

# HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 6 Ionawr 2016  
Tabled on 6 January 2016

## Bil Lefelau Staff Nyrsio (Cymru) Nurse Staffing Levels (Wales) Bill

Mae'r gwelliannau â \* ar eu pwys yn rhai newydd neu'n rhai sydd wedi'u haddasu  
Amendments marked \* are new or have been altered

- Darren Millar** 3  
Section 1, page 1, line 15, after 'sensitively', insert 'and safely'.  
Adran 1, tudalen 1, llinell 15, ar ôl 'sensitively', mewnosoder 'and safely'.
- Darren Millar** 4  
Section 1, page 1, line 23, after 'sensitively', insert 'and safely'.  
Adran 1, tudalen 1, llinell 23, ar ôl 'sensitively', mewnosoder 'and safely'.
- Darren Millar** 5  
Section 1, page 2, line 3, after 'provides', insert ', commissions or funds'.  
Adran 1, tudalen 2, llinell 3, ar ôl 'provides', mewnosoder ', commissions or funds'.
- Darren Millar** 6  
Section 1, page 2, line 6, after 'provide', insert 'safe'.  
Adran 1, tudalen 2, llinell 6, ar ôl 'provide', mewnosoder 'safe'.
- Darren Millar** 7  
Section 1, page 2, line 7, after 'the ""', insert 'safe'.  
Adran 1, tudalen 2, llinell 7, ar ôl 'the ""', mewnosoder 'safe'.



**Darren Millar**

8

Section 1, page 2, line 9, after 'the', insert 'safe'.

Adran 1, tudalen 2, llinell 9, ar ôl 'the', mewnosoder 'safe'.

**Darren Millar**

9

Section 1, page 2, line 12, after 'the', insert 'safe'.

Adran 1, tudalen 2, llinell 12, ar ôl 'the', mewnosoder 'safe'.

**Darren Millar**

10

Section 1, page 2, line 14, after 'the', insert 'safe'.

Adran 1, tudalen 2, llinell 14, ar ôl 'the', mewnosoder 'safe'.

**Darren Millar**

11

Section 1, page 2, line 17, leave out –

‘adult acute medical inpatient wards,  
(b) adult acute surgical inpatient’

And insert –

‘all hospital’.

Adran 1, tudalen 2, llinell 17, hepgorer –

‘adult acute medical inpatient wards,  
(b) adult acute surgical inpatient’

A mewnosoder –

‘all hospital’.

**Darren Millar**

12

Section 1, page 2, line 22, after 'a' at the first place where it appears, insert 'safe'.

Adran 1, tudalen 2, llinell 22, ar ôl 'a' yn y lle cyntaf y mae'n ymddangos, mewnosoder 'safe'.

**Darren Millar**

13

Section 1, page 2, line 26, after 'provide', insert 'safe'.

Adran 1, tudalen 2, llinell 26, ar ôl 'provide', mewnosoder 'safe'.

**Darren Millar**

14

Section 1, page 2, line 30, after 'of', insert 'safe'.

Adran 1, tudalen 2, llinell 30, ar ôl 'of', mewnosoder 'safe'.



**Darren Millar**

**15**

Section 1, page 2, line 31, after 'different', insert 'safe'.

Adran 1, tudalen 2, llinell 31, ar ôl 'different', mewnosoder 'safe'.

**Darren Millar**

**16**

Section 1, page 3, line 1, after 'a', insert 'safe'.

Adran 1, tudalen 3, llinell 1, ar ôl 'a', mewnosoder 'safe'.

**\*Darren Millar**

**17**

**Gyda chefnogaeth/ Supported by: Mark Drakeford**

Section 1, page 3, after line 16, insert –

'( ) The guidance may also make provision about workforce planning that Local Health Boards and NHS Trusts may undertake in order to enable them to comply with their duties under sections 25B and 25C.'

Adran 1, tudalen 3, ar ôl llinell 16, mewnosoder –

'( ) The guidance may also make provision about workforce planning that Local Health Boards and NHS Trusts may undertake in order to enable them to comply with their duties under sections 25B and 25C.'

**\*Darren Millar**

**18**

**Gyda chefnogaeth/ Supported by: Mark Drakeford**

Section 1, page 3, line 20, leave out 'the independent health care and care home sectors' and insert –

'such organisations as appear to them to represent the interests of any –

(i) providers of care homes, or

(ii) providers of independent hospitals in Wales,

likely to be affected by the guidance'.

