

Regulation 20: Duty of candour

Information for patients

AvMA has published a leaflet about the duty of candour for patients and families.

[Download AvMA's Duty of Candour leaflet.](#)

The duty of candour is a general duty to be open and transparent with people receiving care from you.

It applies to every health and social care provider that CQC regulates.

The duty of candour requires registered providers and registered managers (known as 'registered persons') to act in an open and transparent way with people receiving care or treatment from them. The regulation also defines '[notifiable safety incidents](#)' and specifies how registered persons must apply the duty of candour if these incidents occur.

- › [Regulation 20 of the Health and Social Care Act 2008 \(Regulated Activities\) Regulations 2014](#)

Statutory and professional duties of candour

There are two types of duty of candour, statutory and professional.

Both the statutory duty of candour and professional duty of candour have similar aims – to make sure that those providing care are open and transparent with the people using their services, whether or not something has gone wrong.

This guidance is about the statutory duty of candour. We regulate the statutory duty, while the professional duty is overseen by regulators of specific healthcare professions such as the General Medical Council (GMC), Nursing and Midwifery Council (NMC) and the General Dental Council (GDC).

The statutory duty also includes specific requirements for certain situations known as '[notifiable safety incidents](#)'. If something qualifies as a notifiable safety incident, carrying out the professional duty alone will not be enough to meet the requirements of the statutory duty.

Saying sorry is not admitting fault

A crucial part of the duty of candour is the apology. Apologising is not an admission of liability. This is the case, regardless of whether you are in the health or social care, or public or private sectors.

In many cases it is [the lack of timely apology](#) that pushes people to take legal action. To fulfil the duty of candour, you must apologise for the harm caused, regardless of fault, as well as being open and transparent about what has happened.

NHS Resolution is the organisation that manages clinical negligence claims against the NHS. Their '[Saying Sorry](#)' leaflet confirms that apologising will not affect indemnity cover:

“Saying sorry is:

- always the right thing to do
- not an admission of liability
- acknowledges that something could have gone better

- the first step to learning from what happened and preventing it recurring.”

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