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Iechyd Cyhoeddus  
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Wales

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## PUTTING THINGS RIGHT POLICY

### Policy Statement

As a learning organisation Public Health Wales understands that healthcare systems and processes can lead to errors or mistakes and that these can have consequences for our service users, staff and/or the reputation of the organisation itself.

When errors occur, the organisation actively encourages reporting of such incidents or concerns in order that action can be taken to manage these through an investigation process that is fair, open and transparent, focused on identifying the causes and embedding learning, change and improvement.

All NHS organisations have legal and contractual requirements in relation to the management of concerns and incidents as set out in legislation under the NHS (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011 and the Health and Social Care (Quality and Engagement) (Wales) Act 2020. Welsh Government produces guidance and sets expectations of how Public Health Wales and other organisations will put this legislation into practice. This guidance is called 'Putting Things Right (PTR)' and in this context Concerns refers to Incidents, Complaints, Duty of Candour and Redress.

The organisation will manage concerns by maintaining a PTR system, which will include methods and procedures for identifying, assessing, managing, reporting and where necessary escalating incidents and concerns.

This policy applies to all incidents involving people who access our services, visitors or carers, the public, employees or business of the Trust. The Policy is underpinned by four Procedures which detail the responsibilities of individual staff members, managers and the organisation, and these should be read in conjunction with this policy document. The 4 Procedures are:

- Duty of Candour Procedure
- Incident Management Procedure
- Putting Things Right Complaint Procedure
- Putting Things Right Redress Procedure

### Policy Commitment

Public Health Wales supports a culture of fairness, openness and learning and actively encourages all staff to report incidents (including near misses) and to speak up when things go wrong without fearing unjust blame. Supporting staff

to be open about mistakes allows valuable learning and can help prevent the same errors or mistakes from being repeated.

All staff are required to use the appropriate corporate systems for concerns management. In Public Health Wales concerns are managed through the Datix Risk and incident management system

All staff are required to undertake the all Wales Putting Things Right mandatory training, as a minimum every two years. Staff with specific responsibilities for Putting Things Right will receive role specific training as required.

### **Supporting Procedures and Written Control Documents**

[All corporate policies and procedures are available on the Public Health Wales website](#)

Claims Policy & Procedure  
Duty of Candour Policy  
Health & Safety Policy & procedure  
Infection Prevention & Control Policy & Procedure  
Information Governance Policy & Procedure  
Risk Management Policy & Procedure  
Safeguarding Policy & Procedure  
Consent Policy & Procedure

### **Related Documents**

[Duty of Candour Statutory Guidance](#)  
[Health and Social Care \(Quality and Engagement\) \(Wales\) Act 2020](#)  
[NHS Wales \(Concerns, Complaints and Redress Arrangements \(Wales\) Regulations 2011](#)  
[NHS Wales National Incident Reporting Policy](#)  
[Guidance on dealing with concerns about the NHS from 1 April 2011](#)

### **Scope**

This is a Policy which is intended to cover the reporting and investigation of concerns involving people who access our services, visitors or carers, the public, employees or of the organisation.

<b>Equality and Health Impact Assessment</b>	An Equality and Health Impact Assessment has been completed
<b>Approved by</b>	
<b>Approval Date</b>	
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<b>Group with authority to approve supporting procedures</b>	
<b>Accountable Executive Director/Director</b>	Executive Director of Quality, Nursing and Allied Health Professionals
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**Disclaimer**

**If the review date of this document has passed please ensure that the version you are using is the most up to date either by contacting the document author or [Corporate Governance](#).**

**Summary of reviews/amendments**

<b>Version number</b>	<b>Date of Review</b>	<b>Date of Approval</b>	<b>Date published</b>	<b>Summary of Amendments</b>
1	31/03/2023			New Policy document

