



What is Duty of Candour and What Does it Mean?

Understanding the meaning of the duty of candour meaning is essential for patients and families, as it represents a statutory duty on all health and social care organisations registered with the [Care Quality Commission](#) (CQC).

This duty is separate but complements the individual Professional Duty that all medical professionals hold.

It places an overarching responsibility on organisations and providers to be open and transparent with patients/service users and their families about notifiable safety incidents (NSI).

What is a 'notifiable safety incident'?

It varies depending upon whether it is an NHS body, NHS primary care or private healthcare.

For NHS bodies, a notifiable safety incident is defined as an unintended or unexpected incident which could result in, or appears to have resulted in:

- the death of the service user, where the death relates directly to the incident rather than to the natural course of the service user's illness or underlying condition
- severe harm, moderate harm or prolonged psychological harm to the service user.

For NHS Primary care and private healthcare, a notifiable safety incident is defined as an unintended or unexpected incident which appears to have resulted in:

- the death of the service user, where the death relates directly to the incident rather than to the natural course of the service user's illness or underlying condition
- an impairment of the sensory, motor or intellectual functions of the service user which has lasted, or is likely to last, for a continuous period of at least 28 days
- changes to the structure of the service user's body

- the service user experiencing prolonged pain or prolonged psychological harm, or
- the shortening of the life expectancy of the service user

OR requires treatment by a health care professional in order to prevent:

- the death of the service user, or
- any injury to the service user which, if left untreated, would lead to one or more of the outcomes mentioned above

If any of the above occurs, duty of candour applies.

The difference in the definition for NHS bodies and NHS Primary care and private healthcare means that potential harm is sufficient for duty of candour for NHS bodies, but not Primary care and private healthcare. This discrepancy is yet to be resolved by the government.

What does this mean?

- This duty of candour means that healthcare providers are obligated to be open with you if an incident occurs that appears to have caused, or has the potential to cause, significant harm.
- Service providers and medical practitioners must notify the patient or family in person, including an apology, as soon as reasonably practicable after becoming aware of an NSI.
- Service providers and medical practitioners are also encouraged to provide reasonable support, providing truthful information and written notification including an apology and explanation of what will happen, when things go wrong.
- You may wish to liaise with Patient Advice and Liaison Service for confidential advice and support to make a complaint.

You can find a copy of AvMA's leaflet which provides detailed insights into the meaning on duty of candour [here](#) for further information.

You can find out more about duty of candour on the

If you would like any further information about the duty of candour or any other [clinical negligence injury](#) related queries, please do not hesitate to contact our experienced medical negligence solicitors.