

# PRESS RELEASE

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## Action against Medical Accidents Responds to GMC & NMC's Duty of Candour Consultation

### Action on all our parts vital if cover-ups are to be effectively outlawed

London, 13<sup>th</sup> November, 2014; Leading UK patient safety and justice charity, Action against Medical Accidents (AvMA) is today sharing publically its draft response to the GMC's and NMC's consultation on their [draft guidance](#) on the 'professional duty of candour'. The charity is calling on all stakeholders to respond to the consultation similarly in order to ensure the 'professional duty of candour' is fit for purpose. Health Secretary Jeremy Hunt ordered work on the professional duty of candour, which will be complemented by the new statutory duty of candour on organisations in the wake of the Mid Staffordshire scandal. AvMA has long campaigned for the duty of candour and believes the draft GMC and NMC guidance does not go far enough to protect patients from further 'cover-ups'. The consultation runs until 5<sup>th</sup> January 2015.

Peter Walsh Chief Executive of AvMA, said: "We have not fought so long and hard for the Duty of Candour to see its effectiveness limited by inadequate implementation and regulation. The GMC and NMC have to be seen to be taking this more seriously than they have done in the past. In theory they have both had a professional duty of candour in their codes for years but it has not been robustly and consistently enforced. Consultation on the draft guidance is welcome, but needs to be amended if it is to be effective. We call on everyone to respond to make sure that happens and we see the biggest breakthrough in patients' rights and patient safety in history."

In response to the consultation on the draft guidance on the professional duty of candour AvMA calls for **proper regulation and not just guidance alone**. Whilst clearer guidance for health professionals is welcome, it only describes in more detail what in theory has been a professional duty for years. What is urgently needed is an assurance alongside and reflected in the guidance, that the regulators themselves will change the way that they promote and enforce the duty of candour.

AvMA also calls for **the Duty of Candour being applied to situations of potential harm and not just actual harm**. This guidance (and the codes themselves) must make clear that the duty of candour applies not only to where harm is known to have been caused, but also where an error, omission or system failure *may* result in harm at a future point.

In addition AvMA considers it vital that **the Duty of Candour is applied to system flaws as well as human errors**. The guidance should be amended to make clear that the professional duty of candour applies just as much to incidents which involve what might be described as 'flaws in the system' or "system failures" in the care of the patient that have caused harm or may lead to harm – as it does to "errors".

ENDS

**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.
2. [AvMA Full Draft Response to Draft Duty of Candour Consultation](#)
3. AvMA is the UK charity for patient safety & justice. Registered as a charity in England & Wales (No: 299123) and Scotland (SCO39683).