## Contents

<b>1</b>	<b>Introduction .....</b>	<b>5</b>
<b>2</b>	<b>Scope, Aim and Objectives.....</b>	<b>5</b>
2.1	Scope.....	5
2.2	Aim.....	6
2.3	Objectives .....	6
<b>3</b>	<b>Strategic Context.....</b>	<b>7</b>
<b>4</b>	<b>Legislative requirements .....</b>	<b>7</b>
<b>5</b>	<b>Duty of candour .....</b>	<b>8</b>
<b>6</b>	<b>Consent .....</b>	<b>8</b>
6.1	Consent and accessing medical records.....	8
6.2	Consent where a service user raises a concern themselves and concerns raised by a third party.....	8
6.3	The Complaints Team will consider whether any third party issues arise from the complaint and whether consent is required. They will then seek the relevant consent using agreed template forms. ....	9
6.4	Consent and Patient Safety.....	9
6.5	If consent is not received .....	9
<b>7</b>	<b>Learning from Putting Things Right .....</b>	<b>10</b>
<b>8</b>	<b>Roles and Responsibilities .....</b>	<b>10</b>
<b>9</b>	<b>Training .....</b>	<b>11</b>
<b>10</b>	<b>Reporting requirements .....</b>	<b>12</b>
<b>11.</b>	<b>Confidentiality.....</b>	<b>12</b>
<b>12.</b>	<b>Appendices - Links.....</b>	<b>13</b>

# 1 Introduction

The reporting and management of concerns is a vital tool in assisting the organisation to effectively manage risk and support a learning culture.

This Policy introduces the Public Health Wales position and expectations in relation to all concerns management.

This policy must be read on conjunction with the following supporting procedures:

- Duty of Candour Procedure
- Incident Management Procedure
- Putting Things Right Complaint Procedure
- Putting Things Right Redress Procedure

The four areas above collectively are known as 'Putting Things Right' (PTR), and issues raised under PTR are referred to collectively as 'Concerns.' For the remainder of this document the terms concerns or PTR are used depending on context but in either case relate to all matters under PTR unless there is a need to specify a particular area in which case this will be made clear.

## 2 Scope, Aim and Objectives

### 2.1 Scope

This Policy applies to all Public Health Wales staff, visitors, contractors, agency staff and volunteers and any reference to staff should be interpreted as including these groups. The procedure applies to all events which are raised as concerns and so covered by the National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011 and the accompanying Welsh Government guidance, 'Putting Things Right'.

The following are not within the scope of this Policy and are subject to separate arrangements:

- Concerns from staff of malpractice or wrong doing at an early stage which are dealt with by the Board Business Unit under the [All-Wales Procedure for NHS Staff to raise concerns](#)
- Claims against the organisation in the form of clinical negligence or personal injury

## 2.2 Aim

The aim of this document is to outline the high level arrangements which will enable Public Health Wales to fulfil its obligations for the management of concerns.

## 2.3 Objectives

This policy will:

- Explain the role and expectations of the Board in relation to concerns management;
- Detail the high level responsibilities for implementing this Policy;
- Refer to the specific Policies and Procedures which Public Health Wales will publish to ensure that all our staff understand what is required of them;
- Detail the responsibilities of staff and others for policy areas regarding concerns management that are common to all four areas (Complaints, Duty of Candour, Incidents and Redress)
- Explain the arrangements for complying with all relevant legislation.

### **3 Strategic Context**

Public Health Wales NHS Trust is the national public health agency for Wales and strives to provide the best possible healthcare for its service users. The organisation's stated purpose is

*'Working to achieve a healthier future for Wales.'*

The organisation has adopted the values of working together, with trust and respect to make a difference. An essential part of that trust is creating an atmosphere and culture within which the public have confidence that we will 'do the right thing'.

As a learning organisation PHW understands that healthcare systems and processes may lead to errors and that these errors can sometimes have serious consequences for our service users and/or staff and the reputation of the organisation itself. When this happens it is important we learn from these experiences and concerns and 'put things right' .

This Policy is intended to make clear to our people and service users, our commitment to honouring both the letter and the spirit of the legislation.

### **4 Legislative requirements**

There are two primary pieces of legislation that apply to Putting Things Right:

- The National Health Service (Concerns, Complaints and Redress arrangements) (Wales) Regulations 2011.
- The Health and Social Care (Quality and Engagement) (Wales) Act 2020.

The first creates the concept of Putting Things Right and outlines the requirement on all NHS providers to manage concerns appropriately, and the second introduces amongst other things, a statutory Duty of Candour.

### **5 Duty of candour**

A duty of candour exists across all three areas of Putting Things Right.

A culture of openness, transparency and candour is widely associated with good quality care. To help achieve this, the Act places a statutory Duty of

Candour on providers of NHS services (NHS bodies and primary care) which supporting existing professional duties.

The duty requires NHS services to follow a process when a service user suffers an adverse outcome which has or could result in unexpected or unintended harm that is more than minimal and the provision of health care was or may have been a factor. There is no element of fault, enabling a focus on learning and improvement, not blame.

