

An Act of the National Assembly for Wales to require health service bodies to make provision for safe nurse staffing levels.

**Having been passed by the National Assembly for Wales and having received the Assent of Her Majesty, it is enacted as follows:**

## **1 Purpose**

The purpose of this Act is to ensure that nurses are deployed in sufficient numbers to —

- (a) enable the provision of safe nursing care to patients at all times;
- (b) improve working conditions for nursing and other staff; and
- (c) strengthen accountability for the safety, quality and efficacy of workforce planning and management.

## **2 Safe nurse staffing levels**

- (1) In Part 1 of the National Health Service (Wales) Act 2006 (promotion and provision of the health service in Wales) after section 10 (provision of services otherwise than by Welsh Ministers) insert—

*“Safe nurse staffing levels*

### **10A Duty to maintain safe nurse staffing levels**

- (1) Each health service body in Wales must in exercising its functions—
  - (a) have regard to the importance of ensuring that nurses are deployed in sufficient numbers to enable the provision of safe nursing care, allowing time to care for patients sensitively, efficiently and effectively; and
  - (b) take all reasonable steps to maintain minimum nurse : patient ratios and minimum nurse : healthcare support workers ratios in adult inpatient wards in acute hospitals (in accordance with guidance under this section).

- (2) In this section “health service body” has the same meaning as in section 7.
- (3) The Welsh Ministers may by regulations make provision for the duty under subsection (1)(b) to extend to additional settings within the National Health Service in Wales.
- (4) The Welsh Ministers must issue guidance to health service bodies in Wales about compliance with the duty under subsection (1); and health service bodies must have regard to the guidance.
- (5) The guidance—
  - (a) must specify methods by which health service bodies may comply with the duty under subsection (1) (including methods of the kinds described in subsection (6), to the extent that the Welsh Ministers consider it practicable;
  - (b) must specify minimum recommended nurse : patient ratios for the purposes of subsection (1)(b) (which individual health service bodies may adjust so as to increase the minimum numbers of nurses for their hospitals);
  - (c) must specify minimum recommended nurse : healthcare support worker ratios for the purposes of subsection (1) (b) (which individual health service bodies may adjust so as to increase the minimum numbers of nurses for their hospitals);
  - (d) must define, or include provision to be used in defining, the terms used in subsection (1)(b);
  - (e) must include provision for ensuring that the recommended minimum ratios are not applied as an upper limit in practice;
  - (f) must be designed to ensure that the requirements of the duty under subsection (1) are met on a shift-by-shift basis;
  - (g) must include provision about the publication to patients, to the extent that Welsh Ministers consider it appropriate, of the numbers, roles and responsibilities of nursing staff on duty; and

- (h) must include provision which in the opinion of the Welsh Ministers provides the protections mentioned in subsection (7).
- (6) The methods mentioned in subsection (5)(a) are methods that in the opinion of the Welsh Ministers—
- (a) involve the use of validated acuity tools and dependency workforce planning tools, which are capable of being applied to calculations by reference to individual nursing shifts;
  - (b) allow for the exercise of professional judgement within the planning process;
  - (c) make provision for the required nursing skill-mix needed to reflect patient care needs and local contexts; and
  - (d) reflect or apply standards, guidelines and national frameworks produced or adopted by professional nursing organisations.
- (7) The protections mentioned in subsection (5)(h) are protections for—
- (a) the supernumerary status of persons performing the functions of Lead Sister, Charge Nurse, Senior Midwife and Community Team Leader (or such offices as in the opinion of the Welsh Ministers have replaced any of those offices);
  - (b) induction periods for temporary or student staff;
  - (c) time to undertake or participate in continuing professional development, including mentorship and supervision roles; and
  - (d) planned and unplanned leave.
- (8) Before issuing guidance the Welsh Ministers must consult—
- (a) such persons as appear to them likely to be affected by the guidance;
  - (b) such organisations as appear to them to represent the interests of persons likely to be affected by the guidance; and

(c) such other persons as they consider appropriate.

(9) The duty under subsection (1), and action to prevent recurrence of any failure to comply with it, must be monitored in accordance with any document issued by Welsh Ministers setting out processes in place to monitor progress (such as the NHS Delivery Framework); but this subsection is without prejudice to the health service bodies' responsibility for compliance.

(10) Each health service body in Wales must publish an annual report (whether or not as part of a wider report) which—

(a) gives details of the methods by which the health service body has aimed to comply with its duty under subsection (1) in respect of that year;

(b) gives details of the methods by which the health service body aims to comply with its duty under subsection (1) in respect of the following year;

(c) records the number of occasions on which the duty under subsection (1)(b) may have been contravened, and the action taken to prevent recurrence; and

(d) includes a detailed plan to prevent recurrence of any other failure to comply with the duty under subsection (1) or to take account of guidance issued under subsection (5).”

(2) In section 203(6) of the National Health Service (Wales) Act 2006 (subordinate legislation: affirmative resolution) after “an order under section” insert “10A(3) or”.

### **3 Review**

(1) The Welsh Ministers must review the operation and effectiveness of this Act.

(2) The first review must be carried out as soon as practicable after the end of the period of one year beginning with the date on which this Act comes into force.

(3) Subsequent reviews must be carried out at intervals of not more than 2 years.

- (4) A review must consider the extent to which this Act has achieved the purpose specified in section 1.
- (5) The Welsh Ministers must publish a report of the results of each review which gives details of the impact of this Act; in particular, Welsh Ministers must include details of the impact on a range of matters which appear to the them to constitute indicators of safe nursing including—
- (a) mortality rates;
  - (b) readmission rates;
  - (c) hospital-acquired infections;
  - (d) medication administration errors;
  - (e) number and severity of falls;
  - (f) patient and public satisfaction with services;
  - (g) nursing overtime and sickness levels;
  - (h) use of temporary nursing; and
  - (i) number and cost of legal proceedings brought against the National Health Service in Wales.
- (6) The Welsh Ministers must lay a copy of each report under this section before the National Assembly for Wales.

#### **4 Commencement**

This Act comes into force on Royal Assent, and has effect in relation to each financial year of a health service body beginning on or after Royal Assent.

#### **5 Short title**

The short title of this Act is the Safe Nurse Staffing Levels (Wales) Act 2014.