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CYMRU
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WALES

Bwrdd Iechyd Prifysgol
Bae Abertawe
Swansea Bay University
Health Board



Meeting Date	23 February 2023	Agenda Item	4.3
Report Title	Preparedness for Duty of Candour		
Report Author	Nicola Anthony, Assistant Head of Concerns Management		
Report Sponsor	Hazel Lloyd, Director of Corporate Governance		
Presented by	Gareth Howells, Executive Director of Nursing		
Freedom of Information	Open		
Purpose of the Report	The purpose of this report is to provide the committee with assurance around the steps that have been taken to prepare for the implementation of the Duty of Candour		
Key Issues	<ul style="list-style-type: none"> • Activity to support implementation of the Duty of Candour • Risks to implement the Duty of Candour • Service Groups completing training needs analysis to ensure key staff are aware of process • Service Groups to engage in working group to ensure operationalisation is successful • Datix Cymru available to all Primary Care providers to comply with the Duty when triggered as of 1st March 2023. Training sessions available throughout March 2023 		
Specific Action Required <i>(please choose one only)</i>	Information	Discussion	Assurance
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Recommendations	<p>Members are asked to:</p> <p>NOTE the progress made in preparing for the implementation of Duty of Candour;</p> <p>NOTE the risks in relation to the training material not being centrally available from Welsh Government and the mitigation in terms of awareness sessions being held in the Service Groups; and</p> <p>NOTE the risk relating to resources to fully implement Duty of Candour which has been raised nationally by health organisations in Wales with the national Duty of Candour Implementation Group.</p>		

Preparedness for Duty of Candour

1. INTRODUCTION

The purpose of the report is to set out the steps taken to raise awareness and prepare for the implementation of the Duty of Candour throughout the health board

2. BACKGROUND

The Health and Social Care (Quality and Engagement) (Wales) Act ('the Act') became law on 1 June 2020 with its full implementation to be completed by April 2023. Its intention is to:

- support an ongoing, system-wide approach to quality improvement within the NHS in Wales;
- further embed a culture of openness and honesty; and help drive continual public engagement in the design and delivery of health and social care services.

The Act reframes and broadens the existing duty of quality on NHS bodies and places an overarching duty on Welsh Ministers in relation to their health functions. It aims to improve and protect the health, care and well-being of both current and future populations of Wales by focusing on:

- Securing Improvement in Health Services;
- Implementing a Duty of Candour requiring providers of NHS services to be open and honest with patients and service users when things go wrong;
- Establishing a Citizen Voice Body for health and social care; and
- The appointment of Vice Chairs for NHS Trusts bringing them in line with Health Boards.

The key intention of the Duty of Candour is to promote a culture of openness, learning and improving that is owned at organisational level.

The Duty will mean that NHS bodies will be required to follow a procedure when the duty is triggered. The Duty requires NHS providers to report annually about when the duty has come into effect, how often the duty has been triggered, a description of the circumstances leading to the event and the steps taken by the provider with view to preventing any further occurrence. Triggering the duty does not mean an NHS body accepts any fault or blame.

The Duty of Candour comes into effect in relation to an NHS body if it appears to the body that both of the following conditions are met:

- The first condition is that a person (the 'service user') to whom health care is being, or has been, provided by the body has suffered an adverse outcome;
- The second condition is that the provision of the health care was, or may have been, a factor in the service user suffering that outcome

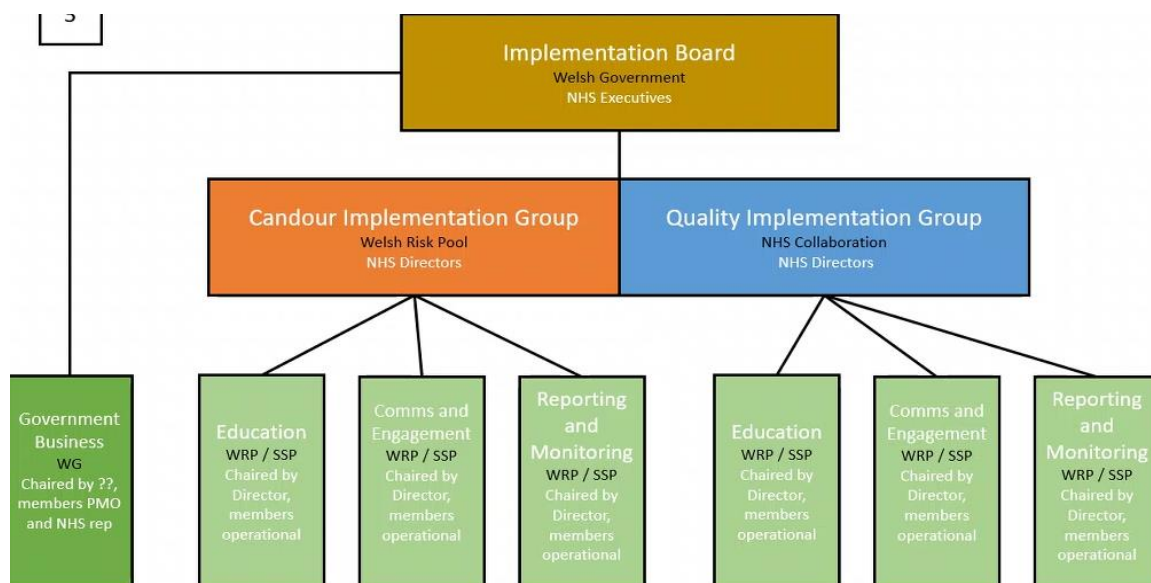
For the purpose of the first condition, a service user is to be treated as having suffered an adverse outcome if the user experiences, or if the circumstances are such that the user could experience, any unexpected or unintended harm that is more than minimal.