The duty seeks to promote a culture of openness and improves the quality of care within the health service by encouraging organisational learning, avoiding future incidents.

The statutory duty was implemented in Wales on the 1 April 2023.

A separate Duty of Candour Policy & Procedure has been developed to manage Duty of Candour in Public Health Wales. Staff should familiarise themselves with these documents to understand how Duty of Candour applies to Public Health Wales.

## **6 Consent**

There is a requirement for consent to be considered across all four areas of Putting Things Right.

### **6.1 Consent and accessing medical records**

In the some cases, the investigation of a concern requires access to medical/clinical records and so the issue of consent will need to be considered. The following provides information on when consent is required.

### **6.2 Consent where a service user raises a concern themselves and concerns raised by a third party**

For concerns raised about Public Health Wales services, there is no need to expressly seek the service users consent to investigate their concern as they can be deemed to have given implied consent. However, the service user should be informed in the acknowledgement letter that their medical/clinical records may need to be reviewed so that they at this point have the opportunity to indicate if they do not want their health records accessed.

Where a third party has raised a concern on behalf of someone else, then the service user or their representative must be asked to give written consent to

access the service users medical/clinical records and for an investigation to proceed.

The Putting Things Right Team will consider whether any third party issues arise from the complaint and whether consent is required. They will then seek the relevant consent using agreed template forms.

In the event that the service user or their third party representative is not happy for their health records to be accessed, then the Head of Putting Things Right must make a decision on whether the issue raised is of sufficient seriousness to merit an investigation without access to the medical records and whether it would be in the interests of the organisation to continue to look into the matter. If not, there will be no investigation of the concern raised. This decision must be recorded on Datix management system before closing the matter.

### **6.3 Consent and Patient Safety**

Where a concern is raised by a member of staff relating to patient safety, the Data Protection Act 1998 allows for certain sensitive personal data to be processed without the consent of the data subject. There is no need to seek consent in these cases, except where an incident occurs and **there has been moderate harm, severe harm or death.**

In these cases, PHW must refer to Appendix H (p147) of the [Putting Things Right Guidance](#) which provides further guidance on dealing with consent.

### **6.4 If consent is not received**

The appropriate consent form is sent with the acknowledgement letter by the Putting Things Right team, with a request that the signed form be returned within 10 working days (date given). Email should be used where possible to expedite the process of obtaining consent. After 10 working days if the required form has not been returned a further letter should be sent giving a further 10 working days in which to respond also advising that if it is not returned by the date stated the concern will be closed. If the consent form is fails to t be returned, a further five days leniency will be given then the concern will be closed.

## **7 Learning from Putting Things Right**

Public Health Wales is committed to learning from service user experiences and concerns, whether they be incidents or complaints. As part of all investigations, investigators are required to consider whether they can identify learning that could lead to improvements in organisational/operational systems or processes. Where learning is identified, it must be documented in the relevant Datix record and via detailed improvement plan for any incidents categorised as moderate harm and above.

## **8 Roles and Responsibilities**

An overarching flowchart outlining the organisational arrangements for Putting Things Right can be found [here](#).

### **Public Health Wales Board**

The role of the Board is to govern Public Health Wales effectively and in doing so build public and stakeholder confidence that their health and healthcare are in safe hands.

### **Chief Executive**

The Chief Executive is the responsible officer for Public Health Wales and is accountable for ensuring that the organisation can discharge its legal duties in relation to the health and safety of, service users and visitors and staff. Operationally, the Chief Executive has delegated responsibility for implementation of this policy and associated procedures to the Executive Director of Quality, Nursing and Allied Health Professionals.

## **Executive Director of Quality, Nursing and Allied Health Professionals**

Public Health Wales has designated the Director of Quality, Nursing & Allied Health Professionals to act as the responsible officer to oversee the day to day management of the Putting Things Right arrangements.

Is responsible for:

- Manage concerns in line with the regulations
- Allow for the consideration of qualifying liabilities
- Provide for concerns incidents, complaints, claims and Duty of Candour to be dealt with under a single governance arrangement
- Operational implementation of the PTR Policy and Procedures
- Briefing the Chief Executive and/or Board as necessary on any concerns that need to be raised at Executive or Board level
- Ensuring that the Head of Putting Things Right is adequately resourced to discharge his/her responsibilities under PTR
- Maintaining a Quality Management System that enables the organisation to report, monitor and learn from concerns investigations, and where necessary implement appropriate changes to systems and processes.

