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Dear Colleague,

Safe Nurse Staffing Levels (Wales) Bill

Following a ballot conducted by the Presiding Officer, the National Assembly for Wales has agreed that I can introduce proposals for a new law in Wales, to ensure sufficient numbers of staff within our health service to provide safe care at all times.

Earlier in the year I undertook an extensive public consultation and engagement exercise to assist me in developing my proposals and gave a commitment to allow for further consultation once a draft Bill had been prepared. This work has now been completed and I am pleased to attach a copy of the draft Bill for your information.

I am grateful to all those who responded to the initial consultation and I am pleased that the majority of responses are supportive of the principles of this legislation. In drafting the Bill I have given careful consideration to the points raised within these responses.

One of the key themes that arose was the need for an emphasis on 'safe' staffing levels rather than minimum levels. As a result, I now propose to call this legislation the 'Safe Nurse Staffing Levels (Wales) Bill' and have aimed to ensure that the scope of this Bill will provide for a wider duty on safe nurse staffing levels within the Welsh NHS.

The Bill will impose a duty on health service bodies in Wales to take all reasonable steps to maintain recommended minimum nurse to patient ratios in adult inpatient wards in acute hospitals, where the majority of evidence currently exists. There will be a provision for Welsh Ministers to extend this duty to other healthcare settings as evidence on safe staffing levels within other sectors is developed. To ensure that resources are not diverted from areas where recommended minimum ratios do not apply, alongside this there is a duty for health



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service bodies to have regard to the importance of ensuring nurses are deployed in sufficient numbers to ensure safe nursing care to patients at all times.

The Bill will require Welsh Ministers to issue guidance to health service bodies in Wales, setting out minimum recommended ratios. This guidance will also make provision for such ratios to be increased to take account of local needs.

A number of responses raised concerns that a minimum level may become interpreted as a maximum. Whilst no evidence was provided for this assertion, I have included specific provision within the Bill that any ratio is upwardly adjustable and must not be used as an upper limit by the health service body to which such ratio applies.

The need to preserve flexibility in order to respond to patient need and local circumstance was another key theme in the consultation responses. The Bill will therefore require Welsh Minister to issue guidance to health service bodies on compliance with the duties on safe staffing, which recognises the important role of acuity and dependency workforce planning tools, the exercise of professional judgement, and the need for an appropriate skill mix.

The guidance would also specify that establishment uplifts must provide protection for the supernumerary status of particular roles, such as the ward manager and student staff, which was a further issue highlighted by many consultees.

Another key theme within the responses was the importance of education and continuing professional development. While there are limits on the competence of the National Assembly on this issue, I have included within the Bill provision to ensure that workforce planning includes time for training and support to take place.

I recognise that the development of guidance on safe nurse staffing under this legislation must involve all those within the profession who will have the expertise on this issue. As such, I have placed a wide duty on Welsh Ministers to consult with such persons as may be affected by this guidance and any such other persons as they consider appropriate. The draft Bill also provides for monitoring the safe staffing duty in line with existing procedures and frameworks, in order to reduce any additional administration as a result.

Finally, included with the draft Bill is a requirement for Welsh Ministers to review this legislation and give detail of its impact on a range of safe nursing indicators. These are key indicators that will help measure performance within the Welsh NHS, to ensure that safe staffing levels are improving outcomes for patients and improving working conditions for our staff.

Depending on the outcome of this additional consultation, the Bill may be subject to further drafting and technical changes before I formally introduce it to the National Assembly. Upon formal introduction I will also publish an Explanatory Memorandum and Regulatory Impact



Assessment to support the detailed scrutiny process which is required before a final decision on whether it should become law.

I would, therefore, be very grateful if you could find the time to contribute to this consultation and let me have your or your organisation's views on the draft Bill and what it is seeking to achieve. The draft Bill has also been published on the Assembly's website to allow for as many people as possible to send in their comments.

The Bill must be introduced to the National Assembly by December 2014 and in order to meet this deadline the closing date for this consultation is **12 September 2014**.

Please note that I may wish to publish the responses I receive to this consultation. In doing so, I will comply with the National Assembly's privacy policy, which can be found [here](#). If you would like your response to be anonymised, please make this clear.

I look forward to receiving your views and thank you for your time.

Yours sincerely



Kirsty Williams
Assembly Member for Brecon and Radnorshire

Responses

Please send your responses by e-mail to Consultation.NurseStaffingBill@Wales.gov.uk

Or by mail to:

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