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Bwrdd Iechyd Prifysgol
Bae Abertawe
Swansea Bay University
Health Board



Meeting Date	22nd November 2022		Agenda Item	4.5
Report Title	Duty of Candour and Duty of Quality Update Report			
Report Author	Hazel Lloyd, Director of Corporate Governance and Hazel Powell, Deputy Director of Nursing & Patient Experience			
Report Sponsor	Gareth Howells, Executive Director of Nursing & Patient Experience and Hazel Lloyd, Director of Corporate Governance			
Presented by	Hazel Lloyd, Director of Corporate Governance			
Freedom of Information	Open			
Purpose of the Report	The purpose of this report is to provide the Quality and Safety Committee with an update on the Duty of Candour and Duty of Quality consultation and a draft implementation plan for consideration and approval.			
Key Issues	<ul style="list-style-type: none"> • Health and Social Care (Quality and Engagement) (Wales) Act ('the Act') became law on 1 June 2020 and will be implemented from 1st April 2023; • Act creates two duties: Duty of Candour and Duty of Quality. The launch of the consultation on the Duty of Candour commenced on 20th September 2022 and ends on 13th December 2022 (https://gov.wales/duty-candour) and the launch of the Duty of Quality consultation was released on 25th October 2022 and closes on 17 January: https://gov.wales/duty-quality. The consultation also incorporates the new Quality standards 2023 replacing the previously published Health and Care Standards 2015. • Health Board has already started to develop and implement a Quality Management System throughout 2022 and the requirements of the Act will be used to support this work going forward. • The action plan was approved by Management Board on 2nd November 2022. 			
Specific Action Required <i>(please choose one only)</i>	Information	Discussion	Assurance	Approval
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Recommendations	<p>Members are asked to:</p> <ul style="list-style-type: none"> • NOTE and DISCUSS the requirements of the Duty of Candour and Duty of Quality; • AGREE the establishment of a Task & Finish Implementation Group; and • NOTE the high level implementation plan which was approved on 2nd November 2022 as it evolves through the work of the Task & Finish Implementation Group .
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Duty of Candour and Duty of Quality Update Report

1. INTRODUCTION

The purpose of this report is to provide the Management Board with an update on the Duty of Candour and Duty of Quality and draft implementation plan, which will evolve through the work of the Task & Finish Group reporting to the Patient Safety Group. This report follows the presentation to the Quality Management Board in October 2022 setting out the requirements of both duties.

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 received Royal Assent in April 2022 marking a milestone in the recovery and reform of how health and care services work together.

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 Duty of Quality requires NHS bodies and Welsh Ministers to exercise their functions in a way that considers how they improve quality and outcomes on an on-going basis in the services they provide. Quality is more than just meeting service standards. It needs to be a system-wide way of working. Quality means safe, timely, effective, efficient, equitable and person-centred health care which is embedded within a culture of continuous learning and improvement.

The duty of quality requires Welsh Ministers and NHS bodies to actively consider these domains of quality when making decisions about health services so that improved outcomes are secured. This supports the five ways of working (long term, integration, involvement, collaboration and prevention) within the Well-being of Future Generations (Wales) Act 2015 as well as promoting the well-being goal of A Healthier Wales.

Additionally, the Duty seeks to strengthen governance arrangements by requiring NHS bodies and Welsh Ministers to report annually on the steps they have taken to comply with the Duty and assess the extent of any improvement in outcomes that have been achieved.

The launch of the consultation on the Duty of Candour commenced on 20th September 2022 and ends on 13th December 2022 (<https://gov.wales/duty-candour>) and the launch of the Duty of Quality consultation was released on 25th October 2022 and closes on 17 January: <https://gov.wales/duty-quality> The consultation also incorporates the new Quality standards 2023 replacing the previously published Health and Care Standards 2015.

3. STATUS UPDATE

3.1 Duty of Candour

The duty requires NHS providers to follow a process – to be set out in Regulations – *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 key intention of the duty is to promote a culture of openness, learning and improving that is owned at organisational level. This is in alignment with the work the Health Board has been taking forward in 2022 to develop and implement a Quality Management System, the development of the Quality Strategy and promoting the culture change through Our Big Conversation work.

There is also professional responsibility to be honest with patients when things go wrong, already in place and the Duty of Candour makes this statutory.

Key actions to be taken as part of implementation include:

- Policy development - When the duty is triggered staff will need to follow a procedure, which will be set out and supported by policy;
- Education - training and awareness will initially be provided by Welsh Government and then taken forward by organisations;
- Annual Report - covering 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.
- Welsh Government also plans to make separate regulations (under the Care Standards Act 2000) to place a duty of candour on regulated independent healthcare providers. This will align the NHS and regulated independent healthcare, whilst complementing the duty placed on providers of regulated services (under the Regulation and Inspection of Social Care (Wales) Act 2016), to create a whole system approach to candour.

- Accountability - Executive Lead and Independent Member to be identified to be assured of the NHS body's approach. However, all staff are responsible for complying with the duty, and consideration should be given to what that means for individuals.

3.2 Duty of Quality

The objectives are to achieve a system wide approach to quality to improve quality on an ongoing basis. This will improve outcomes and embed quality as an integral part of the decision-making process and planning. In turn, this strengthens learning and sharing responsibilities and opportunities. The purpose of the duty overall is to improve outcomes for our population.

