

Annex B CONSULTATION QUESTIONNAIRE

Question 1 :

Do you agree that the arrangements that should be in place to support an organisational duty of candour should be outlined in legislation?

Yes No

We agree that open and honest dialogue between individuals who receive care and support and those delivering the care and support is beneficial for everyone involved, particularly when things have gone wrong or have resulted in someone being harmed.

As we enter into integrated arrangements with health, we accept the need for consistency across services.

We do believe though that the existing professional standards, codes of ethics and conduct that already serve professionals across health and social care offer are adequate.

Introducing legislation can add bureaucracy and administrative pressure and can also be inflexible. We feel the same result can be achieved by developing new guidance across health and social care which refers to the existing standards and codes.

We would also caution that there are a number of areas and costs that need to be further explored if this duty is to be introduced. Employer's liability insurance and personal indemnity insurance could be affected by the act of apologising. And while this is the right thing to do, the implications for cost and liability would need to be thoroughly explored and clearly set out for this to be considered fully.

Question 2:

Do you agree that 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 No

If a statutory duty were to be in place it can only be delivered if staff have the appropriate knowledge, skills and support.

Question 3a: Do you agree with the requirement for organisations to publically report on disclosures that have taken place?

Yes No

This would be essential to promote honesty, transparency and trust.

Question 3b: Do you agree with the proposed requirements to ensure that people harmed are informed?

Yes No

Yes.

Any legislation or guidance will have to take into account helping an individual to understand the fact they have been harmed and how to exercise their rights around this. It is important that, in particular, those without capacity are catered for in any legislation or guidance.

Question 3c: Do you agree with the proposed requirements to ensure that people are appropriately supported?

Yes No

Absolutely, people must be supported to understand their rights and to exercise them, should that be appropriate.

Question 4:

What do you think is an appropriate frequency for such reporting?

Quarterly Bi-Annually Annually Other (outline below)

This should be for individual partnerships to determine. It would be better to allow partnerships to report along with other reportable information instead of introducing an additional reporting requirement. This should therefore be a local decision.

Question 5:

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

Social Work Scotland has not costed this, but would happily offer support to the Scottish Government through our resources committee to do so.

Question 6a:

Do you agree with the disclosable events that are proposed?

Yes No

Question 6b: Will the disclosable events that are proposed be clearly applicable and identifiable in all care settings?

Yes No

Each instance will be different. It will be clear in some instances for example a trip or fall due to a wet floor or obstruction. However, the emotional toll of an extended period in hospital or a series of connected events that lead to repeat admissions or numerous care placements may be harder to identify and categorise.

Question 6c:

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

This would need further and specific consultation with children and young people.

Question 7

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

We think we have adequate provision for this within the duties and expectations in existing standards and codes and recommend that these are pulled together across professions and sectors into one piece of guidance explicitly relating to a duty of candour.

Question 8:

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

Through existing regulatory, inspection and advocacy arrangements.

Question 9:

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

It should be disclosed immediately. Then the individual or organisation should be subject to the appropriate interventions by either their employer or the regulator or inspection body relevant to them.

End of Questionnaire