



Complaints/Duty of Candour Policy

This policy was adopted at a meeting of:

Soroba Young Family Group

On *(date)* 17th February 2020

Signed Designation





Statement of Purpose

Soroba Young Family Group (SYFG) is committed to providing a high-quality service and maintaining good relationships with parents. It is important that staff and parents work together in the best interests of the children. At times, however, things can go wrong, or misunderstandings may occur. Complaints will be dealt with fairly and confidentially and every effort will be made to resolve the complaint within 20 days.

Throughout the guidance, the term parents is used to include all main caregivers.

Complaints Process

Open Access

Staff have a duty to inform parents of their right to make a complaint, including a right to appeal. SYFG will supply a written copy of the complaints procedure on request to ensure parents are aware of their own roles and responsibilities regarding complaints. All complaints will be investigated thoroughly and any necessary action taken where failures have been identified. Often, things can be resolved quickly once we are aware of the problem and we can agree how it will be solved. We would encourage this wherever possible. Or you may wish to make a complaint using our complaints procedure.

Procedure

Complaints can be made to the setting both informally and formally. On receiving a complaint, we will acknowledge receipt of your complaint within three working days. We will endeavour to investigate and resolve the complaint within 20 days of the written complaint being received. We will let you know if we think there will be a delay and give you the reasons for the delay. Complaints will be investigated by the Centre Manager, however if the complaint involves the management, Office Bearers will investigate.

Informal Procedure: The initial approach made by the parent will be listened to carefully and after discussion, agreement should be reached as to whether the complaint has been resolved satisfactorily. If a delay is unavoidable the complainant will be informed, the reason for the delay will be stated and a revised timescale given. If there has not been a satisfactory outcome the formal complaint process should be initiated.

Formal Procedure: If a parent wishes to make use of the formal procedures the complaint should be put in writing to the manager of SYFG. The receipt of the complaint will be acknowledged in writing within three working days.

Following investigation, a meeting with the Manager, Chairperson and parent will be arranged. The parent will have the right to have the assistance of a friend, relative or representative present throughout the process.

The issues or concerns will be investigated thoroughly and a confidential written record of the meeting will be noted in addition to actions agreed.

If the complaint remains unresolved, the appeals process will be invoked.

Appeals Process: A parent has the right to appeal if they are not satisfied that the complaint has been resolved. The parent should contact, in writing, the same person the original complaint was sent to. If an agreement cannot be reached an external mediator, acceptable to both sides, will be invited to listen to the complaint and offer advice. The mediator has no legal powers but can help to clarify the situation by defining the problem, reviewing the actions and suggesting further ways which the complaint might be resolved. If requested, a meeting can be arranged between all those involved in the formal process. All discussions will be confidential and a written record will be kept of all meetings held and any advice given.

With a vision to be the best that we can be





Care Inspectorate

The Care Inspectorate is the national organisation which regulates and inspects care services. The Care Inspectorate has a complaints procedure for dealing with any complaint regarding regulated services.

If you are unhappy about a care service, at any time you may contact the Care Inspectorate directly with your complaint.

In certain circumstances, in addition to the Care Inspectorate, it may be necessary to involve other agencies including; the local authority, Scottish Social Services Council and police.

If you wish to complain to the Care Inspectorate, you can choose anonymity.

Further information can be found in the complaints section of the Care Inspectorate website <http://www.careinspectorate.com/index.php/complaints>

Care Inspectorate contact details:

You can choose to complain directly to the Care Inspectorate by either:

- filling in their complaints form online
- contacting them on 0345 600 9527
- writing to them at:
Care Inspectorate
Compass House
11 Riverside Drive
Dundee DD1 4NY

See more at: <http://www.careinspectorate.com/index.php/complaints>

Duty of Candour

The Duty of Candour Procedures (Scotland) Regulations 2018 underpins our commitment to openness and transparency which is vital to the provision of safe, effective and person-centred health and social care.

Honesty, trust and effective communication can be difficult to maintain and easy to lose when things have gone wrong. If this should happen, then we would like to have the opportunity to try and resolve any issues or concerns you may have.

Procedure:

- When an unintended or unexpected incident that results in harm or death occurs we will be open and accountable.
- We will apologise if there are any misunderstandings or if something goes wrong, without delay.
- Our Centre Manager will meet and discuss this with you as soon as possible when we are aware that an event has happened or harm has been confirmed.
- We will listen and respond positively to your complaints and discuss what actions will be taken to reduce the risk of this type of incident happening again to anyone else.
- We will provide an annual duty of candour report.
- All staff will be trained on our organisation duty of candour procedure to be able to
 - identify harm whether it is unintended or unexpected
 - understand what has gone wrong
 - know who to speak to, to discuss concerns/issues.

