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*A service user guide to*

# The Duty of Candour

*Openness and honesty should be at the heart of every relationship between those providing treatment and care and those experiencing it.*

## What is the Duty of Candour?



The Duty of Candour is a legal requirement for NHS Organisations in Wales to be open and honest with service users receiving care and treatment. This is outlined in the Health and Social Care (Quality and Engagement) (Wales) Act 2020.

The Duty of Candour applies if the care we provide has, or may have contributed to unexpected or unintended moderate or severe harm, or death.

## Our Aim

In the NHS, we strive to provide high quality, safe and compassionate care to all of our service users. However, even when we do our best, people may sometimes experience harm. That's why we have the Duty of Candour.

Our goal is to create a culture of trust and openness, so that you can feel confident in the care you receive from us.



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## What do we mean by moderate or severe harm?



### Moderate Harm:

A service user experiences a moderate increase in treatment and significant but not permanent harm, and the care provided by the NHS did or may have contributed.

For example, they are given medication despite this being documented in their notes as an allergy, and this leads to a significant reaction requiring four or more days in hospital before recovery.



### Severe Harm:

A service user experiences a permanent disability or loss of function and the NHS care did or may have contributed.

For example, they are given medication despite this being documented in their notes as an allergy, and this leads to brain damage or other permanent organ damage.



### Death:

A service user dies and the NHS care did or may have contributed to the death.

For example, they are given medication despite this being documented in their notes as an allergy, and this leads to their death.

## What can you expect?

Here is a summary of the Duty of Candour Procedure that the NHS will follow:



On first becoming aware that the duty of candour applies, the NHS must notify the service user or a person acting on their behalf. This contact should be 'in person', which means by telephone, video call or face to face.



The purpose of the 'in person' notification is to offer an apology, provide an explanation of what is known at that time, offer support, explain the next steps and provide point of contact details.



The service user or person acting on their behalf will be sent a letter within five working days, confirming what was said in the 'in person' notification.



The NHS will undertake an investigation to find out what happened and why, and how we can prevent it from happening again.

This will take place according to the NHS Wales 'Putting Things Right' Procedure.

**Continued overleaf**



The named point of contact provided as part of the Duty of Candour procedure will give you more information about this process and what happens next.

*If you do not want us to contact you, or if you would prefer someone to act on your behalf, please let us know and we will make the necessary arrangements.*

## Making an apology

Making a meaningful apology is an important part of the Duty of Candour Procedure.

An apology is an expression of sorrow or regret for the harm experienced. However, an apology is not an acceptance of blame or legal liability.



## Further support

If you have any questions, need further information, or would like guidance, please visit our website or contact the organisation where you had your care.

More information including contact details for NHS organisations in Wales is available from:

[CTM.DutyOfCandour@wales.nhs.uk](mailto:CTM.DutyOfCandour@wales.nhs.uk)



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