

Annex B
CONSULTATION QUESTIONNAIRE

Question 1 :

Do you agree that the arrangements that should be in place to support an organisational duty of candour should be outlined in legislation ?

Yes x No

Although there are existing duties provided through professional codes and policies, the need for appropriate learning from errors is such that legislation to support this is timely. The complexities in ensuring consistency and transparency of practice make it realistic for the proposed legislation to provide a requirement for appropriate arrangements to be in place but not specify those arrangements

Question 2:

Do you agree that the organisational duty of candour encompass the requirement that adequate provision be in place to ensure that staff have the support, knowledge and skill required ?

Yes x No

Learning from events where harm to a service user has occurred is important: it is therefore essential that staff are provided with the support, knowledge and skills to recognise, report and deal with all aspects of such events.

Question 3a: Do you agree with the requirement for organisations to publically report on disclosures that have taken place ?

Yes x No

But how this is done will require careful consideration.

Question 3b: Do you agree with the proposed requirements to ensure that people harmed are informed ?

Yes x No

Comments

Question 3c: Do you agree with the proposed requirements to ensure that people are appropriately supported ?

Yes x No

Appropriate support is essential

Question 4:

What do you think is an appropriate frequency for such reporting ?

Quarterly Bi-Annually Annually Other (outline below)

Quarterly would ensure that any common themes in events reported are identified swiftly.

Question 5:

What staffing and resources that would be required to support effective arrangements for the disclose of instances of harm ?

This will vary from area to area where different staffing structures exist. But it should be recognised that such reporting and appropriate learning will require additional staff time and resources, particularly as any new system is put into place.

Question 6a:

Do you agree with the disclosable events that are proposed ?

Yes No

Although the proposed list is a starting point, it is heavily weighted towards medical events, with little consideration given to events that may relate to social care services. It will also be necessary to consider the link between such events and the definition of an adult at risk of harm as defined by the Adult Support and Protection (Scotland) Act 2007 and any action taken through adult support and protection procedures.

Question 6b: Will the disclosable events that are proposed be clearly applicable and identifiable in all care settings ?

Yes No

As above, more thought needs to be given to broadening the list to include harm that may relate to social care services, but also with a recognition that it is unlikely any single list of events will cover every possible instance of harm and that a degree of flexibility will be required.

Question 6c:

What definition should be used for 'disclosable events' in the context of children's social care?

A disclosable event in relation to children's social care would involve any and all events in which the child, young person or care leaver has experienced significant physical, psychological or emotional harm and /or any significant actual or anticipated material or other loss.

Question 7

What are the main issues that need to be addressed to support effective mechanisms to determine if an instance of disclosable harm has occurred?

Clear definitions, clear reporting systems and an appropriate framework to share learning within and across organisations together with a supportive management structure and culture.

Question 8:

How do you think the organisational duty of candour should be monitored ?

It would be helpful to develop and enhance existing mechanisms to monitor this rather than set up additional systems, but a degree of external scrutiny will be important to consider if the level and types of event being reported are consistent and comparable across localities.

Question 9:

What should the consequences be if it is discovered that a disclosable event has not been disclosed to the relevant person ?

Disciplinary procedures would presumably be available as a response, as would consideration of an individual's professional registration. If non-disclosure is to be made a criminal act then consideration will need to be given to how such a non-act may be defined and appropriate evidence gathered in order to proceed against the individual.

End of Questionnaire