The Candour Procedure Regulations prescribe the actions that must be taken and supports the existing processes for 'Putting Things Right'.

The following steps have been taken to ensure the implementation of the Duty of Candour:

- **NWSSP/WRP – Candour Implementation Group**

The health board is represented at the monthly Candour Implementation Group. The purpose of the group is to engage widely with NHS bodies, offering support, guidance and sourcing the development of the necessary tools required for NHS bodies to prepare for and successfully implement the Duty of Candour as part of the Quality Act. The group monitor progress and provide WG with a highlight report on progress



As part of the group, specific focus groups have been set up for Education and Training, Reporting and Learning and Comms and Engagement. This is to ensure the necessary tools are sourced, developed and are available for NHS bodies to prepare for the successful implementation of the Duty. These include:

Education & Training: the roll out of educational training videos for use is expected 28th February 2022. To mitigate the risks in relation to the training material not as yet being available to the health board, awareness sessions are being delivered widely to all senior members of staff with responsibility for the management and investigation of incidents.

Service Groups have been asked to complete a training needs analysis. This will identify key individuals and allow the training materials to be directed to these staff in the first instance in readiness for 1st April 2023.

A request to Service Groups has been made to engage in a joint working group for discussion and thoughts around the operationalisation of the Duty.

Reporting & Learning: Incident functionality within Datix Cymru has been revised to include questions around the Duty of Candour. A revised demo screen has been shared with the health board and is being piloted within two other health boards. Feedback has been provided to the Once for Wales Concerns Management System

(OfWCMS) Programme Team. The roll out of the candour section in all systems is anticipated by 22nd March 2023.

Under the duty NHS bodies, including primary care providers, are required to capture and report on occasions where the Duty of Candour is triggered. Primary Care providers must notify the relevant Health Board of occurrences where the Duty of Candour is triggered in respect of the health care they provide under a contract or other arrangement. The platform for capturing and recording instances where Duty of Candour is triggered is Datix Cymru.

Currently there is a dedicated website that already provides access to the Primary Care Wales Incident Reporting page and the Primary Care National Incident Reporting form. This website will be updated to include the updated reporting form to capture occasions where the Duty of Candour is triggered across Dentistry, Optometry, General Practice and Community Pharmacy. As of 1st March 2023 there will be one National website for all contractors within Primary Care to use which will provide a consistent mechanism for all to report incidents. To support Primary Care providers to comply with their duty to report, the OfWCMS Programme Team have arranged virtual drop in clinics

Details of the virtual drop in sessions to be held twice weekly throughout March 2023 have been shared with Primary Care within the health board. Primary Care have been encouraged to engage with the OfWCMS Programme Team at these virtual events.

The OfWCMS Programme Team also plan to develop refresher awareness training material for grading of incidents and validation and management of candour procedure Spring 2023

Communication & Engagement: Welsh Government will ensure staff and public awareness materials / leaflets will be available through an accessible platform (SharePoint). Draft awareness leaflets were shared with the health board on 12th January 2023. Feedback has been provided and further information is awaited.

To mitigate any risk around staff awareness, the health board's communication team plan to share information about the Duty of Candour widely.

Engagement with all sectors of Primary Care across Wales: The WG Implementation Group Lead has met with National Clinical Lead for Health & Care Pathways, National Clinical Lead for Primary Care & Community Services, Chief Dentist and Lead Pharmacists, GPC Wales and HoPC to agree plan for implementation.

- **Service Groups**

An internal communications campaign and training to increase general awareness of the Duty and highlight what this means for staff is being undertaken by the implementation lead

Workshop - The implementation lead met with representatives from all four service groups on 13th January 2023 to discuss the implementation of the Duty of Candour, Quality and Safety Committee – Thursday, 23rd February 2023

including the background and the process should an incident be reported as more than minimal harm.

