



Duty of Candour Annual Report

1st January 2021 – 31 December 2021

Introduction

On 1 April 2018, a statutory organisational duty of candour came into force for all health and social care services in Scotland. The Duty of Candour is a legal requirement to be open and transparent with Residents when there is an unexpected or unintended incident resulting in death or harm as defined by the legislation. We all have a responsibility to promote a culture that encourages candour, openness and honesty. This commitment to being open and transparent sits alongside, and complements, our culture of safety and Advinia's Mission, Vision and Values (see website for more details). Advinia operates 13 Care Homes in Scotland, providing a wide range of nursing and personal residential care to Residents.

One requirement of the statutory duty of candour is to provide an annual report about the duty of candour in our Care Homes. This report outlines how Advinia operated its duty of candour during the time between 1 January 2021 and 31 December 2021.

What is a duty of candour incident and when is this triggered?

The regulations supporting Duty of Candour can be found in Part 2, section 21 - 25 of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016. A duty of candour incident is one which occurred because something went wrong with the care and treatment provided and resulted in harm or death.

The unintended or unexpected incident must, in the reasonable opinion of a registered health professional (who was not involved in the incident), have resulted in or could result in any of the following levels of harm:

- (a) *the death of the person,*
- (b) *a permanent lessening of bodily, sensory, motor, physiologic or intellectual functions (including removal of the wrong limb or organ or brain damage) ("severe harm"),*
- (c) *harm which is not severe harm but which results in—*
 - (i) *an increase in the person's treatment,*
 - (ii) *changes to the structure of the person's body,*
 - (iii) *the shortening of the life expectancy of the person,*
 - (iv) *an impairment of the sensory, motor or intellectual functions of the person which has lasted, or is likely to last, for a continuous period of at least 28 days,*
 - (v) *the person experiencing pain or psychological harm which has been, or is likely to be, experienced by the person for a continuous period of at least 28 days,*
- (d) *the person requiring treatment by a registered health professional in order to prevent—*
 - (i) *the death of the person, or*
 - (ii) *any injury to the person which, if left untreated, would lead to one or more of the outcomes mentioned in paragraph (b) or (c).*

Please be aware that these definitions are used in the case of what we would define as a Serious Incident and not for the more minor slips, trips and falls **unless one of the above has occurred as a result**. The Duty is not triggered if an incident has not involved a Resident and did not occur during the provision of a regulated activity.

How many incidents happened to which the duty of candour applied?

Type of unexpected or unintended incident	Number of times this happened
Someone has died	0
Someone has permanently less bodily, sensory, motor, physiologic or intellectual functions	0
The structure of someone's body changes because of harm	15
Someone's treatment has increased because of harm	0
Someone's life expectancy becomes shorter because of harm	0
Someone's sensory, motor or intellectual function is impaired for 28 days or more	0
Someone 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 needing health treatment in order to prevent other injuries	0

There were 15 incidents across 7 of our Care Homes to which the duty of candour applied.

Category of incident Number of times it has happened

Slips trips and falls	13
Unexplained injury	1
Wound	1

To what extent did Advinia follow the duty of candour procedure?

We have identified that on the 15 occasions duty of candour was initiated we informed the people affected and apologised to them. In each case, the relevant person (ie. the Resident themselves, or in some circumstances the person acting on their behalf) was notified in writing of the incident and that an investigation was taking place. We have established that this has not always been followed up with further correspondence of the outcome of the investigation and the actions taken to make necessary improvements. We are reviewing this process to ensure a written account is always offered to the relevant person detailing the outcome of the investigation.

There were a further 7 events in which the duty of candour process was initiated and followed (which are not included in the data above), however, these events did not require to be considered as a duty of candour as they did not meet the criteria. This highlighted that there was an additional training requirement as some Colleagues did not understand the reporting criteria fully. As a result of this

finding, we are in the process of identifying what support Colleagues require and how this can be addressed.

Information about our policies and procedures

Advinia has a detailed Duty of Candour policy which is accessible to all Colleagues. The Duty of Candour Policy is updated on a three yearly basis, unless changes in legislation require it to be updated more often. Colleagues complete a Duty of Care module on Advinia's online blended learning system, 'MyHippo', which details the Duty of Candour and the requirement to be open and transparent. Incident trends and analysis are discussed monthly at our Quality Governance Meeting and lessons resulting from this scrutiny are shared across the organisation with Colleagues on 'Radar', our electronic governance and reporting system.

Advinia has an Incident and Accident Policy and any events are reported on Radar. It is the responsibility of the Home Manager to risk score each event and make sure significant events are investigated to understand what happened, how it happened, why it happened and what action is needed to keep people safe and to minimise the risk of recurrence. The Home Manager also completes the notification step on each event which will indicate if the duty of candour process has been initiated. Regional teams have access to the Radar system and support Homes with this process.

Other information

We have placed this report on our website and shared it with our Residents and their relatives via the noticeboard in each of our Homes.

If you would like more information about this report, please contact us:

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