

Perth and Kinross Council Education and Learning

Duty of Candour Procedure

All ELC settings in Scotland have a legal duty of candour. The organisational duty of candour provisions of the The Duty of Candour Procedure (Scotland) Regulations 2018 sets out the procedure that ELC settings are required by law to follow when there has been an unintended or unexpected incident that results in death or harm (or additional treatment is required to prevent injury that would result in death or harm).

The focus of the duty of candour legislation is to ensure that organisations tell those affected that an unintended or unexpected incident has occurred; apologise; involve them in meetings about the incident; review what happened to identify areas for improvement; and learn from the incident.

The duty of candour procedure must be activated as soon as reasonably practicable after becoming aware that:

- An unintended or unexpected incident occurred in the provision of care provided by the ELC setting and resulted in or could result in the outcomes below:
 - A. Death
 - B. Permanent lessening of bodily, sensory, motor, physiologic or intellectual functions ("severe harm")
 - C. Harm which is not severe harm but which results in one or more of the following criterion:
 - an increase in the person's treatment
 - changes to the structure of the person's body
 - the shortening of the life expectancy of the person
 - an impairment of the sensory, motor or intellectual functions of the person which has lasted, or is likely to last, for a continuous period of at least 28 days
 - the person experiencing pain or psychological harm which has been, or is likely to be, experienced by the person for a continuous period of at least 28 days
 - D. The person requires treatment by a registered health professional in order to prevent the death of the person or to prevent any injury, which if left untreated, would lead to one or more of the aforementioned outcomes.

Duty of Candour Guidance is available using the link below:

Duty of Candour Guidance - [Open](#)

The responsibilities which will ensure that Perth & Kinross Council meets the requirements of the above Regulations are undernoted:

Training and support

An important part of this duty is that all staff are trained to understand the importance of being open with parents/carers about the care their child experiences, and that lessons are learned when things go wrong.

All staff members should complete the Duty of Candour e-learning module either through the link below or on *Eric* through PKC Learn under Housing and HSCP (Health and Social Care Partnership) – Duty of Candour. For new members of staff, this must be completed as part of the induction process.

The online learning module can be accessed below:

Duty of Candour E-Learning Module

An e-learning resource has also been produced by NHS Education for Scotland, SSSC, Care Inspectorate and Healthcare Improvement Scotland and can be accessed below:

Home | Turas | Learn (nhs.scot)

Relevant persons must be provided with details of needs-based services or support. Employees who were involved in the incident must be provided with details of services or support which may be available.

Reporting

All ELC settings are required to record and report to Care Inspectorate any incidents that trigger a duty of candour. This is when there has been a type of incident which is unintended or unexpected that results in death or harm (or additional treatment is required to prevent injury that would result in death or harm). All ELC settings must also report any incidents that trigger a duty of candour to Perth & Kinross Corporate Health & Safety using Corporate Health and Safety Incident report form - MyPKC web and to the Early Years Team elc@pkc.gov.uk as soon as reasonably practicable.

Duty of candour: guidance - Incident which activates the duty

ELC settings must, by law, produce a short annual report showing the learning from their duty of candour incidents that year, publish it, and notify the Care Inspectorate that it has been published. Even if there are no incidents to which the duty applied, a short report will still be required, as it must contain information about staff training on the duty of candour. The Care Inspectorate Annual Return will include a section to reflect this new duty.

Exemplars of reports are attached to support with this requirement.

- Duty of Candour Incident Report
- Duty of Candour Null Report

Perth and Kinross Council Education and Children's Services

Duty of Candour

Duty of Candour Report

Duty of Candour

Duty of Candour is a legal requirement to ensure that if something goes wrong in health or social care services the people affected are offered an explanation, an apology and an assurance that staff will learn from the error. The learning is shared with the people affected and throughout Scotland.

St Dominic's ELC Setting

St Dominic's ELC Setting is a children's service in Perth and Kinross for up to 35 children aged 2-12 at any one time. We provide learning and care to children from the start of the school day till late afternoon and operate within St Dominic's primary school. We are funded to provide some or all the hours of early learning and childcare which children are entitled to. We aim to ensure that we care for children in a way which supports them to learn, grow and develop.

2. How many incidents happened to which the Duty of Candour applies?

In the last year, there has been one incident to which the Duty of Candour applied. These are where types of incident have happened which are unintended or unexpected, and do not relate directly to the natural course of someone's illness or underlying condition.

Type of unexpected or unintended incident	Number of times this happened
Someone has died	0
Someone has permanently less bodily, sensory, motor, physiologic or intellectual functions	0
Someone's treatment has increased because of harm	0
The structure of someone's body changes because of harm	0
Someone's life expectancy becomes shorter because of harm	0
Someone's sensory, motor or intellectual functions is impaired for 28 days or more	0
Someone experienced pain or psychological harm for 28 days or more	0
A person needed health treatment in order to prevent them dying	0
A person needing health treatment in order to prevent other injuries	0

3. To what extent did St Dominic's ELC Setting follow the Duty of Candour procedure?

Should any of the events listed above had happened, we would follow the correct procedure. This means we would inform the parents affected, apologise to them and offer to meet with them. We would review what happened and what went wrong to try and learn for the future.

4. Information about our policies and procedures

Where something has happened that triggers the Duty of Candour, our staff report this to the Centre Leader or Headteacher who has responsibility for ensuring that the Duty of Candour procedure is followed. The Staff of St Dominic's ELC records the incident and reports as necessary to the Care Inspectorate. When an incident has happened, the Headteacher and staff set up a learning review. This allows everyone involved to review what happened and identifies changes for the future.

All new staff learn about the Duty of Candour at their induction. We know that serious mistakes can be distressing for staff as well as people who use care and their families. We have occupational welfare support in place for our staff if they have been affected by a Duty of Candour incident.

Where parents or children are affected by the Duty of Candour, we have arrangements in place to provide welfare support as necessary.

5. What has changed as a result?

We made a change to our policies and procedures as a result of the Duty of Candour. We have reviewed the way in which we provide Early Learning and Childcare that staff are confident about how they can avoid harm arising from them.

6. Other information

It has helped us to remember that people who use care have the right to know when things go badly, as well as when they go well.

As required, we have submitted this report to the Care Inspectorate but in the spirit of openness we have placed on our website and shared it with our parents too.

If you would like more information about our setting, please contact using these details E. Hunter 01764657800 ehunter@pkc.gov.uk

A NULL REPORT for St Dominic's ELC

Sample Duty of Candour Report

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 2025 and 31 March 2026. We hope you find this report useful.

1. How many incidents happened to which the Duty of Candour applies?

In the last year, there have been no incidents to which the Duty of Candour applied.

2. Information about our policies and procedures

Where something has happened that triggers the Duty of Candour, our staff report this to the Centre Leader or Headteacher who has responsibility for ensuring that the Duty of Candour procedure is followed. The Headteacher records the incident and reports as necessary to the Care Inspectorate. When an incident has happened, the Headteacher and staff set up a learning review. This allows everyone involved to review what happened and identifies changes for the future.

All new staff learn about the Duty of Candour at their induction. We know that serious mistakes can be distressing for staff as well as people who use care and their families. We have occupational welfare support in place for our staff if they have been affected by a Duty of Candour incident.

Where parents or children are affected by the Duty of Candour, we have arrangements in place to provide welfare support as necessary.

If you would like more information about our setting, please contact us using these details:

- E. Hunter Headteacher
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Elizabeth Hunter

