

Duty of Candour for services registered with the Care Inspectorate

The new duty of candour came into effect on 1 April 2018. It affects all health & social care services except child minders. It means that services must take specific steps to carry out their duty of candour when an unintended or unexpected incident has occurred and that has resulted in harm. Services will need to let those 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.

Starting from next year, April 2019, health and social care services must, by law, produce a short annual report showing the learning from their duty of candour incidents that year, publish it, and notify Care Inspectorate that it has been published. That means the first annual report your service produces will cover the period April 2018 to April 2019. (Appendix A – sample Report format)

Regulations and guidance about the duty of candour process has been issued by the Scottish Government and you can find it here: <http://www.gov.scot/Topics/Health/Policy/Duty-of-Candour>. It has also issued a guidance letter, which you can read here: http://www.careinspectorate.com/images/Duty_of_Candour_Guidance_Letter.pdf. An online learning module is available now. This explains more about the duty of candour and helps you and your staff understand their obligations. All staff must undertake this module here: <http://www.knowledge.scot.nhs.uk/scormplayer.aspx?pkgurl=%2fecomscormplayer%2fdutyofcandour%2f>.

Nominated person in each service to support the duty of candour process

Each service area should have a nominated person to support the Duty of Candour process and provide staff with advice and guidance.

Aligning duty of candour with existing procedures

Within registered social care services, providers must make notifications to the Care Inspectorate when certain events occur. These include:

- accidents, incidents or injuries to a person using a service
- all deaths of a person using a care service
- adverse event involving a controlled drug.

Notifications are made electronically using the eForms system within a set number of days and providers are required to provide certain details when making a notification. The statutory basis for these notifications is set out in The Social Care and Social Work Improvement Scotland (Registration) Regulations 2011. The Care Inspectorate is required to publish guidance to set out the details. Notifications contribute to the risk and intelligence base used to inform regulatory responses.

Appendix A

Duty of Candour Report

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 Newton Early Years Centre has operated the duty of candour during the time between 1 April 2025 and 31 March 2026. We hope you find this report useful.

1. About Service

Newton Early Years Centre is registered to provide a nursery for a maximum of 35, aged from 2 years to those not yet attending Primary School. Of whom, no more than 10 are under 3 years. The service is available Monday to Friday during term time. The service is based within Newton Primary School and has a separate entrance, outdoor and indoor play areas and toilets.

The service is provided by South Ayrshire Council and is managed by the Head Teacher of Newton Primary School. The Principal Teacher assumes day to day responsibility for the work of the service and liaises with the Headteacher over management decisions.

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

In the last year, there has been 0 incidents to which the duty of candour has applied. These are where the types of incident have happened which are unintended or unexpected, do not relate directly to the natural course of someone's illness or underlying condition.