
Duty of Candour Annual Report 2021/22

Report by Director Social Work & Practice

Scottish Borders Council

16 February 2023

1 PURPOSE AND SUMMARY

- 1.1 This report seeks approval for the duty of Candour report for financial year 2021/22. It also seeks approval for an updated Duty of Candour procedure.**
- 1.2 The Health (Tobacco, Nicotine etc and Care) (Scotland) Act 2016 introduced a Duty of Candour procedure. It applies to all organisations that provide Health Services, Care Services or Social Work services in Scotland
- 1.3 Duty of Candour is a procedure that organisations providing Health Services, Care Services and Social Work services in Scotland are required to follow where there has been an unintended or unexpected incident that results in death or harm. Each statutory body should have a procedure to manage the obligations and to publish an annual report as soon as is reasonably practicable after the end of that financial year. Sadly an adult in our care passed away and in light of this and the application of the Duty of Candour procedure, we have reviewed our procedures and made changes where applicable to ensure we learn from this.

2 RECOMMENDATIONS

2.1 I recommend that the Scottish Borders Council:-

- (a) approves the updated Duty of Candour procedure, as detailed in Appendix 1; and**
- (b) approves the Duty of Candour report 2021/22, as detailed in Appendix 2.**

3 BACKGROUND

- 3.1 The Health (Tobacco, Nicotine etc and Care) (Scotland) Act 2016 introduced a Duty of Candour procedure. The Royal Assent date was the 6th April 2016. The accompanying regulations under Section 22 of the Act came into force on the 1st April 2018. It applies to all organisations that provide Health Services, Care Services or Social Work services in Scotland.
- 3.2 Duty of Candour is a procedure that organisations providing Health Services, Care Services and Social Work services in Scotland are required to follow where there has been an unintended or unexpected incident that results in death or harm. Each statutory body should have a procedure to manage the obligations and to publish an annual report as soon as is reasonably practicable after the end of that financial year.
- 3.3 A multi service working group has been overseeing the continued implementation and updating of local procedure. Unfortunately this is the first year that the return has had a reportable incident to apply the procedure. It is felt that due to the serious nature of the incident the public report should be presented and agreed by the Scottish Borders Council.
- 3.4 The procedure has been updated to reflect senior officers' input and requests for change to reflect the learning from the organisation's inaugural use of the procedure. The updated procedure is attached (Appendix1). The council have an incident recording system called "Lexi" the recording system is live and was reviewed in light of the unfortunate event.

4 MAIN POINTS/ISSUES

- 4.1 Sadly an adult in our care passed away and in light of this and the application of the Duty of Candour procedure, we have reviewed our procedures and made changes where applicable to ensure we learn from this. The annual report (Appendix 2) has been prepared for the financial year 2021/22. The duty of candour report sets out the different reportable incident types e.g. increase in treatment or lessening of function and asks for info on how procedure may have changed on the back of any incidents.

5 IMPLICATIONS

5.1 Financial

There are no costs attached to any of the recommendations contained in this report.

5.2 Risk and Mitigations

The need for the duty of candour is a statutory requirement. There is a reputational risk in not having a procedure in place. Registered services are required to evidence that a duty of candour statement exists and publish an annual report. For those services without the evidence an advisory or requirement may be set by relevant inspection bodies.

5.3 **Integrated Impact Assessment**

An Integrated Impact Assessment has been produced and published.

While the introduction of the policy will have a generally positive impact a full assessment is not considered necessary because the policy implements a statutory obligation and will apply regardless of protected characteristic or membership of socio –economic groups.

5.4 **Sustainable Development Goals**

Sustainable development goals are not impacted on by this requirement

5.5 **Climate Change**

Climate change goals are not impacted on by this requirement

5.6 **Rural Proofing**

The rural proofing considerations are not impacted on by this requirement

5.7 **Data Protection Impact Statement**

There are no personal data implications arising from the proposals contained in this report.

The Act contains a requirement that any report published should not contain any information which is likely to identify an individual.

5.8 **Changes to Scheme of Administration or Scheme of Delegation**

There are no changes required to the scheme of Administration or Scheme of Delegation.

6 **CONSULTATION**

- 6.1 The Chief Executive, The Acting Chief Financial Officer, the Acting Chief Corporate Governance Officer, the Chief Officer Audit and Risk, the Director (People Performance & Change), the Clerk to the Council and Corporate Communications have been consulted. Comments received have been incorporated into the final report.

Approved by

Name Stuart Easingwood Director Social Work & Practice

Author(s)

Name	Designation and Contact Number
Michael Curran	Programme Manager, Business Change and Improvement, 01835 824000 ext. 5939
Iain Davidson	Employee Relations Manager, 01835 825221

Background Papers: N/A

Previous Minute Reference: N/A

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Michael Curran can also give information on other language translations as well as providing additional copies.

Contact Michael Curran, Programme Manager, Business Change and Improvement,
01835 824000 ext. 5939, mcurran@scotborders.gov.uk