

Openness with patients Position statement

All doctors have a professional, moral and ethical duty to be open and honest with their patients at all times. It is the responsibility of the clinical team - led by the most senior clinician involved - to make a judgement about disclosure, which should be personalised according to the needs of the individual patient. The College regards the quality and manner of this disclosure with patients to be a critically important aspect of clinical practice.

Good Surgical Practice (patient communication, section 4.4) states that surgeons must:

- fully inform the patient and their supporter of progress during treatment;
- explain any complications of treatment as they occur and explain the possible solutions; and
- act immediately when patients have suffered harm and apologise when appropriate.

The College is concerned that there is evidence to suggest this guidance is not always implemented. Although the extent of this is unknown, the College believes that lack of openness with patients is symptomatic of a more fundamental problem – a closed organisational culture with an emphasis on blame.

A legal duty of candour has been proposed to address openness with patients, making it a statutory obligation to inform the patient when a safety incident has occurred.

The College however has reservations about a legal or statutory duty of candour as it only addresses one discreet element of openness, and fails to tackle the fundamental issue of a closed blame culture in the NHS. On a practical level, such legislation would be difficult to interpret, apply and enforce - particularly in surgery where an incident of harm may not be immediately apparent following treatment.

Instead, the College supports the approach described in the 'Being Open' guidelines¹ produced by National Patient Safety Agency as a way to improve openness and the quality of communication with patients. The Being Open framework aims to do this through enabling organisations to foster supportive and open working environments, rather than imposing compliance with legal redress. There are many benefits of the Being Open approach, including greater openness overall (not only with patients), and the promotion of a learning environment (as opposed to blame) which will ultimately lead to improvement in patient care. Trusts are required to take action to implement this framework, and we strongly recommend that the Department of Health work with the NPSA and other bodies to help Trusts achieve this.

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¹ NPSA Being Open Framework: <http://www.nrls.npsa.nhs.uk/resources/?entryid45=65077>