



Duty of Candour Policy

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Policy Statement

Primary Care Doncaster (PCD) Limited (the Company) is committed to promoting equal opportunities in employment and delivery of its services. It is PCD's policy to ensure the application and management of policies and procedures for employees, workers, self-employed and, any job applicants, receives equal treatment regardless of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, color, nationality, ethnic or national origin, religion or belief, sex or sexual orientation (Protected Characteristics in line with the Equality Act 2010).

This Policy has been developed to provide information and reference sources for all staff in relation to the subject of complaints and incident reporting and management, whatever their role within the organisation and wherever they work within PCD. Some staff will have more involvement than others, but all staff need to understand their responsibilities in relation to patient complaints and the Duty of Candour.

Policy Aims

From 1 April 2015 all NHS bodies and providers of NHS care were required to meet the CQC's Duty of Candour requirements. The intention of this regulation is to ensure that where appropriate PCD is open and honest with service users and other relevant persons (people acting on behalf of service users) when things go wrong with care and treatment, and that they provide them with reasonable support, truthful information and a written apology if things do go wrong.

To meet the requirements of this regulation, PCD must ensure an open and honest culture exists across all levels within the organisation. We must have systems in place to record notifiable safety incidents and must tell the relevant person(s), in a timely manner when such an incident has occurred. This includes providing a truthful account of the incident, providing an explanation in writing about the enquiries and investigations that will be undertaken and, where necessary, offering an apology in writing.

In addition, we must maintain appropriate written records and offer reasonable support to the relevant person(s) in relation to the incident. If we fail to inform the relevant person(s), within a reasonable amount of time of a notifiable incident, fail to provide a truthful account to the relevant person(s), fail to advise the relevant person(s) of the enquiries and investigation process we will undertake, fail to offer reasonable support, and/or fail to offer an apology, then CQC can move directly to prosecute us without first serving a warning notice.

Scope

There is a board level commitment to being open and transparent. The Board of Directors of PCD are formally committed to the Duty of Candour. This policy applies to all staff of PCD in all locations.

Roles and Responsibilities

PCD has policies and procedures in place to support a culture of openness and transparency and all staff must follow these.

- All Staff members must understand their responsibilities in identifying and reporting notifiable incidents and complaints in which Duty of Candour should be applied.
- All staff members are required to read PCD Complaints Policy and PCD Significant Event Reporting Policy in conjunction with this policy to increase awareness of when the Duty of Candour applies.
- Staff members are required to inform PCD Corporate Governance Officer when they become aware of something going wrong.

Corporate Governance Officer

- Coordinate and investigate all events and Complaints adhering to the relevant Complaints and Significant Event Reporting policy.
- Record all Incidents and Complaints on the relevant register for presentation to the Corporate Governance Committee
- Seek support from the Head of Corporate Services in response to all Complaints, and Significant Events
- Seek support from others to obtain expert advice and input as required e.g., clinical advice.

Policy Procedure

We need to be open and honest when things go wrong or if we could have done things better. When a complaint or incident is raised, we then follow our Complaints Policy or our Significant Event Reporting Policy. If we consider that we need to activate the Duty of Candour Policy, then the following steps are to be taken.

Notification – if something has gone wrong or could have been done better the patient must be informed verbally and in writing if appropriate. An apology will be at this stage verbally. PCD has template letters to support with the notification stage which can be accessed through the PCD Governance Team.

Investigation – the patient must be informed that an investigation will take place and that they will be informed of the outcome and any actions that may need to be done either at a face-to-face meeting or in writing. A timescale should be given, and the patient must be informed if the deadline will not be met.

Meeting – offer the patient a meeting with the appropriate members of staff to discuss the details of the incident or complaint and discuss the investigation outcome and the action plan going forward.

This approach ensures that we are meeting our obligation which includes:

- putting matters right
- offering an apology

- explaining fully and promptly what has happened and the likely short term and long-term effects.

A “Sincere Apology”

The Francis Report noted the importance of affected parties receiving a sincere apology, when appropriate, for the impact that any incident can have on the patient, their families, next of kin and their carers, especially in incidents that cause severe harm or the loss of life.

A meaningful apology for the incident or the circumstances that have led to the incident is an important part of coping with the effect that an incident has caused and means that PCD has taken these events (major or minor) seriously.

However, the Duty of Candour also states that an apology **does not** constitute an admission of liability. Patients and relatives will request detailed explanations of what led to the incident(s) occurring (and their adverse outcomes), and an apology and acknowledgement of the impact it has on them helps them to understand that there are lessons that PCD can learn to ensure this does not happen again in the future.

Investigations and apologies are not an admission of liability but demonstrate that PCD recognises an area of improvement or need for additional support may have been highlighted.

Support for staff involved in a complaint or incident where the Duty of Candour applies.

It is important that all staff members involved in this process are fully supported at all times during this process. Their individual support needs should be discussed with their line manager should they need them.

Staff members dealing with events or complaints are asked to recognise their own strengths and weaknesses, whether these relate to investigation, taking statements or letter writing, and seek advice to support them in their role and to ensure a high standard of management of the complaint or event and responses to these.

If at any stage staff members are unsure of the next steps to take then they should contact the Governance Team via pcdltd.governance@nhs.net

What is a Notifiable Safety Incident?

In relation to a PCD as a health service body, "notifiable safety incident" means any unintended or unexpected incident that occurred in respect of a service user during the provision of a regulated activity that, in the reasonable opinion of a health care professional, could result in, or appears to have resulted in:

- the death of the service user, where the death relates directly to the incident rather than to the natural course of the service user's illness or underlying condition, or
- severe harm, moderate harm, or prolonged psychological harm to the service user
- the death of the service user, where the death relates directly to the incident rather than to the natural course of the service user's illness or underlying condition.
- An impairment of the sensory, motor, or intellectual functions of the service user which

has lasted, or is likely to last, for a continuous period of at least 28 days, changes to the structure of the service user's body.

- the service user experiencing prolonged pain or prolonged psychological harm, or
- The shortening of the life expectancy of the service use
- or requires treatment by a health care professional in order to prevent:
 - the death of the service user, or
 - any injury to the service user

Incidents must be reported according to the PCD Staff Reporting Procedure or associated policies.

Communication and Implementation Plan

All PCD staff should be aware and understand their obligations under the Duty of Candour Policy. This policy will be cascaded to all staff via TeamNet.

To request a paper copy please email pcdltd.governance@nhs.net

Useful Links

<https://www.cqc.org.uk/guidance-regulation/providers/regulations-service-providers-and-managers/health-social-care-act/regulation-20>

<https://resolution.nhs.uk/wp-content/uploads/2018/09/NHS-Resolution-Saying-Sorry-2023-2.pdf>