



## Policies and Procedures

### Being Open Policy

Policy Type	Clinical
Reviewed By	Lorna Mackie
Approved by	Board
Version Number	1.0
Date Reviewed	February 2023
Next Review Date	February 2025

### Discrimination Statement

Document complies with the Equality Act 2010

Gender: This policy will be applied equally regardless of gender

Race: This policy will be applied equally regardless of Race

Disability: This policy will be applied equally regardless of whether or not a person has a disability or not

Sexual Orientation: This policy will be applied equally regardless of sexual orientation

Age: This policy will be applied equally regardless of age

Religion/Belief: This policy will be applied equally regardless of religion/belief

Human Rights: This policy will not impact on anyone's human rights

If, at any time, this policy is considered to be discriminatory in any way, the author of the policy should be contacted immediately to discuss these concerns.

### Purpose and Definitions

This policy incorporates Duty of Candour, Whistleblowing and Blame Free Culture. The purpose of this policy is to provide guidance for staff and assurance to patients that Brain Health Clinic is committed to continually providing high quality healthcare for all patients and supporting the staff who provide this care. The aim of the policy is to provide guidance and advice on the culture of being open at Brain Health Clinic, when to apply the principles of being open, and how the process is enacted within the clinic

#### Being open involves

- Acknowledging, apologising, and explaining when things go wrong.
- Conducting a thorough investigation into the incident and reassuring patients, their families and carers that lessons learned will help prevent the incident recurring.
- Providing support for those involved to cope with the physical and psychological consequences of what happened.



- Saying sorry is not an admission of liability and is the right thing to do when things have gone wrong.

**Duty of Candour** is a legal requirement for all healthcare organisations.

It advises that as soon as reasonably practicable after becoming aware that a notifiable safety incident has occurred a registered person must notify the relevant person (usually the patient) that an incident has occurred. The notification should:

- Be given in person by one or more representatives of the registered person.
- Provide an account, which to the best of the health service body's knowledge is true, of all the facts the registered person knows about the incident as at the date of the notification.
- Advise the relevant person what further enquiries into the incident the registered person believes are appropriate.
- Include an apology.
- Be recorded in a written record, which is kept securely by the registered person.

**Levels of patient harm – National Reporting and Learning System (NRLS) definitions**

Incident	Level of response
<b>No harm (including prevented patient safety incident)</b>	<p>Patients are not usually contacted or involved in investigations and these types of incidents are outside the scope of the <i>Being open</i> policy.</p> <p>Individual healthcare organisations decide whether ‘no harm’ events (including prevented patient safety incidents) are discussed with patients, their families and carers, depending on local circumstances and what is in the best interest of the patient.</p>
<b>Low harm</b>	<p>Unless there are specific indications or the patient requests it, the communication, investigation and analysis, and the implementation of changes will occur at local service delivery level with the participation of those directly involved in the incident.</p> <p>Reporting to the risk management team will occur through standard incident reporting mechanisms and be analysed centrally to detect high frequency events. Review will occur through aggregated trend data and local investigation. Where the trend data indicates a pattern of related events, further investigation and analysis may be needed.</p> <p>Communication should take the form of an open discussion between the staff providing the patient’s care and the patient, their family and carers.</p> <p><b>Apply the principles of <i>Being open</i></b></p>
<b>Moderate harm, severe harm or death</b>	<p>A higher level of response is required in these circumstances. The risk manager or equivalent should be notified immediately and be available to provide support and advice during the <i>Being open</i> process if required.</p> <p><b>Apply the <i>Being open</i> process</b></p>

**Scope and Distribution**



This policy applies to all employees of Brain Health Clinic, contractors, seconded staff, placements, and agency staff.

Employees will be made aware of this policy in their induction pack and patients will be able to access the policy via the website

## Roles, Rights and Responsibilities

### All staff:

- All staff have a responsibility to understand the principles of being open and when they should be applied.
- All staff should be open and transparent with people who use our services and other 'relevant persons' (which are people acting lawfully on our behalf) in general in relation to care and treatment.

### Operations Manager:

- To update this policy, ensure that it is aligned with national guidelines, distribute appropriately, and ensure that staff are trained at induction and at regular intervals so that they are aware of the principles of being open and the content of the practice policy.
- To work with all staff, patients, and carers to ensure that the being open process is followed and enacted when appropriate.
- To report incidents to the relevant bodies, when appropriate.
- To collate feedback from relevant bodies and disseminate this to the relevant staff members and/or wider team.

## Principles of the Policy

This policy adheres to local and national guidance and policy, including the 'National Learning and Reporting Service guidance; Being open'.

The ten principles of being open are:

1. Providing an acknowledgement that something has gone wrong.
2. Providing an approach of truthfulness, timeliness, and clarity of communication.
3. Offering an apology.
4. Recognising patient and carer expectations.
5. Providing professional support to those who need it.
6. Using appropriate risk management and systems improvement methodologies.
7. Taking multidisciplinary responsibility.
8. Using the framework of clinical governance.
9. Undertaking to provide confidentiality during the investigation.



#### 10. Undertaking to provide ongoing continuity of care.

Brain Health Clinic will always undertake the following steps if a care episode becomes subject to a duty of candour.

- Our process will be timely and contain an approach that encompasses frequent updates for patients and carers, when appropriate.
- Our process will include meetings sensitively handled between patients/carers and relevant staff.
- All episodes of patient harm will be followed up and actions taken where appropriate.
- Incident reports are submitted directly to the Care Quality Commission and National Learning and Reporting System.
- Any actions taken are communicated to the patient/carers and an explanation of the impact this will have and any changes at brain Health Clinic.
- Staff are supported through any investigation and report.
- Incidents are audited and discussed as a multidisciplinary team.

### Principles of the Policy

All those whom the scope of this policy is relevant will engage in training on the culture of being open and duty of candour and maintain their knowledge by completing regular updates. The training will form part of their mandatory training.

### Monitoring and Reporting

Monitoring and reporting in relation to this policy are the responsibility of the operations manager.

The following sources will be used to provide evidence of any issues raised:

PALS

Complaints

Significant and learning events

Any incidents relating to being open will be monitored via incident reporting.

Summary of NHS legal and mandatory documentation

Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: Regulation 20.

**BRAIN HEALTH CLINIC**

www.thebrainhealth.co.uk  
admin@brainhealth.co.uk  
02071831229