Adran 1, tudalen 3, llinell 20, hepgorer 'the independent health care and care home sectors' a mewnosoder –

'such organisations as appear to them to represent the interests of any –

(i) providers of care homes, or

(ii) providers of independent hospitals in Wales,

likely to be affected by the guidance'.



**\*Darren Millar**

**19**

**Gyda chefnogaeth/ Supported by: Mark Drakeford**

Section 1, page 3, line 22, after 'of', insert 'any other'.

Adran 1, tudalen 3, llinell 22, ar ôl 'of', mewnosoder 'any other'.

**\*Darren Millar**

**20**

**Gyda chefnogaeth/ Supported by: Mark Drakeford**

Section 1, page 3, after line 24, insert—

'(4) For the purposes of subsection (3)—

“care home” means premises at which a care home service within the meaning given by paragraph 1 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw [ ]) is provided, and

“independent hospital” has the meaning given in section 2 of the Care Standards Act 2000 (c.14).’.

Adran 1, tudalen 3, ar ôl llinell 24, mewnosoder—

'(4) For the purposes of subsection (3)—

“care home” means premises at which a care home service within the meaning given by paragraph 1 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw [ ]) is provided, and

“independent hospital” has the meaning given in section 2 of the Care Standards Act 2000 (c. 14). ’.

**Darren Millar**

**21**

Section 1, page 3, line 30, after 'which', insert 'safe'.

Adran 1, tudalen 3, llinell 30, ar ôl 'which', mewnosoder 'safe'.

**Darren Millar**

**22**

Section 1, page 3, line 31, after 'maintaining', insert 'safe'.

Adran 1, tudalen 3, llinell 31, ar ôl 'maintaining', mewnosoder 'safe'.

**Darren Millar**

**23**

Section 1, page 3, after line 37, insert—

'(iv) problems arising from inadequate hydration;’.

Adran 1, tudalen 3, ar ôl llinell 37, mewnosoder—

'(iv) problems arising from inadequate hydration;’.



**Darren Millar** 24

Section 1, page 3, after line 37, insert –

‘(iv) problems arising from inadequate nutrition;’.

Adran 1, tudalen 3, ar ôl llinell 37, mewnosoder –

‘(iv) problems arising from inadequate nutrition;’.

**Darren Millar** 25

Section 1, page 3, after line 37, insert –

‘(iv) patients developing hospital-acquired infections;’.

Adran 1, tudalen 3, ar ôl llinell 37, mewnosoder –

‘(iv) patients developing hospital-acquired infections;’.

**Darren Millar** 26

Section 1, page 3, line 38, after ‘maintaining’, insert ‘safe’.

Adran 1, tudalen 3, llinell 38, ar ôl ‘maintaining’, mewnosoder ‘safe’.

**Darren Millar** 27

Section 1, page 4, after line 7, insert –

**‘25F Compliance**

- (1) The Welsh Ministers must, by regulations, provide for the independent inspection of compliance by a Local Health Board or NHS Trust in Wales with the provisions of sections 25A to 25E.
- (2) In this section, a reference to an “NHS Trust in Wales” means an NHS trust all or most of whose hospitals, establishments and facilities are situated in Wales.’.

Adran 1, tudalen 4, ar ôl llinell 7, mewnosoder –

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- (2) In this section, a reference to an “NHS Trust in Wales” means an NHS trust all or most of whose hospitals, establishments and facilities are situated in Wales.’.



**Darren Millar**

**28**

Section 1, page 4, after line 7, insert –

**‘25F Financial penalties**

- (1) The Welsh Ministers may, by regulations, provide for the imposition of financial penalties on a Local Health Board or NHS Trust in Wales that fails to comply with the provisions of sections 25A to 25E.
- (2) Penalties imposed by regulations under subsection (1) may not exceed the cost that would have been incurred by the relevant health service body if it had complied with the provisions of this section.
- (3) In this section, a reference to an “NHS Trust in Wales” means an NHS trust all or most of whose hospitals, establishments and facilities are situated in Wales.’.

Adran 1, tudalen 4, ar ôl llinell 7, mewnosoder –

**‘25F Financial penalties**

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- (2) Penalties imposed by regulations under subsection (1) may not exceed the cost that would have been incurred by the relevant health service body if it had complied with the provisions of this section.
- (3) In this section, a reference to an “NHS Trust in Wales” means an NHS trust all or most of whose hospitals, establishments and facilities are situated in Wales.’.

