

DUTY OF CANDOUR

Action Card

WHAT IS THE DUTY OF CANDOUR

- It is a general duty to be open and transparent with people receiving care and support from you whether something has gone wrong or not. An important part of the duty of candour is the apology, this is not an admission of liability, but you must apologise for the harm caused regardless of fault.

It applies to all health and social care providers under Regulation 20 and is regulated by the CQC. There are several notifiable safety incidents which mean the duty of candour will apply if these incidents occur.

USEFUL INFORMATION

- The CQC will monitor the duty of candour when regulating services by looking at how well-led they are, is there an open and safe culture and do they meet the regulatory requirements of the duty of candour, ensure that you keep robust records on all aspects of duty of candour
- You can find updated guidance for providers on the duty of candour on the CQC website: <https://www.cqc.org.uk/guidance-providers/all-services/duty-candour-guidance-providers>
- An NHS leaflet details how saying sorry is the right thing to do and can be found here

WHAT ACTION DO YOUR NEED TO TAKE?

- Identify if it is a notifiable safety incident by determining if it meets the following criteria:
 - It was unintended or unexpected
 - It has happened during the undertaking of a regulated activity
 - In the reasonable opinion of a healthcare professional, it has or might, result in the death or severe or moderate harm to the person receiving care (this will vary depending on the type of provider you are)
- Inform the relevant person, face to face, that a notifiable safety incident has occurred
- Apologise for any harm caused
- Provide a true account of what happened from what you know so far
- Highlight what further enquiries or investigations will be appropriate
- Follow this up in writing and provide an update on any enquiries
- Keep written records of all meetings and communications with the relevant person
- If the incident meets the notification threshold, ensure that a statutory notification is submitted to the CQC