Policy	Duty of Candour (Regulation 20) Policy – ORG38
Document owner	Director of Care and Independence
Review delegated to	Head of Care
Date first implemented	Feb 2016
Date last reviewed	July 2025
Date of next review	July 2027
Date governor-approved	June 2020
Associated documents	
Reference documents	Regulation 18 of the Care Commission (Registration) Regulations (as amended in 2015) Regulation 20 of the Health and Social Care Act 2008 (Regulations 2014).
Initial reviewing body	Director of Care and Independence
Final approval body	Senior Leadership Team
Published on website	Yes

Purpose	This policy sets out the approach of Derwen College to meeting its statutory requirements to be open and transparent with its students and clients if mistakes are made whilst delivering care and treatment that result in their suffering moderate or serious harm.
Scope	All staff.
Equality, Diversity & Inclusivity	*"[Derwen] College is committed to promoting equality, good relations and to challenging discrimination. This is reflected in all College policies, procedures, processes and practices."* *Derwen College Equal Opportunities Policy* Derwen College's ethos is to embrace diversity, to offer equality of opportunity, and to treat every individual fairly and with respect. Equality, diversity and inclusivity are embedded throughout the organisation. This policy should be applied in accordance with this ethos. If you would like a copy of this document in a different format, such as large print, please contact the Human Resources Department who will provide help with alternative formats.

These situations must be notified to the Care Quality Commission (CQC) under Regulation 18 of the Care Commission (Registration) Regulations (as amended in 2015) under the provisions of Regulation 20 of the Health and Social Care Act 2008 (Regulations 2014). The college understands that it has a responsibility to act in an open and transparent way in relation to care and treatment provided to students and clients.

The definition of a notifiable safety incident is one in which, in the reasonable opinion of a health care professional has resulted in:

- death
- an impairment to sensory, motor or intellectual function of more than 28 days' duration
- changes to the structure of the person's body, prolonged pain or prolonged psychological harm
- the shortening of life expectancy or requires treatment by a health care professional to prevent any of these sequelae (conditions)

As soon as reasonably practicable after becoming aware that a notifiable safety incident has occurred, the registered person, or suitable person in authority acting on behalf of the registered person will notify the relevant person and provide reasonable support to him/her in relation to the incident and will notify CQC. The relevant person is the service user or a person acting on his/her behalf if the service user is dead or under 16 years or lacks capacity.

In addition to notifying CQC, the provider will:

- be open with the student/client and other relevant persons about the incident
- provide suitable support to the student/client and others affected by the incident
- explain directly and in person to the student/client and/or other representatives exactly what has happened
- apologise, for example express sorrow and regret for what has happened. Apologising is not an admission of liability.
- say what is being done to investigate and learn the lessons from what has happened and further actions that might be taken
- undertake to put in writing what has happened and an apology
- keep full records of the incident, including all associated correspondence and the actions that have been taken to carry out the duty of candour with the student/client and/or representatives