

**Eluned Morgan AS/MS**  
**Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol**  
**Minister for Health and Social Services**



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**Llywodraeth Cymru**  
**Welsh Government**

Ein cyf/Our ref : WQ84854

Russell George MS  
Member of the Senedd for Montgomeryshire

Russell.George@senedd.wales

12 April 2021

Dear Russell,

Thank you for your recent Written Questions asking whether any penalties will be levied against health boards that fail to include families that have raised concerns about the NHS services they have received within their investigations.

The National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011 (“the Regulations”) prescribe the procedure NHS bodies in Wales must follow if a person makes a complaint. The Regulations contain provision about how an NHS Body should involve the person who raised the concern in the investigation process.

If a person is dissatisfied with the way in which a Health Board (or any other NHS body) has considered their concern, they may make a complaint to the Public Services Ombudsman for Wales (PSOW). The PSOW is able to look into issues of maladministration with regards to complaints handling. The PSOW can make recommendations to NHS bodies and they are expected to develop and implement action plans which are monitored by the PSOW. The PSOW, in cases where complaints are upheld, does have the ability to recommend an NHS body make a financial payment to a complainant/complainant’s family.

A new Patient Safety Incident Policy was issued in May 2021 with a real focus on shared learning through proportionate review / investigations which involves patient and/or family engagement. We have worked with the NHS in Wales to develop guidance to implement this policy across Wales.

You may also be aware that Part 3 of the Health and Social Care (Quality and Engagement) (Wales) Act 2020 places a duty of candour on NHS bodies in Wales. It is intended to bring the duty of candour into force from 1 April 2023. The duty requires NHS bodies in Wales (meaning health boards, trusts, special health authorities and GPs, dentists, pharmacists and ophthalmologists who provide NHS services) to be open and honest with patients who suffer, or may suffer, more than minimal harm that is related to (or may be related to) their care or treatment. Work is ongoing to implement the duty with the development of Regulations and Statutory Guidance to be consulted on. Patients or their representative will be notified if the duty of candour is triggered, will receive an apology, will be given a nominated point of contact at the NHS body and will be advised of and kept informed about the type of investigation an NHS body will undertake to find out what caused the patient harm and will be offered appropriate support.

There have been improvements in the process for investigating concerns and serious incidents and these coupled with the new duty of candour are meant to ensure patients and their families are treated with openness and respect when they suffer harm as a result of their care or treatment.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'M. E. Morgan'.

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