



**AGENDA ITEM**

2.4.2

**CTM BOARD**

**LEGISLATIVE UPDATE**

**Date of meeting**

30/07/2020

**FOI Status**

Open/Public

**If closed please indicate reason**

Not Applicable - Public Report

**Prepared by**

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**Presented by**

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**Approving Executive Sponsor**

Director of Corporate Governance

**Report purpose**

FOR NOTING

**Engagement (internal/external) undertaken to date (including receipt/consideration at Committee/group)**

**Committee/Group/Individuals**

**Date**

**Outcome**

(Insert Name)

(DD/MM/YYYY)

Choose an item.

**ACRONYMS**

CHC	Community Health Council
CVB	Citizen Voice Body
WG	Welsh Government

## **1. SITUATION/BACKGROUND**

1.1 This paper aims to update the Board on 2 key legislative changes that will impact on the Health Board, namely;

- The introduction of the Health and Social Care (Quality and Engagement) (Wales) Act 2020 and
- The introduction of the Socio-economic Duty in Wales.

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

1.2 The Health and Social Care (Quality and Engagement) (Wales) Bill received Royal Assent on 1 June 2020 and became the Health and Social Care (Quality and Engagement) (Wales) Act 2020.

1.3 There are 4 main objectives to the Act;

- Greatly strengthen the existing duty of quality on NHS bodies, extending this duty to Welsh Ministers;
- Introduce a duty of candour on NHS bodies in Wales (including primary care providers), requiring them to be open and honest with patients and service users as soon as they are aware that things have (or may have) gone wrong with their care or treatment;
- Replace the Community Health Councils with a new, all Wales Citizen Voice Body (CVB) representing the views of citizens across health and social care; and
- Appoint Vice Chairs for NHS Trusts to bring them in line with Health Boards.

### **The Socio-Economic Duty in Wales**

1.4 At the time of his appointment in December 2018, the First Minister made a commitment to commence Part 1, Sections 1 – 3 of the Equality Act 2010 which refers to the Socio-Economic Duty in Wales.

1.5 It is intended that the Duty placed on Public Bodies will encourage better decision making and ultimately deliver better outcomes for those who are socially-economically disadvantaged. There is guidance available, aimed at Board and Committee members (Executive and non-Executive), project management, procurement and strategy leads.



- 1.6 The Minister announced earlier this month that the Duty will come into force on 31 March 2021.

## **2. SPECIFIC MATTERS FOR CONSIDERATION BY THIS MEETING (ASSESSMENT)**

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

#### Citizen Voice Body

- 2.2 Much the same as currently with the CHC, CTMUHB's relationship with the CVB will be crucial in effective engagement with people across Wales who receive services from CTMUHB.
- 2.3 The CVB will be established as a corporate body.
- 2.4 A common duty will be put upon the Health Board and CVB to make arrangements to cooperate, promote awareness of the CVB and support the CVB in gaining views from individuals on the services provided, which will include due regard to ensuring face-to-face engagement with our service users.
- 2.5 Statutory guidance is expected from Welsh Government on how NHS bodies (and Local Authorities) receive representations from the CVB and a Code of Practice will guide on requests for access to premises by the CVB to gain views from citizens about our services.

#### Duty of Quality

- 2.6 Statutory guidance will be issued in relation to the duty of quality put upon the Health Board and associated reporting requirements.
- 2.7 The Health Board will be required to formally report, as soon as practicable after the end of each financial year, detailing the steps taken to comply with the duty. Welsh Government will issue guidance around the evidence required for inclusion in these annual reports.

#### Duty of Candour

- 2.8 The duty of candour relates to any person (the service user) to whom care/service is, or has been, provided and has suffered (or may suffer) an adverse outcome where the provision of the care/service was, or may have been a factor in the individual suffering that outcome. An adverse

outcome is classed as 'unexpected or unintended harm that is more than minimal'.

- 2.9 Regulations issued by WG will outline the procedure to be followed when the duty of candour has come into effect.

### **The Socio-Economic Duty in Wales**

- 2.10 The Socio-Economic Duty (the Duty), under the Equality Act 2010, requires relevant public bodies, when taking strategic decisions, to have due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage.
- 2.11 The statutory requirement of the duty places a legal responsibility on relevant public bodies when they are taking strategic decisions to have due regard to the need to reduce the inequalities of outcome resulting from socioeconomic disadvantage.
- 2.12 There is no reporting duty attached to the duty, however it is a statutory duty and public bodies will be required to demonstrate how they have discharged it.
- 2.13 The Health Board is considering how to ensure this is built into strategic decision-making around setting objectives and priorities for the organisation. Consideration will also be given to decisions that will be made at Regional Partnership Boards (RPBs) and Public Services Boards (PSBs), and how we ensure appropriate engagement and consultation on the development of our priorities paying due regard to the Duty.
- 2.14 Non statutory guidance is available (**Appendix 1**) which all IMs and Executives are encouraged to read and a scrutiny framework is being developed to assist decision makers in ensuring they exercise and meet the duty.

### **3. KEY RISKS/MATTERS FOR ESCALATION TO BOARD/COMMITTEE**

- 3.1 Further detail is expected from WG over coming months in relation to the Quality and Engagement Act, with the intention of the Act being implemented within two years (early 2022/23).



#### 4. IMPACT ASSESSMENT

<b>Quality/Safety/Patient Experience implications</b>	Yes (Please see detail below)
	Legislation changes are expected to strengthen quality and equity in the health services in Wales
<b>Related Health and Care standard(s)</b>	Safe Care
	If more than one Healthcare Standard applies please list below:
<b>Equality impact assessment completed</b>	Not required
	The introduction of the Duty will positively impact on equality.
<b>Legal implications / impact</b>	Yes (Include further detail below)
	Legal Duties will be placed on the UHB to comply with the Acts when they come in to force.
<b>Resource (Capital/Revenue £/Workforce) implications / Impact</b>	There is no direct impact on resources as a result of the activity outlined in this report.
<b>Link to Main Strategic Objective</b>	To Improve Quality, Safety & Patient Experience
<b>Link to Main WBFG Act Objective</b>	Work collaboratively with our public service partners and a broader range of partners to join up health and other services where this potentially represents better value for our residents and care users

#### 5. RECOMMENDATION

- 5.1 The Board is asked to **NOTE** the legislative update, and that the on-going developments and monitoring in relation to the actions required by the Health Board will be undertaken by the Quality & Safety Committee and the Planning, Performance and Finance Committee for the Quality & Engagement Act (2020) and the Socio-Economic Duty accordingly.