

This policy sets out the intention of Amplius Care and Support services to be open and candid with Service Users in all aspects of our business, by informing the specific service user of any incident that may have put them at risk or harm in an open, transparent and timely manner,

# Duty of Candour Policy

## Document management

<b>Directorate</b>	People and Governance
<b>Policy sponsor</b>	Chief People and Governance Officer
<b>Policy owner</b>	Director of Compliance and Regulation
<b>Policy author</b>	Director of Compliance and Regulation

## Review process

<b>Approval route</b>	Executive Leadership Team – People and Governance Committee – Board
<b>Approved by</b>	Directors Team
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## Part 2

# Overview

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### Policy statement

This policy supports Amplius's values and is a commitment to improving lives and supporting colleagues by:

- Ensuring that all of its customers and Service Users are treated with openness and transparency.

Amplius is committed to ensuring that the organisation, its employees and its governing body are open, transparent and candid about any and all incidents involving the health, safety, care and support of all Service Users.

We will promote a culture of openness and honesty at all levels, ensuring that our colleagues are confident to raise concerns appropriately and provide all relevant information immediately. We ensure that the Terms of Reference of our Board has a clear commitment to duty of candour, ensuring that this commitment runs throughout the organisation and its governance structures and is clearly translated into the Amplius's culture and service delivery.

This policy ensures we provide a consistent approach across Amplius.

Amplius will ensure that all incidents which may affect the health and wellbeing of any of our Service Users are reported at the earliest opportunity.

Although the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: Regulation 20 Duty of Candour, applies specifically to Registered Care Services, we will apply the principles of the regulation and the definitions used by Robert Francis in his report, (The Francis Report 2013) across all our Care and Support services:

- Openness – enabling concerns and complaints to be raised freely without fear and questions asked to be answered.
- Transparency – allowing information about the truth about performance and outcomes to be shared with staff, customer/Service Users, the public and regulators.
- Candour – any customer/service user harmed by the provision of our service is informed of the fact and an appropriate remedy offered, regardless of whether a complaint has been made or a question asked about it.

This policy is a Day 1 provision for Amplius as a newly established company, it is subject to review as we develop and review our policies over the next 18 months.

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### Scope

The term Amplius incorporates all member companies and subsidiaries.

The policy applies to:

- All services delivered by Amplius, including Care and Support.

- Colleagues or volunteers, Board and Committee Members, Service Users, their Carers, Key Stakeholders and members of the public.

The duty applies to actual or suspected service user safety incidents that occur during service provision that result in, or are suspected to result in, a notifiable incident.

In relation to the provision of **registered care services**, a “notifiable safety incident” means any unintended or unexpected incident that occurs in respect of a service user during the provision of a regulated activity i.e.:

- (a) Any injury to a service user which, in the reasonable opinion of a health care professional, has resulted in:
  - (i) An impairment of the sensory, motor or intellectual functions of the service user, which is not likely to be temporary,
  - (ii) Changes the structure of a service user’s body,
  - (iii) The service user experiencing prolonged pain or prolonged psychological harm, or
  - (iv) The shortening of the life expectancy of the service user.
- (b) Any injury to a service user which, in the reasonable opinion of a health care professional, requires treatment by that, or another, health care professional in order to prevent:
  - (i) The death of the service user, or
  - (ii) An injury to the service user which, if left untreated, would lead to one or more of the outcomes mentioned in sub-paragraph (a).

The policy does not form part of any colleague’s contract of employment and the policy may be amended at any time.

## Part 3

# Policy details

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## Our Approach

Amplius will:

- Provide all of the appropriate training and support throughout all levels of the business to ensure that the organisation operates a culture of openness and transparency, where colleagues understand their individual responsibilities in relation to the Duty of Candour.
- Ensure that all incidents are reported promptly and that a consistent approach to investigating and reporting is in place.
- Maintain full written records on file of incidents, information, outcomes and notifications to Service Users.
- Ensure that Service Managers make certain that the Service User understands:
  - The notification of the incident
  - The outcome of the investigation
  - The nature of any apology

If the person is unlikely to understand, or does not have the capacity, the Service Manager will contact/write to the designated next of kin/family member, statutory keyworker and/or advocate, to ensure that the explanation is presented as clearly and openly as possible. They will then, following an incident / near miss;

- Assess any identified risks/near misses.
- Undertake learning from mistakes.
- Implement service improvements following a full review of all incidents and provide appropriate written feedback to the service user, issuing an apology where appropriate. (This communication will be provided in writing and in a suitable format to meet the specific communication needs of the individual).

