

FOR IMMEDIATE USE – Feb 6/ 2013

STATEMENT FROM PETER WALSH, CHIEF EXECUTIVE OF **ACTION AGAINST MEDICAL ACCIDENTS** FOLLOWING PUBLICATION OF THE FRANCIS REPORT INTO MID STAFFORDSHIRE FOUNDATION TRUST.

**“New dawn for the NHS”, says Peter Walsh.**

Patient justice and safety charity Action Against Medical Accidents (AvMA) today hailed a victory in its campaign for a statutory “Duty of Candour” – one of the principal recommendations in the report into the Mid Staffs Hospital scandal.

In his massive report into what went wrong at Mid Staffs, Robert Francis QC, says a legal obligation should be imposed to observe a duty of candour, forcing health staff to tell families when they suspect harm has been caused to a patient and it should be made a criminal offence to mislead.

Peter Walsh, AvMA, chief executive today welcomed the recommendations in the Francis Report as a “raft of measures to guarantee openness, transparency and learning including a legal duty of candour with patients and families when harm has been caused – something we have campaigned for over many years”.

Added Mr Walsh; “The Government must now accept the recommendation for a legal duty of candour which would represent the biggest advance in patient safety and patients’ rights in the history of the NHS. So far they have fiercely resisted this.

“The duty of candour, together with other recommendations to ensure full openness and transparency represent a new dawn for the NHS. Organisations that sweep errors under the carpet do not learn lessons. An open and transparent NHS will be a safer NHS”.

In his evidence as a core participant in the inquiry Mr Walsh spoke of the tension in the healthcare system between the recognition for the need for openness and the fear of litigation – something acknowledged by Robert Francis in his report published today.

Mr Walsh said that if the duty of candour recommendations are implemented fully by the Government it should be known as “Robbie’s Law” in honour of the Powell family from South Wales who have campaigned for this change for over 20 years.

Other key changes which AvMA had pressed for and are included in the Francis report include;

- Better support and protection of NHS whistleblowers and a ban on “gagging clauses”
- An improvement in support for families in fatal cases and the Coroner’s Rule 43 on patient safety recommendation to be sent to the Care Quality Commission
- Ring-fenced funding for Healthwatch – the local patients organisations, and protection of their independence and consistency
- Regulation of health care assistants
- NICE recommended standard staff/patient ratios
- That the recommendations themselves are implemented and progress reported within 12 months. Ends.