

Duty of Candour – Scottish Borders Council Annual Report – 1 April 2022 – 31 March 2023

All Health and Social Care Services in Scotland have a duty of candour. This is a legal requirement which means that when unintended or unexpected events happen, that result in death or harm as defined in the Act, 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 how the duty of candour is implemented in our services. This report describes how Scottish Borders Council have operated the duty of candour during the time between 1 April 2022 and 31 March 2023. In fulfilling this statutory duty we are legally required to ensure that no individual can be identified. The level of detail in this document ensures that this obligation is met.

1. How many incidents happened to which the duty of candour applies?

The legislation defines a Duty of Candour incident as an unintended or unexpected incident that results in death or harm as defined in the Act and set out in the table below.

If we believe an event may trigger Duty of Candour we must seek the views of a Registered Health Professional (RHP) to confirm that one of these “harms” has occurred as a result of the unexpected or unintended incident, rather than as a result of the individual’s illness or underlying condition.

Scottish Borders Council Services have identified a number of routes for incidents which may trigger the duty of candour, including accidents reported by staff providing services, review of significant occurrences, incidents reported through Adult or Child Protection processes, complaints, or claims received by the Council.

Between 1 April 2022 and 31 March 2023, there have been zero incidents that have triggered the duty of candour duty.

Type of unexpected or unintended incident (not related to the natural course of someone’s illness or underlying condition)	Number of times this happened (between 1 April 2022 and 31 March 2023)
A person died	0
A person incurred permanent lessening of bodily, sensory, motor, physiologic or intellectual functions	0
A person’s treatment increased	0
The structure of a person’s body changed	0
A person’s life expectancy shortened	0
A person’s sensory, motor or intellectual functions was impaired for 28 days or more	0
A person experienced pain or psychological harm for 28 days or more	0
A person needed health treatment in order to prevent them dying	0
A person needed health treatment in order to prevent other injuries as noted above	0
Total	0

2. To what extent did Scottish Borders Council Services follow the duty of candour procedure?

SBC services have had no duty of Candour incidents and remains prepared to use the policy when needed.

3. Information about our policies and procedures

Scottish Borders Council set up a Duty of Candour Working Group. The Working group developed a Council wide procedure and keeps it under review. The group has representation from all relevant Council services providing social work and care services as well as input from human resources. The Working Group will meet as and when required and will continue to meet annually to prepare the annual report under the direction of the Chief Social worker.

We know that events that trigger the duty of candour can be distressing for staff as well as the people who receive care. We have support available for staff through our line management structure as well as counselling services through the Council's Occupational Health provider and trade union representatives.

4. Information about any changes to policies and procedures to which the Act applies?

There are minor amendments to the policy to ensure effective reporting to Council.

5. Other information

As required, we have submitted this report to the Care Inspectorate and will also place it on our website following agreement.

Signed John Fyfe

A handwritten signature in dark ink, appearing to read 'John Fyfe', with a stylized flourish at the end.

Acting Chief Social Work Officer