

DOGFENNAU SY'N MYND GYDA'R MESUR
Caiff Nodiadau Esboniadol a Memorandwm Esboniadol eu hargraffu ar wahân.

Bil Lefelau Diogel Staff Nyrsio (Cymru)

[FEL Y'I CYFLWYNWYD]

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[FEL Y'I CYFLWYNWYD]

Deddf Cynulliad Cenedlaethol Cymru i'w gwneud yn ofynnol i gyrff yn y gwasanaeth iechyd wneud darpariaeth ar gyfer lefelau diogel o staff nyrsio.

Gan ei fod wedi ei basio gan Gynulliad Cenedlaethol Cymru ac wedi derbyn cydsyniad Ei Mawrhydi, deddfir fel a ganlyn:

5 **1 Diben**

Diben y Ddeddf hon yw sicrhau bod nyrsys yn cael eu lleoli mewn niferoedd digonol i wneud y canlynol—

(a) galluogi gofal nyrsio diogel i gael ei ddarparu i gleifion bob amser;

(b) gwella amodau gwaith staff nyrsio a staff eraill; ac

10 (c) cryfhau atebolrwydd ynglŷn â diogelwch, ansawdd ac effeithiolrwydd cynllunio a rheoli'r gweithlu.

2 Lefelau diogel staff nyrsio

(1) Yn Rhan 1 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (hybu a darparu'r gwasanaeth iechyd yng Nghymru) ar ôl adran 10 (Trefniadau Gweinidogion Cymru â chyrff eraill) mewnosoder—

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“Safe nurse staffing levels

10A Duty to maintain safe nurse staffing levels

(1) Each health service body in Wales must in exercising its functions—

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(a) have regard to the importance of ensuring that registered nurses are deployed in sufficient numbers to enable the provision of safe nursing care, allowing time to care for patients sensitively, efficiently and effectively; and

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(b) take all reasonable steps to maintain minimum registered nurse:patient ratios and minimum registered nurse:healthcare support workers ratios in adult inpatient wards in acute hospitals (in accordance with guidance under this section).

(2) In this section “health service body” means—

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(a) the Welsh Ministers;

(b) a Local Health Board;

(c) an NHS Trust established by virtue of section 18.

(3) The Welsh Ministers may by regulations make provision for the duty under subsection (1)(b) to extend to additional settings within the National Health Service in Wales.

(4) The Welsh Ministers must issue guidance to health service bodies in Wales about compliance with the duty under subsection (1)(b); and health service bodies must have regard to the guidance.

(5) The guidance –

(a) must specify methods by which health service bodies may comply with the duty (including methods of the kinds described in subsection (6)), to the extent that the Welsh Ministers consider it practicable;

(b) must specify recommended minimum registered nurse:patient ratios (which individual health service bodies may adjust so as to increase the minimum numbers of nurses for their hospitals);

(c) must specify recommended minimum registered nurse:healthcare support worker ratios (which individual health service bodies may adjust so as to increase the minimum numbers of registered nurses for their hospitals);

(d) must define, or include provision to be used in defining, the terms used in subsection (1)(b);

(e) must include provision for ensuring that the recommended minimum ratios are not applied as an upper limit in practice;

(f) must be designed to ensure that the requirements of the duty are met on a shift-by-shift basis;

(g) must include provision about the publication to patients, to the extent that Welsh Ministers consider it appropriate, of the numbers, roles and responsibilities of nursing staff on duty; and

(h) must include provision which in the opinion of the Welsh Ministers provides the protections mentioned in subsection (7).

(6) The methods mentioned in subsection (5)(a) are methods that in the opinion of the Welsh Ministers –

(a) involve the use of evidence-based and validated workforce planning tools, which are capable of being applied to calculations by reference to individual nursing shifts;

(b) allow for the exercise of professional judgement within the planning process;

(c) make provision for the required nursing skill-mix needed to reflect patient care needs and local circumstances; and

(d) reflect or apply standards, guidelines and national frameworks produced or adopted by professional nursing organisations.

