First CQC Prosecution for Breach of Duty of Candour

AUTHOR / KEY CONTACT

Alice Thursfield
Senior Associate

Alice.Thursfield@LA-Law.com
01202 786353

The CQC has ordered University Hospitals Plymouth NHS Trust to pay over £12,000 after it admitted that it failed to disclose details relating to a surgical procedure. The Trust was fined £1,600, a £120 victim surcharge and ordered to pay £10,845.43 in court costs. The Trust also admitted that it had failed to apologise following the death of a 91-year-old woman, Mrs Elsie Woodfield.

This is the first prosecution of its kind, in which CQC has prosecuted for a breach of the duty of candour.

Mrs Woodfield was 91-years-old. She had undergone an unsuccessful endoscopy procedure at Derriford Hospital in December 2017, resulting in a perforated esophagus. Mrs Woodfield very sadly collapsed and died after the procedure.

The Trust had not shared details of what had happened to Mrs Woodfield before she died in hospital. The Trust had also failed to apologise to Mrs Woodfield's family for the mistake within a reasonable timeframe.

The duty of candour, under Regulation 20 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, requires care providers to act with openness and transparency and states that providers must give an apology to people receiving care, or their relatives, in the event of a serious incident.

The duty of candour regulation also specifies certain requirements that providers must follow when things go wrong with care and treatment. These requirements include informing people about the incident, providing reasonable support, providing truthful information and an apology.

CQC can prosecute for a breach of these requirements without serving a Warning Notice first. In addition to prosecuting for a breach of Regulation 20, CQC can take other enforcement action.

Although this is the first time CQC has prosecuted for a breach of the duty of candour requirements, this case adds to the growing trend of increasing numbers of criminal investigations and prosecutions being undertaken by CQC over the last couple of years. In recent months, we have represented providers in criminal investigations relating to a variety of matters, including failure to have a Registered Manager and failure to submit notifications to CQC. We have also seen increasing numbers of criminal investigations by CQC in relation to various incidents, such as resident falls or self-harming incidents, typically where CQC finds that risk assessments or

Lester Aldridge LLP is authorised and regulated by the Solicitors Regulation Authority (SRA ID: 463177). It is a limited liability partnership registered in England and Wales under number OC321318. Managing Partner: Tom Alder; Compliance Officer for Finance and Administration: Dan Baker-Mist (Financial Controller); Compliance Officer for Legal Practice: Joanne Clarke (Partner) - See more on the Lester Aldridge Privacy Policy

© 2026 Lester Aldridge

care plans are of poor quality or have not been appropriately reviewed.

We are specialist healthcare solicitors with extensive experience in defending all forms of enforcement action, criminal investigation or prosecutions by CQC or other authorities (such as the Police). If you require any assistance in relation to CQC requirements or your dealings with CQC, please do not hesitate to contact a member of our healthcare law team at online.enquiries@la-law.com or call 01202 786135 to discuss how we can assist you.

Tel: 0344 967 0793 | Email: info@LA-Law.com | www.lesteraldridge.com

Lester Aldridge LLP is authorised and regulated by the Solicitors Regulation Authority (SRA ID: 463177). It is a limited liability partnership registered in England and Wales under number OC321318. Managing Partner: Tom Alder; Compliance Officer for Finance and Administration: Dan Baker-Mist (Financial Controller); Compliance Officer for Legal Practice: Joanne Clarke (Partner) - See more on the Lester Aldridge Privacy Policy

© 2026 Lester Aldridge