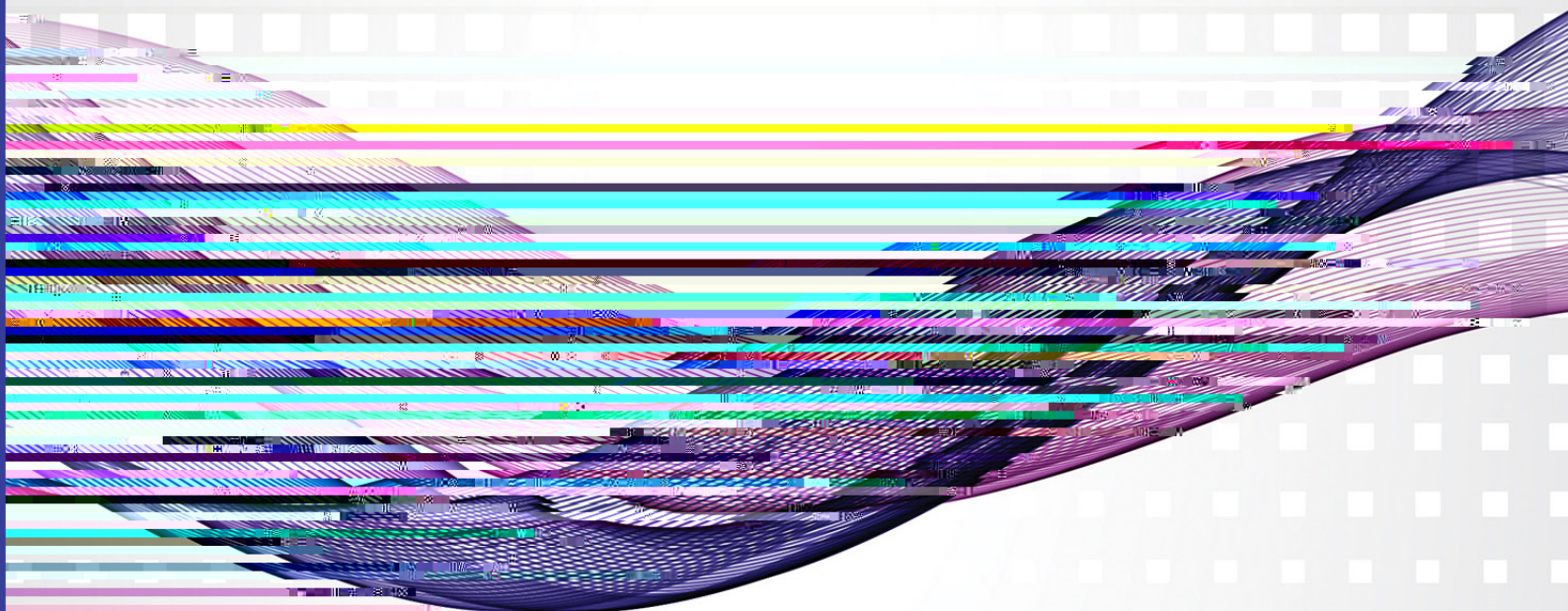


# Openness and honesty when things go wrong: the professional duty of candour

Explanatory guidance for social care professionals  
registered with the Care Council for Wales

