

General Pharmaceutical Council

Professional duty of candour: PSA questionnaire

Introduction

1. Encouraging and supporting the professionalism of the pharmacy team and promoting a culture of openness and candour, which focuses on what matters to patients, has been fundamental to the GPhC's regulatory approach and strategy. It is not a static issue. Our commitment to ensure that a culture of openness and honesty exists is one that is embedded in all of our work.
2. The duty of candour was a key element in our recent review of the statutory committee **decision making guidance** and of our **standards for pharmacy professionals**. There has been a GB-wide commitment to the duty of candour, demonstrated through the **Duty of Candour (Scotland) Regulations 2018** and the accompanying **guidance**, as well as the **Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017**.
3. As highlighted in our **recent statement**, we believe the **legislative change in relation to dispensing errors legislation** will also help bring real improvements in patient safety and contribute to overcoming the existing barriers to openness and learning.
4. This brief paper addresses some of the main points raised in your consultation questions. It brings together what we have done to promote and encourage candour, as well as information on what we have learnt about the barriers to being candid as a pharmacy professional.

Candour and the pharmacy professions

5. There is a clear professional expectation that pharmacy professionals, and those studying to become a pharmacy professional, should be open and honest from day one. It is our role to set standards and provide guidance, both of which emphasise the importance of candour. We ensure it is at the forefront of what we do either with pharmacy professionals or through our work on premises.
6. We use various regulatory tools to promote candour, including:
 - **Our standards for pharmacy professionals**

The **standards for pharmacy professionals** encourage pharmacists and pharmacy technicians on our register to challenge poor practice and behaviour. Embedded within Standard 8 is the professional duty of candour - *Pharmacy professionals must speak up when they have concerns or when things go wrong.*

The importance of raising concerns was highlighted by respondents to our standards consultation and in response to our earlier [discussion paper on patient-centred professionalism in pharmacy](#). To address this feedback and the need for support felt by our registrants, we highlighted the topic in our [consultation report](#) and in our [video supporting the standards](#).

- **Our standards for registered pharmacies**

The [standards for registered pharmacies](#) make reference to raising concerns and learning from mistakes in a number of standards around governance (standard 1.4), staff empowerment to provide feedback and raise concerns (standard 2.5) and pharmacy services (standard 4.4). There is a dedicated standard for the establishment of a culture of openness, honesty and learning (standard 2.4).

- **Our guidance on raising concerns**

We have published guidance ['In practice: Raising concerns'](#), which supports Standard 8, described above.

- **Our approach to inspection**

The GPhC's inspection model is designed to encourage the reporting and learning from errors. During an inspection the inspector looks for evidence of how those standards set out above are met.

- **Our work in fitness to practise**

In our [hearings and sanctions guidance](#) we make reference to the duty of candour, particularly how Committees won't perceive a registrant's honesty as being an admission of guilt. The guidance also sets out that committees should take very seriously a finding that a pharmacy professional took deliberate steps to avoid being candid with a patient.

Our new [threshold criteria guidance document](#) also reiterates the importance of "acting with openness and honesty".

- **Our work with the education and training sector**

All pharmacy professionals are required to meet our standards for pharmacy professionals. They are also relevant to students and pre-registration trainees as they start their journey towards registration and practice with the clear awareness that they should be ready to exercise their professional judgement and should be candid and honest when things go wrong.

The MPharm degree providers have integrated the duty of candour into pharmacists' curriculum. This is measured and checked through the accreditation process, where we are provided with evidence of how it is delivered.

Pharmacy technician training providers going through the accreditation and recognition process must also provide evidence of how candour is being embedded in pharmacy technician

education and training. This is in accordance with the recently published GPhC **standards for the initial education and training of pharmacy technicians**.

- **Our public and media presence**

Promoting candour is an ongoing consideration for the GPhC and its importance has been emphasised through many vehicles, including consultation responses, most recently in our response to the **DH consultation on the future of healthcare regulation**, and in our online publication Regulate. In Regulate we regularly publish articles which provide information on good practice to the profession. Our recent article '**Focus on responding and learning when things go wrong**' (published in December 2017), for example, featured a case study on good practice in risk management and learning from mistakes.

In February 2018 we issued **a reminder** to the pharmacy profession of their duty of honesty and openness when things go wrong, as part of our response to the media coverage of the Court's decision in the case of Dr Hadiza Bawa Garba, following the tragic death of 6 year old Jack Adcock.

The potential barriers to being candid

7. We carried out a limited research project at the time of our Raising Concerns guidance review, through a crowd sourcing platform. It asked a series of questions on which a sample of pharmacy professionals provided feedback. We found that many of the pharmacy professionals who took part in the research:
 - did not think that the right environment exists to speak up safely
 - felt that raising a concern might impact on career prospects
 - were unsure whether a concern would be acted on, and
 - would like more support and information about what to do in such situations.
8. We are unsure whether these barriers are specific to a particular work setting; however, some appear to be perceived or potential barriers, as there is a significant amount of information available to support pharmacy professionals wishing to raise a concern. The latter may be more of an access to information issue.
9. As we have heard from our registrants, the main barrier to professionals behaving candidly is the perception that their concerns would not be dealt with and that they would face victimisation. We have considered these perceptions, as we have developed our own work in this area.

Measuring professionals' compliance with the duty of candour

10. Regulators have a role in measuring the impact of their regulatory tools, including standards and inspection, revalidation and fitness to practise. However, such measurement can often be challenging. For example, it is difficult to establish a direct linear relationship between a certain intervention and its impact on professionals and members of the public, due to the multitude of potential contributing factors.
11. In relation to the duty of candour measurement is even more difficult, due to its qualitative nature and the different ways in which it could be captured and reported on.
12. What could be taken into account is:
 - the number of fitness to practise concerns received by the regulator
 - registrants' self-reporting of compliance through the process of revalidation, and
 - in the case of the GPhC, trends in the reporting of and learning from errors, observed in the course of GPhC inspections.
13. We have no specific evidence to suggest whether there has been a change in professionals' attitude to candour since 2014. Our current categorisation of concerns does not include a breach of the duty of candour as a separate category. This is reflective of the fact that duty of candour is rarely the main component of an allegation. However, the lack of openness and honesty could be used as an aggravating feature in a case against a registrant. That said, we have not observed any increase in cases where a registrant has not been candid.
14. In the absence of quantifiable evidence in relation to a change in candour, it would be fair to say that, on a general basis, pharmacy professionals do speak up when things go wrong. We know this because pharmacy professionals continue to raise concerns with us when they feel the need to and this demonstrates a willingness to be open and proactive. We hope that this trend will continue. The commencement of the Pharmacy (Preparation and Dispensing Errors – Registered Pharmacies) Order 2018 (Commencement) Order of Council 2018 may also have an impact here. As members of the Rebalancing Programme Board we keep in close touch and engage as appropriate with work being led by the profession and the pharmacy sector to strengthen the culture and systems around reporting openly and learning from errors. The Board discussed a **detailed update** on this work at its meeting in February 2018.
15. Finally, as we have said in our recent public statement, we look forward to contributing the consultation on introducing the same defences for dispensing errors made by pharmacists and pharmacy technicians working in settings other than registered pharmacies. We are keen to see this change to legislation made at the earliest possible opportunity, as we believe in its positive potential in terms of embedding the duty of candour amongst our registrants.