

Annex B CONSULTATION QUESTIONNAIRE

Question 1 :

Do you agree that the arrangements that should be in place to support an organisational duty of candour should be outlined in legislation ?

Yes No

I agree that there is an important issue of values, culture and attitudes to be addressed. However, I have real doubts about whether legislating for candour will address any of the 'barriers to disclosure' outlined in paragraph 2.9 of the consultation document. I do not believe that on a matter such as this, more regulation in already heavily-regulated sectors, or more external reporting requirements (which inevitably create yet another layer of internal record-keeping and reporting), will make the necessary difference. There are more effective ways of changing culture. I would suggest that other vehicles could be used such as the 'Person Centred Health and Care Collaborative' (which in my experience is successfully engaging staff in a bottom-up as well as top-down change process, and is therefore much more likely to achieve lasting improvement than any 'command and control' model), and the existing requirements under the Patient Rights Act to seek out and learn from patients' feedback.

I was also struck by the figures in para 4.8 of the document about the number of people who felt a mistake had been made in the treatment provided by their GP, and were not satisfied with the response received. It seems to me very unlikely that most of the 'mistakes' referred to would come within the proposed definition of 'disclosable events'. Yet it is these lower-level failures of care and of communication that affect many people day to day, and damage trust. Our services do need to develop a more positive approach to candour and transparency, and to listen more effectively to what service-users have to say about their experiences, but to focus efforts on legislation that addresses primarily the very serious incidents of harm set out in section 9 seems to me to miss the point. I would also be concerned that the term 'candour' might come to be understood as a bureaucratic, externally-driven requirement to communicate a very specific kind of information, rather than an integral part of a culture, informing everyone's day-to-day practice.

Question 2:

Do you agree that the organisational duty of candour encompass the requirement that adequate provision be in place to ensure that staff have the support, knowledge and skill required ?

Yes No

If there is to be a duty, training and support should be a key part of it, with staff given enough time to talk through the behaviours associated with

openness, candour and engagement with service-users.

Question 3a: Do you agree with the requirement for organisations to publically report on disclosures that have taken place ?

Yes No

Comments

Question 3b: Do you agree with the proposed requirements to ensure that people harmed are informed ?

Yes No

Comments

Question 3c: Do you agree with the proposed requirements to ensure that people are appropriately supported ?

Yes No

Comments

Question 4:

What do you think is an appropriate frequency for such reporting ?

Quarterly Bi-Annually Annually Other (outline below)

Comments

Question 5:

What staffing and resources that would be required to support effective arrangements for the disclose of instances of harm ?

Comments

Question 6a:

Do you agree with the disclosable events that are proposed ?

Yes No

Comments

Question 6b: Will the disclosable events that are proposed be clearly applicable and identifiable in all care settings ?

Yes No

Comments

Question 6c:
What definition should be used for 'disclosable events' in the context of children's social care?

Comments

Question 7
What are the main issues that need to be addressed to support effective mechanisms to determine if an instance of disclosable harm has occurred ?

Comments

Question 8:
How do you think the organisational duty of candour should be monitored ?

If there is to be such a duty, it should be integrated with existing quality assurance and improvement processes.

Question 9:
What should the consequences be if it is discovered that a disclosable event has not been disclosed to the relevant person ?

Comments

End of Questionnaire