

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

2020 asc 1

PART 3

DUTY OF CANDOUR

	VALID FROM 07/03/2023
	Procedural and other requirements
4	Duty of candour procedure
	(1) Regulations must provide for a procedure (the "candour procedure") to be followed by an NHS body in relation to which the duty of candour has come into effect.
	 (2) The regulations must require an NHS body, as part of the candour procedure— (a) on first becoming aware that the duty of candour has come into effect, to give notification of this in accordance with the regulations to the service user concerned or someone acting on the service user's behalf; (b) to notify a person mentioned in paragraph (a), in accordance with the
	regulations, of— (i) the identity of a person who has been nominated by the body as a point of contact for the service user in respect of the candour procedure;
	(ii) any further enquiries carried out by the body in respect of the circumstances in which the duty of candour came into effect.
	(3) The regulations must also make provision—
	(a) for an apology to be offered by the body;
	(b) in connection with the provision of support to a service user given notification under subsection (2)(a):

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about record-keeping. (c) (4) The regulations may make any other provision in respect of the candour procedure that the Welsh Ministers consider appropriate. VALID FROM 01/04/2023 5 Primary care providers: duty to prepare report (1) As soon as practicable after the end of each financial year, a primary care provider must prepare a report under this section. (2) The report must state whether, during the reporting year, the duty of candour has come into effect in respect of the provision of health care by the primary care provider. (3) If the duty of candour has come into effect during the reporting year, the report must----(a) specify how often this has happened during the reporting year, (b) give a brief description of the circumstances in which the duty came into effect, and (c) describe any steps taken by the provider with a view to preventing similar circumstances from arising in future. (4) If during the same financial year the primary care provider has provided health care on behalf of two or more Local Health Boards, a separate report is to be prepared under this section in respect of each of those bodies. (5) In this section and sections 6 to 8— (a) references to a financial year are to each period of 12 months ending on 31 March; (b) references to a reporting year, in relation to a report, are to the financial year to which the report relates. VALID FROM 01/04/2023 Supply and summary of report under section 5 6 (1) A primary care provider that has prepared a report under section 5 in respect of the provision of health care on behalf of a Local Health Board must, as soon as practicable after the end of the reporting year, supply the report to that Local Health Board. (2) A Local Health Board to which reports have been supplied under subsection (1) must, as soon as practicable after the end of the reporting year prepare a summary of those reports. (3) The summary must specify how often, during the reporting year, the duty of candour has come (a) into effect in respect of health care provided on behalf of the Local Health Board by a primary care provider,

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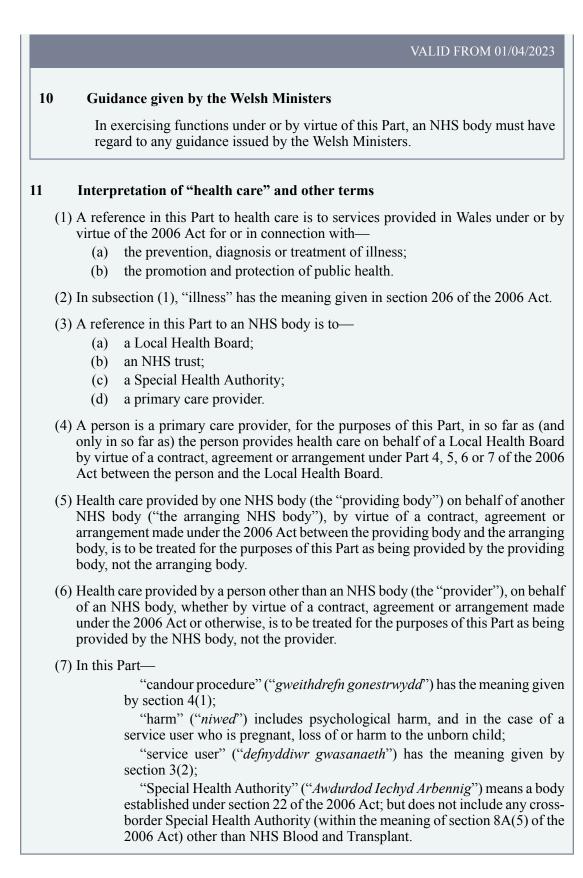
give a brief description of the circumstances in which the duty came into (b)effect, and (c) describe any steps taken by the primary care provider with a view to preventing similar circumstances from arising in future. VALID FROM 01/04/2023 7 Local Health Board, NHS trust and Special Health Authority: reporting requirements (1) As soon as practicable after the end of each financial year, a Local Health Board, NHS trust or Special Health Authority must prepare a report under this section. (2) The report must state whether, during the reporting year, the duty of candour has come into effect in respect of the provision of health care by the body. (3) If the duty of candour has come into effect during the reporting year, the report must-(a) specify how often this has happened during the reporting year, (b) give a brief description of the circumstances in which the duty came into effect, and describe any steps taken by the body with a view to preventing similar (c) circumstances from arising in future. VALID FROM 01/04/2023 8 Publication of section 6 summary and section 7 report (1) An NHS body to which section 7 applies must publish the report prepared by it under that section as soon as practicable after the end of the reporting year. (2) In the case of an NHS body that is a Local Health Board, the report must include the summary prepared by it under section 6. VALID FROM 01/04/2023 9 Confidentiality (1) A report published by an NHS body under section 8 must not nameanyone to whom health care is being or has been provided by or on behalf (a) of the NHS body; (b) anyone acting on behalf of a person within paragraph (a). (2) In determining what information to include in a report under section 8, an NHS body must have regard to the need to avoid providing information that, while not naming an individual, is in the circumstances likely to enable the identification of that individual.

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