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**To: Education and Children's Services Policy Board**

**On: 9 June 2022**

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**Report by: Director of Children's Services**

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**Heading: Duty of Candour – Annual Report**

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## **1. Summary**

- 1.1 All local authorities are required by the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 and related Regulations local authorities to have in place a Duty of Candour Policy. The Duty of Candour Policy ensures that local authorities are open, honest, and supportive where there is an unexpected or unintended incident resulting in harm or death to an individual using services which are registered with the Care Inspectorate or delivered by social work services.
  - 1.2 For Renfrewshire Children's Services the Duty of Candour extends to those services which are registered with and regulated by the Care Inspectorate and locality social work services. As a consequence, the local authority internal provision of early learning and child-care services, children's residential houses, the registered services in fostering and adoption services, the registered throughcare service and the locality social work services.
  - 1.3 Each local authority is required to publish an annual report on the Duty of Candour. The annual report sets out details on the number of incidents or events where the duty of candour is triggered, how the policy was followed in these incidents and any learning from the incidents. Local authorities are required to publish an annual duty of candour report even if there have been no adverse events which triggered the reporting. The annual report for 2021-22 is attached at appendix 1 for information. Renfrewshire had no reportable duty of candour incidents during the period covered by this report.
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## **2. Recommendations**

- 2.1 It is recommended that the Education and Children's Services Policy Board:  
  
[a] note that the annual duty of candour report.

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### **3. Background**

- 3.1 Care services registered with the Care Inspectorate and social work services in localities are covered by legislation in respect of the duty of candour. This duty is defined in the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 and related Regulations. In children's services the following areas are required to report incidents under duty of candour:
- early learning and childcare services (including these services based in schools);
  - residential children's houses;
  - fostering and adoption service;
  - throughcare service; and
  - social work locality services in children and justice.
- 3.2 The Duty of Candour provisions set out a range of things that need to happen when unexpected or unintended harm has occurred to someone using the services detailed in paragraph 3.1. The duty places a legal requirement on care services to inform people when they have been harmed as a result of an unintended or unexpected event from their care and which is unrelated to their illness or condition. The duty of candour policy sets out how the local authority should respond to such incidents in an open and transparent manner. It includes the process for making an "apology", a statement of sorrow or regret in respect of the unintended or unexpected incident.
- 3.3 The unexpected incidents which are required to be reported under duty of candour include where someone using the service has died in the service, has sustained an injury which results in the permanent loss of bodily, sensory, motor, physiologic or intellectual functioning or these functions have been impaired for a period of more than 28 days.
- 3.4 Each local authority as an organisation is identified as a "responsible person" in terms of the legislation. Within Renfrewshire the "responsible person" function is discharged jointly by the Head of Service (Curriculum and Quality) and the Head of Child Care and Criminal Justice.
- 3.5 The local authority is required to publish a report on the duty of candour as it applies to their services on annual basis. The annual report should include information on the number of incidents raised under duty of candour and the learning from these as well as information on apologies issued. Local authorities are required to publish a "null" annual report if there have been no reported incidents under the duty of candour.
- 3.6 There have been no reportable incidents in Renfrewshire Children's Services in the period April 2021 to March 2022. As such the annual report (attached at appendix 1 is a "null" report.
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## **Implications of this report**

### **1. Financial**

None.

### **2. HR and Organisational Development**

None.

### **3. Community/Council Planning**

None.

### **4. Legal**

The publication of the duty of candour annual report is required under the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016.

### **5. Property/Assets**

None.

### **6. Information Technology**

None.

### **7. Equality and Human Rights**

The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.

### **8. Health and Safety**

None.

### **9. Procurement**

None.

### **10. Risk**

Risks related to the delivery and management of services are regularly monitored and included in Renfrewshire Council's Corporate and Strategic Risk Registers.

**11. Privacy Impact**

None.

**12. Cosla Policy Position**

None.

**13. Climate Risk**

None.

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**List of Background Papers**

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*Children's Services*  
*JT/KO 18/05/22*

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## **Renfrewshire Council - Children's Services**

### **Duty of Candour Report 1 April 2021 – 31 March 2022**

All health and social care services in Scotland have a duty of candour. This is a legal requirement which means that when things go wrong and mistakes happen, 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 the duty of candour in our services. This short report describes how our care service has operated the duty of candour during the time between 1 April 2021 and 31 March 2022. We hope you find this report useful.

Renfrewshire Council Children's Services directly provides a number of services which are registered with the Care Inspectorate children which are covered by the Duty of Candour. These services are:

- early learning and childcare;
- residential children's houses;
- fostering and adoption service;
- throughcare service; and
- social work locality services in children and justice.

Renfrewshire Council Children's Services operates 15 early learning and childcare centres and 22 early learning and childcare classes which are all registered with and regulated by the Care Inspectorate.

Renfrewshire Council Children's Services operates 4 children's houses which are registered with and regulated by the Care Inspectorate.

Renfrewshire's fostering and adoption service and throughcare service are registered and regulated by the Care Inspectorate.

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

In the period 1 April 2021 to 31 March 2022, there have been no incidents to which the duty of candour applied in any of the early learning and childcare services.

In the period 1 April 2021 to 31 March 2022, there have been no incidents to which the duty of candour applied in any of our children's houses.

#### **2. Information about our policies and procedures**

Children's Services has a duty of candour policy which was reviewed and updated in December 2020. The policy details that where something has happened that triggers the duty of candour, our staff report this to their manager who has responsibility for ensuring that the duty of candour procedure is followed.

When a member of staff raises a concern under the duty of candour, the manager records the incident and reports as necessary to the Care Inspectorate. When an incident has happened, the manager and staff set up a learning review. This allows everyone involved to review what happened and identify changes for the future.

Where a duty of candour report is required for an individual event, the local manager reports this to the Head of Service (Curriculum and Quality) for early years services or the Head of Child Care and Criminal Justice for children's houses.

As the duty of candour policy was reviewed in 2020 the next review will be undertaken before the end of December 2023.

Over the period June 2022 to September 2022, a training needs audit will be carried out in respect of staff understanding of the policy. The findings from the training needs audit will inform the training programme required for the period September 2022 to March 2023.

Julie Calder  
Head of Service (Curriculum and Quality)

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Justice  
Chief Social Work Officer