Putting patients first understanding the duty of candour

When Robert Francis QC recommended that the journey to putting patients first, not just in Mid-Staffs but in any healthcare setting, would require a ‘fundamental culture change’ across the health and social care system, this was not a slur on the integrity and dedication of most health professionals.

However, the Francis Inquiry findings presented stark evidence that when patients come to harm, insensitive handling and poor communication after the event can be as damaging as the original problem.

The real challenge, Francis recognised, is ensuring clinicians and clinical staff are properly supported when things go wrong - that there can be no circumstances when they feel prevented from being open and honest with patients or fulfilling their duty of care.

Responding to the Francis report, the Government has this month introduced a statutory duty of candour, with possible criminal sanctions, for organisations providing health services that are overseen by the Care Quality Commission.

For health professionals, the Government proposes not a statutory but a professional duty of candour:

‘In addition to the statutory duty of candour on providers, there is also a professional duty of candour on individuals that will be strengthened through changes to professional guidance and codes. The professional values of individual clinicians are critical in ensuring an open culture in which mistakes are reported, whether or not they cause actual harm.

‘The healthcare professional regulators will be working to agree consistent approaches to candour and reporting of errors, including a common responsibility across doctors, nurses and other health professions to be candid with patients when mistakes occur, whether serious or not, and clear guidance that professionals who seek to obstruct others in raising concerns or being candid would be in breach of their professional responsibilities.’

The GOsC joins with other health professional regulators this month in a public commitment to strengthening and harmonising professional standards in relation to candour and the reporting of errors. This joint statement is reproduced on the facing page.

While the duty of candour is common across healthcare professions, it is recognised that different professions and their regulators work in separate ways. For example, the management and working relationships in osteopathic practice settings are clearly very different from those within NHS hospitals. Regulators will work within their own professions, and with each other, to ensure standards that promote candour are both appropriate to your practice and patients, and consistent with other health practices.

The Osteopathic Practice Standards

The current 2012 Osteopathic Practice Standards (OPS) make numerous references to candour in practice, most notably Standard D7: ‘Be open and honest when dealing with patients and colleagues and respond quickly to complaints.’

The renewed professional duty of candour, however, establishes expectations of a more proactive approach: telling patients when something has gone wrong, rather than simply responding to complaints. So while Standard D7 in itself may be adequate, the underpinning OPS guidance may need to be broadened and strengthened.

We intend to undertake a fundamental review of the Osteopathic Practice Standards in 2015-16, in the course of which additional guidance can be developed in consultation with the profession.

In advance of this, we are very keen to engage osteopaths in focus group discussions of the issues outlined in the joint statement, exploring scenarios where the duty of candour would apply and identifying issues or difficulties that might arise in practice. This will greatly assist us in the drafting of suitable guidance that will adequately support osteopaths in fulfilling the duty of candour.

Further information

We welcome your views. Email us on candour@osteopathy.org.uk or call Brigid Tucker, Head of Policy and Communications, on x247.
Our duty of candour

A joint statement from the Chief Executives of statutory regulators of healthcare professionals

Health professionals must be open and honest with patients when things go wrong. This is also known as ‘the duty of candour’.

As the Chief Executives and Registrars of statutory regulators of healthcare professionals, we believe that this is an essential duty for all professionals working with patients.

Although it may be expressed in different ways within our statutory guidance, this common professional duty clarifies what we require of all the professionals registered with us, wherever they work across the public, private and voluntary sectors.

We will promote this joint statement on ‘the duty of candour’ to our registrants, our students, and to patients, ensuring our registrants know what we expect of them. We will review our standards and strengthen references, where necessary, to being open and honest, as appropriate to the professions we regulate. We will encourage all registrants to reflect on their own learning and continuing professional development needs regarding the duty of candour.

We will also work with other regulators, employers and commissioners of services to help develop a culture in which openness and honesty are shared and acted on.

The Professional Duty of Candour

Every healthcare professional must be open and honest with patients when something goes wrong with their treatment or care which causes, or has the potential to cause, harm or distress.

This means that healthcare professionals must:

• tell the patient (or, where appropriate, the patient’s advocate, carer or family) when something has gone wrong;
• apologise to the patient (or, where appropriate, the patient’s advocate, carer or family);
• offer an appropriate remedy or support to put matters right (if possible); and
• explain fully to the patient (or, where appropriate, the patient’s advocate, carer or family) the short and long term effects of what has happened.

Healthcare professionals must also be open and honest with their colleagues, employers and relevant organisations, and take part in reviews and investigations when requested. Health and care professionals must also be open and honest with their regulators, raising concerns where appropriate. They must support and encourage each other to be open and honest and not stop someone from raising concerns.

David Howell, General Chiropractic Council
Evlynne Gilvarry, General Dental Council
Niall Dixon, General Medical Council
Samantha Peters, General Optical Council
Tim Walker, General Osteopathic Council
Duncan Rudkin, General Pharmaceutical Council
Jackie Smith, Nursing and Midwifery Council
Trevor Patterson, Pharmaceutical Society of Northern Ireland

October 2014