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Letter to Editor of *Medico-Legal Journal*

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Dear Editor,

I have read the article entitled ‘The duty of candour: Openness, transparency and candour’ by A Samuels published in the *Medico-Legal Journal*.¹ I wish to clarify that the duty of candour legislation does not apply only to the hospital, as suggested by the author, but falls on registered medical professionals.

In the article by A Samuels, there is an emphasis that the duty of candour legislation ‘applies only to the hospital’, and the doctor is subject to a ‘comparable common law duty of candour’.¹ This may have been the case two years ago, but with the amendment to the Health and Social Act 2008 legislation (Regulation 20) in England, the duty of candour legislation now falls on registered medical professionals.² The timing and approach to legislating a duty of candour have varied across the UK; for example, with Scotland having the duty of candour provisions in the Health (Tobacco, Nicotine, etc. and care) (Scotland) Bill given Royal Assent in 2016.³

It is important that medical professionals are aware of their statutory duty of candour, especially as raising standards to improve patient safety remains an international concern. The AvMA Report recently revealed that not all NHS Trusts were appropriately complying with the duty of candour legislation, or providing appropriate training.⁴ This reverberates Kleebauer’s work, which reminds us that not all medical professionals are receiving appropriate training and education on the duty of candour legislation, including the nursing profession.⁵ This letter highlights the growing need to provide appropriate training and education on the duty of candour legislation, as it no longer only applies to the hospital.

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