



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

2016 asp 14

PART 2

DUTY OF CANDOUR

Duty of candour procedure

24 Reporting and monitoring

- (1) A responsible person who provides a health service, a care service or a social work service during a financial year must prepare an annual report on the duty of candour as soon as reasonably practicable after the end of that financial year.
- (2) The report must set out in relation to the financial year—
 - (a) information about the number and nature of incidents to which the duty under section 21(1) has applied in relation to a health service, a care service or a social work service provided by the responsible person,
 - (b) an assessment of the extent to which the responsible person carried out the duty under section 21(1),
 - (c) information about the responsible person's policies and procedures in relation to the duty under section 21(1), including information about—
 - (i) procedures for identifying and reporting incidents, and
 - (ii) support available to staff and to persons affected by incidents,
 - (d) information about any changes to the responsible person's policies and procedures as a result of incidents to which the duty under section 21(1) has applied, and
 - (e) such other information as the responsible person thinks fit.
- (3) A report must not—
 - (a) mention the name of any individual, or
 - (b) contain any information which, in the responsible person's opinion, is likely to identify any individual.

- (4) The responsible person must publish a report prepared under subsection (1) in such manner as the responsible person thinks appropriate.
- (5) On publishing a report, the responsible person must notify—
 - (a) Healthcare Improvement Scotland, in the case of a report published by a responsible person which provides an independent health care service (within the meaning of section 10F(1) of the 1978 Act),
 - (b) the Scottish Ministers, in the case of a report published by any other responsible person which provides a health service,
 - (c) Social Care and Social Work Improvement Scotland, in the case of a report published by a responsible person which provides a care service or a social work service.
- (6) A person mentioned in subsection (7) may, for the purpose of monitoring compliance with the provisions of this Part, serve a notice on a responsible person requiring—
 - (a) the responsible person to provide the person serving the notice with information about any matter mentioned in subsection (2) as specified in the notice, and
 - (b) that information to be provided within the time specified in the notice.
- (7) The persons are—
 - (a) Healthcare Improvement Scotland, in relation to a responsible person which provides an independent health care service (within the meaning of section 10F(1) of the 1978 Act),
 - (b) the Scottish Ministers, in relation to any other responsible person which provides a health service,
 - (c) Social Care and Social Work Improvement Scotland, in relation to a responsible person which provides a care service or a social work service.
- (8) The Scottish Ministers, Healthcare Improvement Scotland and Social Care and Social Work Improvement Scotland may publish a report on compliance with the provisions of this Part by responsible persons.