

# NURSE STAFFING LEVELS (WALES) ACT 2016

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

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

#### **Section 25E Nurse staffing levels: reports**

40. Section 25E details the reporting requirements for the Act.
41. Subsection (1) of section 25E provides that Local Health Boards, and any NHS Trust in Wales to which the duty to calculate a nurse staffing level in section 25B applies, must provide a nurse staffing levels report in accordance with the provisions of section 25E. This report can be a discrete report or it may be incorporated in a wider report.
42. Subsection (2) of section 25E provides that a nurse staffing levels report must cover a “reporting period” and lists the three specific types of information which must be covered in such a report namely: (a) the extent to which nurse staffing levels have been maintained; (b) the impact the Board or Trust considers that not maintaining nurse staffing levels has had on care provided to patients (subsection (2)(b) gives examples of the types of information that might be included under this heading) and (c) any actions taken in response to not maintaining nurse staffing levels.
43. A Local Health Board or NHS Trust may choose to provide additional information in the nurse staffing levels report.
44. Subsection (3) of section 25E provides that each nurse staffing levels report must be submitted to the Welsh Ministers no later than 30 days after the last day of the reporting period. The reporting period is set in accordance with the provisions of subsection (5).
45. Subsection (4) of section 25E provides that, after the expiry of each reporting period, the Welsh Ministers must (a) prepare and publish a document summarising the content of the nurse staffing levels reports submitted in respect of that reporting period, and (b) lay each report submitted to them in that period before the National Assembly for Wales.
46. Laying a report before the National Assembly for Wales means that a copy of the report must be given to the Table Office at the National Assembly for Wales. The Table Office publishes all documents officially laid before the Assembly on the Laid Documents section of the National Assembly for Wales website, where they can be viewed and downloaded.
47. Subsection (5) of section 25E establishes a three-year reporting cycle for the submission of nurse staffing levels reports. The “initial reporting period,” i.e. the first three-year period which must be the subject of a nurse staffing levels report, is the period of three years beginning with the commencement of section 25E. All subsequent reporting periods run for the period of three years beginning with the day after the last day of the preceding reporting period.

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

48. It is anticipated that the Welsh Ministers will choose to commence section 25E and so trigger the start of the “initial reporting period” on a date which will align it with existing planning and reporting cycles in the NHS in Wales.
49. Coupled with the requirement in subsection (3) that each report be submitted to the Welsh Ministers no later than 30 days after the last day of the reporting period, Local Health Boards and NHS Trusts (where applicable) will all submit their nurse staffing levels reports for the same three-year period to the same deadline.
50. Subsection (6) of section 25E defines “Complaints Regulations” for the purposes of this Act. Complaints made in accordance with the Complaints Regulations about care provided to patients by nurses is an example of the information that may be included in a nurse staffing levels report under section 25E(2)(b).
51. Section 1(2) of the Act amends section 203(6) of the National Health Service (Wales) Act 2006. The effect of the amendment is to make regulations under section 25B(3)(c) subject to the affirmative resolution procedure.
52. Section 1(3) of the Act amends section 207 of the National Health Service (Wales) Act 2006 to add “nurse staffing level” to the index of defined expressions in that Act.