

### **Ferryport Nursery Duty of Candour Policy.**

This policy outlines how Ferryport Nursery meets the new obligations introduced by the Health and Care (Scotland) Act 2016 and the Duty of Candour Procedure (Scotland) Regulations 2018.

This policy sets out the appropriate processes for communicating with a child/parent/carer/family following a reportable incident and should be followed in conjunction with the Duty of Candour Procedure.

This policy is aimed at all staff working at Ferryport Nursery and details the infrastructure in place following a safety incident to enable all staff to report a concern or if things go wrong without fear of blame. All staff are supported as professionals to be honest and open when involved in incidents of unintended or unexpected harm and we are confident that reporting duty of candour incidents will support us to review our procedures and offer an improved service.

Some important questions and answers:

What is the duty of candour?

When is the duty of candour activated?

Details of the systems and procedures in place at Ferryport Nursery..

### **What is the duty of candour?**

The duty of candour details 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.

### **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 nursery care;
- > in the reasonable opinion of a registered health professional not involved in the incident:

(a) that appears to have resulted in or could result in one or more of the following:

- death
- permanent lessening or a 28-day impairment of bodily sensory, motor, physiologic or intellectual functions
- harm which changes the structure of a person's body
- harm which shortens a person's life expectancy
- harm which causes the person to experience pain or psychological harm for 28 days

- harm which required treatment by a registered health professional 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 the reason for this must be provided to the relevant person.

### **Details of systems and procedures in place at Ferryport Nursery:**

If the nursery staff believe that an incident has occurred which may trigger the duty of candour, they will report it to the Head Teacher or a member of the Senior Leadership team immediately, or as soon as they realise it may be such an incident. The Head Teacher/SLT shall be responsible for managing the duty of candour from that point to:

- Obtain a viewpoint from a registered health professional as to the incident and its relationship to the harm that was 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 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, 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 procedure.
- Prepare an annual report at the end of the financial 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 the HT has carried out the duty of candour
  - Information about the school's policies and procedures in relation to the duty of candour

The Head Teacher will then notify the Care Inspectorate about the report.

**Training and resources** are available at:

<http://www.knowledge.scot.nhs.uk/home/announcemnets/duty-of-candour-e-learning-module.aspx>

All staff are expected to be responsible for their own professional learning and thus to complete the training module. All new staff will be supported to complete the training module as part of their induction process.

Support will be provided for all serious incidents by the Senior Leadership Team. Staff can also access confidential counselling via Occupational Health through a self-referral or their line managers.

### **Monitoring**

Compliance with the implementation of this policy will be monitored and audited by the Senior Leadership Team and it will be reviewed and updated as necessary.