The duty of quality statutory guidance incorporating the new six domains of quality safe, (timely, effective, efficient, equitable and person-centred) and five quality enablers (Leadership; Culture and valuing people; Data to knowledge; Learning) which will supersede the Health and Care Standards 2015 to form the new health and care quality standards which will be taken into account by NHS bodies in discharging the new duty of quality.

As stated above the Health Board has already started work on developing and implementing a Quality Management System and the detail provided in the consultation will be used to align with the work already carried out and also into the work planned.

3.3 Next Steps

Establishment of a Task & Finish Group to take forward the implementation plan and consider the resource requirements to implementation of both the Duty of Candour and Duty of Quality and also requirements for the maintenance phase.

Table 1 sets out the draft implementation plan for Task & Finish Group to consider.

Table 1

Requirement	Action	Target Date	Lead	Present Position
1. Executive leadership	<ul style="list-style-type: none"> • Appoint Executive Director of Nursing & Patient Experience as the Executive Lead and Director of Corporate governance to oversee implementation, both roles will provide leadership for the implementation of Duty of Candour. 	November 2022	Chief Executive	To be approved in Management Board – November 2022.
	<ul style="list-style-type: none"> • Notify Welsh Government of Health Board representative on the National Implementation Board for Duty of Candour – Director of Corporate 	November 2022	Director of Corporate Governance	

	<p>Governance and Duty of Quality – Director of Nursing/Deputy.</p> <ul style="list-style-type: none"> Chair of Quality & Safety Committee Independent Member to be the lead IM for the Duty of Quality and Duty of Candour. 	November 2022	Chair	
2. Local Implementation Group	<ul style="list-style-type: none"> Patient Safety Group to be to oversee the implementation and report to the Quality Management Board and Quality & safety Committee. Task & Finish Group, reporting to the Patient Safety Group, to be established. Primary Care representatives to be members of the Patient Safety Group and Task & Finish Group. 	<p>November 2022</p> <p>November 2022</p> <p>November 2022</p>	Director of Corporate Governance	To be approved in Management Board – November 2022.
3. Infrastructure	<ul style="list-style-type: none"> Task & Finish Group (Candour Implementation Group) to consider infrastructure and resource implications and make recommendations for the Patient Safety Group to consider. Six month review to be undertaken, following the commencement of Duty of Candour to assess impact and resources required from April 2024 to inform IMTP plans. 	<p>December 2022</p> <p>September 2023</p>	<p>Director of Corporate Governance</p> <p>Director of Corporate Governance</p>	Work being undertaken by the corporate team to scope out resource required to commence duty of candour on 1 st April 2023 until March 2024.
4. Quality Management System/ Standards	<ul style="list-style-type: none"> Review Health Boards Quality Management System against the Duty of Quality requirements and identify any further work to be undertaken to comply with the legislation. 	December 2022	Director of Nursing supported by Director of Therapies & Health Science and Medical Director	To be considered by the Task & Finish Group
5. Policy and Procedure	<ul style="list-style-type: none"> Health Boards Concerns Management Policy to be updated to incorporate Duty of Candour requirements. 	March 2023	Director of Corporate Governance	Review of policy and changes required has commenced and will be reported through the Patient Safety Group.
6. Reporting and Decision making	<ul style="list-style-type: none"> Consider how we demonstrate in the Health Board that the decisions we make have adequately been considered in relation to quality improvement of our services. 	February 2023	Director of Nursing supported by Director of Therapies & Health Science and Medical Director	To be considered as part of the Task & Finish Groups work.

7. Training	<ul style="list-style-type: none"> • Board level training for Board members and Service Group triumvirate. 	December 2022	Director of Corporate Governance	Training booked for 15 th December 2022, to be delivered by Public Health Wales.
	<ul style="list-style-type: none"> • Task & Finish Group to complete a training needs analysis. 	December 2022		
	<ul style="list-style-type: none"> • Health Board to work with Welsh Government to deliver the training in accordance with the training needs analysis. 	March 2023		

4. FINANCIAL IMPLICATIONS

The resource implications will be considered by the Duty of Candour and Duty of Quality Implementation Group and recommendations made to the Patient Safety Group to consider resources needed to implement and embed the duties in 2023/24 and thereafter what resource it will need as we move into the maintenance phase.

5. RECOMMENDATIONS

Members are asked to:

- **NOTE** and **DISCUSS** the requirements of the Duty of Candour and Duty of Quality;
- **Agree** the establishment of a Task & Finish Implementation Group; and **AGREE** the high level implementation plan which was approved by management board on 2nd November 2022 as it evolves through the work of the Task & Finish 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 type="checkbox"/>
	Excellent Staff	<input type="checkbox"/>
	Digitally Enabled Care	<input type="checkbox"/>
	Outstanding Research, Innovation, Education and Learning	<input 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		
Ensuring that the Board and its Sub-Committees make fully informed decisions is dependent on the quality and accuracy of the information presented and considered by those making the decisions. Informed decisions are most likely to impact favourably on the quality, safety and experience of patients and staff.		
Financial Implications		
The financial implications for the implementation phase and maintenance will be considered by the Patient Safety Group.		
Legal Implications (including equality and diversity assessment)		
To be worked through in the Task & Finish Group		
Staffing Implications		
To be worked through in the Task & Finish Group		
Long Term Implications (including the impact of the Well-being of Future Generations (Wales) Act 2015)		
Report History	N/A	
Appendices	N/A	