



Duty of Candour Policy and Procedure

Business Area	Care Homes
Stakeholder Consultation	Head of Care Director of Housing and Care Care Home Managers
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Title	Duty of Candour Policy and Procedure
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Foreword

Here at Viewpoint Housing Association (VHA), everything we do is rooted in compassion, dignity and respect. We're truly proud of the care and support we offer, and we hold fast to those values every single day – especially on the days when things don't go as planned, because that can happen in any caring service.

This Duty of Candour Policy sits under **Standard 4: I am confident in the organisation providing my care and support** and is shaped by our guiding **Principle: Compassion**.

If something unexpected ever happens, we believe the people we support – and those closest to them – deserve straightforward honesty, real kindness, a heartfelt apology, and clear answers about what went wrong. More than anything, they deserve to feel listened to, gently supported, and confident that we'll do everything we can to stop it happening again.

For us, this policy isn't just something we have to do – it's something we truly want to do. It's our promise to stay open, to keep learning, and to look after everyone touched by a difficult moment: the people in our care, their families, and our wonderful staff. We'll always be there with warmth, understanding and care, so no one ever feels alone.

1. Purpose

VHA is committed to providing safe, high-quality, person-centred services. We recognise that, on occasion, things may go wrong. When this happens, we are committed to acting openly, honestly and compassionately.

This policy sets out how we will meet our **organisational Duty of Candour** obligations by:

- being open and honest when something goes wrong;
- apologising where appropriate;
- supporting people and families affected;
- supporting staff involved;
- learning from incidents to improve services.

2. Scope

This policy applies to:

- all regulated services provided by VHA;
- all staff, managers, volunteers, agency staff, and contractors;
- all unintended or unexpected incidents occurring during the delivery of a regulated service that meet the Duty of Candour harm threshold.

This policy operates alongside, and does not replace:

- incident and accident reporting procedures;
- Care Inspectorate notification requirements;
- complaints procedures;
- adult protection and safeguarding procedures;
- data protection and confidentiality policies;
- staff support and HR policies.

3. Roles and Responsibilities

Board

The Board has overall accountability for ensuring compliance with Duty of Candour requirements.

The Board will:

- approve the Duty of Candour Policy and Annual Duty of Candour Report;

- provide oversight and assurance that Duty of Candour procedures are effective;
- seek assurance that learning from incidents leads to service improvement.

Chief Executive

The Chief Executive has executive responsibility for Duty of Candour across the organisation. They will:

- ensure appropriate systems, resources and governance arrangements are in place;
- promote a culture of openness, learning and accountability;
- ensure the Annual Duty of Candour Report is submitted to the Care Inspectorate;
- provide assurance to the Board on compliance and risk.

Director of Care and Housing

The Director of Care and Housing has strategic and operational oversight of Duty of Candour within services.

The Director shall:

- ensure consistent implementation of this policy across all services;
- oversee the management of serious incidents and escalation where required;
- ensure learning and improvement actions are identified and implemented;
- ensure staff receive appropriate training and support.

Head of Care

The Head of Care is responsible for overseeing the effective application of Duty of Candour in practice.

The Head of Care shall:

- support managers to identify Duty of Candour incidents and apply procedures correctly;
- ensure Registered Health Professional opinions are obtained and recorded where required;
- monitor compliance and report themes, risks and learning to senior management.

Care Home Managers

Care Home Managers are responsible for implementing Duty of Candour at service level.

Care Home managers shall:

- ensure incidents are identified, recorded and escalated promptly;
- initiate the Duty of Candour procedure where required;
- ensure timely communication, apology, meetings and written follow-up;
- support people, families and staff involved;
- ensure learning is shared and embedded in practice.

Staff

All staff have a responsibility to act in line with Duty of Candour principles.

Staff shall:

- report incidents, concerns and near misses promptly and honestly;
- treat people and families with dignity, respect and openness;
- take part in reviews, training and improvement activities;
- comply with professional codes of conduct where applicable.

4. Principles

Our approach to Duty of Candour is underpinned by the following principles:

- **Openness and honesty** – we will be transparent about what has happened.

- **Respect and dignity** – people will be treated with compassion and sensitivity.
- **Meaningful apology** – we will say sorry when things go wrong.
- **Inclusion** – people and families will be involved as much as they wish.
- **Support** – appropriate support will be offered to those affected.
- **Learning and improvement** – we will learn from incidents to improve services.
- **Fairness to staff** – staff will be supported and treated justly.

5. What is Duty of Candour?

Duty of Candour is a legal requirement placed on organisations providing regulated care services in Scotland. It requires organisations to be open and honest when an unintended or unexpected incident occurs that results in harm.

A Duty of Candour procedure must be followed when:

- an unintended or unexpected incident occurs;
- the incident happens during the provision of a regulated service; and
- the incident results in harm that meets the statutory threshold.