The legislation requires care services and social work services to publish their own short duty of candour reports. The first reports will be due after April 2019. Even if there are no incidents to which the duty applied, a short report will still be required, as it must contain information about staff training on the duty of candour.

With a vision to be the best that we can be





SYFG will produce a report on meeting the duty of candour annually. The Care Inspectorate will be including a recording system on their e-form site. From 1 April 2018, a new question to their notification forms, “**does this incident trigger the duty of candour?**” SYFG will be asked to collect data on how the duty is being implemented and help embed awareness. SYFG will annually report and record these findings.

This report will include an assessment of how the duty was carried out and provide:

- a record of the number of unexpected incidents that have resulted in death or harm
- the nature of the incident
- a review of any policy and procedures reviewed and any changes made as a result of the incidents reported.

The Duty of Candour sets out a range of things that need to happen when unexpected or unintended harm has occurred.

You will find the online training resources information here:

<http://www.careinspectorate.com/index.php/duty-of-candour>

<http://www.knowledge.scot.nhs.uk/scormplayer.aspx?pkgurl=%2fecomscormplayer%2fdutyofcandour%2f>

<http://www.gov.scot/Resource/0053/00533470.pdf>

General Data Protection Regulation (GDPR)

Statement of Purpose

SYFG Early Learning and Childcare (ELC) is required to gather particular personal data and information in order to comply with legislation relating to early learning and childcare in Scotland. SYFG Early Learning and Childcare (ELC) setting will gather and process all personal data and relevant consents; verbal or written, following GDPR guidance. Data will be treated confidentially and will uphold the rights of all individuals, involved in the service, children, parents, staff, students and volunteers.

SYFG are required to hold information about the children and families using the service as well as staff working within the setting, ensuring compliance within the regulation. Processes will be in place to ensure the safe and secure storage of all data belonging to our service users; the detail of this storage is as follows:

- General child information- until they leave the service
- Child Protection observations- Up to one year after leaving the service
- Staff Files- 5 years after leaving employment
- Financial information- up to 10 years.

General Data Protection Regulation (GDPR) came into effect on 25 May 2018 and expands on the current regime established by the Data Protection Act 1998 (DPA).

The term parents will be used to include all main caregivers.

Monitoring of this Policy

It will be the responsibility of the Manager to ensure that all staff are aware of this policy and implement it consistently. Parents will be made aware of the policy and their role regarding complaints through the parents' handbook and the enrolment procedure. This policy will be reviewed annually to ensure that it is relevant and up to date.

With a vision to be the best that we can be





See also:

Confidentiality Policy
Equal Opportunities Policy
Participation Policy
Whistleblowing Policy
Recruitment Policy
General Data Protection Regulation – Privacy Policy

Links to national policy:

Health and Social Care Standards – My Support, My Life

Health and Social Care Standards 2.3, 2.4, 3.22, 3.24, 4.4, 4.18, 4.19, 4.20, 4.21, 4.22, 4.23

<http://www.gov.scot/Resource/0052/00520693.pdf>

With a vision to be the best that we can be





Sample report Duty of Candour

SYFG ELC is a registered with the Care Inspectorate to provide a care service to a maximum of 40 children aged 2 years for those not yet attending primary school. We aim to provide high quality care and education to improve outcomes for all of our children and families in order that they meet their full potential.

In the last year (2019), there have been 0 incidents to which the duty of candour applied. These are where types of incident have happened which are unintended or unexpected, and do not relate directly to the natural course of someone’s illness or underlying condition.

Duty of Candour Record:

Type of unexpected or unintended incident	Number of times this happened
Someone has died.	0
Someone has permanently lost bodily, sensory, motor, physiologic or intellectual functions	0
Someone’s life expectancy becomes shorter because of harm.	0
A person needing health treatment in order to prevent other injuries.	0
A person needed health treatment in order to prevent them dying.	0

When we realised the above incidents had occurred, our policy and procedures were followed correctly in xxx occasions. This means we informed the people affected and apologised to them and offered to meet with them. In each case, we reviewed what happened and what went wrong to try and learn for the future.

Or

As no incidents have occurred during this reporting period no actions were required to be taken in terms of Duty of Candour.

Where something has happened that triggers the duty of candour, our staff report this to the Centre Manager who has responsibility for ensuring that the duty of candour procedure is followed. The manager records the incidents and reports them as necessary to the Care Inspectorate.

All new staff learn about the duty of candour at their induction and undertake the Duty of Candour online Learning Module. We know that serious mistakes can be distressing for staff as well as people who use our ELC service and their families.

During this reporting period **xxxx** staff carried out the online module.

As required, we have confirmed completion of this report to the Care Inspectorate via e- forms, and we have published the report on our website and shared it with our service users too.

With a vision to be the best that we can be

