

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?