

 <p>Iechyd Cyhoeddus Cymru Public Health Wales</p>	<p>Name of Meeting Quality, Safety and Improvement Committee</p> <p>Date of Meeting 10 November 2021</p> <p>Agenda item: 6.2</p>
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Implementation of the duties of quality and candour as defined within the Health and Social Care (Quality and Engagement) (Wales) Act 2020

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Approval/Scrutiny route:	<p>Executive Director of Quality, Nursing and Allied Health Professionals and Assistant Directors in QNAPS</p> <p>Business Executive Team (2 November 2021)</p>

Purpose

To provide an update on the implementation of the Health and Social Care (Quality and Engagement) (Wales) Act 2020, in particular the duties of Quality and Candour and related Welsh Government documents intended to support the implementation of the Act and considerations for Public Health Wales.

Recommendation:

APPROVE <input type="checkbox"/>	CONSIDER <input checked="" type="checkbox"/>	RECOMMEND <input type="checkbox"/>	ADOPT <input type="checkbox"/>	ASSURANCE <input checked="" type="checkbox"/>
<p>The Committee is asked to:</p> <ul style="list-style-type: none"> ▪ Receive the report and take assurance for the approach to implement the Health and Social Care (Quality and Engagement) (Wales) Act 2020. 				

Link to Public Health Wales [Strategic Plan](#)

Public Health Wales has an agreed strategic plan, which has identified seven strategic priorities and well-being objectives.

This report contributes to the following:	
Strategic Priority/Well-being Objective	6 - Supporting the development of a sustainable health and care system focused on prevention and early intervention
Strategic Priority/Well-being Objective	7 - Building and mobilising knowledge and skills to improve health and well-being across Wales
Strategic Priority/Well-being Objective	All Strategic Priorities/Well-being Objectives

Summary impact analysis

Equality and Health Impact Assessment	An Equality and Health Impact Assessment is not necessary as no decision is required.
Risk and Assurance	CRR
Health and Care Standards	<p>This report supports and/or takes into account the Health and Care Standards for NHS Wales Quality Themes</p> <p>All themes</p> <p>Choose an item.</p> <p>Choose an item.</p>
Financial implications	The resource to support these changes is not yet quantified and a business case will need to be developed informed by an organisational readiness assessment.
People implications	There will be significant capacity and capability building required to enable the expectations identified in the Act, across the Public Health Wales workforce.

1. Situation

An initial briefing paper regarding the duties of the Health and Social Care (Quality and Engagement) (Wales) Act 2020¹ was presented to the Business Executive Team and Quality Safety and Improvement Committee in July 2020.

This paper offers a further update on progress being made to bring into force the Health and Social Care (Quality and Engagement) (Wales) Act 2020, in particular the duty of quality and candour. It will offer an update on progress made since July 2020 in identifying milestones for the Act and the implementation of a coherent organisational Quality and Improvement strategy that will align to our long term plan for the organisation up to 2030.

The Health and Social Care (Quality and Engagement) (Wales) Act 2020 intends to support and complement an ongoing, system-wide approach to quality improvement within the NHS in Wales (including embedding a culture of openness and honesty). The Quality and Improvement Strategy and the Integrated Governance Model are key to implementing the Act and intended to provide some of the essential building blocks to take the organisation forward.

NHS organisations are expected to implement the duties under the Act in shadow form by October 2022 and full implementation by the 1st of April 2023.

2. Background

The Health and Social Care (Quality and Engagement) (Wales) Act has four main objectives:

1. To strengthen the existing duty of quality on NHS bodies and extend this to Welsh Ministers (in relation to their health service functions)
2. To introduce a statutory duty of candour on NHS bodies in Wales (including primary care providers who provide NHS services), requiring them to be open and honest with patients and service users as soon as they are aware that things have, or may have gone wrong, with their care or treatment
3. To strengthen the voice of citizens, by replacing Community Health Councils with a new, all-Wales Citizen Voice Body ('the CVB'), to

¹ [Health and Social Care \(Quality and Engagement\) \(Wales\) Act 2020 \(legislation.gov.uk\)](https://legislation.gov.uk)

represent the views and interests of people across health and social care

4. To enable the appointment of vice chairs for NHS trusts, bringing them into line with Health Boards.

For the purpose of this update, we will focus on the Duty of Quality and Duty of Candour.

3.1 Duty of Quality

The Duty of Quality applies to all clinical and non-clinical health service functions in Health Boards, NHS Trusts and Special Health Authorities. It also applies to the Welsh Ministers in their health related functions.

Health services are expected to demonstrate that quality is at the heart of all they do, ensuring they are delivering services with a system-wide approach to achieve quality of care in a way that secures continuous improvement in quality and improved outcomes for the population.

