



Llywodraeth Cymru  
Welsh Government

POLICY AND STRATEGY

# The Health and Social Care (Quality and Engagement) (Wales) Act: summary

A summary of the new law to improve quality and public engagement in health and social care.

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# Contents

[Overview](#)

[Duty of Quality](#)

[Duty of Candour](#)

[Citizen voice body for health and social care \(Llais\)](#)

[Vice chairs](#)

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# Overview

On 1 June 2020, **The Health and Social Care (Quality and Engagement) (Wales) Act** became law.

The act came into force on 1 April 2023, and work continues on its implementation.

The act aims to:

- strengthen the existing Duty of Quality on NHS bodies and extend it to the Welsh ministers for their health service functions
- create a Duty of Candour on NHS service providers for openness and honesty with patients and service users harmed during care
- amplify voices by replacing community health councils with Llais, an all-Wales citizen body for health and social care
- enable the appointment of Vice Chairs for NHS Trusts, bringing them in line with health boards

In 2018, the **Parliamentary Review of Health and Social Care in Wales** made several recommendations. These included improving service quality and integration in health and social care. They form key threads in the Welsh Government's response: '**A Healthier Wales: our Plan for Health and Social Care**'. Also, provisions in the act support them.

Continuous quality improvement is crucial to making the health and social care system in Wales fit for the future and achieve value. Covering both health and social services, Llais ensures that citizens are engaged, listened to and heard clearly. This supports health and social care services designed around individuals' needs and preferences.

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## Duty of Quality

Quality is more than meeting service standards. It's system-wide, safe, effective, person-centred, timely, efficient, equitable care. It happens in a learning culture too. To help achieve this, the act:

- places an overarching Duty of Quality on the Welsh Ministers
- reframes and broadens the existing duty on NHS bodies

This ensures the concept of 'quality' is used in its broader definition. It is not limited to the quality of services provided to an individual nor to service standards.

The act ensures the Welsh health Ministers and NHS bodies work with a view to improving the quality of health services.

Details of how the Duty works in practice for the NHS are in statutory guidance developed with stakeholders. Training has been developed and delivered to support implementation.

Further information can be found on our [Duty of Quality in healthcare](#) webpage.

## Duty of Candour

A culture of openness, transparency and candour is widely associated with good quality care. To aid this, the Act places a Duty of Candour on NHS service providers (NHS bodies and primary care) - supporting existing professional duties.

The duty requires NHS providers to follow a process when service users suffer

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an adverse outcome. The outcome has or could cause unexpected or unintended harm that is more than minimal and providing health care has or may have been a factor. There is no element of fault, enabling a focus on learning and improvement and not blame.

Developed with stakeholders, the guidance is a practical document to aid implementation of the duty. In particular, the meaning of 'more than minimal' harm has been clarified in more detail in the guidance. Examples and illustrative case studies aid understanding and consistency in applying the duty.

The duty seeks to promote a culture of openness. It improves the quality of care by encouraging organisational learning, avoiding future incidents.

With existing powers, Welsh Government is working to make separate regulations (under the Care Standards Act 2000). These are for a Duty of Candour on regulated independent healthcare providers.

Further information is on our [Duty of Candour](#) webpage.

## **Citizen voice body for health and social care (Llais)**

Llais replaces community health councils. They represented patients in the health service for nearly 50 years. As a new national body, Llais will exercise functions across health and social care. The new, Welsh body aims to:

- amplify citizens' voices around health and social services, ensuring effective ways for their views to be heard
- ensure that advice and assistance supports people complaining about their care
- use the service user experience to drive forward improvement

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This new organisation has been established as a national body. Yet it is structured to enable it to perform its functions at a national, regional and local level. The act gives duties to the new body, NHS bodies and local authorities to co-operate to support each other to promote awareness of Llais. They are also under a duty to make arrangements to support the new body in seeking the public's views about health and social services.

Welsh Government will publish a code of practice for Llais's requests to enter health and social care premises to seek people's views. Also, NHS bodies and local authorities must heed new legal guidance for Llais's representations.

The [statutory guidance is on our webpage](#), and [information about Llais is on their webpage](#).

## Vice chairs

Previously, NHS trusts were only able to appoint a vice chair from their existing independent members. They were only able to provide cover in times where the chair was unavailable or unable to do their duties.

The new powers in the Act provide for Welsh ministers to appoint a specific vice chair role on the boards of NHS Trusts. This enables vice chairs to:

- fully contribute to the work of NHS Trusts
- strengthen the capability of their independent membership
- improve governance and decision-making processes
- create consistency across Wales

Ministers can clarify a different and more appropriate skillset in the job description. Appointment to a defined role with a greater time commitment may also boost interest and the application pool.

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## Contact us

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Rydym yn croesawu gohebiaeth yn Gymraeg / We welcome correspondence in Welsh.

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