



PRESS RELEASE – for immediate release Thursday, 6th March 2014

DUTY OF CANDOUR REVIEW - FULL DUTY RECOMMENDED

The patient safety charity Action against Medical Accidents (AvMA) welcomes the recommendation that a full unrestricted Duty of Candour be introduced. If the Government accepts the recommendation it will be a huge step forward for patients' rights and patient safety.

Following the Government's response to the Mid Staffordshire Public Inquiry, Professor Norman Williams, President of the Royal College of Surgeons, and Sir David Dalton, Chief Executive of Salford Royal Hospital, were asked by Mr Hunt, the Secretary of State for Health, to lead a review on proposals to enhance candour in the NHS. Their report recommends that moderate as well as serious injury, or death, should be included in the new statutory duty of candour that the Government is about to introduce.

The recommendation, if implemented, means that a new legal duty on healthcare organisations to be open and honest with patients or their families when harm has been caused will apply to any incident causing significant harm. Until AvMA's intervention, Mr Hunt had intended to restrict the duty only to fatal cases or those causing the most severe permanent disability.

The duty had been recommended by Robert Francis QC following the Mid Staffordshire Inquiry and is due to come into force by October 2014.

AvMA chief executive, Peter Walsh, said:

"All patients welcome the outcome of the review. **It is unthinkable that the Government will ignore this recommendation.** A full duty of candour would probably be the biggest advance in patients' rights and patient safety since the creation of the NHS. For decades the NHS has frowned upon cover-ups but has been prepared to tolerate them. This will be an end to that."

AvMA has led the campaign for a statutory Duty of Candour which has been fiercely resisted by successive governments until now. The Duty of Candour is also known as "Robbie's Law" in honour of the Powell family in South Wales who lost their son due to negligence over 20 years ago and have

campaigned ever since to raise awareness of the need to outlaw cover-ups. Their huge sacrifices have included forgoing over £300,000 in compensation to bring the absence of such a duty into the public domain.

Robbie's father, Will Powell, said:

“Losing Robbie as a consequence of medical error was difficult enough without having to endure, so far, almost 24 years of alleged dishonesty and cover-ups. Many others and I believe that honesty is the best policy following an adverse clinical incident and this positive announcement today will hopefully ensure that victims of the NHS and bereaved families will now be legally entitled to be told the truth when medical treatment goes wrong. This will in turn assist the families to move on with their lives and guarantee that lessons will truly be learned to prevent repetition.

Although this is a gigantic step in the fight to abolish dishonesty and NHS cover-ups I hope one day that there will be a freestanding Duty of Candour for all healthcare professionals.”

ENDS