### Duty of Candour Annual Report 2023/24

The organisational duty of candour provisions of the [Health (Tobacco, Nicotine etc. and Care)](http://www.legislation.gov.uk/asp/2016/14/contents/enacted) [(Scotland) Act 2016](http://www.legislation.gov.uk/asp/2016/14/contents/enacted) (The Act) and [The Duty of Candour Procedure (Scotland) Regulations 2018](http://www.legislation.gov.uk/ssi/2018/57/made/data.pdf) set out the procedure that organisations providing health services, care services and social work services in Scotland are required by law to follow when there has been an unintended or unexpected incident that results in death or harm (or additional treatment is required to prevent injury that would result in death or harm). Organisations are required to apologise and to meaningfully involve them in a review of what happened. Organisations should have procedures to support notification, meetings, review, training and support requirements in a manner that is tailored to the particular services they provide. For social work services, local authority chief social work officers have to publish a duty of candour report and notify the Care Inspectorate this has been done.

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| **Name and Address of Service** | Falkirk Council, The Foundry, 4 Central Park, Central Boulevard, Larbert, FK5 4RU | | | | |
| **Date of Report** | 1st April 2023 – 31st March 2024 | | | | |
| **How have you made sure that you (and your staff) understand your responsibilities relating to the duty of candour and have systems in place to respond effectively?**  **How have you done this?** | Falkirk Council developed a seven-minute briefing for staff which brings together key information, fact sheets and guidance available locally and nationally. The seven-minute briefing and organisational guidance is located on the Practitioner’s Pages. Whenever an opportunity arises, steps are taken to direct staff to the Practitioner Pages to access key information, guidance, and resources.  The briefing includes hyperlinks. One of which is the Duty of Candour E- learning resource produced by NHS Education for Scotland, The Scottish Social Services Council, The Care Inspectorate and Healthcare Improvement Scotland. A trainer resource is included and available to staff. This comprises a facilitator pack to run a Duty of Candour Workshop in an interactive and engaging way relevant to staff.  Seven-minute briefings have been designed to assist busy managers to share and discuss key and essential information during team meetings. Staff are thereafter expected to ring-fence time to access the hyperlinked resources as part of their continuous professional development and to ensure they understand their responsibilities relating to and duties.  There is an opportunity for follow up discussion in team meetings providing staff with time to reflect and consider practice implications and any further training/ learning needs.  The Duty of Candour E-learning resource is included in the induction of new staff, where appropriate. Newly Qualified Social Workers are asked to complete this E-Learning as one of the priorities when they take up post. Social Work Workforce Development service jointly produced an induction checklist (which complements the Council and Health and Social Care Partnership induction) to ensure that all relevant introductory learning and development is captured.  Our Learning Review process and guidance and our complaints procedure reference Organisational Duty of Candour.  Duty of candour is referenced where relevant, during our training programmes. There is specific reference made in Adult Support and Protection (ASP) training in the context of section 5 of ASP (Scotland) Act 2007 duty of co-operation and in section 5(3) “duty to report”.  A brief overview of the Heath (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 is provided within the legislative handout provided as part of the Council Officer training and some other Level 3 courses, for example, Decision Making, Three Act training etc. Availability of Duty of Candour training on NHS Education for Scotland website TURAS is also signposted during training delivery.  Development sessions also reference Organisational Duty of Candour, responsibilities and support available to meet those responsibilities. The Scottish Government guide for staff and providers of health, social care and social work services, Annex A Checklist is specifically highlighted as a helpful resource. | | | | |
| **Do you have a Duty of Candour Policy or written duty of candour?**  **procedure?** | Organisational Duty of Candour is referenced in complaints procedures. A reporting template has been created to ensure the consistency of reporting across services. | | | |
| **How many times have you/your service implemented the duty of candour procedure this financial year?**  Zero | | | | |
| A person died | | | 0 |
| A person incurred permanent lessening of bodily, sensory, motor, physiologic or intellectual functions. | | | 0 |
| A person’s treatment increased | | | 0 |
| The structure of a person’s body changed | | | 0 |
| A person’s life expectancy shortened | | | 0 |
| A person’s sensory, motor or intellectual functions was impaired for 28 days or more | | | 0 |
| A person experienced pain or psychological harm 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 as listed above | | | 0 |
| Total | | | 0 |
| Did the responsible person for triggering duty of candour appropriately follow the procedure?  If not, did this result is any under or over reporting of duty of candour? | | Not applicable due to zero incidences. | | |
| What lessons did you learn? | |  | | |
| What learning & improvements have been put in place as a result? | |  | | |
| Did this result is a change / update to your duty of candour policy / procedure? | |  | | |
| How did you share lessons learned and who with? | |  | | |
| Could any further improvements be made? | |  | | |
| What systems do you have in place to support staff to provide an apology in a person-centred way and how do you support staff to enable them to do this? | | Duty of candour is part of our overall approach to managing incidents and complaints and is integral to our approach regarding transparent and open practice.  Staff would be supported by a senior manager and all apologies would be offered verbally and in-person. Support would also be offered to provide a written apology if the service team required it.  Staff who handle complaints can access Scottish Public Services Ombudsman (SPSO) training. Good complaints Handling and Complaints Investigation Skills courses offer transferable skills and access to a range of helpful resources. | | |
| What support do you have available for people involved in invoking the procedure and those who might be affected? | | We know that adverse events can be distressing for staff as well as people who receive a service from the Council.  Support is available for all staff through line management structures as well as through Occupational Health and Workforce and Organisational Development.  We have employed a Trauma Informed Practice Development and Policy Officer who works alongside three senior manager Trauma Champions. The post holder has been tasked with developing a local strategy and training framework.  Training is currently being delivered at informed, skilled and enhanced levels available to staff working across Council and HSCP services. Our aim is to ensure all guidance, policies and procedures are reviewed through a trauma lens where appropriate. Should we require to invoke the Duty of Candour procedure steps will be taken to ensure the response is trauma informed and those affected have the opportunity to review processes and provide feedback. This will ensure the voices of those with lived experience are heard and can inform future practice and policy development. | | |