

29/08/21

Dear Department of Health,

We wish to raise our concerns during this consultation period regarding the proposed Duty of Candour legislation in Northern Ireland. Our serious concerns are based upon the addition of an individual criminal element.

We believe the creation of good cultural change requires openness and honesty and the addition of criminality will cause the opposite.

The reasons we suggest this is because:

- 1) In creating a 'blame free environment' the addition of appointed criminal blame seems counterintuitive to its overall aim.
- 2) The provision of care and treatment is very rarely the sole responsibility of one doctor or another healthcare professional, indeed general practice is by its nature multidisciplinary.
- 3) The creation of doctors and healthcare professionals in Northern Ireland having additional criminal sanctions compared to the rest of the UK implies the Northern Irish medical system and doctors are less trustworthy than the rest of the UK.

As GPs we are especially exposed to criminal sanctions as there is an 'individual duty of candour with criminal sanction' and we work as independent practitioners. There will be also be many negative knock on effects from the addition of criminal sanctions to this legislation including for the wider healthcare system – for example it is likely to have a significant negative impact on recruitment and retention to general practice particularly when trying to recruit doctors from elsewhere in the UK.

It is vital the aim, that we all agree with, i.e. an open, transparent and honest environment, does not have a process which achieves the opposite.

Sincerely,

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