



Queen Victoria Hospital  
NHS Foundation Trust

# Duty of Candour

**Patient information leaflet**



The Duty of Candour is a statutory (legal) duty to be open and honest with patients (service users), or their families, when something goes wrong that appears to have caused or could lead to significant harm in the future. It applies to all health and social care organisations registered with the regulator the Care Quality Commission (CQC) in England.

This leaflet explains what to expect if such an incident occurs at Queen Victoria Hospital (QVH) and what to do if you think we have not complied with the Duty of Candour.

## What kind of incidents are covered by the Duty of Candour?

The regulations for registration with the CQC place a responsibility on us to be open and transparent.

The regulations tell us that you must be notified when 'an unintended or unexpected incident that could result in, or appears to have resulted in the death of a service user, or severe or moderate harm or prolonged psychological harm to the service user.'

In other words, we must tell you about any incident where the care or treatment we provided may have gone wrong and appears to have caused significant harm, or has the potential to result in significant harm in the future.

## What can you expect when you are told about an incident?

You should be informed about what happened as fully as possible and in a sensitive way, in person. This should happen as soon as reasonably practical after the incident is known about and should include an apology. This should also be followed up with a written account of events and apology.

You should be informed about what will happen next, for example what safety measures will be taken or what enquiries or investigation will be carried out.

You should be told about where you can get support, such as counselling if appropriate, or independent advice.

You should be kept informed about any investigation and its outcome.

## Is support available if needed?

Yes. Details of external support can be found below. In addition, the person leading the investigation at the Trust will help to identify specific support relevant to your needs.

## What if we haven't complied with the Duty of Candour?

If we fail to follow the Duty of Candour, we could face regulatory action from the CQC and even criminal prosecution.

If you think we are in breach of the Duty of Candour, please let us know. This can either be with the health profession who saw you or by making a formal complaint to the Complaints Manager at [qvh.pals@nhs.net](mailto:qvh.pals@nhs.net).

If you feel you need to contact the CQC to let them know that there has been a breach of the Duty of Candour you can do so directly. This can either be through the general enquiries mailbox at [enquiries@cqc.org.uk](mailto:enquiries@cqc.org.uk) or by making a complaint. More information about making a complaint can be found at: <https://www.cqc.org.uk/contact-us/how-complain/complain-about-hospital-community-or-mental-health-service>.

The Duty covers any incident that appears to have caused, or has the potential to cause, significant harm

We don't legally have to tell you about incidents that cause a 'low level of harm' (e.g minor or short term harm) or 'near misses' but it is good practice to be open and to learn from all incidents

There does not need to be certainty that an incident has caused significant harm - only that it appears that it has or may do so in the future

Incidents will be covered if the 'reasonable opinion of a healthcare professional' would be that they did or could have caused significant harm

The emphasis should be on being open with you if there is any doubt

## External Support available

**Healthwatch – West Sussex** is your health and social care champion. They have the power to make sure NHS leaders and other decision makers listen to your feedback and improve standards of care. They can also help you to find reliable and trustworthy advice and information.

Website: <https://www.healthwatchwestsussex.co.uk/>

Phone 0300 012 0122

Email: [enquiries@healthwatchwestsussex.co.uk](mailto:enquiries@healthwatchwestsussex.co.uk)

**Cruse Bereavement Support** people through one of the most painful times in life – with bereavement support, information and campaigning

Website: <https://www.cruse.org.uk/get-support/>

Phone: 0808 808 1677

**Advocacy People:** an independent charity providing advocacy services to help resolve issues or concerns about your health or healthcare services. The services they provide are free and confidential.

Website: <https://www.theadvocacypeople.org.uk/>

Phone: 0330 440 9000

Email [info@theadvocacypeople.org.uk](mailto:info@theadvocacypeople.org.uk)

**Action against Medical Accidents** are passionately committed to the NHS and the values that underpin it. They want it to be the best service it can be and with a just culture to match. And when it is not the best, they will not shy away from saying so and campaigning for improvements.

Website <https://www.avma.org.uk/>

Phone: 0345 123 2352





If you'd like to find out how you  
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please visit [www.supportqvh.org](http://www.supportqvh.org)



Please ask if you  
would like this leaflet  
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alternative format.

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