

# Duty of Candour Procedures



## 1. Procedure

### 1.1 Awareness of All Staff

- All staff must be made aware of their personal responsibility to report incidents, regardless of whether they are covered by the duty of candour
- Each employee will be given the time to read and understand their roles and responsibilities that relate to the duty of candour at the point of induction
- Duty of candour will be discussed at one-to-one discussions, supervisions, appraisals and staff meetings
- Employees will be reminded through these communications that attempts by other employees to prevent them from reporting incidents is bullying and/ or harassment, and that they must report this immediately to the most senior member of staff on duty ( or if not appropriate, a senior manager within Xander Recruitment Group)
- Employees will be reminded that if they are unsure whether the incident is reportable or not, it must be reported anyway

Xander Recruitment Group ensures that as part of the training includes Duty of Candour within induction, mandatory and refreshing training plans. Additional role-specific training is also provided for those who may have additional roles and responsibilities.

### 1.2 Reporting

- All staff must report incidents defined in this policy in written form in a clear, accurate way that becomes a permanent record using the Incident and Accident Reporting form, even if a verbal report has been made
- The report must be made to the person on duty and in charge of the service at the time of the incident
- The person on duty then must formally report it to if they are not the same person, as soon as practically possible

### 1.3 Make an Initial Assessment

Will:

- Carry out an initial assessment whether the report includes details of a notifiable safety incident under the regulation (see section 1.4 for more details). If the conclusion is yes, or borderline, continue with this procedure
- Inform or their representative of the incident report and agree with them who is the most appropriate person to continue the procedure. If takes over the role, they will continue the process using the following procedure
- If it is considered that the incident is not a notifiable safety incident under regulation 20, follow the normal incident reporting procedures

### 1.4 Notifiable Safety Incidents

The CQC clearly defines a 'notifiable safety incident' as a specific term in the duty of candour regulation. It should not be confused with other types of safety incidents or notifications.

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A notifiable safety incident must meet all three of the following criteria:

- It must have been unintended or unexpected
- It must have occurred during the provision of a regulated activity
- In the reasonable opinion of a healthcare professional, it already has, or might, result in death, or severe or moderate harm to the person receiving care (this will vary depending on the type of provider)

If any of these three criteria are not met, it is not a notifiable safety incident but Xander Recruitment Group will still follow the overarching duty of candour to be open and transparent

Further information on Duty of candour: notifiable safety incidents is available on the CQC website see link below

<https://www.cqc.org.uk/guidance-providers/all-services/duty-candour-notifiable-safety-incidents>

### Examples of Notifiable Safety Incidents

Xander Recruitment Group will use these three questions in order to decide if an incident meets the notifiable incident requirements of the duty candour (Regulation20).

- **One:** Did something unintended or unexpected happen during the care or treatment?
- **Two:** Did it occur during the provision of a regulated activity?
- **Three:** Has it resulted in death or severe or moderate harm?

The answer to all three questions must be **'yes'** in order to meet the reporting threshold.

Examples of notifiable safety incidents (duty of candour) are available on the CQC website see link below:

<https://www.cqc.org.uk/guidance-providers/all-services/duty-candour-examples-notifiable-safety-incidents>

### 1.5 Notifying Relevant External Agencies

As with all incidents, it is of the utmost importance that this policy is used alongside the relevant external notification procedures to:

- Ensure that relevant agencies are informed
- If an investigation is required, that there is an understanding of roles and responsibilities

### 1.6 Notifying the Relevant Person:

- One or more suitable representatives of Xander Recruitment Group will deliver (as soon as possible and in person) a notification of the incident to the relevant persons
- Xander Recruitment Group must ensure that the relevant person is given the support they need when receiving the information. Depending on the needs of the individual, this may be the offer of an advocate or interpreter, or other communication aids.
- There must be a written record taken of the notification in person, which is kept securely by the appropriate person, along with any other notes that are taken.

**The Notification to the Relevant Person Must Include:**

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- An accurate account of the incident
- An apology that the incident occurred. An apology is not an admission of liability, but an apology for the harm caused, regardless of fault, supports the duty of candour requirements
- An offer to the relevant persons of sources of support and information which will assist them, where appropriate. This may include alternative support from Xander Recruitment Group and external resources, such as advocacy and information services
- Details of next steps, including timings

### 1.7 Written Notification

As soon as possible after the notification in person, a written notification will be sent or given to the relevant person containing the same information as above, plus:

- The results of any enquiries made since the notification in person
- Any further timescales

### 1.8 Further Notifications to the relevant Person(s)

- The results of any further enquiries and investigations must also be given or sent in writing to the relevant person if they wish to receive them

### 1.9 Responsible Individual at Xander Recruitment Group Enquiries and Investigation

- Will assess the information they will need to carry out an investigation, taking statements and gathering information required
- Having gathered all the evidence, an investigation must take place
- All information and evaluation of the information will be recorded securely in line with data protection legislation
- The purposes of the investigation are to establish if the incident took place, define its nature, gather facts about the processes around the incident, and identify causes where possible

### 1.10 Final Statement to the Relevant Person(s)

- Prepare a statement to be given to the relevant person and representative stating the outcome of the investigation, remembering that duty of candour focuses on the transparency and openness of the organisation when such events occur
- Include any lessons learned and changes made to how services are delivered because of the incident
- The final statement will include a more specific apology as the causes of the incident will now be established

### 1.11 Correspondence with the Relevant Person

- Where for any reason, the relevant person cannot be contacted, or after contact declines to communicate with Xander Recruitment Group, a written record of all attempts to contact them must be kept
- All correspondence with the relevant persons must be recorded and kept securely

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- All correspondence should be written jargon free and where the need is identified, support from an advocate will be offered to ensure that content is accessible to the individual receiving it
- Reasonable support must be provided to the relevant person throughout the process

### 1.12 Breach of Candour by a Professionally Registered Person

- If a breach of candour is found to have occurred following investigation, and that this breach was by a professionally registered person, that person will be reported to their professional registration body for further consideration
- The same action will be taken if, during the investigation, it is found that a professionally registered person had obstructed another person in their professional duty of candour

### 1.13 Reporting a Possible Breach of Candour

- If any individual believes that a breach of candour has been committed, they must report it
- If an individual has been stopped or hindered in their duty of candour, they must report it to
- Will conduct an investigation into the allegations and will report the findings to for action if appropriate
- If the allegation concerns, the individual must report the matter to Xander Recruitment Group, who will carry out the investigation and take any action which may be required
- If the allegation concerns the actions of , the individual must inform and if action is not seen to be taken, the matter must be reported to the Care Quality Commission

**Alex Stockley - Managing Director – XANDER RECRUITMENT GROUP LIMITED**



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