6. Definition of Harm

For the purposes of Duty of Candour, harm includes:

- death;
- permanent harm;
- moderate harm;
- harm resulting in an increased level of care;
- harm resulting in a prolonged hospital stay;
- significant psychological harm.

7. Deciding Whether Duty of Candour Applies

7.1 Registered Health Professional Opinion

- The decision that harm meets the Duty of Candour is based on the reasonable opinion of the registered manager for the care home service.

7.2 Recording the Decision

The following information must be recorded:

- name and professional registration of the Registered Health Professional;
- date the opinion was given;
- level of harm identified;
- rationale for the decision.

This record will be retained as part of the Duty of Candour documentation.

8. The Relevant Person

The 'relevant person' is:

- the person who experienced harm; or
- where the person has died or lacks capacity, an appropriate representative such as a family member, welfare guardian, or power of attorney.

9. Duty of Candour Procedure

9.1 Initial Notification

Once the Duty of Candour procedure has started, the relevant person will be notified **as soon as reasonably practicable**, and normally **within 10 working days**.

The notification will:

- explain that an incident has occurred;
- describe what is known at that stage in clear, factual language;
- include a sincere apology;
- explain the Duty of Candour process;
- outline the next steps, including review arrangements;
- identify a **single named point of contact**.

9.2 Apology

A meaningful apology will be offered at the earliest appropriate opportunity

An apology is not an admission of liability but an acknowledgement that something has gone wrong and that we are sorry for the impact this has had.

9.3 Meetings

The relevant person will be offered a meeting (in person or virtually) to:

- discuss the incident;
- ask questions;
- express their views;
- receive updates on the review.

The relevant person may be supported by a friend, family member, advocate, or representative.

9.4 Written Follow-Up

A written summary will be provided following the initial discussion and/or meeting, confirming:

- what happened (as known at the time);
- the apology;
- actions taken or planned;
- learning and improvement actions;
- contact details for further communication.

If the written response cannot be provided within one month, the relevant person will be informed of the reason for the delay and given a revised timescale.

10. Support

10.1 Support for the Relevant Person

We will offer appropriate support, which may include:

- emotional and practical support;
- access to advocacy services;
- communication support, including interpreters and accessible formats;
- signposting to external services.

Support will be provided in a **person-centred and trauma-informed** way.

10.2 Support for Staff

Staff involved in Duty of Candour incidents will be supported through:

- management support and supervision;
- access to staff wellbeing and occupational health support;
- a fair, learning-focused approach rather than blame.

11. Review and Learning

All Duty of Candour incidents will be reviewed to:

- understand what happened and why;
- identify contributory factors;
- identify learning and improvement actions.

The relevant person will be offered the opportunity to contribute to the review.

Learning will be:

- shared with staff;
- reflected in training, policies, or practice changes;
- monitored to ensure improvements are effective.

12. Complaints and Care Inspectorate Notifications

- Duty of Candour does **not replace** the complaints process. The relevant person will be informed of their right to make a complaint and how to do so.
- Duty of Candour does **not replace** Care Inspectorate notifications. Notifiable incidents will be reported in line with regulatory requirements in addition to Duty of Candour actions.

13. Professional Duty of Candour

This policy relates to the **organisational Duty of Candour**. Staff who are professionally regulated must also comply with their **professional codes of conduct** and individual duty of candour obligations.

14. Annual Duty of Candour Report

An annual Duty of Candour report will be prepared, approved, published on the organisations website.

The report will include:

- number of Duty of Candour incidents;
- high-level description of incidents;
- learning and improvements made;
- support provided to relevant persons and staff;
- staff training undertaken, including where no incidents occurred.

A report will be produced **even if no Duty of Candour incidents occurred**.

15. Training and Awareness

All staff will receive:

- Duty of Candour training as part of induction;
- refresher training as required;
- access to guidance and support.

Managers are responsible for ensuring staff understand and apply this policy.

16. Governance and Review

- Compliance with this policy will be monitored through audits, incident reviews, and management oversight provided to the VHA Finance and Resources Audit Committee on a three-monthly basis.
- This policy will be reviewed **three yearly**, or sooner if legislation or guidance changes.

