

NURSE STAFFING LEVELS (WALES) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 1 – Nurse Staffing Levels

Section 25D Nurse staffing levels: guidance

35. Section 25D provides that the Welsh Ministers must issue guidance to Local Health Boards and NHS Trusts (where applicable) about the duties under sections 25B and 25C, and that every Local Health Board and NHS Trust to which those sections apply must have regard to the guidance.
36. Subsection (2) of section 25D sets out a non-exhaustive list of the matters which the guidance may specify should be taken into account by a designated person when exercising their professional judgement.
37. For example, the guidance could set out that it is relevant to consider factors such as whether nurses are newly-qualified or how many years' general or specialist experience they have (see (2)(a)). It could also provide that a designated person should consider the care provided to patients by other health professionals or staff who will be present on a ward and their competencies and experience e.g. physiotherapists, trainee doctors or student nurses.
38. Subsection (3) of section 25D provides that the guidance may also make provision about workforce planning that Local Health Boards and NHS Trusts may undertake in order to enable them to comply with their duties under sections 25B and 25C.
39. Subsection (4) of section 25D prescribes the persons with whom the Welsh Ministers must consult before issuing guidance. In essence, the Welsh Ministers must consult with persons and organisations that are likely to be affected by the guidance. Specifically, they are Local Health Boards and any NHS Trust that is under a duty to have regard to the guidance; such organisations as appear to the Welsh Ministers to represent the interests of any providers of care homes or providers of independent hospitals in Wales that are likely to be affected by the guidance; organisations that appear to the Welsh Ministers to represent the interests of any other persons (i.e. other than providers of care homes and independent hospitals), which are likely to be affected by the guidance and such other persons likely to be affected by the guidance as the Welsh Ministers consider appropriate.