All colleagues providing registered care services will be familiar with the CQC Regulatory Framework and understand their responsibility and the expectations of our organisation in meeting the regulatory standard with regard to Duty of Candour.

Where colleagues have been involved in, or have dealt with a significant incident, training and appropriate support will be provided. They will be given the opportunity for a de-brief of the incident and any support needed to complete any relevant information when contributing to an investigation.

Amplius, its Board and its employees will follow the definitions within the CQC Regulation as follows:

### **Act in an Open and Transparent Way**

Clear, honest and effective communication with Service Users, their families and carers throughout their care, including when things go wrong, in line with the definitions below.

Amplius will use the definitions of openness, transparency and candour used by Robert Francis in his report, The Francis Enquiry 2013, detailed under Principles on page 3:

<https://www.health.org.uk/about-the-francis-inquiry>

### **Apology**

An 'apology' is an expression of sorrow or regret in respect of a notifiable safety incident; It is not an admission of guilt.

### **Appropriate Written Records**

Records are complete, legible, accurate and up to date. Every effort must be made to ensure records are updated without any delays.

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### **Training Requirements**

All Care and Support colleagues and volunteers will receive training to ensure that they understand and follow the requirements for the proper reporting and recording of incidents. Colleagues in other areas of Amplus will be made aware of the requirements of this policy and their role in raising concerns if any are noted.

All Care and Support colleagues will be referred to this policy as part of their induction to Amplus.

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### **Service User Awareness of Duty of Candour Policy**

All colleagues will ensure that all service users are aware that we operate a policy of openness and candour and of what to expect from the organisation when an incident occurs that may put them at risk or harm. This commitment will be advertised on our website, in leaflets and information for Service Users taking up our services.

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### **Audit**

All incidents are reviewed and reported as set out in the Accident, Incident and Near Miss procedure and Safeguarding Policies and Procedures and reviewed as and when they arise by the Amplus Board. An annual report will also be provided to Amplus Board.

All service user's safety incidents that are subject to Duty of Candour will be reported to Commissioners as part of agreed contract monitoring.

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### **Amplus Colleagues**

All colleagues have a responsibility to raise any concern appropriately and provide all relevant information immediately.

Managers of registered care services must ensure all notifiable safety incidents are reported to CQC and **all** concerns raised are investigated, recorded and full feedback provided to the service user.

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### **Equality, diversity and inclusion**

Amplus is committed to Equality, Diversity and Inclusion and such will make reasonable adjustments to the policy to recognise, accommodate and support individual needs, where needed.

This policy adheres to the Amplus's approach to Equality, Diversity and Inclusion.

All those accountable under the policy will take a proactive approach to ensure that no individual or group is discriminated against or treated differently as a direct or indirect result of this policy.

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**Additional needs (addressing vulnerabilities)**

Amplius recognises that, for various reasons, some of our customers and Service Users may be vulnerable. Policies therefore will take account of the recommendations made by the Housing Ombudsman and Regulatory recommendations on vulnerabilities. Amplius will take a proactive approach when making a decision relating to a customer or service user and where practicable, tailor and adapt our services to suit the needs of customers and support vulnerable people.

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**Summary of local variations**

None

## Part 4

# Compliance and administration

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## Legal and regulatory compliance

This policy fully complies with Amplius's legal and regulatory obligations.

- Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: Regulation 20
- The Care Act 2014
- The Health and Social Care Act (Regulated Activities) (Amendment) Regulations 2015
- Health Professional Council – Legal Framework
- Mental Health Capacity Act 2005
- Mental Capacity Act Code of Practice

This list is not exhaustive, and policy authors will undertake thorough research and/or seek professional advice to ensure that Amplius meets its obligations and complies with the current and relevant legislation and regulations.

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## Evaluation, review and performance monitoring

This policy will be reviewed on a Triennial basis to ensure that it remains fit for purpose. A policy review may also be required earlier, in response to internal or external changes for example changes in legislation. Prompt and effective action will be taken where improvements are identified.

Incidents which fall under the policy will be captured and where trends or issues are identified, action will be taken to mitigate against further incidents.

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## Related policies

- Code of Conduct Policy
- Health and Safety Policy
- Health and Safety Statement
- Safeguarding Adults and Children Policy
- Whistleblowing Policy



Part 5

# Appendices

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**A. Associated documents – Internal procedural documents, colleague use only**

- Duty of Candour Procedure - LG
- Policy Development Plan - LG

Part 6

# Changelog

Amended date	Summary of changes	Version №