

HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd rhwng 8 Rhagfyr 2015 a 26 Ionawr 2016
Tabled between 8 December 2015 and 26 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

Amendments marked 'R' mean that the Member has declared either a registrable interest under Standing Order 2 or relevant interest under Standing Orders 13 or 17 when tabling the amendment.

Mae gwelliannau a nodir ag 'R' yn dynodi bod yr Aelod wedi datgan buddiant cofrestradwy o dan Reol Sefydlog 2 neu fuddiant perthnasol o dan Reolau Sefydlog 13 neu 17 wrth gyflwyno'r gwelliant.

Mae'r testun mewn italig wedi'i ddarparu gan y sawl a gynigiodd y gwelliant perthnasol i esbonio ei ddiben ac i gynorthwyo'r darlennydd. Nid yw'r testun yn rhan o eiriad y gwelliant.

The text in italics has been provided by the proposer of the relevant amendment to explain its purpose and to aid the reader's understanding. The text does not form part of the amendment.

Kirsty Williams

1

Section 1, page 4, line 2, leave out 'three years' and insert '12 months'.

The effect of this amendment is to require Local Health Boards - and any NHS Trusts in Wales to which the duty to calculate a nurse staffing level in section 25B applies - to increase the frequency with which they are required to submit a report to the Welsh Ministers, from every three years, to every 12 months.



Adran 1, tudalen 4, llinell 2, hepgorer 'three years' a mewnosoder '12 months'.

Effaith y gwelliant hwn yw ei gwneud yn ofynnol i Fyrddau Iechyd Lleol – ac unrhyw Ymddiriedolaethau'r GIG yng Nghymru y mae'r ddyletswydd i gyfrifo lefel staff nyrsio yn adran 25B yn gymwys iddynt – gynyddu pa mor aml y mae'n ofynnol iddynt gyflwyno adroddiad i Weinidogion Cymru, o bob tair blynedd i bob 12 mis.

Kirsty Williams

2

Section 1, page 4, line 4, leave out 'three years' and insert '12 months'.

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Adran 1, tudalen 4, llinell 4, hepgorer 'three years' a mewnosoder '12 months'.

Effaith y gwelliant hwn yw ei gwneud yn ofynnol i Fyrddau Iechyd Lleol – ac unrhyw Ymddiriedolaethau'r GIG yng Nghymru y mae'r ddyletswydd i gyfrifo lefel staff nyrsio yn adran 25B yn gymwys iddynt – gynyddu pa mor aml y mae'n ofynnol iddynt gyflwyno adroddiad i Weinidogion Cymru, o bob tair blynedd i bob 12 mis.

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 –

‘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.’.



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

- (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.’.

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

- (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.’.

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.”.

Mark Drakeford

35

Gyda chefnogaeth/ Supported by: Elin Jones

Section 1, page 1, after line 23, insert –

“() For the purposes of having regard to the importance of providing sufficient nurses to allow the nurses time to care for patients sensitively, a Local Health Board or NHS Trust in Wales must (among other things) undertake workforce planning (including planning the recruitment, retention, education and training of nurses).’.



Adran 1, tudalen 1, ar ôl llinell 23, mewnosoder –

- () For the purposes of having regard to the importance of providing sufficient nurses to allow the nurses time to care for patients sensitively, a Local Health Board or NHS Trust in Wales must (among other things) undertake workforce planning (including planning the recruitment, retention, education and training of nurses).'

Mark Drakeford

36

Section 1, page 3, line 27, leave out 'report (whether or not as part of a wider report) to the Welsh Ministers which sets out, in respect of the period to which the report relates' and insert –

'nurse staffing levels report (whether or not as part of a wider report) in accordance with this section.

- () A nurse staffing levels report must set out, in respect of the period to which the report relates (the "reporting period")'.

Adran 1, tudalen 3, llinell 27, hepgorer 'report (whether or not as part of a wider report) to the Welsh Ministers which sets out, in respect of the period to which the report relates' a mewnosoder –

'nurse staffing levels report (whether or not as part of a wider report) in accordance with this section.

- () A nurse staffing levels report must set out, in respect of the period to which the report relates (the "reporting period")'.

Mark Drakeford

37

Section 1, page 3, line 33, after 'to', insert 'complaints about care provided to patients by nurses made in accordance with the Complaints Regulations or by reference to'.

Adran 1, tudalen 3, llinell 33, ar ôl 'to', mewnosoder 'complaints about care provided to patients by nurses made in accordance with the Complaints Regulations or by reference to'.

Mark Drakeford

38

Section 1, page 4, line 1, leave out –

'report must be submitted to the Welsh Ministers –

- (a) within the period of three years beginning with the date on which this section comes into force, and
- (b) within each period of three years beginning with the date the previous report was submitted'

And insert –

'nurse staffing levels report must be submitted to the Welsh Ministers no later than 30 days after the last day of the reporting period'.



Adran 1, tudalen 4, llinell 1, hepgorer –

‘report must be submitted to the Welsh Ministers –

- (a) within the period of three years beginning with the date on which this section comes into force, and
- (b) within each period of three years beginning with the date the previous report was submitted’

A mewnosoder –

‘nurse staffing levels report must be submitted to the Welsh Ministers no later than 30 days after the last day of the reporting period’.

