



**Y PWYLLGOR ANSAWDD, DIOGELWCH A PHROFIAD
QUALITY, SAFETY AND EXPERIENCE COMMITTEE**

DYDDIAD Y CYFARFOD: DATE OF MEETING:	05 October 2023
TEITL YR ADRODDIAD: TITLE OF REPORT:	The Health and Social Care (Quality and Engagement) (Wales) Act 2020: Duty of Quality and Duty of Candour
CYFARWYDDWR ARWEINIOL: LEAD DIRECTOR:	Mandy Rayani, Director of Nursing, Quality and Patient Experience
SWYDDOG ADRODD: REPORTING OFFICER:	Cathie Steele, Head of Quality and Governance Louise O'Connor, Assistant Director of Legal and Patient Experience

Pwrpas yr Adroddiad (dewiswch fel yn addas)

Purpose of the Report (select as appropriate)

Er Sicrwydd/For Assurance

**ADRODDIAD SCAA
SBAR REPORT**

Sefyllfa / Situation

The purpose of this paper is to provide the Quality, Safety and Experience Committee with an update on the implementation of The Health and Social Care (Quality and Engagement) (Wales) Act 2020 (The Quality and Engagement Act), the progress made and the challenges to implementation.

Members are asked to use opportunities that arise to raise awareness of the duties and support implementation of the Act.

Cefndir / Background

The Quality and Engagement Act became law on 1 June 2020 and came into force on 1 April 2023.

The Act:

- Ensures that NHS bodies and ministers think about the quality of health services when making decisions;
- Ensures NHS bodies and primary care services are open and honest with patients, when something may have gone wrong with their care; and
- Creates a new Citizen Voice Body to represent the views of people across health and social care.

There are two main duties under the Act which the Health Board must consider.

The Duty of Quality

Quality is more than just meeting service standards; it is a system-wide way of working to provide safe, effective, person-centred, timely, efficient, and equitable care in the context of a learning culture. To help achieve this, the Act:

- Places an overarching duty of quality on the Welsh Ministers; and
- Reframes and broadens the existing duty on NHS bodies.

This ensures the concept of “quality” is used in its broader definition, not limited to the quality of services provided to an individual or to service standards.

For more information please see https://nhs.wales365.sharepoint.com/sites/HDD_Nursing-assurance-and-safety/SitePages/The-Duty-of-Quality.aspx

The Duty of Candour

A culture of openness, transparency and candour is widely associated with good quality care. To help achieve this, the Act places a duty of candour on providers of NHS services (NHS bodies and primary care) – supporting existing professional duties.

The duty requires NHS providers 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.

An e-learning package is available using the Digital Learning Wales platform

<https://learning.nhs.wales/course/view.php?id=1614>

For more information please see https://nhs.wales365.sharepoint.com/sites/HDD_Nursing-assurance-and-safety/SitePages/Duty-of-Candour-guidance.aspx

Asesiad / Assessment

An implementation group has been formed to oversee implementation of the Quality and Engagement Act within the Health Board. The implementation group is chaired by the Director of Nursing, Quality and Patient Experience.

A road map for implementation has been developed which is based on the highlight report submitted to the NHS Executive (see appendix 1 for the update dated 26 July 2023).

Progress has been made in the following areas:

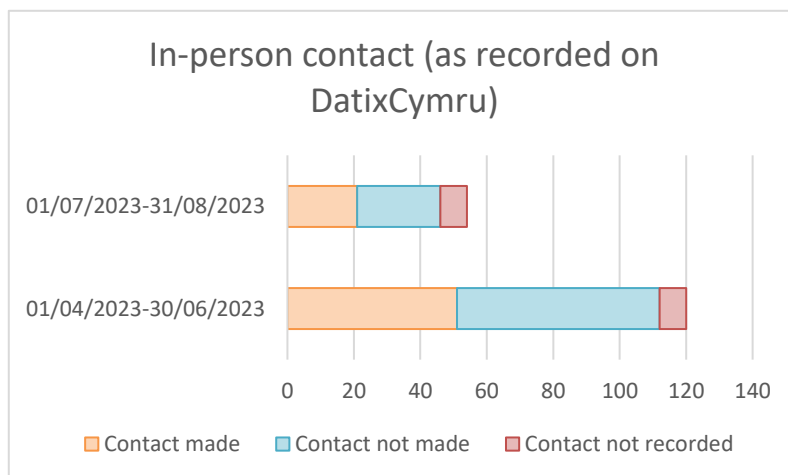
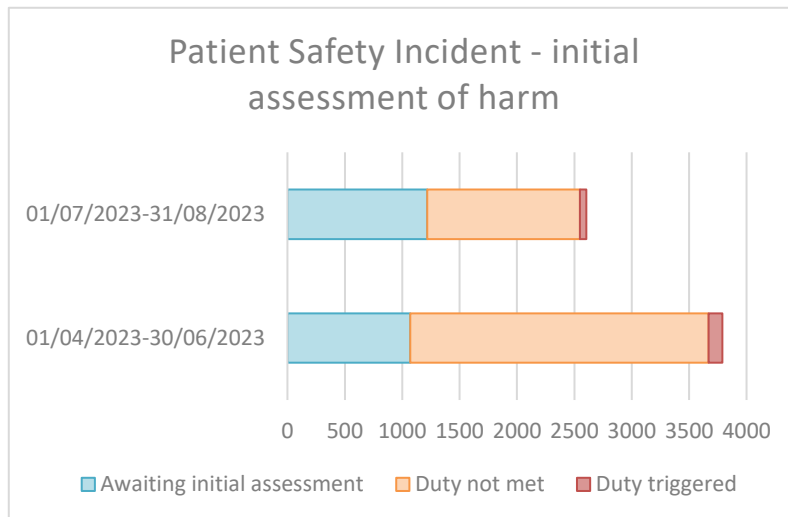
- The Director of Nursing, Quality and Patient Experience has been identified as the operational lead (executive officer level);
- Board awareness training has been completed (provided by Welsh Government colleague);
- An [internet page](#) (public) and [SharePoint page](#) have been developed
- Over 450 staff have been briefed on their responsibilities under duty of candour and duty of quality. All opportunities to promote the duties are being used by the Quality Assurance and Safety team; and
- Standard wording has been agreed for inclusion in Long Term Agreements and Heads of Agreement so that the requirements are clear in commissioning arrangements.

