



Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016

2016 asp 14

PART 2

DUTY OF CANDOUR

Duty of candour procedure

22 Duty of candour procedure

- (1) The “duty of candour procedure” means the actions to be taken by the responsible person in accordance with regulations made by the Scottish Ministers.
- (2) Regulations under subsection (1) may in particular make provision about—
 - (a) the notification to be given by the responsible person,
 - (b) the apology to be provided by the responsible person to the relevant person,
 - (c) the actions to be taken by the responsible person to offer and arrange a meeting with the relevant person, including asking the relevant person whether the relevant person wishes to receive an account of the incident as mentioned in section 21(2) or information about further steps taken,
 - (d) the actions which must be taken at, and following, such a meeting,
 - (e) an account of the incident as mentioned in section 21(2), information about further steps taken and any other information to be provided by the responsible person,
 - (f) the form and manner in which information must be provided,
 - (g) the circumstances in which the responsible person is to make available, or provide information about, support to persons affected by the incident,
 - (h) the keeping of information by the responsible person,
 - (i) steps to be taken by the responsible person—
 - (i) to review the circumstances leading to the incident, and
 - (ii) following such a review,

Changes to legislation: There are currently no known outstanding effects for the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016, Section 22. (See end of Document for details)

even if the relevant person has advised that the relevant person does not wish to receive an account of the incident as mentioned in section 21(2) or information about further steps taken,

- (j) training to be undertaken by a responsible person,
- (k) training, supervision and support to be provided by a responsible person to any person carrying out any part of the procedure on behalf of the responsible person.

(3) In this section “relevant person” means—

- (a) the person who has received the health service, the care service or the social work service, or
- (b) where that person—
 - (i) has died, or
 - (ii) is, in the opinion of the responsible person, lacking in capacity or otherwise unable to make decisions about the service provided,a person acting on behalf of that person.

Commencement Information

I1 S. 22 in force at 1.10.2017 for specified purposes by S.S.I. 2017/294, reg. 2, sch.

I2 S. 22 in force at 1.4.2018 in so far as not already in force by S.S.I. 2018/56, art. 2, sch.

Changes to legislation:

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