**CONSULTATION DOCUMENT**

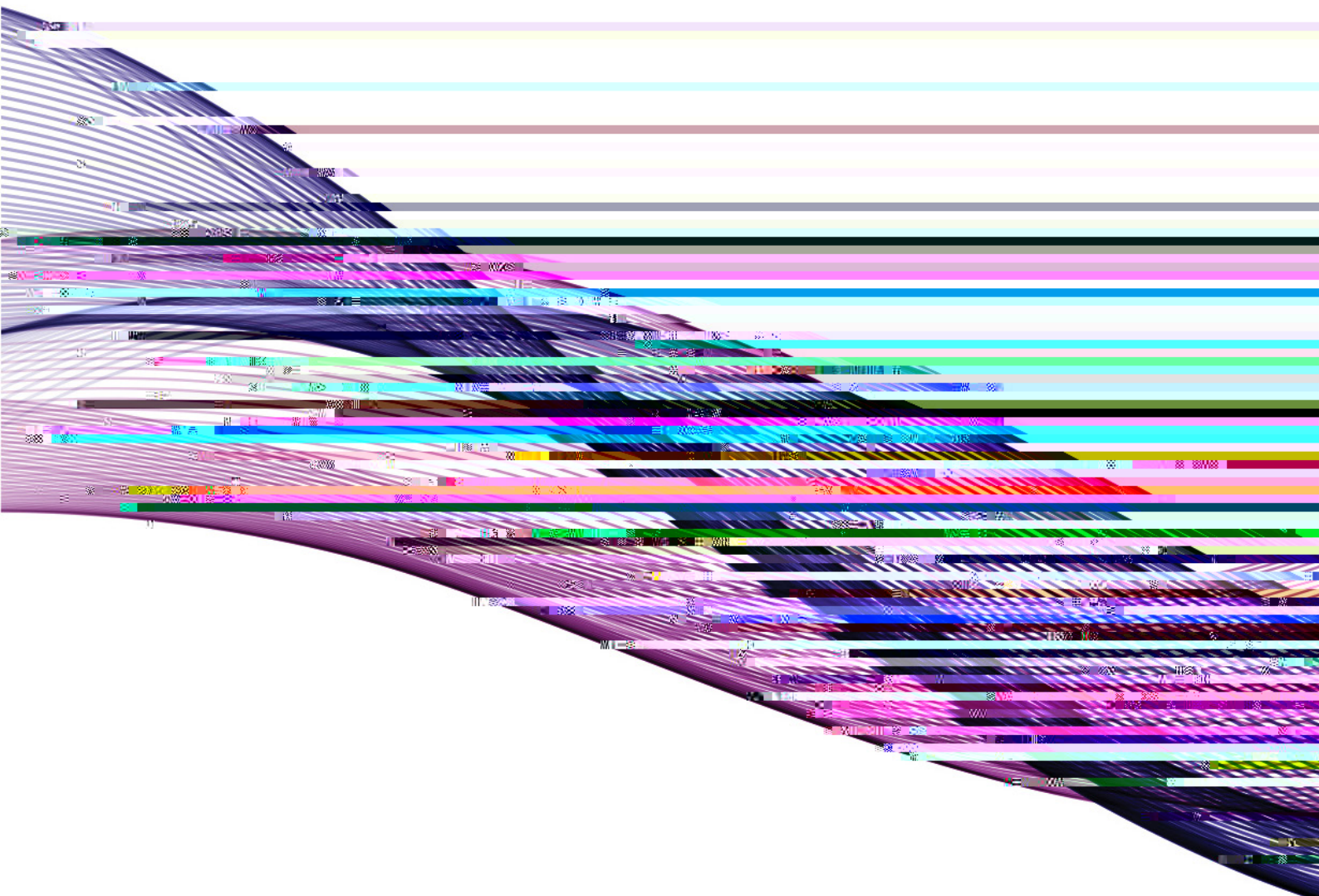


**This guidance should be read in conjunction with:**

**Further copies and other formats:**

# Contents

About this consultation. . . . .	4
1. What the Care Council already says about openness and honesty . . . . .	5
2. The professional duty of candour . . . . .	6
3. Telling the individual and putting things right . . . . .	6
4. Being open and honest with your organisation . . . . .	7
5. Learning from mistakes . . . . .	7
6. Additional responsibilities for managers . . . . .	8
7. Your organisation's duty of candour . . . . .	8
Appendix . . . . .	9



# About this consultation

This consultation presents draft explanatory guidance on duty of candour for all social care professionals (social workers, social care managers, residential child care workers) registered with the Care Council.

The Care Council has agreed a **Policy for Development and Implementation of Explanatory Guidance for Workers registered with the Care Council for Wales**. The policy sets out the circumstances in which the Care Council may develop explanatory guidance to provide more detail on the principles in practice guidance and the **Code of Professional Practice for Social Care**.

