

## Updated Duty of Candour Guidance September 2023

### Background

1. The GCC published Duty of Candour guidance in 2016 to accompany the Code. The updated guidance sets out professionals' responsibility to be open and honest with patients when things go wrong with their care.
2. It sets out some specific requirements providers must follow when things go wrong with care and treatment, including informing patients about the incident, providing reasonable support, providing truthful information and an apology when things go wrong.
3. The guidance is not, and cannot be, exhaustive, so judgement is still required to apply the principles it sets out to the situations you face in your own practice.

### What's Changed?

4. There are now eight main sections in the guidance as follows:
  - What is the professional duty of candour?
  - Discuss risks before beginning care
  - When something goes wrong with a patient's care
  - What if people don't want to know the details?
  - Saying sorry
  - Being open and honest with patients about near misses
  - Encouraging a learning culture of candour within the workplace
  - Fitness to practise investigations

### New Features

5. We have added a new paragraph early in the document to emphasise that a crucial part of the duty of candour is the apology. When something goes wrong with a patient's care, apologising to the patient is always the right thing to do and is **not** an admission of liability.
6. We have also documented that this is clearly set out in legislation.

7. We have added a new paragraph to emphasise that adverse events do not only apply to injuries arising from hands-on care but can also include, for example, therapeutic advice or information provided (or not provided) and care involving exercise prescription.
8. The revised guidance includes a new section on **what to do if people don't want to know the details** about what has gone wrong with their care or treatment.
9. We have also highlighted that apologising and being candid can also be regarded as evidence of insight and the lack of a timely apology makes it more likely people will make a formal complaint.
10. We have added a new section on **being open and honest with patients about near misses** and to use professional judgement when considering whether to tell patients about an adverse incident that has not caused (and will not cause) them harm.
11. We have also included a new section on **fitness to practise**, highlighting the importance of being open and honest with colleagues, employers, relevant organisations and the regulator, and stressing that fitness to practise committees will take very seriously evidence a chiropractor took deliberate steps to avoid being candid with a patient or to prevent someone else from being candid.