**Darren Millar**

**29**

Section 1, page 4, after line 7, insert –

**‘25F Whistleblowing**

- (1) An employee of a Local Health Board or NHS Trust in Wales, including temporary (agency or bank) staff, who has reasonable cause to suspect that a Local Health Board or NHS Trust in Wales is in breach of its duties under sections 25A to 25E, must inform the management of those suspicions.
- (2) Duties under subsection (1) are legal obligations for the purposes of section 43B(1)(b) of the Employment Rights Act 1996.



- (3) In this section, a reference to an “NHS Trust in Wales” means an NHS trust all or most of whose hospitals, establishments and facilities are situated in Wales.’.

Adran 1, tudalen 4, ar ôl llinell 7, mewnosoder –

#### **‘25F Whistleblowing**

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- (2) Duties under subsection (1) are legal obligations for the purposes of section 43B(1)(b) of the Employment Rights Act 1996.
- (3) In this section, a reference to an “NHS Trust in Wales” means an NHS trust all or most of whose hospitals, establishments and facilities are situated in Wales.’.

**Darren Millar**

**30**

Section 1, page 4, line 9, after ‘25B(3)(c)’, insert ‘, [section to be inserted by amendment 27]’.

Adran 1, tudalen 4, llinell 10, ar ôl ‘or’, mewnosoder ‘, [yr adran sy’n cael ei mewnosod gan welliant 27]’.

**Darren Millar**

**31**

Section 1, page 4, line 9, after ‘25B(3)(c)’, insert ‘, [section to be inserted by amendment 28]’.

Adran 1, tudalen 4, llinell 10, ar ôl ‘or’, mewnosoder ‘, [yr adran sy’n cael ei mewnosod gan welliant 28]’.

**Darren Millar**

**32**

Section 1, page 4, line 11, after ‘insert “’, insert ‘safe’.

Adran 1, tudalen 4, llinell 13, ar ôl ‘mewnosoder “’ yn y lle cyntaf y mae'n ymddangos, mewnosoder ‘safe’.

**Darren Millar**

**33**

Page 4, after line 12, insert a new section –

#### **[ ] Amendment of the Care Homes (Wales) Regulations 2002**

- (1) The Care Homes (Wales) Regulations 2002 are amended as follows.
- (2) At the end of regulation 18 (staffing) add –



“(5) The registered person shall have regard to the provisions of sections 25A to 25D of the National Health Service (Wales) 2006 (nursing services and nurse staffing levels) and guidance issued in relation to those sections when operating within the framework of these Regulations.”.

Tudalen 4, ar ôl llinell 14, mewnosoder adran newydd –

**[ ] Diwygio Rheoliadau Cartrefi Gofal (Cymru) 2002**

- (1) Mae Rheoliadau Cartrefi Gofal (Cymru) 2002 wedi eu diwygio fel a ganlyn.
- (2) Ar ddiwedd rheoliad 18 (staffio) ychwaneger –

“(5) Rhaid i’r person cofrestredig roi sylw i ddarpariaethau adrannau 25A i 25D o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (gwasanaethau nyrsio a lefelau staff nyrsio) a chanllawiau a ddyroddir mewn perthynas â’r adrannau hynny wrth weithredu o fewn fframwaith y Rheoliadau hyn.”.

**Darren Millar**

34

Page 4, after line 12, insert a new section –

**[ ] Amendment of the Independent Health Care (Wales) Regulations 2011**

- (1) The Independent Health Care (Wales) Regulations 2011 are amended as follows.
- (2) At the end of regulation 20 (staffing) add –

“(5) The registered person shall have regard to the provisions of sections 25A to 25D of the National Health Service (Wales) Act 2006 (nursing services and nurse staffing levels) and guidance issued in relation to those sections when operating within the framework of these Regulations.”.

Tudalen 4, ar ôl llinell 14, mewnosoder adran newydd –

**[ ] Diwygio Rheoliadau Gofal Iechyd Annibynnol (Cymru) 2011**

- (1) Mae Rheoliadau Gofal Iechyd Annibynnol (Cymru) 2011 wedi eu diwygio fel a ganlyn.
- (2) Ar ddiwedd rheoliad 20 (staffio) ychwaneger –

“(5) Rhaid i’r person cofrestredig roi sylw i ddarpariaethau adrannau 25A i 25D o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (gwasanaethau nyrsio a lefelau staff nyrsio) a chanllawiau a ddyroddir mewn perthynas â’r adrannau hynny wrth weithredu o fewn fframwaith y Rheoliadau hyn.”.