The focus is on the six domains of quality:-

- Safe
- Effective
- Person Centred
- Timely
- Efficient
- Equitable

The Duty of Quality also seeks to strengthen these six domains across a maturing Quality Management System (QMS). This QMS approach is to be applied across all health service functions not specifically aimed at clinical functions. Organisations are expected to actively consider whether decisions will improve quality and secure improvement in outcomes.

Organisations will be required to produce an annual report to demonstrate how they have complied with the new duty, which will include an assessment of the extent of any improvement in outcomes achieved.

The Health and Care Standards must also be taken into account and are currently in the process of being revised.

The details of how the duties are to be applied will be contained in statutory guidance which is to be developed in partnership with representatives from all NHS organisations in Wales and other key stakeholders.

3.2 Duty of Candour

A statutory Duty of Candour placed on all NHS organisations requiring them to be open and honest when things go wrong. Organisations with an open

and transparent culture are more likely to have processes and systems in place to support staff when incidents occur and enable a learning and improvement environment. The duty builds on the non-statutory duties of candour that apply to a range of healthcare professionals as part of their professional regulations.

Organisations will be required to publish an annual candour report, building on existing arrangements for 'Putting Things Right'. The guidance and procedure for regulation is currently under development.

Whilst Public Health Wales has continually reviewed and strengthened arrangements under 'Putting Things Right' we will use this duty as an opportunity to further improve these areas using the regulatory guidance issued under the new duty of candour.

3.3 Emerging supporting documentation

In support of the Act there have been emerging supporting documents recently issued by Welsh Government which are intended to assist organisations to implement the Act. Whilst these documents in themselves are helpful, the volume of information currently being issued has the risk of adding confusion where clarity is needed. How the system architecture will work in reality, and which body is responsible for what, is yet to be fully determined as there are a number of different bodies and/or Welsh Government leads currently having similar discussions on quality, safety and improvement.

The two key documents recently issued by Welsh Government are:-

Quality and Safety Framework: Learning and Improving. [43078 Quality and Safety Framework Learning Improving E.pdf](#)

National Clinical Framework: A learning health and care system. <https://gov.wales/national-clinical-framework-learning-health-and-care-system>.

The Quality and Safety Framework is set in the context of recovery and seeks to ensure that health and care services are as safe as possible and that harm is minimised. The framework describes five harms which are;

1. Direct harm from COVID-19 itself
2. Indirect harm from COVID-19 due an overwhelmed health and social care system and reduction in healthcare activity as a result
3. Harm from population based health protection measures i.e. educational harm
4. Economic harm both directly and indirectly as a result of COVID-19 i.e. unemployment as a result of lockdown

5. Harm as a result of exacerbation or introduction of new inequalities in society.

The Quality and Safety framework also expects all organisations to implement a quality management system focused on 'The Quality Cycle', which consists of Quality Planning, Quality Improvement, Quality Control and quality assurance. The Public Health Wales Quality and Improvement Strategy and the Integrated Governance model is directly underpinned and informed by this approach.

The National Clinical Framework has a significant role and focus on ensuring that nationally agreed service innovations and holistic pathways of care that have been developed collaboratively are implemented. The National Clinical Framework links the Executive to other NHS bodies through its national programmes and networks. The Framework confirms the introduction of a new suite of documents to guide the development of clinical services called 'quality statements'. These quality statements will set out the vision for specific clinical services and be underpinned by more detailed service specifications. These statements and resulting data will be used by Welsh Government and the NHS Executive to benchmark services to support accountability discussions.

It is important to note that the national development of a Quality Assurance Framework has started and that Public Health Wales is contributing, which will include a refreshed Framework for Assuring Service User Experience. These will form part of the focus on the duties of quality and candour together with a measurement framework to inform a quality management system.

Further consideration and planning relating to the intention of both these documents in the context of Public Health Wales will be made, taking account of additional emerging products and guidance. In the interim staff are asked to be aware of the principles of the Quality and Safety Framework as we continue to engage and socialise the organisational Quality and Improvement strategy and Integrated Governance model.

4.1 Implementation

NHS organisations are expected to implement the duties under the act in shadow form by October 2022 and full implementation by the 1st of April 2023.

To oversee the delivery of the Act a National Oversight Board has been established and a Duty of Quality & Candour Steering Group. In addition to support the implementation there will be:-

- A digital awareness campaign and training for NHS and Welsh Government staff
- Enhanced training for Welsh Ministers and Board members of NHS organisations
- Statutory Guidance will be published about how assessments of any improvement should be undertaken and the types of evidence to use
- Supporting resources will be produced.

Several work streams have now been established to work collaboratively on various aspects of guidance, which includes Public Health Wales representation (Table 1).

