

Duty of Candour Policy

At {Practice Name}, we are committed to being open, honest, and transparent with our patients.

To ensure the practice has an open, honest and supportive culture meets legal obligations, all team members must be familiar with and adhere to the following policy and procedure. It is the aim of the practice to comply with the Duty of Candour requirements.

Types of Duty of Candour

There are two types of Duty of Candour that apply to dental practices:

A. Professional Duty of Candour

The Act and the Regulations require organisations providing health services, care services and social work services in Scotland to follow a formalised procedure when there has been an unintended or unexpected incident that results in death or harm (or additional treatment is required to prevent injury that would result in death or harm).

All registered dental professionals must be honest with patients when things go wrong. Under the *GDC and HIS Standards for the Dental Team*, we must:

- Put patients' interests first (Principle 1)
- Be honest and act with integrity (Standard 1.3)
- Offer an apology and a practical solution if a patient makes a complaint (Standard 5.3.8)
- Be open and honest, even if no complaint has been made

When something goes wrong, we must:

1. Tell the patient what has happened
2. Offer a genuine apology
3. Offer appropriate support or a remedy if possible
4. Explain any short- or long-term effects of what has occurred

B. Statutory Duty of Candour

Under Regulation 20 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, the practice (as the registered provider or manager) must act in an open and transparent way when a notifiable safety incident occurs.

Notifiable Safety Incident

A notifiable safety incident is different from other incidents or complaints.

All of the following must apply:

1. The event was unintended or unexpected
2. It occurred during a regulated activity (such as a dental examination or treatment)
3. It has resulted in, or could result in:
 - The death of a patient, or
 - Severe or moderate harm to the patient

If these criteria are not all met, it is not a notifiable safety incident, but the professional duty of candour still applies — staff must still be open and honest with the patient.

What To Do When a Notifiable Safety Incident Occurs

When a notifiable safety incident happens, the Registered Manager (or delegated lead) must:

1. Inform the patient (or their representative) in person as soon as possible.
2. Offer a sincere apology.
3. Explain clearly what happened, why it happened (if known), and what will be done to investigate.
4. Describe what steps are being taken to prevent it from happening again.
5. Provide written confirmation of the discussion, including the apology, the facts known at the time, and an update on any investigation.
6. Keep a written record of all communications, including attempts to contact the patient or their representative.

If the patient has died, is under 16 and not competent, or lacks capacity, the Duty of Candour applies to their parent, guardian, or legal representative.

If the patient or representative refuses contact, full records must still be kept of the incident and the attempts made to engage with them.

Notifying the CQC and HIS

Further guidance on when the duty must be implemented can be found in the Scottish Government Duty of Candour Guidance and the dedicated website.

Records of the notification, communications, and investigations must be securely stored in the Duty of Candour File and referenced in the incident log.

Confidentiality

All discussions and documentation relating to the Duty of Candour are handled sensitively and confidentially.

Only those directly involved in the investigation or care of the patient should access the information.

Learning and Improvement

We use every incident as a learning opportunity.

Findings are shared (anonymously where appropriate) with the dental team through meetings and training to prevent recurrence and to improve patient safety.

Related Policies and References

- Significant events, Near misses & Incidents Policy
- Complaints Policy
- GDC Standards for the Dental Team
- CQC Regulation 20: Duty of Candour Guidance
- The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014