Duty of Candour

In relation to the duty of candour, progress has been made in the following areas:

- The Independent Member who is the Putting Things Right lead has been identified as the strategic lead for the Duty of Candour;
- Duty of Candour advisors have been identified to support the implementation of the duty and assist/guide staff in meeting the duty;
- Standard operating procedures and guidance documents have been developed. These are available on the dedicated SharePoint page;

- A training needs analysis has been undertaken;
- In place and drop-in sessions have been provided for primary care contractors;
- Modifications have been made within DatixCymru to prompt managers of patient safety incidents to consider the duty of candour, allow for recording whether the duty has been triggered and actions taken, and provide information for the Health Board to meet its requirement to report on the duty;
- Reporting on the duty has begun through the Quality Assurance report to the Quality, Safety and Experience Committee (QSEC) and through the Improving Service User Experience Report to Board; and
- Dashboards have been developed within DatixCymru to allow services and directorate management teams to monitor duty of candour within their areas of responsibility.



To progress implementation of the duty of candour, further work is required in the following:

- The Putting Things Right policy has been updated to incorporate the duty of candour. The revised policy will be presented to QSEC for ratification;
- Further education for managers of patient safety incidents to ensure they understand their responsibilities under the duty of candour;
- Further engagement with the workforce and key stakeholders will be undertaken at the end of an incident investigation that led to the duty of candour being triggered. The feedback will be used to identify improvements to be made to strengthen the duty of candour arrangements within the organisation; and
- Consideration of training opportunities and support for identified duty of candour leaders.

Duty of Quality

In relation to the duty of quality, progress has been made in the following areas:

- The Board and Committee reporting template has been revised so that reporters can demonstrate consideration of the duty of quality;
- An all-Wales quality impact assessment has been developed which will be used to support strategic decision making;
- The Health Boards Quality Management System has been presented to Board and a dedicated SharePoint page developed;
- The Improving Together framework aids focus on quality;
- Quality escalation mechanisms are in place within the Health Board including the Directorate Improving Together sessions and escalation reporting from directorates to Operational Quality, Safety and Experience Sub-Committee and upwards to Board; and
- The Quality Assurance report to the Quality, Safety and Experience Committee (QSEC) provides a regular public report on quality matters.

To progress implementation of the duty of quality, further work is required in the following:

- Ensuring all staff recognise and understand the organisation's Quality vision and their roles within in
- A quality and safety SharePoint page is in development to link all quality related information that is currently held in separate directorate areas e.g. quality and engagement act information is in the Nursing Directorate pages and clinical effectiveness information is in the Medical Directorate pages
- Developing always on reporting in areas of quality that meet stakeholder wishes.

Risks to implementing the duty of candour and duty of quality.

The organisation is committed to implementing the duty of candour and duty of quality. However, there is a significant resource implication to implementation of the duties both within operational teams and within the corporate teams such as the Quality Assurance and Safety Team and Concerns Team.

Timely review of reported patient safety incidents is critical to meeting duty of candour requirements. Operational pressures are impacting on the ability of services to undertake timely reviews. When directorates and services have identified that the duty of candour has triggered, there are on occasions delays in identifying an appropriate duty of candour lead and in holding the initial in person discussion. There is also a resource issue in sending the letter following the initial in person discussion within the required 5 working days.

The Quality Assurance and Safety Team are reviewing patient safety incidents (more than minimal harm) daily (workdays only) and contacting services to remind them of the need to assess duty of candour. However, this is resource intensive and time from other tasks has been taken away. The team is considering how reminders can be given regarding in-person contact etc. Data validation process have been agreed within the team; however, resources are limited due vacancies and other commitments. The Quality Assurance and Safety Team have developed dashboards within DatixCymru to act as prompts for the directorates and services. Work underway to develop this information in the Our Performance Dashboard and ensure this information is available for the Directorate Improving Together Sessions.

