

NEWBURGH PRESCHOOL – COMPLAINTS/DUTY OF CANDOUR POLICY

Person Responsible	Alice Perry, Chairperson
Date Agreed with Staff and Committee	February 2020
Signed on behalf of Committee	
Frequency of policy review	ANNUAL or legislation change
Date next Review Due	February 2021

Statement of Purpose

The Early Learning and Childcare (ELC) setting 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. We are aware that there may be occasions where concerns or complaints are raised. A complaint can be about any aspect of the running of the setting. We will be open and accountable and will build trust and respect by listening and responding positively to complaints. Complaints will be dealt with fairly and confidentially and every effort will be made to resolve the complaint as quickly as possible.

Throughout the guidance the term parents is used to include all main care givers.

Open Access

Staff have a duty to inform parents of their right to make a complaint, including a right to appeal. The setting will supply a written copy of the complaints procedure on request to ensure parents are aware of their own roles and responsibilities regarding complaints.

The complaint will be fully investigated and acted upon and will always have a response. Complaints will be investigated by a member of the management team however if the complaint involves the management a third person will investigate (e.g. committee member). The investigator or manager will respond to the complaint.

Complaints Process

Complaints can be made to the setting both informally and formally.

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 further investigation is required this should be resolved within twenty days. 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 chairperson of the setting. The receipt of the complaint will be acknowledged within three working days in writing.

The parent should request a meeting with the chairperson of the setting. The parent will have the right to have the assistance of a friend, relative or representative throughout the process.

The complaint will be investigated and responded to within a further seventeen working days. A confidential written record of the meeting will be taken, actions agreed and noted. 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 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.

Duty of Candour

The Duty of Candour Provisions in the Health (Tobacco, Nicotine etc. and Care) (Scotland) Bill were given Royal Assent on 6th April 2016. The implementation date for the Duty of Candour Provisions is 1st April 2018. The overall purpose of the duty is to ensure that organisations are open, honest and supportive when there is an unexpected or unintended incident resulting in harm or death, as defined by the Act.

Newburgh Pre Schools Duty

Organisations (such as those providing health and social care, hospitals, independent contractors, and all regulated care services, except child minders) are required to follow a Duty of Candour procedure which includes notifying the person affected, apologising and offering a meeting to give an account of what happened.

The duty will also require the organisation to review each incident and consider the support available to those affected (both staff and the people we support).

Organisations have a requirement to publish an annual report on when the duty has been applied. This will include the number of incidents, how the organisation has implemented the duty and what learning and improvements have been put in place.

What Incident would Activate Duty of Candour?

The Duty of Candour procedure must be carried out by the responsible person as soon as practicable after becoming aware that an individual who has received a health, social care or

social work service has been the subject of an unintended or unexpected incident, and in the reasonable opinion of a registered health professional has resulted in or could result in:

- Death of the person
- A permanent lessening of bodily, sensory, motor, physiologic or intellectual functions
- An increase in the person's treatment
- Changes to the structure of the person's body
- The shortening of the life expectancy of the person
- An impairment of the sensory, motor or intellectual functions of the person which has lasted, or is likely to last, for a continuous period of at least 28 days
- The person experiencing pain or psychological harm which has been, or is likely to be, experienced by the person for a continuous period of at least 28 days
- The person requiring treatment by a registered health professional to prevent –
- The death of the person, or
- Any injury to the person which, if left untreated, would lead to one or more of the outcomes mentioned above.

What Procedure Will We Need to Follow?

The stages of the procedure include:

1. To notify the person affected (or family/relative where appropriate)
2. To provide an apology
3. To carry out a review into the circumstances leading to the incident
4. To offer and arrange a meeting with the person affected and/or their family, where appropriate
5. To provide the person affected with an account of the incident
6. To provide information about further steps taken
7. To make available, or provide information about, support to persons affected by the incident
8. To notify the Care Inspectorate via e forms
9. To prepare and publish an annual report on the Duty of Candour

Training

Information on training can be obtained from:

<https://hub.careinspectorate.com/knowledge/policy-and.../policy.../duty-of-candour>

Firstly, we would encourage you to raise any issues directly with the service. Often, things can be resolved quickly once the service is aware of the problem and you can agree how it will be solved. We would encourage this wherever possible. Or you may wish to make a formal complaint to the service using its complaints procedure. All registered care services must have a clear complaints procedure that you can access. You may choose to complain directly to the service or to the Care Inspectorate or both.

If you complain to the Care Inspectorate, you can choose to be anonymous. Further information can be found in the complaints section of the SCSWIS website (www.scswis.com/complaints)

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 lead person, Wendy Walker 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.

Newburgh Preschool 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?**” Newburgh Preschool will be asked to collect data on how the duty is being implemented and help embed awareness. Newburgh Preschool 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

Newburgh Preschool 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.

Newburgh Preschool 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.

Newburgh Preschool 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 in our secure handling, use, storage, retention and destruction of disclosure information policy.

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.

See also:

Confidentiality Policy

Equal Opportunities Policy

Whistleblowing Policy

Recruitment Policy

General Data Protection Regulation – Confidentiality Policy

Secure handling, use, storage, retention and destruction of disclosure information 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>

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 should be made aware of the policy and their role regarding complaints. This will be achieved by monitoring the policy and reviewing it annually.

See also:

Confidentiality Policy

Equal Opportunities Policy

Whistleblowing Policy

Recruitment Policy

Links to national policy:

Health and Social Care Standards

<https://www.gov.scot/publications/health-social-care-standards-support-life/>