(7) The protections mentioned in subsection (5)(h) are protections for –

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- (a) the supernumerary status of student staff and persons performing supervisory functions (such as Ward Sister or Charge Nurse);
 - (b) induction periods for temporary (agency and bank) or newly appointed staff;
 - (c) time to undertake or participate in continuing professional development, including mandatory training, mentorship and supervision roles; and
 - (d) planned and unplanned leave.
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- (8) Before issuing guidance the Welsh Ministers must consult –
- (a) such persons as appear to them likely to be affected by the guidance;
 - (b) such organisations as appear to them to represent the interests of persons likely to be affected by the guidance; and
 - (c) such other persons as they consider appropriate.
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- (9) The duty under subsection (1), and action to prevent recurrence of any failure to comply with it, must be monitored in accordance with any document issued by Welsh Ministers setting out processes in place to monitor progress (such as the NHS Delivery Framework); but this subsection is without prejudice to the health service bodies' responsibility for compliance.
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- (10) Each health service body in Wales must publish an annual report (whether or not as part of a wider report) which –
- (a) gives details of the methods by which the health service body has aimed to comply with its duty under subsection (1) in respect of that year;
 - (b) gives details of the methods by which the health service body aims to comply with its duty under subsection (1) in respect of the following year;
 - (c) records the number of occasions on which the duty under subsection (1)(b) may have been contravened, and the action taken to prevent recurrence; and
 - (d) includes a detailed plan to prevent recurrence of any other failure to comply with the duty under subsection (1) or to take account of guidance issued under subsection (5)."
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- (2) Yn adran 203(6) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (is-ddeddfwriaeth: penderfyniad cadarnhaol) ar ôl "an order under section 141(4)" mewnosoder "or regulations under section 10A(3)".

3 Adolygu

- (1) Rhaid i Weinidogion Cymru adolygu'r modd y mae'r Ddeddf hon yn gweithredu a pha mor effeithiol ydyw.
- (2) Rhaid i'r adolygiad cyntaf gael ei gynnal cyn gynted ag y bo'n ymarferol ar ôl diwedd y cyfnod o flwyddyn sy'n dechrau ar y dyddiad y daw'r Ddeddf hon i rym.
- (3) Rhaid i adolygiadau dilynol gael eu cynnal fesul cyfnod o ddim mwy na dwy flynedd.
- (4) Rhaid i adolygiad ystyried i ba raddau y mae'r Ddeddf hon wedi ateb y diben a bennir yn adran 1.
- (5) Rhaid i Weinidogion Cymru gyhoeddi adroddiad ar ganlyniadau pob adolygiad sy'n rhoi manylion am effaith y Ddeddf hon; yn benodol, rhaid i Weinidogion Cymru asesu effaith y Ddeddf drwy gyfeirio at amryw faterion y mae'n ymddangos iddynt eu bod yn ddangosyddion nyrsio diogel, gan gynnwys y canlynol, ond heb fod yn gyfyngedig iddynt—
 - (a) cyfraddau marwolaethau;
 - (b) cyfraddau aildderbyn;
 - (c) heintiau a gafwyd yn yr ysbyty;
 - (d) camgymeriadau wrth roi meddyginiaethau;
 - (e) nifer a difrifoldeb y cwympiadau;
 - (f) nifer a difrifoldeb wlserau pwyso a gafwyd yn yr ysbyty;
 - (g) boddhad y cleifion a'r cyhoedd â'r gwasanaethau;
 - (h) lefelau goramser a salwch ymhlith nyrsys; ac
 - (i) y defnydd o nyrsys dros dro (asiantaeth a chronfa).
- (6) Rhaid i Weinidogion Cymru osod copi o bob adroddiad o dan yr adran hon gerbron Cynulliad Cenedlaethol Cymru.

4 Cychwyn

Daw'r Ddeddf hon i rym pan gaiff Gydsyniad Brenhinol, ac mae'n cael effaith mewn perthynas â phob blwyddyn ariannol corff yn y gwasanaeth iechyd sy'n dechrau ar ddyddiad y Cydsyniad Brenhinol neu wedyn.

5 Enw byr

Enw byr y Ddeddf hon yw Deddf Lefelau Diogel Staff Nyrsio (Cymru) 2015.