



SoLO
Life
Opportunities

38 Walnut Close
Chelmsley Wood
Birmingham
B37 7PU

Charity No. 1102297
England Company No.
5025939

POLICY AND PROCEDURE

Duty of Candour

Category: Staff

Introduction

The **duty of candour** is a legal requirement for health, **care** service and **social** work organisations to inform people (and their families) when they have been harmed (either physically or psychologically) as a result of the **care** or treatment they have received. Beyond this there is an obligation to be honest and open in regard to what has happened. It is the 'right thing to do' and this approach is underpinned by SoLO's value - 'Trusted'.

Under regulation 20 of the Care Quality Commission Standards, this is a requirement for all regulated providers.

Scope

This policy covers all SoLO programmes including Personal Assistants, Overnight Breaks, Day time programmes and Supported Living.

It covers incidents where actual harm has occurred within SoLO Service. Harm is defined as:

- physical harm which can be either severe (permanent damage)
- prolonged (pain experienced for a continuous period of at least 28 days)
- psychological harm (which is experienced for a continuous period of at least 28 days)
- death

Policy Statement

SoLO sits within a framework of values which underpin all of its activities. Our first value is Safe which means that there is an integral part of our organisational culture that supports both organisational and personal learning. The second value is Trusted and this means that we actively promote a culture that encourages candour, openness and honesty at all levels. There is a commitment to being open and transparent at all levels and, not least, at board level.

This policy sits within a suite of policies that ensure that an open and transparent approach is adopted throughout the organisation, staff can operate in a way that encourages ownership of issues, learning from these issues and free from harassment or bullying.

Treatment of allegations

Depending on where the allegations has come from, it will be dealt with according to the appropriate policy (e.g. complaints, grievance, disciplinary, challenging bad behaviour etc.) In all cases, any allegation will be considered seriously and where it is identified as notifiable, the appropriate referral will be made. The approach taken will be the same regardless of the status of either the alleged or alleged.

Notification to Persons affected, their parents/carers

Where a person is aged over 16, but lacks the mental capacity to make a decision about their care or treatment, SoLO will notify the person who is acting lawfully on behalf of that person, where an incident has occurred that might have caused them harm.

SoLO has a procedure of incident reporting that facilitates this notification.

Where ever possible, the accounts of the facts will be given in a manner that is relevant and in a way that the person can understand. Care will be taken to avoid jargon and, where necessary, interpreters or advocates will be sourced.

Where an apology is required, this will be meaningful and wherever possible, in person (an apology is defined as an expression of sorrow or regret). Care will be taken to ensure that the person making the apology is at an appropriate level of seniority in relationship to the person affected, their experience and the type of notifiable incident that has occurred. Where a full investigation has been required, this apology will be in writing.

Where notification involves an external worker

SoLO enables members' choice where they wish to bring their own employed Personal Assistant or a Personal Assistant employed by another agency. In some cases, these Personal Assistants may be members of professional bodies (for instance, if they are a nurse). Where an investigation shows that the breach involves an external Personal Assistant, SoLO will refer the issue to the professional regular or other relevant body to ensure that they are aware and can take appropriate action.

'Near Misses'

Whilst providers are not required to inform a person using the service, when a 'near miss' has occurred and the incident has resulted in no harm to that person, SoLO encourages the recording of 'near misses' and subsequent learning from these. In a spirit of openness and transparency, if it is felt that lessons can also be learned for the member and will improve their safety, 'near misses' will be shared with the member (where they have capacity) or their parents or carers where the person lacks mental capacity regarding their safety. Each case will be assessed by the Senior Managers through the incident reporting process.

Recording

Records of all incidents, near misses and accidents will be kept in accordance with SoLO's incident reporting policy. Where appropriate, and after removing third party information, information will be shared with the person affected. When an investigation has been concluded and an apology is given, this will be in writing, being mindful of the person receiving the apology and with care taken not to include any jargon. Records will be stored in accordance with SoLO's record keeping procedures (covered within the GDPR policy)

Acts that cover this policy

[The Care Act 2014](#)

[The Health and Social Care Act 2008 \(Regulated Activities\) Regulations 2014](#)

[The Health and Social Care Act 2008 \(Regulated Activities\) \(Amendment\) Regulations 2015](#)

[Health Professional Council – legal framework](#)

[Mental Capacity Act 2005](#)

[Mental Capacity Act Code of Practice](#)

Linked with policies

- Complaints
- Grievance

Policy Name: Duty of Candour
Organisation: SoLO Life Opportunities
Reviewed: September 2018
Next Review Date: September 2020

- Disciplinary
- Challenging bad behaviour
- Health and Safety (Riddor)
- Notification of death
- Incident Reporting
- GDPR