

Duty of Candour Report April 2025 to March 2026

McFarlane Trust was set up as a charity and has been supporting adults with learning and physical disabilities for over 30 years.

We provide personalised accommodation, and support services for people throughout Renfrewshire and East Renfrewshire, in a wide variety of settings and types of input from 24/7 to a few hours per week. We aim to be flexible in our approach and focus on remaining relevant and responsive to individual needs.

McFarlane Trust employs a committed team of approximately 150 people and provides support to over 40 individuals.

The Board of Trustees comprises of a variety of people with different professional backgrounds, skills and qualities, who together are responsible for making sure that the charity works to achieve its purpose.

Our Mission

McFarlane Trust strives to redefine the concept of supported living by putting personalisation at the heart of our services. Our mission is to provide a safe, inclusive, and supportive environment that respects the dignity of individuals with disabilities and empowers them to live independently.

Our Vision

We want every person we support to have a great life; to be independent, safe, and enjoy life at home and in their local community.

Our Values

McFarlane Trust is deeply rooted in values of compassion, respect and dignity, ensuring that every person we support is treated with utmost care and consideration. We strongly believe in inclusivity and reliability, providing services that people can depend on. We prioritise personalisation, offering tailored services to meet the unique needs of each person.

Quality and integrity are at the heart of everything we do, ensuring that services are of the highest standard and all interactions are honest and transparent.

The Duty of Candour

The new duty of candour came into effect on 1 April 2018. The organisational duty of candour provisions of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 and the Duty of Candour Procedure (Scotland) Regulations 2018 set out the procedure that organisations providing care services, health services and social work services in Scotland are required by law to follow 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).

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Organisational Duty of Candour: non-statutory guidance - revised March 2025

This guidance replaces the 2018 organisational duty of candour issued by the Scottish Government. It has been updated based on reviews of published annual reports, learning identified from the COVID-19 pandemic and other scenarios such as healthcare-associated infections (HAI) and incidents involving multiple people, and extensive engagement and feedback from across the health, care and social work sectors. This guidance does not reflect any change in The Duty of Candour Procedure (Scotland) Regulations 2018 (The 2018 Regulations).

The updates are focused on the following key areas to provide further clarity and guidance for those activating the duty:

- how COVID-19 / HAIs can impact the duty – this guidance has been updated to align more closely with the guidance in the National Infection Prevention and Control Manual
- clarity on the benefit of the duty, particularly for care and independent healthcare providers
- further guidance and signposting to training available at a national and/or local level
- clarity on the differences between professional and organisational duty of candour
- clarity on who the procedure applies to and when it should be activated – several examples have been included based on learning from real world scenarios
- updated annual report templates which can be used to fulfil statutory reporting requirements
- guidance on recording meetings has been incorporated
- defining ‘could result in’ further to ensure providers are aware of when activating the duty is necessary
- clarity on an apology not being an admission of negligence

The overall purpose of the duty is to ensure that organisations are open, honest and supportive when a staff member has been involved in an unintended or unexpected incident resulting in death or harm. The final decision by our organisation regarding the activation of the duty of candour procedure for a particular incident will be informed by the views of a registered health professional (e.g., GP). The registered health professional must not have been personally involved in the incident. The person responsible for reporting notifiable events and/or triggering the duty of candour is the Service Director, who is the registered manager through the Care Inspectorate. The Service Director will be responsible for contacting an appropriate registered health professional to obtain their views. In the Service Director’s absence, this responsibility would be delegated to an appropriate Manager.

All health and social care services in Scotland have a duty of candour. This is a legal requirement that means that when things go wrong and mistakes happen, the people affected understand what has happened, receive an apology, and the organisation learns how to improve for the future.

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An important part of this duty is providing an annual report about the duty of candour in our services. This report is a record of incidents concerning the duty of candour during the time between 1st April 2025 - 31st March 2026.

Duty of Candour incidents
In the year to the end of March 2026, there were no incidents to which the duty of candour applied.
How the duty was carried out
N/A

McFarlane Trust policies and procedures that support and guide staff.

McFarlane Trust has a Duty of Candour Policy. We are aware of our duty to comply with the duty of candour when incidents happen.

Other policies and procedures

- Accident and Incident Policy and Procedures.
- Adult Support and Protection Policy and Procedures.
- Complaints Policy and Procedures.
- Recording and Reporting Policy and Procedures
- Care Inspectorate notifications.
- Notifiable Incidents procedures.
- Public Interest Disclosure Policy and Procedures.
- Health and Safety Policy and Procedures.

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Incidents that would trigger the implementation of the duty of candour.

A. The death of a person.

B. Permanent lessening of bodily, sensory, motor, physiologic or intellectual functions (severe harm).

C. Harm may not always be severe, but the duty should be considered in the following outcomes: -

- 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, for a continuous period of at least 28 days.

D. The person requires treatment by a registered health professional to prevent:

- the death of the person.
- any injury to the person which, if left untreated, would lead to one or more of the outcomes mentioned in paragraphs B or C.

If the organisation judges that the criteria have been met, as set out above, the organisational duty of candour procedure must be followed.

Our annual report has been reviewed by our Board of Trustees and published on our website.

If you would like more information on this report, please contact us at contact@mcfarlanetrust.org

Lesley Watt
Director of Services
March 2026