



11 December 2014

Dear Colleague,

Consultation on the Safe Nurse Staffing Levels (Wales) Bill

The Health and Social Care Committee is calling for evidence on the general principles of the Safe Nurse Staffing Levels (Wales) Bill. To assist with its consideration, the Committee would welcome your views on this subject.

What is a Bill?

A Bill is a proposed law. Once a Bill has been considered and passed by the Assembly and given Royal Assent by the Queen, it becomes an “Act of the Assembly”.

There is a four stage process for the consideration of a Bill. Stage 1 involves consideration of the general principles of the Bill by a committee (which includes the taking of written and oral evidence from interested parties and stakeholders), and the agreement of those general principles by the Assembly.

What does this Bill seek to achieve?

The stated purpose of the Safe Nurse Staffing Levels (Wales) Bill is to require health service bodies to make provision for safe nurse staffing levels, and to ensure that nurses are deployed in sufficient numbers to:

- enable the provision of safe nursing care to patients at all times;

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Croesewir gohebiaeth yn y Gymraeg a'r Saesneg / We welcome correspondence in both English and Welsh

- improve working conditions for nursing and other staff; and
- strengthen accountability for the safety, quality and efficacy of workforce planning and management.

The Bill and the accompanying Explanatory Memorandum can be found on the Assembly's website:

<http://www.senedd.assembly.wales/mgIssueHistoryHome.aspx?lId=11778>

What is the Committee's role?

The role of the Committee is to consider and report on the general principles of the Bill and the need for legislation. The Committee has agreed the following terms of reference for its work:

To consider

- whether the provisions in the Bill are the best way of achieving its overall purpose as set out in Part 1;
- potential barriers to the implementation of these provisions and whether the Bill takes account of them;
- whether there are any unintended consequences arising from the Bill;
- the financial implications of the Bill as set out in the Regulatory Impact Assessment within the Explanatory Memorandum;
- the appropriateness of the power in the Bill for Welsh Ministers to make subordinate legislation and to issue guidance.

Invitation to contribute to the inquiry

The committee would like to invite you to submit written evidence to assist in its scrutiny of the Bill. In particular, **your views on the questions listed in Annex A to this letter would be welcomed.**

The Committee welcomes evidence from both individuals and organisations. If you are responding on behalf of an organisation, please provide a brief description of the role of your organisation.

The Assembly is committed to providing accessible information to the widest audience possible. Guidance for witnesses providing written evidence for committees is attached at Annex B. Generally, we ask for submissions to be made in writing, because it is normal practice for the National Assembly to publish evidence provided to a Committee on our internet site so that it becomes part of the public record. However, we are also able to accept evidence in audio or video format. The Committee welcomes contributions in English or Welsh, and we ask organisations with Welsh Language policies/schemes to provide bilingual responses, where applicable, in line with their public information policies.

If you wish to submit evidence, please send an electronic copy of your submission to SeneddHealth@Assembly.Wales. Alternatively, you can write to: Committee Clerk, Health and Social Care Committee, National Assembly for Wales, Cardiff Bay, CF99 1NA.

Submissions should arrive by Thursday 22 January 2015. It may not be possible to take into account responses received after this date. Please note that the Committee's first oral evidence session on the Bill is scheduled to take place on 15 January 2015. The Committee will hear from the Member in charge of the Bill, Kirsty Williams AM, during this meeting. If you would like your submission to inform this session, it will need to be received by Friday 2 January 2015. Subsequent evidence sessions will take place on 29 January, 12 February and 25 February. The final evidence sessions with the Minister for Health and Social Services and Kirsty Williams AM are scheduled to take place on 5 March 2015.

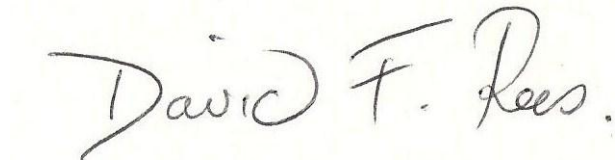
The Committee would be grateful if you could forward a copy of this letter to any individuals or organisations that might like to contribute. For information, a list of those to whom this consultation has been sent is attached at Annex C. A copy of this letter will also be placed on the National Assembly's website with an open invitation to submit views:

<http://www.senedd.assembly.wales/mgConsultationDisplay.aspx?ID=162>

Disclosure of information

You can find further details about how we will use your information at www.assembly.wales/help/privacy/help-inquiry-privacy.htm. Please ensure that you have considered these details carefully before submitting information to the Committee. A hard copy of this policy can be requested by contacting the Clerk.

Yours faithfully

A handwritten signature in black ink on a light yellow background. The signature reads "David F. Rees." with a period at the end. The letters are cursive and fluid.

