

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

The GDC supports the introduction of an organisational duty of candour. We hope that outlining the arrangements in legislation will strengthen the requirements by encouraging organisations to be open and transparent, and ensuring that individuals are aware of their obligations under the new legislation.

Given that the requirements will apply to all providers of health and social care in a wide variety of settings, outlining the arrangements in legislation may help to ensure consistency between the different health and social care providers.

In a similar way, we stress the importance of ensuring that any new legislation is consistent with relevant legislation and/or guidance in the other countries across the UK to ensure equity of patient protection.

However, research has widely shown that individuals may be reluctant to make disclosures for fear of recrimination and possible regulatory action. This may become more pertinent if arrangements are outlined in legislation. It is therefore important to ensure that appropriate training and support is available to individuals in each organisation to aid and encourage them to make a disclosure.

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

Whilst the duty of candour will apply to organisations, individual staff members will be responsible for making the disclosures in often very difficult and stressful circumstances – both for the staff member and for the patient and/or the patient's family.

All of the staff involved must have the appropriate skills, knowledge and support to enable them to communicate effectively with the patient and/or the patient's family to ensure that the disclosure does not have a negative impact by causing further undue stress or upset for those involved.

Appropriate support should also be available to ensure that relevant staff

are able to learn from incidents, rather than incidents having a solely negative impact on their future work.

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

Yes No

Whilst the GDC broadly supports the proposal for organisations to publically report on disclosures that have taken place, care will need to be taken to ensure the reporting requirements are proportionate and not unduly burdensome, so that resources are not directed away from patient care.

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

Yes No

The GDC broadly agrees with the proposed requirements to ensure that people harmed are informed.

However, it will be important to ensure that a flexible approach can be adopted in order to reflect the particular circumstances of each individual incident, and the circumstances of the patient and/or the patient's family, whilst still ensuring a consistent level of care for each disclosure.

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

Yes No

Given that the event in question may have resulted in death, injury, or prolonged physical or psychological harm to a patient, it is essential that the patient and/or the patient's family are provided with appropriate support.

The events in question are likely to have already caused stress and upset for those involved. It is therefore essential that appropriate support is provided so that any disclosure does not have a negative impact by causing further undue stress or upset to the patient and/or their family.

Question 4:

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

Quarterly Bi-Annually Annually Other (outline below)

Whilst this is not for the GDC to comment on specifically, we would like to see reporting requirements that are proportionate, and not overly burdensome for the organisations and individuals involved so that reporting does not have unintended, negative consequences for patient care.

Question 5:

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

This is not for the GDC to make comment

Question 6a:

Do you agree with the disclosable events that are proposed?

Yes No

Whilst the GDC broadly agrees with the disclosable events proposed, we feel that disclosable events in Scotland should reflect those in place in other countries across the UK to ensure consistency and equity of patient care.

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

Yes No

This is not for the GDC to make comment

Question 6c:

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

This is not for the GDC to make comment

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?

The GDC would stress the importance of being able to establish a process that is flexible enough to ensure individual needs, circumstances and professional judgement can be taken into account, whilst maintaining a consistent level of patient care across the UK and across all forms of health and social care.

Question 8:

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

This is not for the GDC to make comment

Question 9:

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

This is not for the GDC to make comment

End of Questionnaire