

# **NURSE STAFFING LEVELS (WALES) ACT 2016**

---

## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 1 – Nurse Staffing Levels***

#### **Section 25B Duty to calculate and take steps to maintain nurse staffing levels**

23. Section 25B introduces a duty for Local Health Boards and NHS Trusts in Wales (where applicable) to calculate and take steps to maintain nurse staffing levels and to inform patients of the level. This duty applies to the clinical settings specified in subsection (3) of section 25B only.
24. Subsection 25B(1) provides that where a Local Health Board or NHS Trust in Wales provides nursing services in a clinical setting to which this section applies, it must designate a person or a description of person, known as the “designated person”. The designated person must calculate the number of nurses appropriate to provide care to patients that meets all reasonable requirements in that situation. This is called the “nurse staffing level”. Local Health Boards and NHS Trusts in Wales must then take all reasonable steps to maintain that level and make arrangements to inform patients of the nurse staffing level.
25. A Local Health Board or NHS Trust might use various methods to inform patients of the nurse staffing level, such as a notice in the ward or information on a hospital website.
26. Subsection (2) of section 25B provides that the designated person must calculate the nurse staffing level in accordance with section 25C.
27. Subsections (3)(a) and (b) of section 25B specify the types of clinical settings where the duties to designate a person to calculate a nurse staffing level, take all reasonable steps to maintain it and tell patients about it applied when the Act received Royal Assent. These are adult acute medical in-patient wards and adult acute surgical in-patient wards.
28. Section 25B(3)(c) gives the Welsh Ministers the power to extend the settings to which the duties under section 25B apply by making regulations. The Welsh Ministers must make any such regulations using the affirmative procedure i.e. the regulations must be formally approved by the National Assembly for Wales before they can be made.