

Duty of candour – review of the threshold, and proposals to adjust NHS LA contributions according to how candid a Trust has been

Introduction

- Following the Government's response to the Mid Staffs Public Inquiry on 19th November 2013, Professor Norman Williams, President of the Royal College of Surgeons, and David Dalton, Chief Executive of Salford Royal Hospital, have been asked by the Secretary of State for Health to lead a review on two proposals to enhance candour in the NHS.

Purpose

- **'The Department will seek advice from experts on how to improve the reporting of patient safety incidents, including whether or not the threshold for the statutory duty of candour should include moderate harm'** (response to recommendation 181).
- The NHS Litigation Authority will develop proposals about **whether 'Trusts should reimburse a proportion or all of the NHS LA's compensation costs when they have not been open about a patient safety incident'** (response to recommendation 181) and report back to the review.

Method

The group's work will focus largely on the threshold for the duty of candour. It will hold evidence sessions from key parties to shape its views. Details of those invited will be published in due course.

The letter of invitation sets out the working method and key questions the review team wish to pursue.

Professor Williams and David Dalton will be supported on the review group by:

- Dr Matt Fogarty (Head of Patient Safety Team, NHS England)
- Catherine Dixon (Chief Executive, NHS Litigation Authority Chief Executive (NHSLA))
- Helen Vernon (Head of Claims, NHS LA)
- Dr Suzette Woodward (Director for Safety, Learning and People, NHS LA)
- Ben Masterson (Deputy Director, NHS LA Sponsor Team, Department of Health)
- Jo Revill (Director of Strategic Communications, RCS England)
- Secretariat (William Vineall and Jason Yiannikou, Department of Health)

This review does not cover candour issues in social care. The Department of Health will set up a working party covering social care issues.

Department of Health

December 2013