**Guidance to Care Homes about Duty of Candour when Reporting Safety Incidents**

The contractual requirements relating to the Duty of Candour are summarised below. The summary offered is by no means exhaustive and should, under no circumstances, be considered a comprehensive list.

Providers should use the summary below for reference in conjunction with the full contractual requirements which can be found on pages 90-94 of [this](file:///C:\Documents%20and%20Settings\swwhith\Local%20Settings\Temporary%20Internet%20Files\Content.Outlook\D0B4WPSS\NHS%202013-14%20Standard%20Contract%20Guidance.pdf) document.

**Implementing the requirements**

* Providers must ensure that patients and their families (if applicable) are told about patient safety incidents that affect them, receive appropriate apologies and are kept informed of investigations.
* The Duty of Candour applies to patient safety incidents that result in moderate harm, severe harm, or death.
* The Duty of Candour does not apply to low or no harm incidents.
* There should be an investigation to establish the facts of the incident.
* The contractual requirements are as follows:
  + The patient or their family/carer must be informed that a suspected/actual incident has occurred within 10 working days of the incident being reported to local systems.
  + The initial notification must be verbal, preferably face to face.
  + Patients or their family/carer must be told is there is a suspected patient safety incident that might result in moderate or severe harm/death within 10 working days of the incident being reported.
  + A sincere written apology must be provided.
  + A step-by-step explanation of the events must be offered.
  + Records of any meetings must be maintained.
  + Any incident investigation reports must be shared within 10 working days of being signed off as complete.
  + Providers should inform the patient’s commissioner when they are communicating with a patient and their family/carers about an incident.

**Identification of a Breach**

* A breach is failing to comply with the above clauses.

**Consequences of a Breach**

* Commissioners could require a direct written apology, the publication of the breach in a prominent place on the provider’s website or notify the CQC.
* In certain circumstances, commissioners can recover the cost of the episode of care or £10000 if the cost is not known.