

I wished to voice my concern regarding the imposing of criminal sanctions around the duty of candour. I do believe passionately in the huge moral and professional imperative to openly admit, sincerely apologise for and truly learn from mistakes. But it is clear to me that criminalising errors will catastrophically destroy the huge steps we have made in the NHS as a whole to move away from a blame-and-shame culture to develop a culture of openness and growth.

When I was a junior doctor I made a mistake where a very ill patient received a serious drug they should not have (with no harm). My consultant asked me to inform the patient's family...I tried but I was so devastated, in floods of tears and extremely upset that the registrar doctor told the family for me. Looking back now, I was just the last link in a chain of errors but I felt the full responsibility and the full pain. And honestly, if I had also facing the threat of criminal sanctions, I am not sure I would have completed training.

As a Palliative Medicine Consultant, I have serious concerns about the impact of over-investigating and over-treating patients by 'fearful' colleagues – fearful of both criminal sanctions and of any risk of another member of staff suggesting they may be in error and 'reporting' them. For palliative patients, this is not merely a waste of resources, it is a tragic waste of precious time for both them and their family.

Additionally the idea of encouraging healthcare professionals to 'report' on each other under threat of criminal sanctions is both terrifying and impractical. Communication, collaboration, support, compassion and empathy are needed for teams to grow, learn, develop and improve patient care. Openness comes from a place of safety not of fear.

I would beg the Northern Ireland Assemble and Department of Health to reconsider in line with the BMA NI's response.