David Rees AM
Chair

Annex A – Consultation questions

Please comment on as many of the questions as relevant to you/your organisation, providing an explanation of each answer given:

General

- **Is there a need for legislation** to make provision about safe nurse staffing levels?
- Are the provisions in the Bill the best way of **achieving the Bill’s overall purpose** (set out in Section 1 of the Bill)?
- What, if any, are the **potential barriers to implementing** the provisions of the Bill? Does the Bill take sufficient account of them?
- Are there any **unintended consequences** arising from the Bill?

Provisions in the Bill

The Committee is interested in your views on the **individual provisions in the Bill** and whether they deliver their stated purposes. **For example, do you have a view on:**

- the **duty on health service bodies** to have regard to the importance of ensuring an appropriate level of nurse staffing wherever NHS nursing care is provided?¹
- the **duty on health service bodies** to take all reasonable steps to maintain **minimum registered nurse to patient ratios** and **minimum registered nurse to healthcare support workers ratios**, which will apply initially in adult inpatient wards in acute hospitals?²
- the fact that, in the first instance, the duty applies to **adult inpatient wards in acute hospitals only**?³

¹ Set out in section 10A(1)(a) inserted by section 2(1) of the Bill

² Set out in section 10A(1)(b) inserted by section 2(1) of the Bill

³ Ibid

- the requirement for the Welsh Government to issue **guidance**⁴ in respect of the duty set out in section 10A(1)(b) inserted by section 2(1) of the Bill which:
 - sets out **methods** which NHS organisations should use to ensure there is an appropriate level of nurse staffing (including methods set out in section 10A(6) inserted by section 2(1) of the Bill)?
 - includes provision to ensure that the minimum ratios are not applied as an **upper limit**?⁵
 - sets out a process for the publication to patients of **information** on the numbers and roles of nursing staff on duty?⁶
 - includes **protections** for certain activities and particular roles when staffing levels are being determined?⁷
- the requirement for Welsh Ministers to **consult** before issuing guidance?⁸
- the **monitoring** requirements set out in the Bill?⁹
- the requirement for each health service body to publish an **annual report**?¹⁰
- the requirement for Welsh Ministers to **review the operation and effectiveness of the Act** as set out in section 3?

[Please note that the list above is not exhaustive; you are welcome to comment on any other matters you believe are relevant]

Impact of existing guidance

Guidance exists in England and Wales that aims to ensure safe staffing levels. This includes the ‘All Wales Nurse Staffing Principles Guidance’ issued by the

⁴ Set out in section 10A(4) inserted by section 2(1) of the Bill

⁵ Set out in section 10A(5)(e) inserted by section 2(1)

⁶ Set out in section 10A(5)(g) inserted by section 2(1)

⁷ Set out in section 10A(7) inserted by section 2(1)

⁸ Set out in section 10A(8) inserted by section 2(1)

⁹ Set out in section 10A(8) inserted by section 2(1)

¹⁰ Set out in section 10A(10) inserted by section 2(1)

Chief Nursing Officer in 2012 and the 2014 NICE safe staffing guidelines for 'Adult in-patient wards in acute hospitals' in England.

- Do you have a view on the effectiveness and impact of the existing guidance?

Powers to make subordinate legislation and guidance

The Bill contains provisions requiring Welsh Ministers to issue **guidance** to health service bodies about their compliance with the duty for staffing ratios, which will initially apply in adult acute wards. Sections 10A(5)(a) to (h) inserted by section 2(1) of the Bill set out the requirements for what this guidance must specify and include. The Bill also contains one provision which enables **subordinate legislation** to be made (section 10A(3) inserted by section 2(1)). This provision would confer powers on Welsh Ministers to amend the settings to which minimum staffing ratios will apply to extend it to settings other than adult inpatient wards in acute hospitals.

- Do you have a view on the **balance** between what is included on the **face of the Bill** and what is left to **subordinate legislation and guidance**?

Financial implications

- Do you have a view on the **financial implications** of the Bill as set out in part 2 of the Explanatory Memorandum?

Other comments

- Do you have **any other comments** you wish to make about the Bill or specific sections within it?

Annex B – Guidance for witnesses providing written evidence for committees

The Assembly is committed to providing accessible information to the widest audience possible. This short guide is to assist witnesses who produce written information for committees. This will enable the Assembly to provide information submitted by third parties in an accessible manner.

- Use plain English and plain Welsh – avoid unnecessary jargon
- Use a minimum of font size 12.
- A clear sans serif typeface, such as Lucida Sans
- Do not have writing over graphics, pictures or watermarks
- Colours and contrast – writing should have maximum contrast to the background: dark on light, light on dark
- Do not use block capitals, and minimise use of bold, underlining and italics

Where possible, information should be provided in Microsoft Word to ensure accessibility. Where a scan or pdf is provided, particularly in the case of signed letters or tables of information, the original Word document should be provided along with it.

