

### **Duty of Candour – Scottish Borders Council Annual Report – 1 April 2021 – 31 March 2022**

All Health and Social Care Services in Scotland have a duty of candour. This is a legal requirement which means that when unintended or unexpected events happen, that result in death or harm as defined in the Act, 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 how the duty of candour is implemented in our services. This report describes how Scottish Borders Council have operated the duty of candour during the time between 1 April 2021 and 31 March 2022. In fulfilling this statutory duty we are legally required to ensure that no individual can be identified. The level of detail in this document ensures that this obligation is met.

#### **1. How many incidents happened to which the duty of candour applies?**

The legislation defines a Duty of Candour incident as an unintended or unexpected incident that results in death or harm as defined in the Act and set out in the table below.

If we believe an event may trigger Duty of Candour we must seek the views of a Registered Health Professional (RHP) to confirm that one of these “harms” has occurred as a result of the unexpected or unintended incident, rather than as a result of the individual’s illness or underlying condition.

Scottish Borders Council Services have identified a number of routes for incidents which may trigger the duty of candour, including accidents reported by staff providing services, review of significant occurrences, incidents reported through Adult or Child Protection processes, complaints, or claims received by the Council.

Between 1 April 2021 and 31 March 2022, we are extremely sorry to report that an adult in our care passed away. 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. This was the only incident in the reporting year where Duty of Candour applied.

Type of unexpected or unintended incident (not related to the natural course of someone’s illness or underlying condition)	Number of times this happened (between 1 April 2020 and 31 March 2021)
A person died	1
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 needed health treatment in order to prevent other injuries as noted above	0
Total	1

**2. To what extent did Scottish Borders Council Services follow the duty of candour procedure?**

SBC services followed the duty of candour policy by compiling a report on the incident that occurred during the stated period, a written apology and an in person meeting with the relatives was held, as well as progressing the learning points identified by the incident.

**3. Information about our policies and procedures**

Scottish Borders Council set up a Duty of Candour Working Group. The Working groups developed a Council wide procedure and kept it under review. The group has representation from all relevant Council services providing social work and care services as well as input from human resources. The Working Group has met regularly since February 2021 and will continue to meet annually going forward. The Working Group has updated the policy. The Working Group has also developed and put in place a reporting mechanism. National training resources have been used up to date. The Working Group has drafted a local training programme to ensure the policy continues to be embedded into Health and Social Care practice. This programme of training will be delivered in the coming financial year.

We know that events that trigger the duty of candour can be distressing for staff as well as the people who receive care. We have support available for staff through our line management structure as well as counselling services through the Council's Occupational Health provider and trade union representatives.

**4. Information about any changes to policies and procedures to which the Act applies?**

As above, the Duty of Candour Procedure has been reviewed by a Working Group and a new procedure has been developed and is before Council today for approval.

There was one Duty of Candour Incident in the reporting year and a number of recommendations have come from that which have been / are being acted upon. We cannot publish details that may identify any individuals in the duty of candour annual report.

**5. Other information**

The policy has been updated this year and will continue to develop to ensure the organisation is equipped to deal with duty of candour outcomes in line with the legislation.

As required we have submitted this report to the Care Inspectorate and will also place it on our website following agreement.

Signed Stuart Easingwood

Director of Social Work & Practice