

Duty of Candour and what it means to patients

This document provides patients with information about the Duty of Candour at Warrington and Halton Hospitals NHS Foundation Trust.

What is Duty of Candour?

New rules to toughen transparency in NHS organisations to increase patient confidence within the delivery of care has resulted in the Government creating Statutory Regulations relating to Duty of Candour. **Candour means frankness, openness and honesty.**

The aim of the regulation is to ensure that providers of healthcare, like hospitals, are open and honest with patients when things go wrong with their care and treatment.

To meet the requirements of the regulation, a provider has to:

- Make sure it has an open and honest culture across and at all levels within its organisation.
- Tell patients in a timely manner when particular incidents have occurred.
- Provide in writing a truthful account of the incident and an explanation about the enquiries and investigations that organisation will carry out.
- Offer an apology in writing.
- Provide reasonable support to the person after the incident.

The regulations apply to the patient themselves and, in certain situations, to people acting on their behalf, for example when something happens to a child - or to a person over the age of 16 who lacks the capacity to make decisions about their care.

What led to Duty of Candour?

The Francis 2 Report tells the story about incidents that took place at Mid Staffordshire Hospitals NHS Foundation Trust.

The report highlighted the serious failure on the part of their trust board who did not listen sufficiently to its patients and staff or ensure the correction of deficiencies brought to the trust's attention. Above all, it failed to tackle a tolerance of poor standards and a disengagement from managerial and leadership responsibilities.

The Duty of Candour was one of the recommendations in the report to help ensure that NHS organisations are open and honest about their actions and that incidents are properly reported – and ensures that patients are also told about them.

How do staff at Warrington and Halton Hospitals NHS Foundation Trust comply with Duty of Candour?

1. They will tell someone if they have been involved in and/or observed where a patient may have been harmed or had the potential to be harmed by something not being done.
2. They will report the actual and or potential incident on Datix (our integrated risk management system). By doing this, this will inform others and allow for a level of investigation to take place to see what/how/why happened and to learn to ensure what occurred does not happen again.

What we have done to ensure that Duty of Candour takes place

For incidents that have led to moderate harm (what we call Level One Investigations) and or severe permanent harm and or death (what we call Level Two Investigations):

1. We ensure patients and family are supported to deal with the consequences and have a key contact identified for the incident
2. We ensure there is an appropriate level of investigation
3. We ensure that the patient/family/patient representative is informed within 10 working days of the decision that the incident is a moderate/permanent harm incident
4. We ensure that the initial notification should be face to face and this is accompanied with an offer of a written notification
5. We ensure an apology is provided and documented in the patient notes
6. We ensure that a step by step explanation is offered as soon as possible pending the investigation

7. We ensure full written documentation of all meetings are kept with the patient/family and filed in Datix for future reference
8. We ensure full written documentation is kept of all staff interviews and meetings about the incident and filed in the incident/complaint account in Datix
9. We ensure the final investigation will be shared with the patient/family/patient representative within 10 days of approval
10. The Trust will be monitored by the Commissioners as part of our monthly Quality Contract around our contractual obligations to comply with Duty of Candour

What happens if the Trust fails to meet the standards required for the Duty of Candour?

Each failure to notify and report incidents up through the Trust Governance procedures which leads to the Trust in failing to notify our Commissioners to a suspected or actual moderate/sever harm/death patient safety incident will lead to the Commissioners recovering the cost of the patient's episode of care - or **£10,000** if the cost of the episode of care is unknown. In addition the Care Quality Commission can prosecute the trust.

If you have any questions about Duty of Candour you can contact the Governance Team via 01925 662680.

Staff Information relating to Duty of Candour Responsibilities

Where has the information this leaflet has come from?

Staff information reference:

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Find out more about Warrington and Halton Hospitals and the services we provide at:

www.whh.nhs.uk