



Healthwatch England

Skipton House
80 London Road
London SE1 6LH
Tel 03000 68 3000
www.healthwatch.co.uk



Norman Lamb MP
Minister of State for Care and Support
Department of Health
Richmond House
79 Whitehall
London
SW1A 2NS

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Dear Norman,

I wanted to write to follow up on our meeting last week to clarify our position on the duty of candour.

I have subsequently discussed the issue of sanctions with the Healthwatch England team and we are continuing to consider the range of potential sanctions which might be applied to help enforce the duty of candour. Based on our discussions and considerations of tort and corporate law, we believe it should be possible to develop an approach which allows a statutory duty to apply to organisations and individuals which is enforced by non-criminal sanctions in many cases. While we believe that criminal sanctions may still be the best means of enforcing intentional and egregious violations of the duty, we are continuing to consider what sanctions would be most effective for other cases, and whether financial, professional disciplinary or other means would present the most appropriate option.

The committee's conversations on the matter are still ongoing, but I wanted to write to make our position clearer. I will keep you informed of our discussions on this issue. I should also have said that we have given evidence to the Williams and Dalton Review and look forward to seeing what they recommend.

Best wishes,

Anna Bradley

Chair, Healthwatch England