

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

Yes. This is vital. It is the fact that this will be statutory which will make it different from what has gone before. We believe that changes are desirable to more than one piece of legislation. We think this fundamental right should be enshrined in the Patients Rights Act, but other statutory provisions regarding the regulation of this standard may need to be covered by additions to other legislation.

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

Yes. This is key requirement if the duty is to improve culture and practice rather than simply provide accountability when the duty is breached.

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

Yes No

However we do not have strong feelings about this. Most importantly organisations need to be held to account if they are not doing enough to ensure that the duty is complied with, or are complicit in not complying with the duty.

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

Yes No

Yes, in the main but please see our more detailed comments, particularly the need to include incidents which may lead to harm or are suspected to have caused harm in the definition of disclosable incident

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

Yes No

Yes, but please see our more detailed comments on this. People should specifically be offered access to specialist independent sources of advice and support including AvMA

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 ?

There should be a designated director responsible for monitoring compliance with the duty and reporting to the Board. A senior person should also be identified within the organisation to act as a champion and mentor with respect to complying with the duty and best practice in Being Open. Training and support must be made available for staff

Question 6a:

Do you agree with the disclosable events that are proposed ?

Yes No

Please see our detailed comments on the definition of disclosable events

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

Yes No

Please see our detailed comments on the definition of disclosable events

Question 6c:

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

We feel unable to answer this question

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 ?

Resources and training / support for staff and the statutory requirement itself

Question 8:

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

Yes. Effective monitoring and regulation are vital. See our detailed comments on issues to be assessed to assure compliance.

Question 9:

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

Any failure to comply with the duty should be reported to the Board and to the appropriate regulator. If the organisation or senior people within it have been complicit by act or omission then the regulator should investigate and take appropriate regulatory action. In the case of an individual causing a breach of the duty, the individual should be subject to the organisation's disciplinary procedures and, if a registered health or social care professional, referred to the appropriate professional regulator.

PLEASE SEE SEPARATE RESPONSE DOCUMENT IN ADDITION TO THIS QUESTIONNAIRE

End of Questionnaire