

Duty of Candour and Being Open

Public Consultation

NICVA Policy Seminar

20 May 2021

IHRD Recommendations

- **Legal Duty of Candour:**
 - On organisations
 - On individuals
 - Criminal offences for breach
- **Supported by:**
 - Unequivocal guidance about how to fulfil the duty;
 - Requirement for organisations to train and empower staff to fulfil the duty; and
 - Support and protection for those who fulfil the duty.

Organisational Duty of Candour

- Scope
- Routine Requirements
- Requirements when things go wrong & the Duty of Candour Procedure
- Apologies
- Support and protection for staff
- Reporting and monitoring
- Criminal Sanction for breach, including obstruction

Individual Duty of Candour

Policy Proposal

- Implement the recommendation as written.
- Introduce a statutory individual Duty of Candour, which would include a series of requirements in law that have to be adhered to by staff within its scope.
- Breach of these requirements would constitute a criminal offence.

Individual Duty of Candour

- **Alternative Proposal (a)** - Statutory individual Duty of Candour without criminal sanction attached for breach

Individual Duty of Candour

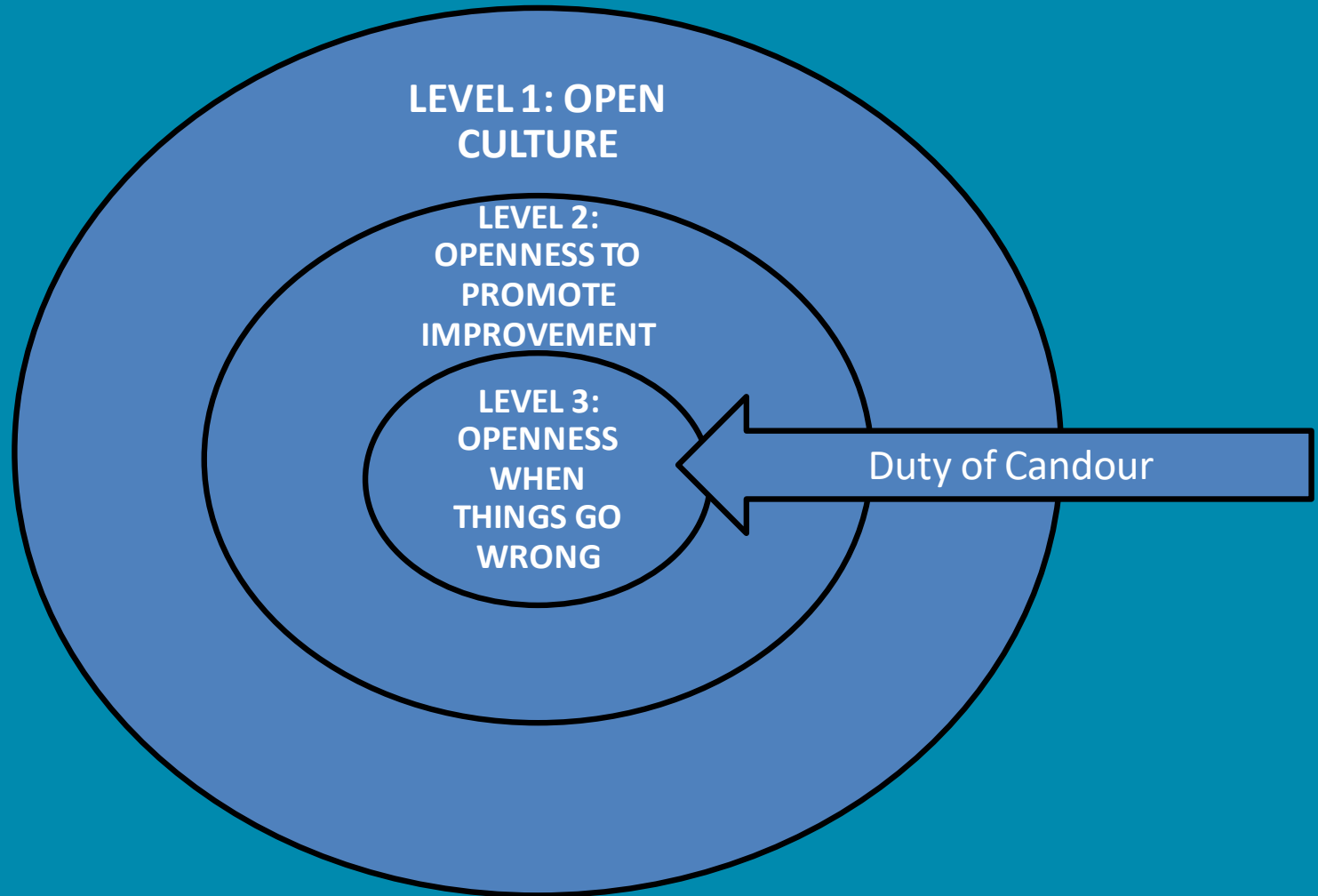
- **Alternative Proposal (b)** - Statutory individual Duty of Candour without criminal sanction for breach, and separate criminal offence for withholding information, destroying information, or providing false or misleading information.

Being Open Framework

A policy framework for developing Being Open guidance at the following levels:

1. Routine Openness
2. Openness to promote learning
3. Candour when something has gone wrong and significant harm, or death, has been caused

What are we trying to achieve?



Consultation

Launched on Monday 12 April 2021. Closing date for responses is Monday 2 August 2021

Ways to Respond

- Via the online survey hosted on Citizen Space;
- By completing the Consultation Questionnaire;
- By downloading and completing the Consultation Response template; and
- By sending an email, or writing to the DoH, with a summary of your feedback to the consultation.

Further information

DoH (NI) Consultation Page –

<https://www.health-ni.gov.uk/consultations/duty-of-candour>

Consultation Citizen Space page –

<https://consultations.nidirect.gov.uk/doh-1/duty-of-candour/>

Hyponatraemia Implementation Programme - visit

<https://www.health-ni.gov.uk/hip> or contact
IHRD.implementation@health-ni.gov.uk