QSEC members support for implementation of the Quality and Engagement Act

The Health and Care Quality Standards support the organisation in meeting the duty of quality.



There are six standards and six enablers. The standards are:

- Safe
- Timely
- Effective
- Efficient
- Equitable
- Person centred.

The enablers are:

- Workforce
- Culture
- Information
- Learning, improvement and research
- Whole system approach
- Leadership.

The objective section of the Board/Committee report template has been updated to reflect the new health and care quality standards. Work is also underway to consider if guidance can be given to authors on how to consider each element in the assessment of the report (and whether this can be achieved).

QSEC members are asked to keep in mind the new health and care quality standards when reading Committee papers and where appropriate ask for further clarification on how the duty of quality is being met in decision making or when papers are presented for assurance.

Argymhelliad / Recommendation

Members are asked to receive assurance on the implementation of The Health and Social Care (Quality and Engagement) (Wales) Act 2020 (The Quality and Engagement Act), the progress made and the challenges to implementation.

Members are asked to use all opportunities that arise, not just in QSEC meetings, to raise awareness of the duties and support implementation of the Act through consideration of the health and care quality standards.

Amcanion: (rhaid cwblhau) Objectives: (must be completed)	
Committee ToR Reference: Cyfeirnod Cylch Gorchwyl y Pwyllgor:	
Cyfeirnod Cofrestr Risg Datix a Sgôr Cyfredol: Datix Risk Register Reference and Score:	
Parthau Ansawdd: Domains of Quality Quality and Engagement Act (sharepoint.com)	7. All apply Choose an item. Choose an item. Choose an item.
Galluogwyr Ansawdd: Enablers of Quality: Quality and Engagement Act (sharepoint.com)	6. All Apply Choose an item. Choose an item. Choose an item.
Amcanion Strategol y BIP: UHB Strategic Objectives:	All Strategic Objectives are applicable Choose an item. Choose an item. Choose an item.
Amcanion Cynllunio Planning Objectives	All Planning Objectives Apply Choose an item. Choose an item. Choose an item.
Amcanion Llesiant BIP: UHB Well-being Objectives: Hyperlink to HDdUHB Well-being Objectives Annual Report 2021-2022	9. All HDdUHB Well-being Objectives apply Choose an item. Choose an item. Choose an item.

Gwybodaeth Ychwanegol: Further Information:	
Ar sail tystiolaeth: Evidence Base:	Health and Social Care (Quality and Engagement) (Wales) Act 2020 - https://www.legislation.gov.uk/asc/2020/1/enacted Quality and Engagement Act SharePoint - https://nhs.wales365.sharepoint.com/sites/HDD_Nursing-assurance-and-safety/SitePages/Quality-and-Engagement-Act.aspx Welsh Government Duty of Quality Statutory Guidance 2023 - Duty of Quality Statutory Guidance (gov.wales)

	Duty of Candour video A service user guide to the Duty of Candour - YouTube
Rhestr Termiau: Glossary of Terms:	
Partïon / Pwyllgorau â ymgynhorwyd ymlaen llaw y Pwyllgor Ansawdd, Diogelwch a Phrofiod: Parties / Committees consulted prior to Quality, Safety and Experience Committee:	

Effaith: (rhaid cwblhau) Impact: (must be completed)	
Ariannol / Gwerth am Arian: Financial / Service:	<p>Early implementation of being open and early recognition of the duty of candour gives opportunity to work with the patient affected and their family to resolve any issues and reduce the likelihood of ex-gratia payments.</p> <p>All concerns have a potential financial implication: whether this is by way of financial redress, following an admission of qualifying liability, or an ex-gratia payment for poor management of a process; or an award made by the Ombudsman following review of a concern.</p>
Ansawdd / Gofal Claf: Quality / Patient Care:	<p>Improving the patient experience and outcomes for patients is a key priority for the UHB. All concerns received from patients, public and staff alike are taken seriously and investigated in accordance with the procedures.</p> <p>Ensuring quality in service provision and service change / improvement is crucial in implementing the Quality and Engagement Act.</p>
Gweithlu: Workforce:	<p>All staff have responsibilities under the Quality and Engagement Act.</p> <p>Awareness raising videos are available as well as information leaflets and posters.</p> <p>Further training can be made available on request.</p>
Risg: Risk:	The resource required to implement the Quality and Engagement Act is a risk for the organisation.
Cyfreithiol: Legal:	The Health Board may face legal challenge if the Act is not implemented fully.
Enw Da: Reputational:	Failure to implement the Quality and Engagement Act may impact on the reputation of the organisation from a public and also a Welsh Government perspective.
Gyfrinachedd: Privacy:	No impact

**Cydraddoldeb:
Equality:**

Equality was considered during the consultation on the Act.
Further consideration is required when communicating in line with the Duty of Candour e.g. language preference, and when publishing information under the Duty of Quality.