Table 1. Welsh Government Work streams Overview

Work stream 1 Duty of Quality (Overarching principles, statutory guidance development) <ul style="list-style-type: none"> ▪ Statutory guidance will offer clarify how principles will work in practice, how quality should be considered at a wider population level and how NHS bodies can demonstrate the extent to which there have been improvements in Quality ▪ Digital handbook and supporting resources: culture for quality 	
Work stream 2: Quality Reporting Framework <ul style="list-style-type: none"> ▪ National work to be undertaken in conjunction with key stakeholders to develop a Quality Assurance Framework to help capture all the elements of a quality management system ▪ Develop quality indicators and measures; assessing outcomes and extent of improvement; alignment with annual reporting process (linked to internal and external assurance mechanisms) to inform a quality management system. 	Work Stream 3: Health and Care Standards review <ul style="list-style-type: none"> ▪ Review to ensure a strengthened alignment to the six domains of quality and requirements of the Act. ▪ Promote consideration of prevention and improving population health workforce planning, and addressing health inequalities when NHS Bodies plan and deliver services. Accountability Framework
Work stream 4: Communication and Engagement <ul style="list-style-type: none"> ▪ refreshed Framework for Assuring Service User Experience ▪ refreshed approach to Annual Quality Statement ▪ Digital awareness campaign 	Work stream 5: Education / training packages <ul style="list-style-type: none"> ▪ E-learning materials for NHS staff and civil service; face to face materials for Welsh Ministers and Board members of NHS bodies ▪ e-learning training packages for all other staff needs to be implemented next August/September ▪ Meeting timescale will depend on work streams 1, 2 and 3 to progress
Work stream 6: Duty of Candour <ul style="list-style-type: none"> ▪ Welsh Government to work with key stakeholders on implementation of the duties of quality and candour to enable NHS organisations to be ready when the duties come into force ▪ Statutory guidance and procedure regulations under development ▪ WG to work with key stakeholders to <i>develop a new National Incident Reporting framework</i> focussing on maximising and sharing learning from incidents. ▪ National work to be undertaken to <i>develop a learning from deaths framework</i>, building on the continued national roll out of the Medical Examiner Service and processes already in place for reviewing mortality. 	

4.2 Work initiated

- Regular briefings to BET and QSIC with regards to progress
- Approval of the Public Health Wales Quality and Improvement Strategy and implementation plan
- Approval of the Integrated Governance Model
- Establishment of the Quality and Improvement Programme Board to oversee the implementation of the Quality Improvement Strategy, Integrated Governance Model and preparing for the requirements of

the Health and Social Care (Quality and Engagement) (Wales) Act 2020

- Engagement and socialisation of the Quality and Improvement Strategy and Integrated governance model across the organisation including the Leadership team and Business leads
- Executive session planned in November and Board development in January.

4.3. Governance arrangements

The Quality and Improvement Programme Board will oversee the implementation of the requirements of the Health and Social Care (Quality and Engagement) (Wales) Act 2020, which will include the implementation of the Quality Improvement Strategy and the Integrated Governance Model. Nominated senior leaders have been identified to represent Directorates and Divisions to ensure collective ownership to take forward the implementation. The Programme Board will report into the Business Executive Team meeting at agreed intervals or when risks need to be escalated. Update reports on progress will also be provided to the Quality, Safety and Improvement Committee for assurance and by exception on any key decisions to the Board. The Executive Director for Quality, Nursing and Allied Health Professionals is chairing the Programme Board and is responsible for the approach the Programme Board will take and will work collaboratively with the Director of Improvement Cymru, Executive Director for Health Protection and Screening Services (and Medical Director) and other Executives.

4.4 Summary

The implementation of the Quality and Improvement Strategy and Integrated Governance Model is intended to provide some of the essential building blocks to take the organisation further forward, however the commitment, leadership and resources required across the whole organisation should not be underestimated to bring about incremental progress.

As emerging guidance and information is issued by Welsh Government we will further interpret and implement as required.

4.5 Next steps

- Continue to collaborate in the six Welsh Government work streams and any other information sessions
- Consider any draft guidance when out for consultation
- Continue to implement the Quality and Improvement Strategy overseen by the Quality and Improvement Programme Board

- Consider additional aspects of the new duties of Quality which need to be planned for implementation, which are not covered in the Quality and Improvement Strategy or Integrated Governance Implementation plan
- Completion of the organisational readiness assessment for the implementation of the Quality and Improvement Strategy
- Development of a business case in support of the need to strengthen capacity and capability in quality and improvement.

5. Recommendation

The Committee is asked to:

- **Receive** the report and take **assurance** for the approach to implement the Health and Social Care (Quality and Engagement) (Wales) Act 2020.