

# Duty of Candour in Scotland

Organisations' duty to be open and honest when something goes wrong

When things go wrong



Easy Read version





Organisations that give health, care and social work services need to be able to learn from what goes well and from what goes wrong. What they learn should make their services better.



When something goes wrong with someone's treatment or care and this causes harm or death, health and social care professionals have a duty to tell people the truth. This is called the organisational duty of candour.

The law says how organisations should tell those affected that an accident or mistake has caused harm or death, and how to say sorry. It also tells them how to give the people involved the chance to be involved in a review of what happened.

When the review is finished, the organisation should use the information to make their services better.

They should tell the person who has been harmed (or those who support them) what they are doing and when it 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 finds out that an accident or mistake has caused harm or death.

This has to be the opinion of an independent health professional and the death or harm should not be related to the illness or condition that the person was getting treatment or care for.

## What can the person expect?



- The organisation must find out how the person would prefer to be contacted. For example, by telephone or email.
- A member of staff must speak about what happened as soon as possible.
- It might not be clear what happened at that time so the organisation will look into this more closely.
- If the person is not able to understand the information, staff will inform the person supporting them.
- The person must be treated with care and respect and someone will say sorry.
- The person must be given the name of a member of staff they can contact at the organisation.
- After the reviewed is finished, the person must be offered a copy of the report and told what the organisation is doing to make services better.

## What happens during the procedure?

### 1. Support



When an organisation finds out that a duty of candour incident might have happened, 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.



### 2. Notification

The person will be told what the organisation knows about the incident at that time and what is being done about it. They will be invited to a meeting with the organisation. They will be given the chance to ask questions before the meeting.



### **3. Meeting**

The person will be told what happened and how the review is going. The person will have the chance to say what they think and ask questions. They will also be offered a written apology.



After the meeting, the person will be given a note of the meeting and the contact details of a member of staff who can give them information about the review.



### **4. Review**

The organisation must do a review to find out what happened and why.

The person must be offered a written copy of the report of the review. This will also say what the organisation is doing to make services better.

## **Organisations who can give further support**

### **Citizens Advice Scotland**

Has up-to-date information for people who need advice or support about care services.

Telephone: **03454 04 05 06**

**[www.cas.org.uk](http://www.cas.org.uk)**

### **Patient Advice and Support Service**

An independent service that gives free and confidential advice and support to people who want to make a complaint and give feedback about an NHS treatment.

Telephone: **0800 917 2127**

**[www.cas.org.uk/pass](http://www.cas.org.uk/pass)**

### **Action against Medical Accidents**

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

Telephone: **0845 123 2352**

(Monday–Friday 10am–3.30pm)

**[www.avma.org.uk](http://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](http://www.siaa.org.uk)**

### **Age Scotland**

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

Telephone: **0800 12 44 222**

(Monday–Friday 9am–5pm)

**[www.ageuk.org.uk/scotland](http://www.ageuk.org.uk/scotland)**

### **NHS Inform**

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

Telephone: **0800 22 44 88**

**[www.nhsinform.scot](http://www.nhsinform.scot)**

### **The Care Inspectorate**

Organisation in charge of Scotland's social work and social care services, including child protection and the integration of children's services.

Telephone: **0345 600 9527**

**[www.careinspectorate.com](http://www.careinspectorate.com)**

### **Care Opinion**

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

**[www.careopinion.org.uk](http://www.careopinion.org.uk)**