# Explanatory guidance for social care professionals

## 1. What the Care Council already says about openness and honesty

In the



## 2. The professional duty of candour<sup>1</sup>

As a social care professional you must be open and honest with individuals<sup>2</sup> when something that goes wrong with their care or support has, or has the potential to have, an adverse effect on their well-being. This means that you must:

- tell the individual (or where appropriate the individual's carer, family or advocate) when something has gone wrong;
- apologise to the individual (or where appropriate the individual's carer, family or advocate);
- explain to the individual (or where appropriate the individual's carer, family or advocate) the consequences of what has happened;
- remind the individual (or where appropriate the individual's carer, family or advocate) of their right to make a complaint; and
- involve the individual in deciding an appropriate remedy to put things right, where possible.

You must also:

- be open and honest with your manager, employer and relevant organisations, and take part in investigations and reviews when required;
- be open and honest with your regulatory bodies, raising concerns when appropriate; and
- support and encourage other professionals to be open and honest and to raise their concerns.

You must not obstruct a colleague in raising their concerns.

## 3. Telling the individual and putting things right

When you realise that something has gone wrong (see Appendix 1 for examples), and after doing what you can immediately to put things right, you or someone from your team should speak to the individual. If you are unsure about who should speak to the individual, you should get advice from your manager.

You should share, sensitively and in language the individual can understand, all you know and believe to be true about what went wrong and why and what the consequences are likely to be. You should explain about any investigation taking place and when the outcome is likely to be known.

<sup>1</sup> Definition of 'candour' - the volunteering of all relevant information to persons who have, or may have, been harmed by the provision of services, whether or not the information has been requested, and whether or not a complaint or a report about that provision has been made

<sup>2</sup> In this document, the term 'individual' refers to the person the social care professional supports or cares for in their work whether that be a child, young person or adult.

You should apologise to the individual about what happened. An apology does not amount to an admission of legal liability. But the individual has the right to receive an apology from the most appropriate team member. Where the event or incident in question gives rise to an allegation of impaired fitness to practise, it is relevant to note that a fitness to practise panel may view an apology as evidence of insight. You should record the details of your apology in the individual's records.

You should involve the individual in deciding how to put things right where possible, recognising this may require more than one conversation and allowing the individual time to consider their options and take advice.

You should make sure the individual knows who to contact if they have any further questions or concerns, or wish to speak to someone more senior, or need support. You should make sure they have information about how to make a complaint, independent advocacy and other support available.

#### **4. Being open and honest with your organisation**

When something goes wrong with an individual's care and support, it is crucial it is reported at an early stage so that lessons can be learned and individuals can be protected in the future. You must follow your organisational policy relevant to what has happened, for example, health and safety, reporting, security policy etc.

Similarly, you should be open and honest with your organisation about 'near misses', i.e. incidents that had the potential to cause harm but did not do so.

If you are unsure about your role or how to proceed with dealing with a mistake or a 'near miss', you must seek assistance from a manager or other senior colleague in your organisation.

