

Professional duty of candour – core principles

Patients are entitled to be fully informed about their care. As well as ensuring that patients are appropriately consented prior to treatment, this includes full disclosure when things go wrong, which is a professional duty for all doctors.

There is also an organisational, statutory duty of candour in, which differs across the four jurisdictions of the UK. This note focuses on the professional duty of candour; for more information on the statutory duty of candour, see our separate advice.

Basic considerations

- When a patient's treatment or care goes wrong and this causes (or has the potential to cause) harm or distress, healthcare professionals must be open and honest.
- They must inform the patient (or if appropriate their family, carer or representative) and offer an appropriate apology.
- If possible, a remedy should be offered as soon as possible.
- A full explanation should be provided in relation to what has occurred, the consequences and what can be done to alleviate these. The patient should also be told what will be done to prevent someone else being harmed in the same way.
- Colleagues and employers should also be notified, using appropriate reporting systems if necessary.
- Healthcare professionals are expected to cooperate with investigations into adverse events arising from incidents where a patient has been harmed because of a medical error.

Common pitfalls

- Delay in notifying patients or their representative when a harmful incident has occurred. They should be notified as soon as reasonably practicable. You don't have to wait until the outcome of an internal investigation to speak to the patient, but you should be clear about what has and has not yet been established.
- A harmful incident may occur by omission, for example, failing to refer or investigate timeously thereby delaying diagnosis and remedial treatment. However, once this has been identified the patient should be told.
- Telling the patient more than they want to know. The GMC's guidance acknowledges that there may be certain patients who do not want to know every detail about what has gone wrong; in these situations, you should try to explore why the patient doesn't want more information and, if they do not change their mind, you should respect their wishes, so far as possible, clearly recording the discussion that has taken place.

- Not telling the patient about the adverse event because a formal complaint has not been received. The patient does not need to have complained about the adverse event*, once it has been identified the patient should be informed.

*The GMC clarifies the nature of such events in its duty of candour guidance and states:

"This guidance is not intended for circumstances where a patient's condition gets worse due to the natural progression of their illness. It applies when something goes wrong with a patient's care, and they suffer harm or distress as a result. This guidance also applies in situations where a patient may yet suffer harm or distress as a result of something going wrong with their care. When you realise that something has gone wrong, and after doing what you can to put matters right, you or someone from the healthcare team must speak to the patient.."

Key points

- Be aware of your professional duty of candour and ensure that you act on this when an adverse event occurs – and in the event of a 'near miss'.
- Ensure you have a clear understanding of the facts, likely consequences and any remedial action that will be taken before speaking to the patient/representative.
- Do not incur unreasonable delays.
- Be sensitive in the way you communicate the information and carefully consider where and when the discussion should take place.
- Listen to any questions from the patient/representative and try to address these going forward.

Further guidance

- GMC ethical guidance on candour - <https://www.gmc-uk.org/ethical-guidance/ethical-guidance-for-doctors/candour---openness-and-honesty-when-things-go-wrong>
- Search for "candour" in the MDDUS resource library <https://www.mddus.com/resources/resource-library>.
- Search for 'statutory duty of candour' in the MDDUS advice library <https://www.mddus.com/advice-and-support/advice-library>