

*These notes relate to the Health (Tobacco, Nicotine etc. and Care)
(Scotland) Act 2016 (asp 14) which received Royal Assent on 06 April 2016*

HEALTH (TOBACCO, NICOTINE ETC. AND CARE) (SCOTLAND) ACT 2016

EXPLANATORY NOTES

THE ACT – OVERVIEW

Part 1 – Tobacco, Nicotine Vapour Products and Smoking

Chapter 3 – Smoking Outside Hospitals

Duty of candour procedure

Section 24 – Reporting and monitoring

92. Responsible persons who provide health services, care services or social work services in a financial year are required to prepare and publish reports. These reports are not to identify individuals. The reports must include the following information (but responsible persons can also include other information if they wish)—
- details about the incidents that have occurred,
 - information on the organisation's compliance with the duty of candour procedure,
 - information about policies and procedures and whether there have been changes to these policies and procedures resulting from incidents that have occurred.
93. In order to assist with monitoring the extent to which the duty of candour procedure has been followed, there is a power for certain bodies to require responsible persons to provide them with information. These same bodies are to be notified when the annual reports are published. The particular bodies with the power to require information (and who are to be notified) vary depending on the responsible person. So, for example, Health Boards are linked to the Scottish Ministers, independent health service providers are linked to Healthcare Improvement Scotland, while providers of care services or social work services are linked to Social Care and Social Work Improvement Scotland (SCSWIS, which operates under the name of the Care Inspectorate).