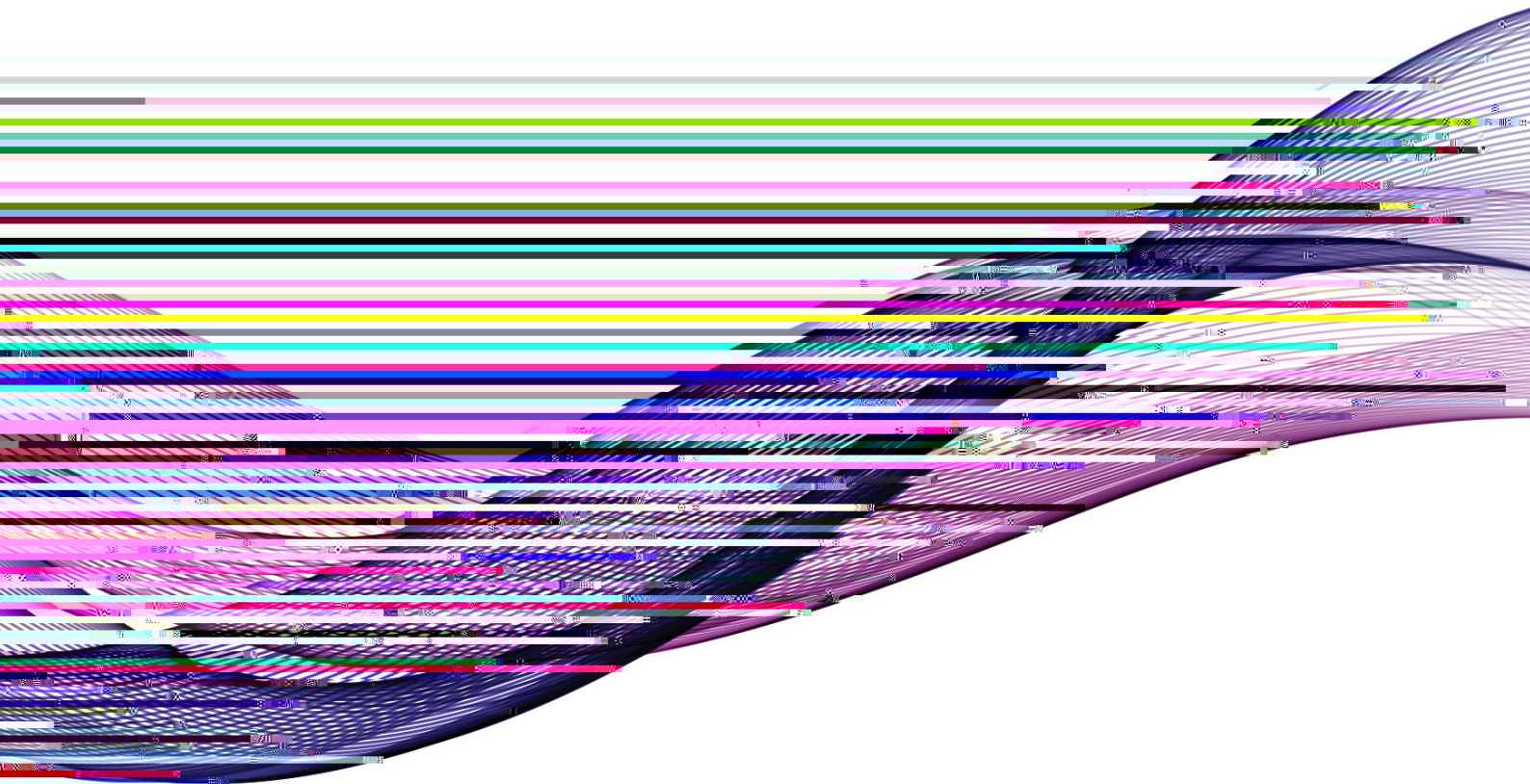
#### **5. Learning from mistakes**

You must take part in investigations and reviews of the standards and performance of your work and your team, actively working to improve the service.

You should use supervision, appraisal and staff development opportunities to reflect on your practice and that of your team in order to learn and improve.

Most importantly, you must listen to the views and experiences of the individuals you support and care for in your work and learn from them.

## 6. Additional responsibilities for managers





# Appendix

## What can go wrong with an individual's care and support?

In this guidance, the duty of candour applies when something goes wrong with an individual's care or support that has, or has the potential to have, an adverse effect on the individual's well-being.

Things can go wrong even when services are well run and managed: the consequences can range from minor inconvenience to serious, even long term implications for an individual's life.

Things can go wrong as a result of action or inaction on the part of a social care professional or other member of the team and, whilst by no means an exhaustive list, might include:

- giving the wrong information;
- losing an individual's belongings;
- breaching confidentiality;
- medication errors;
- breaching organisational policy and guidelines, e.g. in the use of restrictive physical intervention;
- equipment not used properly;
- not passing on important information to a colleague or manager;
- not acting on concerns raised by an individual;
- inadequate standards of personal care; and
- providing a poorer service than reasonably expected, etc.

# Explanatory guidance on duty of candour

## Consultation questions

1. Do you agree that the guidance will support registered social care professionals to deliver a high quality and citizen centred service?

**Yes**

**No**

Please let us have your comments

2. Do you have any comments on the content of the guidance?

**Yes**

**No**

Please let us have your comments



3. Do you have any comments on the language, format or style of the guidance?

**Yes**

**No**

Please let us have your comments

4. Do you have any views on how the guidance should be implemented and used?

**Yes**

**No**

Please let us have your comments

