



Department
of Health

Duty of Candour Our Consultation

Easy Read



March 2014

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Introduction



We always want the best and safest treatment and care, but sometimes things go wrong.



When things do go wrong, we believe that the patient or person receiving care who has suffered harm should be told what has happened. There should also be an apology.



We want to make sure that organisations must tell the person when harm has happened and apologise. We want to introduce a new law to do this called the **Duty of Candour**.



The Care Quality Commission (CQC) want to make sure health and social care services give people, safe, kind and good care.

What we have been told



What happened at the Mid Staffordshire Hospital was terrible. Care was very poor.



The Francis Inquiry into what went wrong at Mid Staffordshire Hospital supported the idea of a **Duty of Candour** as one way of making hospitals safer.



The idea of a **Duty of Candour** was also supported in a recent Review by Sir David Dalton and Professor Norman Williams.



In June 2013 the Care Quality Commission asked for your views on a number of changes to the way it operates.



One of these changes was a new **Duty of Candour**, to ensure that people are told when harm has happened to them.



The Care Quality Commission found there was a lot of support for a **Duty of Candour**, particularly from the public.



Although there was a lot of support, some people told the CQC that they thought staff delivering care might be worried about a **Duty of Candour**, especially if they could be taken to Court.

Who will the Duty of Candour apply to?



We want to change the law so that there will be a **Duty of Candour** that covers all organisations who register with the CQC.



This means:

- NHS hospitals
- Private hospitals
- Care homes
- Doctors
- Dentists
- Home Care Providers



The new **Duty of Candour** will apply to organisations that provide care. We do **not** intend to introduce a new law putting a duty of candour on staff that provide care.

What will this mean for the patient or person receiving care?



We want to change the law so that all care organisation must do the following things:



- tell the patient or person receiving care when harm has happened, provide all the relevant information and apologise;
- agree with the patient or person receiving care that has been harmed what further actions are necessary;
- then write to the patient or person receiving care to tell them what has happened and the result of any further actions they have taken.



When will the new Duty of Candour apply?



The **Dalton Williams Review** said that all care organisations should be open and honest but that the **Duty of Candour** should only apply when there has been significant harm. We agree that this is the right **threshold**.



Significant harm means, for example, that:

- a serious injury has occurred;
- there is a long lasting effect on a person's health or well-being.



It also means that low harm that just requires minor treatment (such as first aid) will not have to be reported in this way. We feel that it would be unfair to make Care Organisations have to report low harm under the **Duty of Candour**. It would lead to too much cost and paperwork.

What happens if the Duty of Candour law is broken?

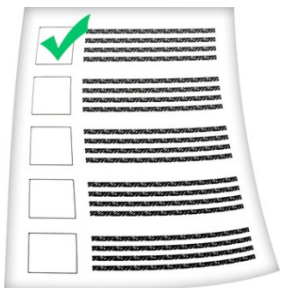


The CQC can take Care Organisations to court if they break the **Duty of Candour** law. That will happen in the most serious cases, but CQC will take other action in less serious cases.

We want your views



We want to hear what you think about our plans for the new laws.



We want to know your answers to some questions. The questions are shown in a yellow box in the reply booklet.

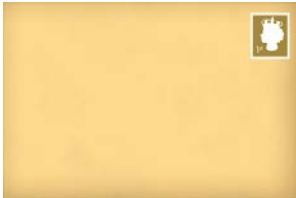


Please tell us what you think **by 25th April 2014**



You can use the answer booklet to send in your views.

How you can contact us:



You can tell us by sending your reply to :



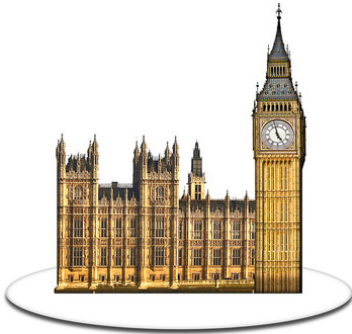
Email:

Dutyofcandour_consultation@dh.gsi.gov.uk



Or write to:
Duty of Candour Consultation
c/o Jeremy Nolan
Room 2E11
Quarry House
Quarry Hill
Leeds
West Yorkshire
LS2 7UE

What will happen next?



Some of the changes we plan to make will need changes to the law (regulations).

We want your views on these draft laws before they go to Parliament in the summer.



We want the new laws to start in October 2014.

REPLY BOOKLET

Response to our plans on the Duty of Candour:

Name:.....

Organisation/role.....

.....

.....

.....

Please send your response to:
Dutyofcandourconsultation@dh.gsi.gov.uk

Or by post to:
Duty of Candour Consultation
c/o Jeremy Nolan
Room 2E11
Quarry House
Quarry Hill
Leeds
West Yorkshire
LS2 7UE

Closing date: **25 April 2014**

Question 1:

Do you have any comments on the Duty of Candour harm threshold chosen for healthcare?

Yes

No

Maybe

Other comments:

Question 2:

Do you have any comments on the Duty of Candour harm threshold chosen for adult social care?

Yes

No

Maybe

Other comments:

Question 3:

Do you agree with the requirements to be placed on service providers under the Duty of Candour?

Yes

No

Maybe

Other comments:

Question 4: Do you have any views on the costs and benefits associated with the Duty of Candour as set out in the draft impact assessment (published alongside this document)? See Annex C of the main consultation document for more detailed questions on impact.

Yes

No

Maybe

Other comments:

Question 5:

Do you think any of the proposals set out in this consultation document could have equality impacts for affected persons who share a protected characteristic as described in the main consultation document? If so, please tell us about them.

Yes

No

Maybe

Other comments: