



Registration Council of Clinical Physiologists Duty of Candour Guidance

Introduction

This guidance document sets out the key principles that all RCCP registrants should be aware of and conforming to in relation to the professional duty of candour and explains our approach to being open and honest with patients when something goes wrong with their treatment or care. This guidance should be used to support any relevant statutory and employer Duty of Candour policies and guidance including:

- The Care Quality Commission (CQC) [Regulation 20: Duty of Candour](#)
- The Professional Standards guidance on [Professional Duty of Candour](#)
- Local HR recruitment guidance
- Local employer Code of Conduct and Disciplinary Policies

What is a Duty of Candour?

Following a number of public enquiries over the last few years, where a lack of transparency and a culture of 'secrecy' has been uncovered in relation to failures in patient care, this has led to a focus on making 'candour' or being open, honest and truthful mandatory in healthcare.

Statutory duty of candour

The statutory duty of candour is a legal duty on healthcare **organisations** (e.g. hospitals, community, mental health trusts) to inform and apologise to patients if there have been mistakes in their care that have led to significant harm. This duty of candour aims to help patients receive completely transparent, accurate and truthful information from healthcare providers. Please see the PSA guidance on 'What is the Duty of Candour?' <https://www.professionalstandards.org.uk/what-we-do/improving-regulation/find-research/duty-of-candour>.

The statutory duty of candour regulations came into force in November 2014 for NHS bodies and April 2015 for all other organisations including the independent sector. A statutory duty of candour covers all care providers registered with CQC and applies to organisations rather than individuals, but individuals will inevitably be involved in managing and resolving incidents. Some NHS organisations, like hospital and foundation trusts in England, also have a contractual duty of candour with the commissioning body.

Although statutory duty of candour applies to organisations rather than individuals, healthcare professionals should cooperate to make sure the organisational obligation is

met. In principle this means patients must be told of any 'notifiable safety incident' as soon as is practical and failure to do so could be a criminal offence.

The barrister, Robert Francis QC, who led the public inquiry into the care failings at Mid-Staffordshire Foundation Trust said a similar duty should also apply to staff and without it organisations risked missing potential patient safety warning signs, which led to the introduction of the Professional Duty of Candour for the regulated healthcare professionals in 2015. The [Mid Staffordshire NHS Foundation Trust public inquiry](#) Recommendation 178 proposes a Duty of candour to be included in the NHS Constitution, employment contracts, policies and guidance.

Professional Duty of Candour

A professional duty of candour was introduced for healthcare professions to be open and honest with patients when something that goes wrong with their treatment or care causes, or has the potential to cause, harm or distress and apologise to the patient (or, where appropriate, the patient's advocate, carer or family).

Healthcare professionals must also be open and honest with their colleagues, employers and relevant organisations, and take part in reviews and investigations when requested. They must also be open and honest with their professional regulators, raising concerns where appropriate. They must support and encourage each other to be open and honest, and not stop someone from raising concerns.

RCCP Standards and a Professional Duty of Candour

Although the professional duty of candour applies to all UK healthcare professionals who are *statutory* regulated in the UK, RCCP support this principle for non-statutory regulated clinical physiologists and deem it is good practice be compliant with this requirement and adopt a professional duty of candour. A number of RCCP registrants are also dual regulated with statutory bodies such as the Health and Care Professions Council (HCPC).

A professional 'duty of candour' when applied to individual RCCP registrants is a professional and ethical responsibility to be open and honest when things go wrong with the care, treatment or a service that they have provided.

With this in mind, the RCCP Standards of conduct, performance and ethics (Standard 8.1) affirm this and outline the obligation for RCCP registrants to:

- inform service users or, where appropriate, their carers, that something has gone wrong;
- apologise;
- take action to put matters right if possible; and
- make sure that service users or, where appropriate, their carers, receive a full and prompt explanation of what has happened and any likely effects.

An apology does not mean the registrant is admitting legal liability. This is clearly set out in the Compensation Act 2006 (England and Wales)⁴ and the Apologies (Scotland) Act 2016⁵.

Healthcare professionals may be concerned that being open with patients may compromise the ability to deal with a claim if one is subsequently made by the patient. However, in reality 'candour' is all about sharing accurate information with patients and should be strongly encouraged and supported to help patients understand what has happened to them.

A cautious approach may be considered however where the facts are not yet known or where a healthcare professional is being asked to speculate beyond what is known. It can be more damaging to a healthcare professional and patient relationship to speculate inaccurately than to investigate and find the facts and then provide the extra information.

RCCP registrants should therefore ensure they understand their organisation's incident reporting process and accurately report when things go wrong. They should also understand what it means to be open with patients and ensure they understand their role within the organisation's statutory Duty of Candour requirements and where necessary seek appropriate training and support on how to share information with patients when things go wrong both in principle and in practice. Registrants should also be mindful that candour should not only be used where an incident has occurred but also when managing complaints and claims.

RCCP registrants are encouraged to use every opportunity to share learning from such incidents and discussions through their organisation's internal clinical governance routes. Reflective reports for CPD purposes is also strongly supported.