

# What happens when things go wrong



## Further support

### Citizens Advice Scotland

Provides up-to-date information about where to direct people who require advice or support about care services.

Telephone: **03454 04 05 06**

**www.cas.org.uk**

### Patient Advice and Support Service

An independent service, delivered by the Citizens Advice Bureaux, to help anyone who uses the NHS in Scotland. It provides free and confidential, advice and support to people who wish to raise concerns, make a complaint and give feedback about an NHS treatment.

Telephone: **0800 917 2127**

**www.cas.org.uk/pass**

### Action against Medical Accidents

Provides independent advice and support to people affected by medical accidents.

Telephone: **0845 123 2352**

(Monday–Friday 10am–3.30pm)

**www.avma.org.uk**

### Scottish Independent Advocacy Alliance

Supports people to find independent advocacy services in their local area to help them get the information they need to be fully involved in discussions about their care and treatment.

Telephone: **0131 524 1975**

**www.siaa.org.uk**

### Age Scotland

Representation for older people in Scotland, supporting their rights and interests.

Telephone: **0800 12 44 222**

(Monday–Friday 9am–5pm)

**www.ageuk.org.uk/scotland**

### NHS Inform

Scotland’s national health information service helps the people in Scotland to make informed decisions about their own health and the health of the people they care for.

Telephone: **0800 22 44 88**

**www.nhsinform.scot**

### The Care Inspectorate

Scotland’s regulatory body for social work and social care services, including child protection and the integration of children’s services.

Telephone: **0345 600 9527**

**www.careinspectorate.com**

### Care Opinion

An open and transparent way for patients and the public to share their stories and experiences of health and social care services across Scotland.

**www.careopinion.org.uk**

# Organisational Duty of Candour in Scotland

## What happens when things go wrong



Organisations that provide health, care and social work services for people need to be able to learn effectively from what goes well and from what goes wrong. This learning should feed into improvements in the safety and effectiveness of their services.

When something goes wrong with someone's treatment or care and this has resulted, or could result, in harm or death, health and social care professionals have a duty to be open and honest with patients and service users or those acting on their behalf.

The organisational duty of candour procedure is a legal duty which sets out how organisations should tell those affected that an unintended or unexpected incident appears to have caused harm or death, to apologise and to meaningfully involve them in a review of what happened.

When the review is complete, the organisation should agree any actions required to improve the quality of care, informed by the principles of learning and continuous improvement.

They should tell the person who appears to have been harmed (or those acting on their behalf) what those actions are and when they will happen.

## When should the duty of candour procedure be followed?

The duty of candour procedure must be followed as soon as possible after an organisation providing health, care or social work services receives confirmation that, in the opinion of an independent health professional, a person has experienced an unintended or unexpected incident which appears to have resulted in harm or death.

The death or harm should not be related to the natural course of the illness or underlying condition for which the person is receiving treatment or care.

## What can the person expect?

- The organisation must determine the person's preferred method of communication. For example, by telephone or email.
- A member of staff must honestly and openly speak about what happened as soon as possible after the incident.
- All the facts may not be clear at that time so the organisation will review the incident.
- If the person is not in a position to receive the information, staff will inform the person acting on their behalf.
- The person must be treated with dignity and respect and will receive an apology.
- The person must be given a single point of contact at the organisation.
- After the incident has been reviewed, the person must be offered a copy of the report and be told about anything that the organisation is doing to improve the quality of service provided by them as a result of the review.

## What happens during the procedure?

### 1 Support

When an organisation becomes aware that a duty of candour incident may have occurred, the organisation has a duty to support the person affected. A health professional, not involved in the person's care, will decide if the duty of candour procedure must be followed.



### Notification

The person will be given an explanation of what the organisation knows about the incident at that time and what actions it will take. They will be invited to meet with the organisation and will be given the opportunity to ask questions in advance.



### Meeting

The person will be given a verbal account of the incident and an explanation of any further steps that will be taken to review it. The person will have an opportunity to express their views and ask questions. They will also be offered a written apology.

Shortly after the meeting, the person will be given a note of the meeting and the contact details of an individual member of staff acting on behalf of the organisation.



### Review

The organisation must carry out a review of the circumstances which they consider led or contributed to the incident.

The person must be offered a written copy of the report of the review which will include anything that the organisation is doing to improve the quality of service provided by them as a result of the review.