

Duty of Candour Policy

Duty of Candour means being open and honest with people who use our services, whether or not something has gone wrong.

Saying sorry when something goes wrong is not the same thing as admitting liability. If something goes wrong with a patient or with their treatment, they should receive an apology for what has happened.

Duty of Candour falls into two categories: professional (regulated by the GDC) and statutory (regulated by the CQC).

Professional Duty of Candour

All healthcare professionals have a responsibility to be honest with patients when things go wrong.

Under the GDC *Standards for the Dental Team* registered dentists and DCPs are required to:

- Put patients' interests first (principle 1)
- Be honest and act with integrity (standard 1.3)
- Offer an apology and a practical solution if a patient makes a complaint (standard 5.3.8) – duty of candour still applies even if a complaint is not made.

When things go wrong you must:

- Tell the patient
- Apologise
- Offer an appropriate remedy or support to put matters right (if possible)
- Explain the short and long term effects of what has happened.

Statutory Duty of Candour

Regulation 20 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 outlines the requirements for registered managers or providers (also known as registered persons) to act in an open and transparent way. It also gives guidance on what events would be classed as a 'notifiable safety incident' and how the registered person must apply the duty of candour if this occurs.

Notifiable Safety Incident

A notifiable safety incident under the duty of candour regulation is different to other types of notifiable incidents.

To qualify as a notifiable safety incident the following criteria must be met:

- The event must have been unintended or unexpected
- It must have occurred during a regulated activity
- It must, or might, result in death, or severe or moderate harm to the patient.

If any of the above criteria are not met, it would not be a notifiable safety incident but the registered person would still be required to act in an open and honest way and the professional duty of candour would still apply.

Example of a notifiable safety incident (taken from the CQC examples of notifiable safety incidents)

A child with an unknown allergy to latex went for a dental check-up. The dentist wore latex gloves. The child had a very severe anaphylactic reaction which required hospitalisation. The child made a full recovery.

Does this qualify as a notifiable safety incident?

1. Did something unintended or unexpected happen during the care or treatment?

Yes. The child had an allergic reaction

2. Did it occur during a provision of regulated activity?

Yes. It occurred during provision of the regulated activity 'diagnostic and screening'

3. Has it resulted in death or severe or moderate harm?

Yes. The incident meant that the person required further treatment to prevent death from anaphylaxis (Regulation 20 (9)(b)(i)). The patient was receiving care in a dentist surgery so the definitions in Regulation 20 (9) apply. Note that on the facts provided in this example, there is no suggestion of error or fault on the part of the provider. But neither is required for something to qualify as a notifiable safety incident.

What to do

There is a specific procedure laid out in the duty of candour regulation which should be followed when a notifiable safety incident occurs:

1. Tell the person, face to face, that a notifiable safety incident has occurred.
2. Apologise
3. Provide a full account of what has happened
4. Explain what investigations will be conducted

5. Follow up by providing this information along with the apology, in writing, including an update on any enquiries

6. Keep a secure written record of all communications with the relevant person (the patient, or their representative if the patient has died, is under 16 and not competent to make their own decisions or is over 16 but lacking capacity)

If the relevant person cannot, or refuses to, be contacted you may be unable to follow steps 2-4 of the regulation but would still be expected to keep full written records of the event and any attempts to make contact.

Notifying the CQC

The Registered Person should complete the notification forms via the CQC provider portal.

This policy applies to Dental Practices in England only, other regions will have specific Duty of Candour Policies available.

Document Control

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0.1	Final	14/09/23	HD	Policy has been re-written to include both professional and statutory obligations under duty of candour.
0.2	Final	10/11/23	PG	Policy Live on portal

The latest approved version of this document supersedes all other versions, upon receipt of the latest approved version all other versions should be destroyed, unless specifically stated that previous version(s) are to remain extant. If in any doubt, please contact the document Author.

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