

Consultation on Proposals to Introduce a Statutory Duty of Candour for Health and Social Care Services

Consultation response from the British Red Cross

January 2015

Who we are

- 1 We help people in crisis, whoever and wherever they are. We are part of a global network that responds to conflicts, natural disasters and individual emergencies. We enable vulnerable people in the UK and abroad to prepare for and withstand emergencies in their own communities, and when the crisis is over we help them to recover and move on with their lives.
- 2 The British Red Cross is part of the International Red Cross and Red Crescent Movement, which comprises:
 - > The International Committee of the Red Cross
 - > The International Federation of Red Cross and Red Crescent Societies, and
 - > 188 National Red Cross and Red Crescent Societies worldwide.
- 3 As a member of the Red Cross and Red Crescent Movement, the Red Cross is committed to, and bound by, its fundamental principles. These are: humanity, impartiality, neutrality, independence, voluntary service, unity and universality.

As an auxiliary to government in the UK, we help the emergency services and statutory authorities in any way we can to meet the needs of people affected by emergencies, big or small.

- 4 In Scotland, the Red Cross has over 4,000 volunteers supported by 500 staff members who deliver our humanitarian work in communities across the country. Last year in Scotland we responded to more than 400 emergencies, trained more than 30,000 people in first aid, assisted more than 550 asylum seekers and refugees and reached more than 23,000 young people with humanitarian education.
- 5 In relation to health and social care, we helped 32,000 people live more independently through our health and social care services in Scotland last year. We provide valuable support to people, helping them live independently in their own homes.

Introduction

The British Red Cross welcomes the opportunity to respond to this consultation on proposals to introduce a statutory duty of candour for health and social care services. The Red Cross provides short-term support to people in Scotland, utilising preventative and re-ablement services to build confidence and enable people to continue to live independently in their own home and community.

Our services include facilitating discharge from hospital including A&E, support in the home to enable people to live as independently as possible, befriending to prevent social isolation, providing mobility aids including wheelchairs and providing transport.

Using telecare and other technology, we also provide a number of rapid response (on-call) and first responder services, delivered in partnership with NHS, local authority and the Scottish Ambulance Service.

The Red Cross also offers regulated care services through *Options for Independence*, which operates across the country. This service supports adults from all age groups who have health or disability issues. It provides a range of support to meet the individual needs of these people and aims to improve or maintain their independence, thereby enhancing their ability to live as full a life as possible.

This response is based on our experience of delivering both regulated and non-regulated health and social care services.

General Comments

The Red Cross supports the intention to introduce a statutory duty of candour for health and social care services.

As an organisation that provides services regulated by the Care Inspectorate, we welcome the intention to introduce a duty of candour on all organisations providing services regulated by the Care Inspectorate.

The Red Cross provides a range of regulated and non-regulated health and social care services, as well as services in first aid education, event first aid and emergency response. As an organisation, we have opted to adopt a duty of candour across all of our services throughout the UK. This will enable the Red Cross to provide a consistent and impartial approach to incidents where an individual has experienced physical or psychological harm.

Do you agree that the arrangement that should be in place to support an organisational duty of candour should be specified in detail?

The Red Cross welcomes the introduction of a statutory duty of candour for health and social care services. We would suggest that the arrangement that is put in place is detailed enough to give clarity on the role of the organisation, but also allows for development and improvements as organisations learn from the process of disclosing incidents in line with the duty of candour.

Should the organisational duty of candour encompass the requirement that adequate provision be in place to ensure that staff have the support, knowledge and skill required?

Yes, the Red Cross would support encompassing the requirement that adequate provision be in place to ensure staff have the support, knowledge and skill required. We believe that this is key to delivering the cultural change needed to overcome the current barriers to disclosure.

As an organisation that utilises volunteers to deliver services, we would suggest that the requirement should refer to the workforce, rather than simply staff. This would ensure that if volunteers are used as part of a service, they too are required to have the support, knowledge and skill to meet the requirements of duty of candour.

Do you agree with the requirement for organisations to publically report on disclosures that have taken place?

