



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

2020 asc 1

## PART 3

### DUTY OF CANDOUR

#### *Procedural and other requirements*

#### **11 Interpretation of “health care” and other terms**

- (1) A reference in this Part to health care is to services provided in Wales under or by virtue of the 2006 Act for or in connection with—
  - (a) the prevention, diagnosis or treatment of illness;
  - (b) the promotion and protection of public health.
- (2) In subsection (1), “illness” has the meaning given in section 206 of the 2006 Act.
- (3) A reference in this Part to an NHS body is to—
  - (a) a Local Health Board;
  - (b) an NHS trust;
  - (c) a Special Health Authority;
  - (d) a primary care provider.
- (4) A person is a primary care provider, for the purposes of this Part, in so far as (and only in so far as) the person provides health care on behalf of a Local Health Board by virtue of a contract, agreement or arrangement under Part 4, 5, 6 or 7 of the 2006 Act between the person and the Local Health Board.
- (5) Health care provided by one NHS body (the “providing body”) on behalf of another NHS body (“the arranging NHS body”), by virtue of a contract, agreement or arrangement made under the 2006 Act between the providing body and the arranging body, is to be treated for the purposes of this Part as being provided by the providing body, not the arranging body.

(6) Health care provided by a person other than an NHS body (the “provider”), on behalf of an NHS body, whether by virtue of a contract, agreement or arrangement made under the 2006 Act or otherwise, is to be treated for the purposes of this Part as being provided by the NHS body, not the provider.

(7) In this Part—

“candour procedure” (“*gweithdrefn gonestrwydd*”) has the meaning given by section 4(1);

“harm” (“*niwed*”) includes psychological harm, and in the case of a service user who is pregnant, loss of or harm to the unborn child;

“service user” (“*defnyddiwr gwasanaeth*”) has the meaning given by section 3(2);

“Special Health Authority” (“*Awdurdod Iechyd Arbennig*”) means a body established under section 22 of the 2006 Act; but does not include any cross-border Special Health Authority (within the meaning of section 8A(5) of the 2006 Act) other than NHS Blood and Transplant.