



## LETTERS

## SAFETY OF CANDOUR

# Doctors should feel confident apologising

Caroline Fryar *head of advisory services*

Medical Defence Union, London E14 5GS, UK

The Medical Defence Union (MDU) agrees with Leung and Porter about the importance of a proper apology when things have gone wrong in a patient's care.<sup>1</sup> To err is human, and doctors should follow their instinct to apologise without fear of interference with claims.

In the MDU's experience, an early sincere and frank apology and explanation can restore a patient's confidence and rebuild trust. It is vital for the patient's healthcare and can help to reduce the chance of a complaint or litigation or assist in earlier resolution.

The MDU has long advocated apologising—our 1955 annual report referred to it, and this position has often been reaffirmed, including in 1987 when Lord Donaldson (Master of the Rolls) stated: "I personally think that in professional negligence cases, and, in particular, medical negligence cases, there is a duty of candour resting upon the professional man . . . This also appears to be recognised by the Medical Defence Union whose view is that 'the patient is entitled to a prompt, sympathetic and above all truthful account of what has occurred.'"<sup>2</sup>

As well as the General Medical Council's ethical duty of candour, there are also contractual and statutory duties of candour.

When something goes wrong and a patient is harmed or distressed, doctors should put matters right if possible, apologise, and explain fully and promptly what has happened and the likely short and long term effects.<sup>3</sup>

We don't need to change the law. Doctors can apologise for medical error with confidence. Doctors' indemnity will not be affected because they comply with professional duties and cooperate fully with legal, regulatory, or other inquiries. The MDU supports members to deal with medical errors, including helping to ensure they feel able to say sorry.

Competing interests: None declared.

Full response at: <https://www.bmj.com/content/365/bmj.l4047/rr-0>.

- 1 Leung GKK, Porter G. Safety of candour: how protected are apologies in open disclosure? *BMJ* 2019;365:l4047. doi: 10.1136/bmj.l4047.31196893
- 2 Naylor v Preston Area Health Authority [1987] 2 All ER 353, 360.
- 3 General Medical Council. Good Medical Practice. 2013. <https://www.gmc-uk.org/ethical-guidance/ethical-guidance-for-doctors/good-medical-practice>.

Published by the BMJ Publishing Group Limited. For permission to use (where not already granted under a licence) please go to <http://group.bmj.com/group/rights-licensing/permissions>