Annex C – Consultees for public consultation

This consultation has been sent to the following individuals and organisations. If you are aware of other individuals or organisations who may be interested in responding to this consultation, please do draw this letter to their attention.

Local Health Boards and Trusts

- Abertawe Bro Morgannwg University Local Health Board
- Aneurin Bevan University Health Board
- Betsi Cadwaladr University Health Board
- Cardiff and Vale University Health Board
- Cwm Taf University Health Board
- Hywel Dda Local Health Board
- Powys Teaching Health Board
- Public Health Wales
- Velindre NHS Trust
- Welsh Ambulance Services NHS Trust

Community Health Councils

- Abertawe Bro Morgannwg Community Health Council
- Aneurin Bevan Community Health Councils
- Betsi Cadwaladr Community Health Council

- Board of Community Health Councils in Wales
- Brecknock and Radnor Community Health Council
- Cardiff & The Vale Community Health Council
- Cwm Taf Community Health Council
- Hywel Dda Community Health Council
- Montgomery Community Health Council

Official agencies

- All Wales Medicines Strategy Group
- Care and Social Services Inspectorate Wales
- Care Council for Wales
- Care Quality Commission
- Children’s Commissioner for Wales
- Dental Reference Service
- Equality and Human Rights Commission
- Health and Safety Executive
- Health Protection Agency

- Health Solutions Wales
 - Health and Wellbeing Best Practice and Innovation Board
 - Healthcare Inspectorate Wales
 - Institute of Rural Health
 - National Institute for Health and Clinical Excellence
 - National Innovation Centre
 - NHS Shared Services Partnership
 - National Leadership and Innovation Agency for Healthcare
 - NHS Wales Informatics Service
 - Older People's Commissioner for Wales
 - Public Services Ombudsman for Wales
 - Regulation and Quality Improvement Authority (RQIA)
 - Social Services Improvement Agency
 - Wales Audit Office
 - Welsh Health Advisory Committees
 - Welsh Health Specialised Services Committee
 - Welsh Language Commissioner
 - Arthritis and Musculoskeletal Alliance
 - Association of Anaesthetists of Great Britain and Ireland
 - Association of British Neurologists
 - Association of Clinical Biochemistry
 - Association of Coloproctology of Great Britain and Ireland
 - Association of Healthcare Technology Providers for Imaging, Radiotherapy and Care (AXrEM)
 - Association of Laparoscopic Surgeons of Great Britain & Ireland
 - Association of the British Pharmaceutical Industry (ABPI)
 - Association of Upper Gastrointestinal Surgeons of Great Britain and Ireland
 - Bournemouth Diabetes & Endocrine Centre
 - British Association for Surgery of the Knee
 - British Association for the Study of Headache
 - British Association for the Study of the Liver
 - British Association of Dermatologists
- Professional bodies and trade associations*
- Academy of Royal Colleges in Wales

- British Association of Head & Neck Oncologists
- British Association of Oral and Maxillofacial Surgeons
- British Association of Otorhinolaryngologists, Head and Neck Surgeons (ENT UK)
- British Association of Paediatric Endoscopic Surgeons
- British Association of Paediatric Surgeons
- British Association of Plastic Reconstructive and Aesthetic Surgeons
- British Association of Social Workers Cymru
- British Association of Spinal Surgeons
- British Association of Stroke Physicians (BASP)
- British Association of Surgical Oncology
- British Association of Thyroid & Endocrine Surgeons
- British Association of Urological Surgeons
- British Cardiovascular Intervention Society
- British Cardiovascular Society
- British Dental Association (BDA) Wales
- British Elbow and Shoulder Society
- British Gynaecological Cancer Society
- British Hip Society
- British HIV Association
- British Maternal and Fetal Medicine Society
- British Medical Association (BMA) Wales
- British Medical Laser Association
- British Neuro–Oncology Society
- British Orthodontic Society
- British Orthopaedic Association
- British Orthopaedic Foot and Ankle Society
- British Orthopaedic Specialists Association
- British Paediatric Neurology Association
- British Society for Surgery of the Hand
- British Society of Breast Radiology
- British Society of Gastroenterology
- British Society of Interventional Radiology
- British Society of Neuroradiologists
- British Society of Rehabilitation Medicine
- British Society of Skeletal Radiologists

