

NURSE STAFFING LEVELS (WALES) ACT 2016

EXPLANATORY NOTES

BACKGROUND AND SUMMARY

3. Detailed background information about the rationale for this Act is available in the Explanatory Memorandum (published in 2014) and the revised Explanatory Memorandum (published in 2015) which accompanied the Bill during its passage through the National Assembly for Wales. They are available on the National Assembly for Wales website.
4. The Bill was prompted by concerns which arose from failings in nursing care in the UK. In England, they were highlighted in a series of reports:
 - the *Report of the Mid Staffordshire NHS Foundation Trust public inquiry* (commonly known as the Francis report);
 - the *Review into the quality of care and treatment provided by 14 hospital trusts in England: overview report* (commonly known as the Keogh review); and
 - *A promise to learn – a commitment to act* (commonly known as the Berwick review).
5. In Wales, the *Trusted to Care* report identified concerns about the way staffing levels were determined in the Princess of Wales Hospital and Neath Port Talbot Hospital.
6. The Act introduces a general, overarching duty on Local Health Boards and NHS Trusts in Wales, when considering how many nurses are required to meet all reasonable requirements, to have regard to the importance of providing sufficient nurses to allow nurses time to care for patients sensitively. This overarching duty applies when Local Health Boards and NHS Trusts are providing nursing services themselves and when they are securing the provision of nursing services from third parties.
7. The Act also places a duty on Local Health Boards and NHS Trusts to calculate nurse staffing levels in adult acute medical in-patient wards and adult acute surgical in-patient wards; to take all reasonable steps to maintain the staffing level that has been calculated on these wards and to make arrangements for informing patients of the nurse staffing level. The Act contains a regulation-making power which enables the Welsh Ministers to make regulations to extend the duty to calculate nurse staffing levels to additional settings. Such regulations are subject to the affirmative resolution procedure. The Act also specifies the method that must be used to calculate nurse staffing levels.
8. The Act places a duty on the Welsh Ministers to issue statutory guidance about the duty to calculate nurse staffing levels and the method of calculation. It places a duty on Local Health Boards and NHS Trusts to have regard to that guidance. In addition, each Local Health Board and NHS Trust to which the duty to calculate nurse staffing levels applies must submit a nurse staffing levels report to the Welsh Ministers every three years.
9. The Welsh Ministers' duties under the Act are to:
 - issue guidance about the duty to calculate and the method of calculation of nurse staffing levels;

*These notes refer to the Nurse Staffing Levels (Wales) Act
2016 (c.5) which received Royal Assent on 21 March 2016*

- prepare and publish a summary of the nurse staffing levels reports provided by Local Health Boards and NHS Trusts for a given reporting period; and
 - lay the nurse staffing levels reports submitted to them by Local Health Boards and NHS Trusts before the National Assembly for Wales.
10. The Welsh Ministers may make regulations to extend the duties to calculate and maintain nurse staffing levels, and to report to the Welsh Ministers, to additional clinical settings.
11. Local Health Boards and NHS Trusts in Wales must:
- when deciding on the extent of nursing services that are necessary to meet all reasonable requirements, have regard to the importance of providing sufficient nurses to care for patients sensitively;
 - calculate and take steps to maintain nurse staffing levels in adult acute surgical and medical in patient wards, using prescribed methods;
 - have regard to guidance about the duty to calculate nurse staffing levels and the method of calculation of nurse staffing levels issued by the Welsh Ministers; and
 - provide reports about their nurse staffing levels.
12. There is a glossary at the end of these Notes which explains some of the specialist terms used in these Notes.