17. Related VHA Policies

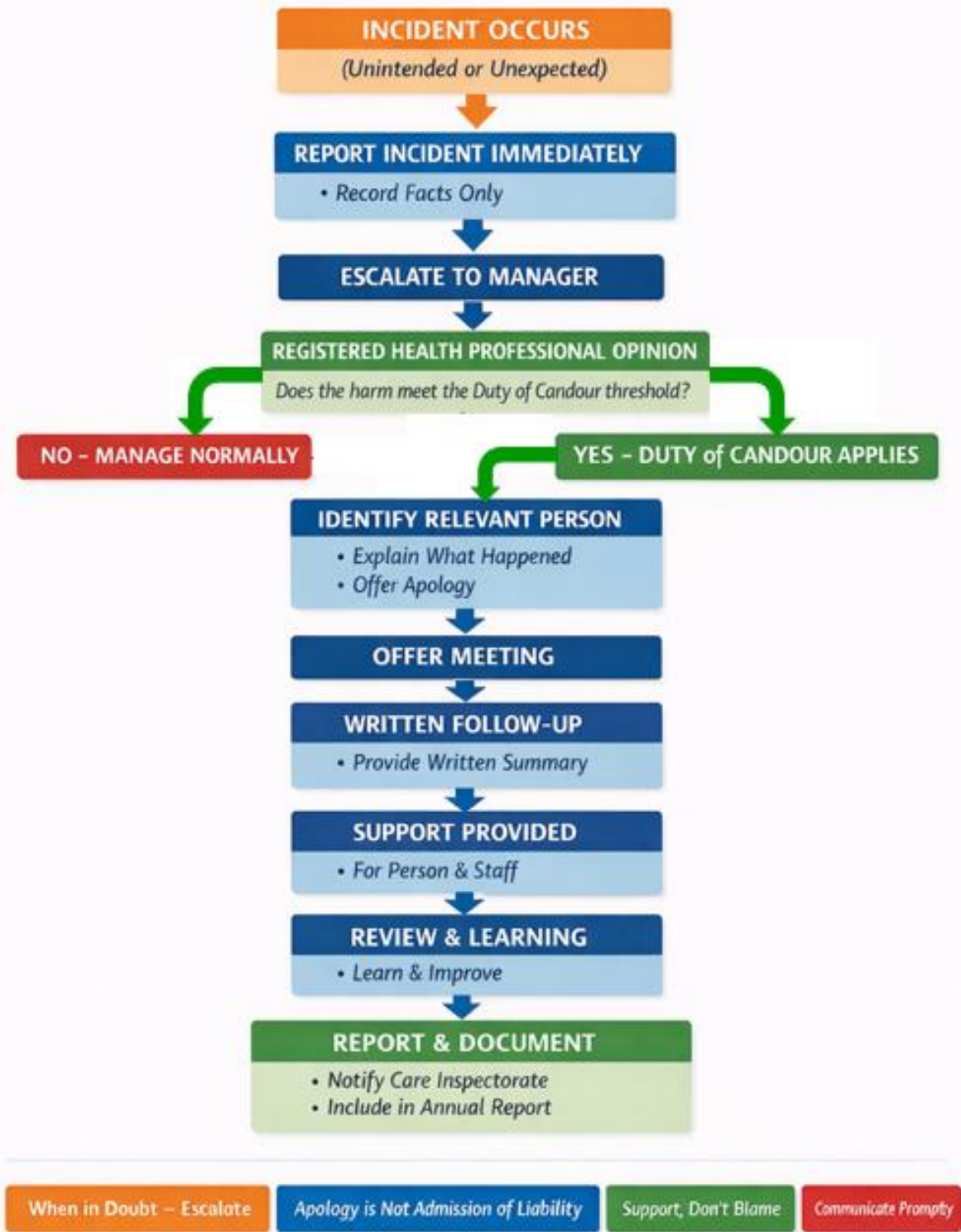
- Incident and Accident Reporting Policy
- Complaints Policy
- Adult Protection / Safeguarding Policy
- Whistleblowing Policy
- Data Protection and Confidentiality Policy
- Staff Support and Wellbeing Policy
- Learning and Development Policy
- Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016

18. Appendices

- Appendix 1 - Staff Flowchart
- Appendix 2 – Example Letter/Email

Appendix 1 – Operational Duty of Candour Flowchart

VIEWPOINT *joy in later years* **Duty of Candour Procedure Flowchart**
Be Open, Honest, and Compassionate



Appendix 2 Example Duty of Candour E mail/Letter

Subject: Duty of Candour – Written Notification

Dear **[Name]**

I am writing to you regarding the incident/accident that occurred on (date) at (care home).

I would like to offer my sincere apology for what has happened and for any distress and concern it caused you and those close to you.

At this stage, our understanding is that on **[date]**, an incident occurred involving **[brief factual description of what happened]**.

In line with our Duty of Candour responsibilities, we are reviewing the circumstances surrounding the incident to understand what happened and to identify any learning that may help us improve our services. This review is focused on learning and improvement and is not about placing blame.

We would like to offer you the opportunity to meet with us to discuss the incident, ask questions, and share any views you may wish to express. You are welcome to be accompanied by a family member, friend, or advocate if you choose. Please let us know if you would like to arrange a meeting, and we will do our best to accommodate your preferences.

We are committed to keeping you informed as the review progresses. Once the review is complete, we will provide you with a written summary outlining the outcome and any actions identified as a result. Please be assured that we are committed to openness, learning, and providing appropriate support throughout this process.

If you require any support at this time, or if you have questions about this process, please contact **[named contact person]** on **[telephone number]** or **[email address]**. We can also provide information about advocacy or other support services if this would be helpful.

You also have the right to raise a complaint if you wish, and information about how to do this can be provided on request.

Yours sincerely,

[Name]

[Job Title]

[Organisation Name]

[Contact Details]