantation of procedure.

Depute Manager - Prepare and publish Duty of Candour annual report, monitoring of training of all staff.

Early Learning and Childcare Practitioner – training to support personal development, reporting of unintended or unexpected incidents that caused harm or death, to line manager.

Procedures

If the ECC staff believe that an incident has occurred which may trigger the duty of candour, they will report it to the Head of Centre or Depute Manager and Senior ELCP in their absence immediately, or as soon as they realise it may be such an incident, who will inform the Central Early Years Team.

The Head of Centre or Depute Manager shall be responsible for managing the duty of candour from that point. They will: Obtain a viewpoint from a registered health professional as to the incident and its relationship to the harm that was caused.

The Head of Centre or Depute Manager should ensure this viewpoint covers the following questions:

- What was the incident? - What was the outcome? - What illnesses and underlying conditions did/does the person have? - Does it appear that this incident resulted 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 harm caused.

The Head of Centre or Depute Manager will: - Record the date this view is given as the procedure start date

- Notify the parents/carers of the child as soon as reasonably practical, and ideally within 10 working days of the procedure date.

The notification should include - An account of the incident and all the facts 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 parents/carers of the child to discuss the incident. Provide a note of the meeting which should include when and where the meeting took place, a record of the apology, and any timescales that were agreed.

- Co-operate fully with a review of the circumstances which led to the incident, within three months of the procedure start date.

A written report of this review will be sent to the parents/carers of the child.

- Inform Care Inspectorate about the report and actions from this.

An annual report will be written at the end of January which includes information about the number of nature of incidents to which duty of candour applies (ensuring anonymity).

Training

All staff will have completed the following training and revisit it annually. NHS Education for Scotland (NES), Duty of candour: openness and honesty when things go wrong, by June 2022

About Lainshaw Early Childhood Centre

Lainshaw Early Childhood Centre is a funded childcare provider within East Ayrshire Council which is located in Stewarton, East Ayrshire. We provide 1140 day care provision to children from the ages of 2-5 with a maximum capacity for 80 children at any one time within the ECC. Our operating hours for our families are 8.50am to 2.50 pm.

How many incidents happened to which the duty of candour applies?

In the last year, there have been no incidents to which the duty of candour applied. These are where types of incident have happened which are unintended or unexpected, and do not relate directly to the natural course of someone's illness or underlying condition

Type of unexpected or unintended incident	Number of times this happened
Number of times this happened Someone has died	0
Someone has permanently less bodily, sensory, motor, physiologic or intellectual functions	0
Someone's treatment has increased because of harm	0
The structure of someone's body changes because of harm	0
Someone's life expectancy becomes shorter because of harm	0
Someone's sensory, motor or intellectual functions is impaired for 28 days or more	0
A person needed health treatment in order to prevent them dying	0
A person needing health treatment in order to prevent other injuries	0

To what extent did Lainshaw Early Childhood Centre follow the duty of candour procedure?

Had any of the events listed above happened, we would have followed the correct procedure. This means we informed the parents affected, apologised to them, and offered to meet with them. We would have reviewed what happened and what went wrong to try and learn for the future

Information about our policies and procedures

Where something has happened that triggers the duty of candour, our staff report this to the ECC Depute Manager who has responsibility for ensuring that the duty of candour procedure is followed. The manager records the incident and reports as necessary to the Care Inspectorate.

When an incident has happened, the manager and staff set up a learning review. This allows everyone involved to review what happened and identify changes for the future. All new staff learn about the duty of candour at their induction. We know that serious mistakes can be distressing for staff as well as people who use care and their families. We have support in place for our staff if they have been affected by a duty of candour incident. Where parents or children are affected by the duty of candour, we have arrangements in place to provide welfare support as necessary.

What has changed as a result?

Not applicable

Policy Review

This policy will be reviewed regularly and in response to accident, incident or change in National or Local policy or guidance.

Date of Issue: 24th January 2022

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Policy Author: Leanne Strathearn (Depute Manager)

Other information

This is the second year of the duty of candour being in operation and it has been a learning experience for our ECC. It has helped us to remember that people who use our care have the right to know when things go badly, as well as when they go well. As required, we have submitted this report to the Care Inspectorate but in the spirit of openness we have placed in on our website and shared it with our parents too. If you would like more information about our ECC, please contact us using these details:

Leanne.strathearn@eastayrshire.org.uk

01560 483653