



**DUTY OF CANDOUR - ANNUAL REPORT 2023-24**

Report by Chief Executive

**PURPOSE**

- 1.1 The purpose of the Report is to obtain approval of the Duty of Candour Annual Report for 2023-24.

**EXECUTIVE SUMMARY**

- 2.1 Part 2 of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 imposes a duty on providers of health, care and social work services to follow a prescribed procedure, called the duty of candour procedure, whenever an unexpected or unintended incident occurs which results in the death of, or serious harm to, a service-user.
- 2.2 The duty applies to the Comhairle as a provider of care and social work services. The Comhairle has a Duty of Candour Policy Statement and Procedural Guidance document which was approved in 2021. It has recently been reviewed, with a minor change being made to section 8 (Training and Support). The draft updated version is appended to this Report.
- 2.3 The Act also requires the publication of an Annual Report as soon as reasonably practicable after the end of the relevant financial year, and prescribes the information which must be included in the report. A draft Annual Report for 2023-24 containing the prescribed information is appended to this Report.
- 2.4 There were no instances of activation of the duty in 2023-24. Members may be aware that an incident occurred in March relating to St Brendans Care Home in Barra. As that incident is the subject of ongoing processes with external agencies, it is not yet possible to determine whether or not the duty of candour will apply, and therefore it is not mentioned in the Annual Report. If it is determined that the duty does apply then the matter will be referred to in next year's Annual Report.

**RECOMMENDATIONS**

- 3.1 **It is recommended that the Comhairle approve the draft updated Duty of Candour Policy Statement and Procedural Guidance document, and the Duty of Candour Annual Report 2023-24, in terms of the drafts appended to the Report.**

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Appendix:	Duty of Candour draft Annual Report 2023-24 and draft updated Policy Statement and Procedural Guidance
Background Papers:	None

## IMPLICATIONS

4.1 The following implications are applicable in terms of the Report.

<b>Resource Implications</b>	<b>Implications/None</b>
Financial	None
Legal	none
Staffing	None
Assets and Property	None
<b>Strategic Implications</b>	<b>Implications/None</b>
Risk	Failure to publish the Annual Report as soon as reasonable practicable is a breach of the Act
Equalities	None
Corporate Strategy	Deliver Community Leadership – ensure effective governance of the Comhairle
Environmental Impact	None
Consultation	None