



Saltoun Primary School

Early Years Setting



Duty of Candour Policy

March 2021

At Saltoun Early Years Setting, we pride ourselves on developing and enhancing open and transparent relationships with our children, families, parents and carers. Our policies enable us to ensure that we set clear standards that all stakeholders can expect from us.

Our 'Duty of Candour Policy' sets out the appropriate processes for communicating with a child and/or our families and carers following a reportable incident. This policy should be followed alongside our Duty of Candour Procedure.

This document outlines our Early Years Setting policy on its statutory Duty of Candour and the processes through which we demonstrate openness. This will support our Early Years Setting to meet its obligations to our children and their families by being open and honest about any mistakes that are made whilst our staff care for their children.

It is expected that all staff working in our Early Years Setting should be familiar with this Policy and the infrastructure which is in place to support openness between practitioners and children, their families and carers, following a safety incident. It is vital that our staff feel able to report concerns or things that go wrong without fear of blame.

This policy illustrates how Saltoun Primary School Early Years Setting meets the obligations introduced by the 'Health (Tobacco, Nicotine etc.) and Care (Scotland) Act' (2016) and the 'Duty of Candour Procedure (Scotland) Regulations' (2018).

What is 'Duty of Candour'?

The Duty of Candour is the expectation of what will happen 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. The focus of the Duty of Candour legislation is to ensure that Early Years settings take specific steps when a serious, adverse event happens. The Early Years setting or Early Years Setting will need to let the people affected know, offer to meet with them, and apologise. This is an important part of being open with people who experience care, and also learning from things that go wrong. Early Years settings and Nurseries must, by law, produce a short annual report showing their learning from any incidents that year, publish it, and notify Care Inspectorate that it has been published.

When is Duty of Candour Activated?

Nurseries and Early Years 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 that has occurred in the provision of the Early Years Setting care, and 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 - 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 continuous for a period of at least 28 days
- the person requiring treatment by a registered health professional in order to prevent the death of the person
- or any injury to the person which, if left untreated, would lead to one or more of the outcomes mentioned above

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 **MUST** be provided to the relevant person.

Roles and responsibilities

Within our Early Years Setting our approach is one of help and support for staff involved in incidents of unintended or unexpected harm, rather than developing a blame culture. Staff will feel confident that they will be safe and supported to report Duty of Candour incidents so that lessons are learned and shared to improve and increase the safety of our care system for our children.

Senior Leadership Team	Monitoring implementation of policy, activating Duty of Candour procedure when necessary. Supporting all staff throughout training and implantation of procedure.
Senior Early Years Practitioner	Prepare and publish Duty of Candour annual report, monitoring of training of all staff.
Early Years Practitioner	Training to support personal development, reporting of unintended or unexpected incidents, which caused harm or death, to line manager.

Training and resources

It is the expectation that all staff are responsible for their own professional learning and to complete the above training module. All new staff directed to and supported to complete the training module as part of their induction process.

Support will be provided for all serious incidents by the Senior Leadership Team and if deemed necessary by East Lothian Council. Staff can also access confidential counselling via Occupational Health through self-referral or requesting the Headteacher to make a referral on their behalf.

An e-module and guidance is available at:

<http://www.knowledge.scot.nhs.uk/home/announcements/duty-of-candour-e-learning-module.aspx>

Monitoring

The Headteacher, Support Teacher and Early Years Setting team will work together to regularly monitor and audit the implementation and compliance with the Duty of Candour policy. The success of this approach relies upon staff using the system correctly to ensure the quality of data recorded provides assurance in relation to our statutory requirements.

Procedure

The Duty of Candour procedure means that the actions taken by the designated persons are in accordance with Regulations made by the Scottish Ministers. The Regulations detail the specific actions and recording of information required by the responsible person when carrying out each stage of the procedure.

The key stages of the procedure include:

1)	A member of the Senior Leadership Team to notify the child affected and family/carer that an unintended or unexpected incident has occurred that has resulted in harm and that the Duty of Candour procedure will be activated. This is to happen as soon as possible after the incident has occurred.
2)	Senior Leadership and/or staff member involved in incident to provide an apology for what has happened at this stage
3)	Senior Leadership Team to carry out a review into the circumstances leading to the incident. The review will be carried out by an individual not involved in the incident.
4)	Senior Leadership Team to offer and arrange a meeting with the family/carer.
5)	Senior Leadership Team, Senior Early Years Practitioner and staff involved in the incident to provide the family/carer with an account of the incident and what went wrong
6)	Senior Leadership to provide information about further steps taken
7)	Senior Early Years Practitioner to make available, or provide information regarding possible support to family/carer
8)	Senior Leadership Team to advise family on how the information will be stored
9)	Senior Early Years Practitioner to prepare and publish an annual report on the Duty of Candour (even if no incidents occur). This will be included in the Care Inspectorate Annual returns.

