



Comhairle nan Eilean Siar

Duty of Candour Annual Report

For the Financial Year 1 April 2024 to 31 March 2025

(Part 2 of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016)

All providers of health, care and social work services in Scotland have a duty of candour. The duty applies when an unintended or unexpected incident occurs which results in the death of, or serious harm to, a service-user. The provider must ensure that the people affected understand what has happened and receive an apology. The provider must also consider how to improve its services for the future.

As a Scottish local authority, we provide care and social work services in fulfilment of our statutory obligations. Those services cover a wide range of areas including home care, residential care, housing support, and child and adult social work services. The duty of candour therefore applies to us.

An important part of the duty is that we provide an annual report on how we have applied the duty of candour during the previous financial year. The law requires that our reports specifically address certain matters, and they are set out below.

1. The number and nature of incidents to which the duty of candour has applied

In this financial year, one incident occurred to which the duty of candour applied. That incident related to our residential care services. The incident which gave rise to the duty actually occurred towards the end of the previous financial year, but at the time we did not have sufficient information about the circumstances surrounding the incident to enable us to determine whether or not the duty applied. As soon as was reasonably practicable (that is, when the information came to light during the year 2024-25), we determined that the duty did apply to the incident and then followed the duty of candour procedure. That procedure is ongoing.

In this report, we are not permitted to provide any information that is likely to identify any individual. Owing to the fact that the community in which the incident occurred is very small, if we were to provide any further information in this report then it would be likely that individuals could be identified.

2. Assessment of the extent to which the Comhairle carried out the duty of candour

As stated above, in respect of the one relevant incident, we could not immediately determine whether or not the duty applied. As soon as was reasonably practicable, we followed the duty of candour procedure. Although the delay was not our fault, we recognise that it may have caused uncertainty and distress for the family concerned. However, we made sure to remain in contact with the family during that time and, as far as we were able, to keep them informed of progress.

3. The Comhairle's policies and procedures in relation to the duty of candour, including procedures for identifying and reporting incidents, and support available to staff and to persons affected by incidents

We have a Duty of Candour Policy Statement & Procedural Guidance which explains the circumstances in which the duty is activated and what steps we will then take to meet our obligations. That document is published on our website, along with previous annual reports, at [Duty of Candour | Comhairle nan Eilean Siar](#).

Through the adverse event process, we determine if there are factors that may have caused or contributed to an event, which helps us to identify if it is an incident to which the duty should apply.

As part of our overall approach to managing incidents, all relevant staff receive mandatory training on the duty of candour.

4. Any changes to the Comhairle's policies and procedures as a result of incidents to which the duty of candour has applied

It has been noted above that there was a regrettable, but unavoidable, delay in assessing whether or not the duty of candour procedure applied to the incident in question. We will review our Policy Statement & Procedural Guidance to see if it can be improved so that such assessments can be made more quickly in future.

5. Other information

As required by law, this report will be published and will then be submitted to the Care Inspectorate.

If you would like further information regarding this report or the duty of candour, please contact the Monitoring Officer, whose responsibility it is to compile the report:

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1 September 2025