

Luton Clinical Commissioning Group - Appendix 1: Duty of Candour Statement

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Our commitment to being open and transparent – Duty of Candour Statement

Candour is defined in the Francis report as: *“The volunteering of all relevant information to persons who have or may have been harmed by the provision of services, whether or not the information has been requested and whether or not a complaint or report about that provision has been made.”*

Luton Clinical Commissioning Group fully supports Duty of Candour, and we continually strive to assure ourselves that as commissioners all our provider organisations are open, honest and transparent in all dealings with patients.

We have put in place the systems and processes to enable as a commissioner to hold our provider organisations to account through open and fair challenge in our contractual and quality meetings with reporting of areas of concern through our governance framework to the CCG Governing Body.

Our commitment to a fair and open culture

A clinical or non-clinical error, accident or incident, however, serious is rarely caused wilfully. It is not, in itself, evidence of carelessness, neglect or a failure to carry out a duty of care. Errors are often caused by a number of factors including, process problems, human error, individual behaviour and lack of knowledge or skills. Learning from such incidents can only take place when they are reported and investigated in a positive, open and structured way.

Determining safe practice is an important part of successful risk management. Moving away from punishing errors to learning from them will promote a fair and open culture and safe practice throughout the organisation. This will enable the CCG to identify trends and take positive action to prevent the error or adverse incidents from happening again.

To promote a fair and open culture and encourage the reporting of incidents, the CCG will take a non-punitive approach to those incidents it investigates. Staff remain accountable to users, carers, the CCG and their professional bodies for their actions, but a non-punitive approach means that disciplinary action will not be taken against a member of staff for reporting an incident, except in the rarer circumstances where there is evidence of:

- *Gross professional or gross personal misconduct*
- *Repeated breaches of acceptable behaviour or protocol*
- *An incident that results in a police investigation*

Principles

The principles of this document apply to all communications with patients and their families when errors have been made. This applies to incidents as well as complaints. It applies in personal explanations and apologies as well as in local resolution meetings which are arranged to try and resolve remaining concerns following a formal complaint investigation.

Legislative Context

Information on Duty of Candour can be found on the DH website www.dh.gov.uk

Our vision

“Together for a healthier Luton”

Our Mission

“We will work in partnership with patients, their carers, providers and other partners to deliver a high quality and cost effective NHS to the people of Luton, empowering them to lead healthy and independent lives”