Apology

For the purposes of the Act, an “apology” means a statement of sorrow or regret in respect of the unintended or unexpected incident that caused harm or death. An apology or other step taken in accordance with the Duty of Candour procedure does not of itself amount to an admission of negligence or a breach of a statutory duty. Staff may find it difficult to say sorry when something has gone wrong and harm has occurred. People may be unclear if they can say sorry and worry that the timing for doing this won't be right or that they will make things worse. The 4Rs are an easy way to remember how we can get this right:

Reflect	Stop and think about the situation.
Regret	Give a sincere and meaningful apology.
Reason	If you know, explain why something has happened or not happened and if you don't know, say that you will find out.
Remedy	What actions you are going to take to ensure that this won't happen again and that the organisation learns from the incident.

It is important that an open and honest apology is provided from the outset as this can reassure the family/carer and will also set the tone for moving things forward from here. It is important to understand that by making an apology following an event that triggers the Duty of Candour procedure you are acknowledging that harm has been caused, a mistake has been made and you may be acknowledging emotions that are felt by the child and their family/carer. A meaningful apology can help to calm a person who has become angry or upset. An apology is not an admission of liability in a legal sense. An apology is often the first step in putting things right and can help to repair a damaged relationship and restore dignity and trust.

Who should apologise?

The Act states that the responsibility for the apology rests with the responsible person – this is the organisation delivering the service. Within each organisation there will be individuals with delegated responsibility for ensuring that the organisational duties (in this case providing an apology on behalf of the organisation) are met (recognising that there are likely to have been individuals who have provided individual apologies). Your organisation may have guidelines you can use.

For an apology to be effective it needs to be sincere. Sometimes you may need to apologise for an event which is not of your doing – indeed the organisationally focused apology required by the duty of candour procedure will involve this. Sometimes it is the official organisational recognition of the event that will be important to the individual and/or their family.

A more formal apology may come later as part of a meeting with the individual and/or their family but it's important to apologise immediately the event comes to light. When making your apology you should not worry about who is to blame or what has gone wrong but merely apologise for the event occurring.

It is everyone's responsibility to make an apology, where appropriate, and you could include some phrases such as:

'I am sorry that this has happened to you and I'm going to find out what went wrong and come back to you.'

'I am sorry that harm has occurred, let me find out what has happened and come back to you with information.'

Duty of Candour Report

All Health and Social Care Services in Scotland have a Duty of Candour. This is a legal requirement which means that when things go wrong and mistakes happen, 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 the Duty of Candour in our services. This short report describes how Saltoun Primary School Early Years Setting has operated the Duty of Candour during the time between 1 April 2020 and 31 March 2021. We hope you find this report useful.

1. About Saltoun Primary School Early Years Setting

Saltoun Primary School Early Years Setting is an East Lothian Council Early Years Setting based in East Saltoun, East Lothian. We cater for up to 14 children aged 3-5, at any one time. We currently offer morning only placements, 5 days a week. We aim to ensure that we care for children in a way which supports them to grow and develop.

2. How many incidents happened to which the Duty of Candour applies?

These are types of incident that have happened which are unintended or unexpected, and do not relate directly to the natural course of someone's illness or underlying condition. In the last year, there have been no incidents to which the Duty of Candour has applied.

Type of unexpected or unintended incident	Number of times this happened
Someone has died	0
Someone has permanently less bodily, sensory, motor, physiologic or intellectual functions	0
Someone's treatment has increased because of harm	0
The structure of someone's body changes because of harm	0
Someone's life expectancy becomes shorter because of harm	0
Someone's sensory, motor or intellectual functions is impaired for 28 days or more	0
A person needed health treatment in order to prevent them dying	0
A person needing health treatment in order to prevent other injuries	0

3. To what extent do Saltoun Early Years Setting follow the Duty of Candour procedure?

In the event of any incidents which will invoke the Duty of Candour, staff at Saltoun Primary School Early Years Setting will follow the correct procedures. This means that we will inform the parents affected, apologise to them, and offer to meet with them. We will review what happened, what went wrong and to try and learn for the future.

4. Information about our Policies and Procedures

Where something has happened that triggers the Duty of Candour, our staff report this to the Headteacher who has responsibility for ensuring that the Duty of Candour procedure is followed. The Headteacher records the incident and reports as necessary to the Care Inspectorate. When an incident has happened, the Headteacher and staff set up a learning review. This allows everyone involved to consider and review what happened and identify any changes required in future. All new staff are informed about the Duty of Candour at their induction. We know that serious mistakes can be distressing for staff as well as people who use care and their families. We have occupational welfare support in place for our staff if they have been affected by a Duty of Candour incident.

Where parents or children are affected by the Duty of Candour, we have arrangements in place to provide welfare support as necessary.

5. What has changed as a result?

We will make any necessary change to our policies and procedures as a result of the Duty of Candour.

6. Other information

This is the first year of the Duty of Candour being in operation and it continues to be a learning experience for our Early Years Setting and staff. It has helped us to remember that people who use Care service have the right to know when things go badly, as well as when they go well.

As required, we have submitted this report to the Care Inspectorate and have placed this document on our school website and shared it with our parents too.

Debby Crossan

Headteacher

If you would like more information about our Early Years Settings, please contact us using these details:

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