

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

Implementation Update – Summer 2021

Welcome to the first edition of our newsletter. These newsletters will be an opportunity to share updates with you on our progress in implementing the Health and Social Care (Quality and Engagement) (Wales) Act 2020.

This first newsletter sets the scene by summarising the key aims of the Act; beginning to describe what it will mean in practice and setting out the initial work we are undertaking in relation to each part of the Act.

The Act is a lever for improving and protecting the health, care and well-being of the current and future population of Wales.

It builds on our existing health and social care systems. It aims to ensure a stronger citizen voice and to improve the accountability of services, to deliver a better experience and quality of care. Doing so contributes to a healthy and more prosperous country.

In totality, the parts of the Act are intended to have a cumulative positive benefit for everyone in Wales; supporting a culture and the conditions that focus on driving improvements in health and social care.

The Welsh Government aims to bring all of the Act into force by April 2023.

The four parts of the Act

Duty of Quality

Duty of Candour

Citizen Voice Body

Vice Chairs of NHS Trusts

Duty of Quality

What is it?

Health services will need to show that delivering excellent quality of care is at the heart of all they do. They must ensure a **system-wide approach to achieve quality of care in a way that secures continuous improvement** in quality and improved outcomes for the population.

The Duty of Quality focuses on the **6 domains of quality**: Safe, Effective, Person-centred, Timely, Efficient, Equitable care. It seeks to strengthen these domains across a maturing **Quality Management System**.



Components of a Quality Management System.

The Duty of Quality applies to **all clinical and non-clinical health service functions** in Health Boards, NHS Trusts and Special Health Authorities.

It **also applies to the Welsh Ministers** in their health related functions.

What will it mean?

Ministers and NHS organisations will have

to **actively consider** whether decisions they make will improve the quality of services and lead to improved outcomes for people.

Ministers and NHS organisations will also need to **publish an annual report** that describes how they have complied with the Duty. This will include an assessment of any improvement in outcomes achieved for people. The assessment must be supported with evidence.

How will it happen?

To support the implementation programme there will be:

- A digital awareness campaign and training for NHS and Welsh Government staff.
- Enhanced training for Welsh Ministers and Board members of NHS organisations.
- Statutory Guidance will be published about how assessments of any improvement should be undertaken and the types of evidence to use.
- Supporting resources will be produced.

Several **work streams** will support the implementation programme:

Work stream 1: Duty of Quality Overarching principles and guidance development	Work stream 2: Quality Reporting Framework	Work stream 3: Health and Care Standards review
Work stream 4: Communication and Engagement		
Work stream 5: Education		

Duty of Candour

What is it?

The duty applies when a person who is in receipt of health care suffers an adverse outcome and the health care provided was or may have been a factor.

A person suffers an adverse outcome if they experience, or could experience, any unintended or unexpected harm that is more than minimal.

The duty will apply to NHS bodies (Health Boards, Trusts, Welsh Special Health Authorities and NHS Blood and Transplant, in relation to their Welsh functions) and to primary care providers in Wales (in respect of services they provide under arrangements with a Health Board).

The introduction of the duty at an organisational level, highlights the Welsh Government's commitment to safe, effective and person-centred health services. It will also support health professionals to comply with the duties of candour that apply to them as part of their professional regulation.

We also plan to make regulations under the Care Standards Act 2000, to place a duty of candour on regulated independent healthcare providers.

What will it mean?

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

The duty will mean that NHS bodies and primary care will be required to follow a procedure when the duty is triggered. There is also a duty to prepare an annual report. Triggering the duty does not mean an NHS body accepts any fault or blame.

How will it happen?

To support implementation of the duty, the Welsh Ministers will:

- **Publish statutory guidance**, which aims to provide a framework of best practice.
- **Hold stakeholder workshops** from October to December 2021, to co-develop the guidance.
- **Make Regulations** that will set out the procedure to be followed when the duty is triggered.

There will be full public consultation in Spring 2022, with the aim of finalising the guidance and Regulations in October 2022, in readiness for the duty coming into force in April 2023.

E-learning packages will be developed to cascade training and ensure awareness. There will also be a campaign to increase public awareness of the duty of candour. Easy read leaflets will be developed and engagement will take place across Wales.

Essentially, we will do whatever we can to ensure the duty is embedded and owned by the NHS in Wales.

The Citizen Voice Body for Health and Social Care

What is it?

From April 2023, the Citizen Voice Body ('the CVB') will independently represent the interests of the public in relation to health and social care, and replace Community Health Councils ('CHCs'). Its role will be to:

- **actively seek and listen** to the views of service users, carers and wider public;
- **support individuals** throughout Wales with advice and assistance when making a complaint about their care;
- **make representations to NHS bodies and local authorities** about the provision of health or social services;
- **help ensure people's experiences drive continuous improvement** – local, regional and national plans and policy.

What will it mean?

Creating the CVB reflects the Welsh Government's commitment to support integration of health and social services. It will be at the heart of conversation with the Welsh public, working together with NHS bodies and local authorities, and alongside other public, independent and volunteer organisations to strengthen the voice of citizens: building greater connections; leading to better outcomes.

Alongside NHS bodies and local authorities, the CVB must promote public awareness of its objectives and activities. They will work together in this and support the CVB to seek people's views about health and social care.

NHS bodies and local authorities must take into consideration any representations

made to them by the CVB about their services and follow statutory guidance. They will supply the CVB with information it reasonably requests and all must have regard to a code of practice on access to premises. The guidance and code are in development and will be consulted upon.

As a national organisation the CVB must represent the interests of; be accessible to; and engage effectively with people in all parts of Wales. It will recognise the importance of face-to-face engagement when seeking individuals' views and providing complaints advocacy; for children and adults in relation to NHS complaints and on a wide range of social care matters, excluding only those where young people have existing rights to assistance.

How will it happen?

Work to establish and integrate the new body, managing the transition from CHCs, is underway. It is led by the CVB Steering Group and its work streams: People and HR; Locations; Digital and ICT; Governance and Finance; Legislation; Communications; Training. The CVB Board will be established during 2022-23 to enable its engagement in making critical decisions.

Public, independent and voluntary sector partners across health and social care will remain informed and involved, as part of a Stakeholder Reference Network. This will be set up in the autumn to engage organisations – as a collective or those most concerned – seeking their views and expertise at key milestones.

Vice Chairs of NHS Trusts

This element will allow the public appointment of statutory Vice Chairs of NHS Trusts.

This will improve their governance arrangements and bring them into line with those of Local Health Boards.

Following engagement with Chairs, Chief Executives and Board Secretaries, Dr Andrew Goodall, Director General for Health and Social Services and NHS Wales Chief Executive, wrote to NHS Trusts in April to confirm our intention that Regulations will be in place by the end of 2021.

Have you seen the Welsh Government website on the Quality and Engagement Act?

For more information and to view the Act, head to our website:

<https://gov.wales/health-and-social-care-quality-and-engagement-wales-act>

Newsletter feedback

- Do you have any comments about this newsletter?
- Are there areas of the Act you would like future newsletters to cover?

You can contact us at:

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