- British Thoracic Society
- British Transplantation Society
- Chartered Society of Physiotherapy
- College of Emergency Medicine
- College of Occupational Therapists
- College of Optometrists
- Community Pharmacy Wales
- General Chiropractic Council
- General Dental Council
- General Medical Council
- General Optical Council
- General Osteopathic Council
- General Pharmaceutical Council
- GMB
- Health and Care Professions Council
- Heart Rhythm UK
- Hospital Consultants' and Specialists' Association
- International Council of Nurses
- Law Society
- Medical Technology Group
- Nursing and Midwifery Council
- Paediatric Intensive Care Society
- Pancreatic Society of Great Britain and Ireland
- Royal College of Anaesthetists
- Royal College of General Practitioners
- Royal College of General Practitioners Clinical Innovation and Research Centre
- Royal College of Nursing
- Royal College of Obstetricians and Gynaecologists
- Royal College of Ophthalmologists
- Royal College of Paediatricians and Child Health
- Royal College of Physicians of London
- Royal College of Physicians of Edinburgh
- Royal College of Physicians of Glasgow
- Royal College of Psychiatrists
- Royal College of Radiologists
- Royal College of Surgeons
- Royal Pharmaceutical Society
- Society for Research in Rehabilitation
- Society of British Neurological Surgeons
- Society of Cardiothoracic Surgeons in Great Britain & Ireland
- Society of Chiroprodists and Podiatrists
- The Society and College of Radiographers
- The British Pain Society

- United Kingdom & Ireland Society of Cataract and Refractive Surgeons
- Unite
- Unison
- Vascular Society
- Welsh Association for Gastroenterology and Endoscopy
- Welsh Intensive Care Society
- British Lung Foundation
- British Red Cross
- Cancer Research UK
- Care and Repair Cymru
- Care Forum Wales
- Carers Trust
- Carers Wales
- Catch 22
- Centre for Independent Living
- Children in Wales
- Citizens Advice Cymru

Third sector

- Action on Hearing Loss Cymru
- Action for Children
- Age Alliance Wales
- Afasic
- Age Cymru
- All Wales Forum of Parents and Carers
- Alzheimers' Society
- Arthritis Care Wales
- Arthritis Research UK
- Association of Medical Research Charities
- Association of Spina Bifida and Hydrocephalus Cymru (ASBAH Cymru)
- Barnardos
- Bevan Foundation
- Brain and Spine Foundation
- British Cardiac Patients Association
- British Heart Foundation
- Community Housing Cymru Group
- Contact a Family
- Cymorth Cymru
- Cystic Fibrosis Trust
- Dementia UK
- Diabetes UK
- Dignified Revolution
- Disability Rights UK
- Disability Wales
- Epilepsy Action Cymru
- Genetic Alliance UK
- Hafal
- Heart Research UK
- Juvenile Diabetes Research Foundation
- Leonard Cheshire Disability
- Macmillan Cancer Support
- Marie Curie Cancer Care
- Mencap Cymru
- Motor Neurone Disease Association

- Multiple Sclerosis Society
- Muscular Dystrophy Campaign
- National OAP Association of Wales
- National Pensioners' Convention
- Older People's Advocacy Alliance
- Parkinson's UK Cymru
- Patients Association
- Pensioners Forum Wales
- Prostate Cancer UK
- Rare Disease UK
- Scope Cymru
- Shelter Cymru
- Social Care Institute for Excellence
- Society for the Protection of Unborn Children
- Stonewall Cymru
- Stroke Association
- Tenovus
- The Disability Can Do Organisation
- Wales Carers Alliance
- Wales Council for Voluntary Action (WCVA)
- Wales Carers Workers Network
- Wales Senate of Older People
- Welsh Reablement Alliance
- Work Foundation
- Wellcome Trust
- Royal Voluntary Service (WRVS)

Academia

- Aberystwyth Law School
- Academy of Medical Sciences
- Bangor Law School
- Bangor University – Centre for Health Economics and Medicines Evaluation
- Bangor University School of Medical Sciences
- Bangor University School of Social Sciences
- Cardiff Law School
- Cardiff University
- Cardiff University School of Medicine
- ESRC Centre for the Economic and Social Aspects of Genomics (Cesagen)
- Health Communication Research Centre
- Health, Ethics and Law, University of Southampton
- Institute of Medical and Social Care Research
- Manchester Academic Health Science Centre (MAHSC)
- Medical Research Council (MRC)
- Medicines and Healthcare products Regulatory Agency (MHRA)

- Older People & Ageing Research and Development Network (OPAN Cymru)
- Swansea Law School
- Swansea University Centre for Innovative Ageing
- Swansea University College of Medicine
- Swansea University Public Health and Policy Studies
- UCL Partners
- University of South Wales – Health Economics & Policy Research Unit (HEPRU)
- University of South Wales Law School
- Welsh Institute for Health and Social Care (WIHSC)