

# PRESS RELEASE

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## History made Today as “Duty of Candour” Becomes Law

### More Action Needed to Makes NHS Cover-Ups a Thing of the Past

**London, 27<sup>th</sup> November, 2014;** Today marks an historic moment for the NHS in England. The statutory Duty of Candour - a legal duty to be open and honest with patients or their families when things go wrong that can cause harm – comes into force.

Action against Medical Accidents (“AvMA” – the charity for patient safety & justice) has campaigned for such a duty for two decades and together with the recommendation of such a duty from Sir Robert Francis following the Mid Staffordshire public inquiry, helped persuade Health Secretary Jeremy Hunt to agree to it. Successive Governments had refused to go as far as making honesty when things go wrong a statutory requirement. The Duty of Candour applies to all NHS trusts and will be regulated by the Care Quality Commission (CQC), which has severe sanctions available for NHS trusts who do not comply including, ultimately, criminal sanctions.

Peter Walsh, Chief Executive of AvMA said: “This is the biggest advance in patient safety and patients’ rights in the history of the NHS. For over 65 years the system has frowned on cover ups but in effect has tolerated them. Not only has this caused gross injustice and harm, but has meant the NHS continued to fail to learn lessons to improve patient safety. We applaud the Government for having the courage to give zero tolerance to cover ups. However, we now need serious investment in awareness raising and training for staff to help realise the full benefits of this bold initiative and make cover ups a thing of the past.”

The Duty of Candour is one a of a set of statutory ‘fundamental standards’ contained in the CQC regulations under the Health and Social Care Act. The Duty of Candour applies to all NHS trusts in England from 27<sup>th</sup> November 2014 and in April 2015 will be extended to cover GPs and other primary care practitioners, private healthcare, and social care providers registered with the CQC.

Mr Walsh paid tribute to the patients and families who have suffered as a result of dishonesty from the NHS and who have helped make the Duty of Candour a reality. He said: “No one has done more to raise

awareness of the need for a duty of candour than Will Powell, father of Robbie Powell, whose case graphically illustrated the absence of any such duty. The case of John Moore-Robinson at Stafford was also hugely influential in bringing this about. We all have Robbie's and John's families and the countless patients and families who have suffered as a result of a lack of honesty over the years to thank for this breakthrough."

**Ends**

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**Editors Notes:**

1. Action against Medical Accidents (AvMA) is the UK charity for patient safety and justice. We provide free and confidential advice and support to people affected by medical accidents, via our helpline and casework service and can refer to our panel of specialist [clinical negligence solicitors](#) or other sources of support where appropriate. The charity also runs an inquest support service as part of its casework supporting over 3,000 people a year.
2. AvMA is the UK charity for patient safety & justice. Registered as a charity in England & Wales (No: 299123) and Scotland (SCO39683). [www.avma.org.uk](http://www.avma.org.uk)