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Iechyd Cyhoeddus  
Cymru  
Public Health  
Wales

**Name of Meeting**  
Quality, Safety and  
Improvement Committee

**Date of Meeting**  
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**Agenda item:**  
4.4.2

## Duty of Candour update

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Quality, Nursing and Allied Health Professionals

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**Approval/Scrutiny route:** Rhiannon Beaumont-Wood, Executive Director,  
Quality, Nursing and Allied Health Professionals  
Business Executive Team- 04 October 2022

### Purpose

This paper provides an update to the Quality, Safety and Improvement Committee regarding the implementation of Duty of Candour Guidance and Regulations within Public Health Wales as placed on NHS bodies by the Health and Social Care (Quality and Engagement) (Wales) Act 2020

### Recommendation:

APPROVE

CONSIDER

RECOMMEND

ADOPT

Assurance

The Quality, Safety and Improvement Committee is asked to:

- take **Assurance** that Public Health Wales will be in a position to successfully implement and comply with the requirements of Duty of Candour Regulations

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

Public Health Wales has an agreed strategic plan, which has identified seven strategic priorities.

**This report contributes to all strategic priorities.**

**Summary impact analysis**

<b>Equality and Health Impact Assessment</b>	An Equality and Health Impact Assessment is not necessary as no decision is required.
<b>Risk and Assurance</b>	There is a low risk to Public Health Wales that Duty of Candour will not be implemented successfully.
<b>Health and Care Standards</b>	This report supports and/or takes into account the <a href="#">Health and Care Standards for NHS Wales</a> Quality Themes  Governance, Leadership and Accountability Person Centred Care Theme 1 - Staying Healthy
<b>Financial implications</b>	There is a likelihood there will be financial implications to Public Health Wales if the Duty of Candour is triggered and qualifying liability is established.
<b>People implications</b>	The Duty of Candour sets out the requirements to follow when liaising with the public when the trigger has been established.

## **1. Introduction**

### **What is Duty of Candour?**

Duty of Candour is being introduced in April 2023 as part of the Health and Social Care (Quality and Engagement) (Wales) Act 2020. The overall purpose of Duty of Candour is to ensure that NHS organisations are open, honest and supportive when there has been unintended or unexpected incidents and includes telling the person affected that an unintended or unexpected incident has occurred; apologising; offering and involving them in any meetings to understand what happened.

Duty of Candour builds on the current arrangements set out in the NHS (Concerns, Complaints and Redress) (Wales) Regulations 2011 and is a positive step forward in improving health services for the people of Wales with a strong focus on a culture of learning and improvement rather than blame.

Whilst there are already a number of professional duties of candour such as those required by the Nursing and Midwifery Council, the General Medical Council, the General Dental Council, and the General Optical Council. This statutory organisational duty has been developed to be in close alignment with the requirements of these professional duties and will be mutually supportive.

### **When does Duty of Candour apply?**

The duty of candour procedure applies when an individual receiving health, services has been the subject of an unintended or unexpected incident, and in the reasonable opinion of a registered health professional has resulted in or could result in a notifiable adverse outcome.

The diagram below details the proposed procedure.



For the purposes of the consultation, the Welsh Government requests that responses are related to the introduction of the Duty of Candour. It is not anticipated that there will be any significant changes made to the guidance following the consultation period.

It is also recognised that minor amendments will be required to the Putting Things Right Regulations to support the implementation of Duty of Candour in Wales. A full review of the Putting Things Right process has been committed to by the Minister for Health and Social Services in the near future.

## **Link to Consultation**

A link to the Consultation can be found [here](#). Several other resources have been developed to maximise and facilitate wider community engagement and feedback during the consultation period.

## **3. Public Health Wales preparedness**

There are a number of measures Public Health Wales will now take in order to prepare for the implementation which are detailed below:

### **Board Preparedness**

- Non-executive officer and Executive officer role to be identified.

### **Organisational Preparedness Requires**

- The collation of a Public Health Wales response to consultation
- A review of existing processes and infrastructure within the organisation to support Duty of Candour
- Creation of a Duty of Candour implementation plan that includes planning and key milestones for delivery including communication and engagement and education/training
- Putting Things Right policy creation and revision
- Revision of current reporting and monitoring processes
- Creation of an annual report template for submission to Welsh Government
- Consider how data and information will inform the future annual reporting requirements.

## **4. Ongoing work**

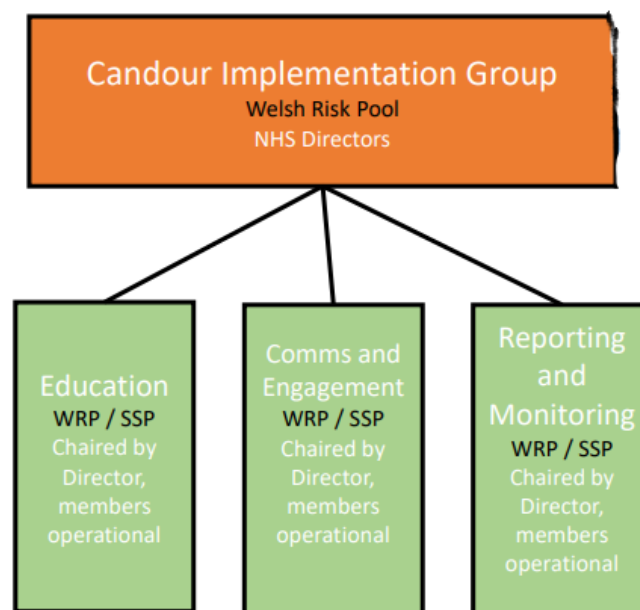
In order to successfully launch Duty of Candour in Public Health Wales on the 1st April 2023, many workflows are underway to support this both, internally and externally.

The Quality and Nursing team in Public Health Wales are leading on the Duty of Candour implementation under the leadership of the Executive Director for Quality, Nursing and Allied Health Professionals.

An implementation plan and a small internal working group are being established to review the Duty of Candour Consultation and support organisational implementation.

It is acknowledged that the Duty of Candour and Duty of Quality are closely aligned and therefore the need for joint working is recognised and agreed with Improvement Cymru. This will include joint key communication messages to the organisation.

Public Health Wales is also represented on the all Wales Duty of Candour network group, managed by Welsh Risk Pool. The suggested work programme for this network is detailed in the diagram below.



It is anticipated that further guidance will be produced from these sub-groups which will support with the full implementation of the regulations. Guidance is also expected on when Duty of Candour cannot be invoked.

It is also anticipated that supporting documentation and training packages will be developed at an All Wales level through the education subgroup. Timescales are currently unknown as membership for the subgroups has not been yet established or any meetings arranged.

## 5. Reporting Requirements

There will be a number of new reporting requirements as part of the implementation for Duty of Candour, which are listed below:

- Publishing of an Annual Report
- Stating how often the Duty of Candour has been triggered during the reporting year and providing a description of the circumstances in which the duty was triggered and applied
- Specifying steps taken by the NHS body with a view to preventing similar circumstances from arising in the future with a focus on shared learning
- NHS bodies monitoring implementation through oversight processes (e.g. Joint Executive Team)
- Health Inspectorate Wales to include compliance when inspecting NHS Organisations

## 6. Future Updates

Further updates will be provided to the Business Executive Team and Quality, Safety and Improvement Committee once there are substantial developments.

## 7. Recommendation

The Quality, Safety and Improvement Committee is asked to:

- **Take Assurance** that Public Health Wales will be in a position to successfully implement and comply with the requirements of Duty of Candour Regulations