

**Duty of Candour Policy**

This policy outlines how Kidsize Club Ltd. meets the obligations introduced by the Health and Care (Scotland) Act 2016 and Duty of Candour Procedure (Scotland) Regulations 2018.

**What is duty of candour?**

The duty of candour is about what happens if there is an unintended or unexpected incident within an organisation that results in death, severe harm, or other serious consequences specified in the act.

As a childcare provider we have a duty to acknowledge when something has gone wrong and provide and honest explanation. We must also learn from things that go wrong and improve our practice to ensure it does not happen again.

Settings must, by law, produce a short annual report showing their learning from any incidents that year, publish it and notify the Care Inspectorate that it has been published.

**When is duty of candour activated?**

Childcare settings must activate the duty of candour procedure as soon as reasonably possible after becoming aware that an individual has been subject to an unintended or unexpected incident which has occurred in the childcare provision. Also in the reasonable opinion of a registered health professional has resulted in or could result in:

• Death of the person

• A permanent lessening of bodily, sensory, motor, physiologic or intellectual functions • An increase in the person’s treatment

• The person requiring treatment by a registered health professional in order to prevent the death of the person.

• Any injury to the person which, if left untreated, would lead to one or more of the outcomes mentioned above.

• Changes to the structure of the person’s body

• The shortening of the life expectancy of the person

• An impairment of the sensory, motor or intellectual functions of the person which has lasted, or is likely to last, for a continuous period of at least 28 days

• The person experiencing pain or psychological harm which has been, or is likely to be, experienced by the person for a period of at least 28 days

It is important to note that where the duty of candour procedure start date is later than one month after the date on which the incident occurred, an explanation of the reason for this has to be provided to the relevant person or persons.

**Systems and Procedures at Kidsize Club Ltd.**

If the club staff believe that an incident has occurred which may trigger the duty of candour, they will report it to the Manager, or Lead Practitioner in their absence, immediately, or as soon as they realise it may be such an incident. The manager will then inform the Company Director.

The Director and Manager will be responsible for managing the duty of candour from that point on. They will:

Seek the views of a registered health professional about the incident and its relationship to the harm that was caused. The Director or Manager should ensure this viewpoint covers the following questions:

• What was the incident?

• What was the outcome?

• What illnesses and underlying conditions did/does the person have?

• Does it appear that this incident resulted in or could result in the death or severe harm, caused? • Does the natural course of the person’s illness or underlying condition directly relate to the death or harm described?

If the registered professional’s view is that the incident appears to have resulted in, or could result in the harm caused, the Director or Manager will:

• Record the date this view is given as the procedure start date

• Notify the parents/carers of the child as soon as reasonably practical and ideally within 10 working days of the procedure date. The notification should include:

• An account of the incident and all the facts the Kidsize is aware of

• An explanation of the actions that the club will take as part of the duty of candour procedure • An apology for the incident

• An invitation to meet if they want to ask any questions

• Meet with the parents/carers of the child to discuss the incident. Provide a note of the meeting which should include when and where the meeting took place, a record of the apology and any timescales that were agreed.

• Cooperate fully with a review of the circumstances which led to the incident. A written report of this review will be sent to the parents/carers of the child.

• Inform Care Inspectorate about the report and actions from this.

• An annual report will be written at the end of April which includes information about the number of nature of incidents to which duty of candour applies (ensuring anonymity).

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