

Eluned Morgan MS
Minister for Health and Social Services

31 March 2023

Dear Eluned

The Duty of Candour Procedure (Wales) Regulations 2023

At our meeting on 27 March 2023 we considered the Duty of Candour Procedure (Wales) Regulations 2023 (the Regulations).

Concerns have been raised with us by BMA Cymru Wales, not least because we have been told that guidance related to the Regulations was only sent to it and other organisations the week commencing 20 March 2023 and the Regulations are due to come into force on 1 April 2023.

BMA Cymru Wales has also told us that the responses submitted to the Welsh Government as part of the consultation process which informed the development of the Regulations have yet to be published.

We agreed that we would seek further clarity from you about the development of these Regulations, and would welcome your response to the following questions:

We note that a consultation was undertaken during the autumn of 2022. Please can you:

- a. Explain why the Regulations were then not laid before the Senedd until 9 March 2023?
- b. Confirm that guidance regarding the Regulations was not sent to relevant organisations until week commencing 20 March 2023, and explain why this was the case?
- c. Explain why the Welsh Government wishes for the Regulations to come into force on 1 April 2023?

There does not appear to be an implementation period to help relevant organisations ensure they have the correct and required processes in place. Please can you:

- a. Confirm that this is the case, and explain why not?

b. Confirm whether such a period was considered?

Will the Welsh Government ensure there are review processes in place so that the relevant guidance can be amended should any issues with the operation of the new system be identified, and can you confirm the timings of any such review?

I would be grateful to receive your response by 17 April 2023.

Yours sincerely,

Huw Irranca-Davies

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Chair