Darren Millar

39A

As an amendment to amendment 39, line 10, leave out ‘three years’ and insert ‘12 months’.

Fel gwelliant i welliant 39, llinell 10, hepgorer ‘three years’ a mewnosoder ‘12 months’.

Darren Millar

39B

As an amendment to amendment 39, line 13, leave out ‘three years’ and insert ‘12 months’.

Fel gwelliant i welliant 39, llinell 13, hepgorer ‘three years’ a mewnosoder ‘12 months’.

Mark Drakeford

39

Section 1, page 4, line 6, leave out ‘lay each report submitted to them before the National Assembly for Wales’ and insert –

‘, after the expiry of each reporting period –

- (a) prepare and publish a document summarising the content of the nurse staffing levels reports submitted in respect of that reporting period, and
 - (b) lay each report submitted to them in that period before the National Assembly for Wales.
- () For the purposes of this section the reporting period is –
- (a) in the case of the initial reporting period, the period of three years beginning with the commencement of this section, and
 - (b) in the case of all subsequent reporting periods, the period of three years beginning with the day after the last day of the preceding reporting period.
- () In subsection ([*subsection to be inserted by amendment 36*])(b) “Complaints Regulations” means regulations made under –
- (a) section 113 of the Health and Social Care (Community Health and Standards) Act 2003 (c.43);
 - (b) the NHS Redress (Wales) Measure 2008 (2008 nawm 1)’.



Adran 1, tudalen 4, llinell 6, hepgorer ‘lay each report submitted to them before the National Assembly for Wales’ a mewnosoder –

’, after the expiry of each reporting period –

- (a) prepare and publish a document summarising the content of the nurse staffing levels reports submitted in respect of that reporting period, and
 - (b) lay each report submitted to them in that period before the National Assembly for Wales.
- () For the purposes of this section the reporting period is –
- (a) in the case of the initial reporting period, the period of three years beginning with the commencement of this section, and
 - (b) in the case of all subsequent reporting periods, the period of three years beginning with the day after the last day of the preceding reporting period.
- () In subsection (*[yr is-adran sy’n cael ei mewnosod gan welliant 36]*)(b) “Complaints Regulations” means regulations made under –
- (a) section 113 of the Health and Social Care (Community Health and Standards) Act 2003 (c.43);
 - (b) the NHS Redress (Wales) Measure 2008 (2008 nawm 1)’.

Elin Jones

40

Section 1, page 2, after line 18, insert –

‘() community hospital wards, and’.

Adran 1, tudalen 2, ar ôl llinell 18, mewnosoder –

‘() community hospital wards, and’.

Elin Jones

41

Section 1, page 2, after line 18, insert –

‘() mental health inpatient wards, and’.

Adran 1, tudalen 2, ar ôl llinell 18, mewnosoder –

‘() mental health inpatient wards, and’.

Elin Jones

42

Section 1, page 2, after line 18, insert –

‘() children inpatient wards in acute hospitals, and’.

Adran 1, tudalen 2, ar ôl llinell 18, mewnosoder –

‘() children inpatient wards in acute hospitals, and’.



Elin Jones

43

Section 1, page 2, after line 18, insert –

'() community nursing, and'.

Adran 1, tudalen 2, ar ôl llinell 18, mewnosoder –

'() community nursing, and'.

Elin Jones

44

Section 1, page 2, after line 18, insert –

'() maternity services, and'.

Adran 1, tudalen 2, ar ôl llinell 18, mewnosoder –

'() maternity services, and'.

Darren Millar

45A

As an amendment to amendment 45, line 4, after 'sensitively', insert 'and safely'.

Fel gwelliant i welliant 45, llinell 4, ar ôl 'sensitively', mewnosoder 'and safely'.

Mark Drakeford

45

Section 1, page 1, line 15, after 'sensitively', insert –

', and

() where securing the provision of nursing services, ensuring that there are sufficient nurses to allow the nurses time to care for patients sensitively'.

Adran 1, tudalen 1, llinell 15, ar ôl 'sensitively', mewnosoder –

', and

() where securing the provision of nursing services, ensuring that there are sufficient nurses to allow the nurses time to care for patients sensitively'.

Mark Drakeford

46

Section 1, page 1, line 19, leave out 'the nursing services it provides' and insert 'provision of nursing services'.

Adran 1, tudalen 1, llinell 19, hepgorer 'the nursing services it provides' a mewnosoder 'provision of nursing services'.

Darren Millar

47A

As an amendment to amendment 47, line 4, after 'sensitively', insert 'and safely'.

Fel gwelliant i welliant 47, llinell 4, ar ôl 'sensitively', mewnosoder 'and safely'.



Mark Drakeford

47

Section 1, page 1, line 23, after 'sensitively', insert –

‘, and

- () where securing the provision of nursing services, ensuring that there are sufficient nurses to allow the nurses time to care for patients sensitively’.

Adran 1, tudalen 1, llinell 23, ar ôl 'sensitively', mewnosoder –

‘, and

- () where securing the provision of nursing services, ensuring that there are sufficient nurses to allow the nurses time to care for patients sensitively’.

