



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

2020 asc 1

## PART 3

### DUTY OF CANDOUR

#### *Application of the duty*

#### **3 When the duty of candour applies**

- (1) The duty of candour comes into effect in relation to an NHS body if it appears to the body that both of the following conditions are met.
- (2) The first condition is that a person (the “service user”) to whom health care is being or has been provided by the body has suffered an adverse outcome.
- (3) The second condition is that the provision of the health care was or may have been a factor in the service user suffering that outcome.
- (4) For the purpose of the first condition a service user is to be treated as having suffered an adverse outcome if the user experiences, or if the circumstances are such that the user could experience, any unexpected or unintended harm that is more than minimal.

#### **Commencement Information**

**II** [S. 3](#) in force at 1.4.2023 by [S.I. 2023/370](#), [art. 3\(1\)\(e\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Social Care (Quality and Engagement) (Wales) Act 2020, Section 3.