Individual meetings – the implementation lead is meeting with all divisions within service groups to discuss the implementation of the duty of candour via a presentation and question and answer session. Meetings also to be arranged with other stakeholders, such as, estates, portering, volunteers, staff side, chaplaincy, etc.

Arrangements are also in place to present an awareness session around the process with the Executive Board, SBUHB Community Health Council.

Contracted services – arrangements are in place to meet with contractors within primary care (GPs, Community Pharmacists, Optometrists, Dentists) to discuss the Duty of Candour.

- **Commissioning**

The health board's commissioning team are aware of and considering their contracts with providers in relation to the Duty of Candour. Contracts will need to be reviewed to consider the regulations.

- **Communication Team**

The implementation lead has contacted SBUHB Head of Communication to secure wider organisational buy-in and co-creating a vision to ensure staff, service users and other stakeholders are aware of the Duty. Plans are in place for a further meeting mid-February 2023 to discuss further the implementation of the Duty of Candour to staff, service-users and other stakeholders.

3. GOVERNANCE AND RISK ISSUES

Funding for additional resource to comply with the Duty of Candour has not been made available by Welsh Government. There is a known staffing requirement for administration and co-ordination support for the work along with the effective day to day compliance with the Duty of candour and to provide the board with assurance. Service Groups have stated that without additional resource to support the implementation of the Duty, other key performance indicators will suffer as a result, such as complaint performance. Meetings are being held with the Service Groups to understand what is currently being done and which already complies with the Duty of Candour, and to explore how we integrate this at all levels and explore how we streamline what we do. A working group with Service Groups will encourage sharing of operationalisation plans.

A training plan for key individuals needs to be identified by each service group to develop and improve skills across the health board. A training package is anticipated from Welsh Government by the end of February 2023 which leaves little time to cascade training taking into consideration current pressures.

The Duty of Candour will have some implications for the 'National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011 ("Regulations") and the process developed. A full review of the 'Putting Things Right' process has been committed to by the Minister for Health and Social Services in the

future. Amendments will be required to the SBUHB Concerns Management Policy to incorporate the Duty of Candour requirements

4. FINANCIAL IMPLICATIONS

While there are no financial implications arising from this report specifically, the outcome of the actions may result in additional resources being required to take forward the work needed, either as a temporary measure for implementation or as a permanent role to ensure delivery, accountability and consistency

5. RECOMMENDATION

The Quality & Safety Committee is asked to:

- **NOTE** the progress made in preparing for the implementation of Duty of Candour;
- **NOTE** the risks in relation to the training material not being centrally available from Welsh Government and the mitigation in terms of awareness sessions being held in the Service Groups; and
- **NOTE** the risk relating to resources to fully implement Duty of Candour which has been raised nationally by health organisations in Wales with the national Duty of Candour Implementation Group.

Governance and Assurance		
Link to Enabling Objectives (please choose)	Supporting better health and wellbeing by actively promoting and empowering people to live well in resilient communities	
	Partnerships for Improving Health and Wellbeing	<input checked="" type="checkbox"/>
	Co-Production and Health Literacy	<input type="checkbox"/>
	Digitally Enabled Health and Wellbeing	<input type="checkbox"/>
	Deliver better care through excellent health and care services achieving the outcomes that matter most to people	
	Best Value Outcomes and High Quality Care	<input checked="" type="checkbox"/>
	Partnerships for Care	<input checked="" type="checkbox"/>
	Excellent Staff	<input checked="" type="checkbox"/>
	Digitally Enabled Care	<input type="checkbox"/>
	Outstanding Research, Innovation, Education and Learning	<input checked="" type="checkbox"/>
Health and Care Standards		
(please choose)	Staying Healthy	<input type="checkbox"/>
	Safe Care	<input checked="" type="checkbox"/>
	Effective Care	<input checked="" type="checkbox"/>
	Dignified Care	<input checked="" type="checkbox"/>
	Timely Care	<input checked="" type="checkbox"/>
	Individual Care	<input checked="" type="checkbox"/>
	Staff and Resources	<input checked="" type="checkbox"/>
Quality, Safety and Patient Experience		
Duty of Candour will promote a culture of openness, learning and improvement owned at organisational level and aligns to the Health Boards quality strategy		
Financial Implications		
While there are no financial implications arising from this report specifically, the outcome of the actions may result in additional resources being required to take		

forward the work needed, either as a temporary measure for implementation or as a permanent role to ensure delivery, accountability and consistency.

Legal Implications (including equality and diversity assessment)

The Health Board is required to comply with the Duty of quality and Duty of Candour as part of the Quality and Engagement Act which comes into effect April 2023.

Staffing Implications

Additional resource may be required to take forward the work needed, either as a temporary measure for implementation or as a permanent role to ensure delivery, accountability and consistency.

Long Term Implications (including the impact of the Well-being of Future Generations (Wales) Act 2015)

Duty of Candour will support learning and improvement.

Report History

Appendices

Nil