Yes, the Red Cross would support the requirement for organisations to publicly report on disclosures that have taken place.

Do you agree with the proposed requirements to ensure that people harmed are informed?

Yes, the Red Cross would strongly support the proposed requirements to ensure that people harmed are informed in a timely and sensitive manner.

Do you agree with the proposed requirements to ensure that people are appropriately supported?

Yes, the Red Cross agrees with the proposed requirements to ensure that people are appropriately supported.

It is appropriate that organisations have a responsibility for ensuring that members of the workforce who are asked to be involved with disclosure have access to relevant training, supervision and support before, during and after their involvement with disclosure communications.

Furthermore, internally the Red Cross is currently assessing how it can use the expertise of the psychosocial team to support those who have been involved in an incident which has caused them physical or psychological harm as part of the process of providing appropriate support.

What do you think is an appropriate frequency for reporting?

The Red Cross thinks that annual reporting through the established self assessment with the Care Inspectorate would be appropriate. It would also support the introduction of Duty of Candour as a required notification. The more the Care Inspectorate embed the requirement within their own systems, the easier it will be for organisations and managers to use and report it in practice.

What staffing and resources that would be required to support effective arrangements for the disclosure of instances of harm?

The Red Cross is currently undertaking a structural and systematic review in order to implement, manage and have appropriate governance to meet the statutory duty of candour.

In the past year the organisation has:

- > Introduced an all area, cross service investigation procedure, tiered to severity of incident
- > Introduced a complaints, compliments and comments system
- > Clarified the internal serious incident reporting requirements
- > Gained outline approval for an electronic incident report system
- > Prioritised an all service procedure on managing and reporting the death of a service user.

A project team has been established to manage the implementation of disclosure of incidents of harm and will look at processes and responses, along with oversight and reporting.

Do you agree with the disclosable events that are proposed?

Yes, the Red Cross agrees with the disclosable events proposed.

Will the disclosable events that are proposed be clearly applicable and identifiable in all care settings?

Yes, the Red Cross believes that the disclosable events that are proposed are clearly applicable and identifiable in all our services including care settings.

What definition should be used for “disclosable events” in the context of children’s social care?

Not applicable to the Red Cross.

What are the main issues that need to be addressed to support effective mechanisms to determine if an instance of disclosable harm has occurred?

The main issues that the Red Cross, and other organisations of its size, will need to address to support effective mechanisms to determine if an instance of disclosable harm has occurred are predominantly around workforce development.

The whole workforce delivering services need to be fully aware of the duty of candour and understand what the definitions of disclosable events are. There needs to be a process of awareness raising and training to ensure that frontline workers understand what they are required to do if an incident occurs.

Furthermore, there needs to be adequate training and engagement to support the change in culture that the statutory duty of candour should deliver. The workforce needs to be encouraged and supported to be open, honest and transparent. This will give individuals the confidence and security to approach incidents and effectively determine if an instance of disclosable harm has occurred.

It is also important that the statutory duty of candour is explained to service users and members of the public as a whole. It is important that they to understand what the statutory duty of candour means for them and what they should expect of an organisation if they believe an incident of harm has occurred.

Raising awareness with service users and members of the public should be a responsibility of the Scottish Government, the NHS, local authorities, the Care Inspectorate and organisations providing services regulated by the Care Inspectorate.

How do you think the organisational duty of candour should be monitored?

The Red Cross would suggest that the organisational duty of candour is monitored through the established inspection and reporting procedures carried out by the Care Inspectorate.

What should the consequences be if it is discovered that a disclosable event has not been disclosed to the relevant person?

The Red Cross thinks that the consequences of not disclosing a disclosable event to the relevant person for organisational duty of candour should be similar to the established enforcement policy of the Care Inspectorate.

Following the principals and enforcement policy that is already established will ensure that there is support and guidance for organisations to learn and develop as they implement the statutory duty of candour.

However, it will also give the monitoring body the power to adopt legal sanctions if it is deemed necessary in the interest of people who use services, in circumstances where an organisation has wilfully prevented the disclosure of an incident.

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