## **Strategic Oversight**

Public Health Wales has designated the Vice Chair to have Strategic oversight of the PTR arrangements in Public Health Wales.

They are responsible for:

- Keeping an overview on how the organisation's arrangements are operating at a local level
- Ensuring that Public Health Wales comply with the management of concerns as outlined within the Regulations.

## **Executive Directors**

Are responsible for:

- Ensuring that concerns within their areas of responsibility are investigated and managed appropriately to fulfil responsibilities in accordance with this Policy and the applicable Procedure(s)
- Ensuring that effective analysis and learning systems are in place within their areas and that assurance and monitoring takes place.
- Ensuring that following identified learning from concerns that plans are developed to implement improvements or changes.
- Commit to the requirement to follow the Duty of Candour /Being open requirements determined by the Health and Social Care Act
- Receiving and scrutinising PTR elements of their services and highlighting any areas of concern to QSIC

## **Divisional Directors**

Are responsible for:

- Responsible for operational oversight of Putting Things Right responsibilities
- Ensure that service areas are appropriately resourced to support with the Putting Things Right arrangements to include staff with dedicated roles to support with investigating concerns
- Ensure that service areas are trained to use the Datix system in line with their responsibilities
- Ensuring that effective analysis and learning systems are in place within their areas and that assurance and monitoring takes place.
- Ensuring that following identified learning from concerns that plans are developed to implement improvements or changes
- Receiving and scrutinising PTR elements of their services and highlighting any areas of concern to QSIC

## **Heads of Programme/Service/ Managers**

Are responsible for:

- Responsible for management oversight of Putting Things Right responsibilities
- Ensuring that they, and the staff they are familiar and following this policy.

- Ensuring that all staff can access training covering concerns and support further training identified in relation to incident management, investigation and learning according to their roles.
- Take action to mitigate against recurrence and to provide feedback and learning through their local meetings or forums
- Support staff involved in and/or affected by a concern or incident

## **Head of Putting Things Right**

Is responsible for:

- Maintaining a management system for the management of all matters concerned with PTR
- Produce concern reports including Duty of candour compliance and submission of the required PTR performance and assurance reports
- To support PHW to meet its external reporting requirements to Welsh Government targets for the submission of Nationally Reportable Incidents, Early Warning notifications and never events.
- Scrutinising PTR data and escalating any areas of concern to the Responsible Officer and QSIC

## **9 Training**

All staff in the organisation are required to undertake the all Wales mandatory training for PTR course through the staff electronic record ESR.

Additionally, Public Health Wales will provide specific training in certain aspects of PTR which includes:

- Level 1 Incident & Complaint reporter training
- Level 2 Incident Investigation Training
- Level 2 Complaint Investigation Training
- Level 2 Duty of Candour Application Training

Details of the training required for each area is outlined in the separate Procedures.

## **10 Reporting requirements**

The Head of Putting Things Right is responsible for PTR reporting.

### **Performance reporting**

All aspects of PTR performance are reported monthly to the Business Executive Team through the Integrated Performance Report.

A specific performance report is collated for Welsh Government on a quarterly basis on the handling of Complaints known as Welsh Government quarterly return.

Incidents which meet the criteria for being 'Nationally Reportable Incidents' are reported to the NHS Delivery Unit as and when they occur. Full details of the process can be found in the Incident Management Procedure.

### **Assurance reporting**

Assurance reporting is made to the Quality, Safety and Improvement Committee on a quarterly basis, through the Quarterly Putting Things Right Report.

An annual report on PTR is made to the Board which includes Duty of Candour and is subsequently submitted to Welsh Government.

## **11. Confidentiality**

When considering Putting Things Right staff should remember that any records made in relation to the concern may be disclosable to the individual under UK GDPR (if their personal data) or to the general public under the Freedom of Information Act (if not personal data). Staff should also involve their organisation Data Protection Officer (DPO) when a notifiable adverse outcome appears to involve a personal data breach as there may also be reporting requirements to the Information Commissioners Office under UK GDPR.

## 12. Appendices – Links

Please find below, helpful links to various resources to support this procedure.

Resource Title	Externally available	Internally available
<a href="#">Flowchart- Organisational arrangements for Putting Things Right</a>		✓