Welsh Parliament

Health and Social Care Committee

Nurse Staffing Levels (Wales) Act 2016: post-legislative scrutiny: consultation

11 May to 6 July 2023

1. This document has been prepared in Microsoft Word. An explainer document is available in [Microsoft Word format](https://senedd.wales/media/qz5haotp/word-accessibility-options.docx) if you need any help to use the ‘Read aloud’ function, or to change the page background colours, text sizes or text colours.

# Introduction

The [Health and Social Care Committee](http://www.senedd.wales/seneddhealth) is holding a post-legislative scrutiny inquiry on the [Nurse Staffing Levels (Wales) Act 2016](https://business.senedd.wales/mgIssueHistoryHome.aspx?IId=11778) (“the Act”).

More information about the Act is available at the end of this document.

# Terms of reference

The Committee is considering:

* The operation and effectiveness of the Act to date, including its impact on patient outcomes, impact on nurse recruitment and retention, and barriers to compliance with the legislation.
* Further actions needed to ensure a sustainable supply of nursing staff to meet patient needs and the requirements of the legislation going forward.
* Progress in developing the evidence base to extend the Act to further settings.
* The extent to which the Act is ‘future-proof’, and will contribute to ensuring that NHS Wales has the future workforce it needs to deliver effective, patient-centred care that meets the needs of all population groups.

You are welcome to provide views on any or all of these issues.

# How to share your views

## Evidence gathering

We want to make sure that our work is informed by experiences, needs, and views that reflect the diversity of the people and communities affected by these issues.

We encourage anyone with expertise or experience of these issues to share your views, with the full knowledge that your views will be welcomed and valued.

The closing date for submissions is **Thursday 6 July 2023**.

### Along with your submission, you should provide the following information:

* Your name and contact details as the person, or organisation, submitting the evidence.
* Whether your evidence is submitted as an individual, or on behalf of an organisation.
* If you are submitting evidence as an individual, confirmation that you are over 18 years old.
* If you are under 13 years old, your parent or guardian’s agreement that you can participate (this can be provided via email).
* Confirmation of whether you would prefer that your name is not published alongside your evidence (names of individuals under 18 years old will not be published).
* Confirmation of whether you would like the Committee to treat any or all of your written evidence as confidential, with reasons for the request.
* If you have referred to a third party in your evidence, such as a parent, spouse or relative, confirmation that they have agreed that you can share information that may be used to identify them and that they understand that it will be published.

## How to share your views

To share your views electronically, please send to [SeneddHealth@senedd.wales](mailto:SeneddHealth@senedd.wales), or by post to Health and Social Care Committee, Welsh Parliament, Cardiff, CF99 1SN.

## Providing Written Evidence

The Senedd has two official languages, Welsh and English.

In line with the [Senedd’s Official Languages Scheme](https://senedd.wales/commission/senedd-commission-policy/official-languages/), the Committee welcomes contributions in both or either of our official languages, and we ask organisations that are subject to Welsh Language standards or schemes to respond in line with their own obligations. Please inform the Committee when submitting responses if you intend to provide a translation at a later date.

Please see [guidance for those providing evidence for committees](https://senedd.wales/senedd-business/committees/getting-involved-with-committees/).

## Disclosure of information

Please ensure that you have considered the Senedd’s [policy on disclosure of information](https://senedd.wales/help/privacy/senedd-committee-privacy-notice/) before submitting information to the Committee.

# About the Act

## Overview

In 2016, Wales passed the [Nurse Staffing Levels (Wales) Act](https://business.senedd.wales/mgIssueHistoryHome.aspx?IId=11778). It was the first country in Europe to recognise—in legislation—the link between numbers and skill mix of nursing staff and patient outcomes.

The legislation was prompted by concerns about failings in nursing care in the UK, including the [report of the Mid Staffordshire NHS Foundation Trust public inquiry](https://www.gov.uk/government/publications/report-of-the-mid-staffordshire-nhs-foundation-trust-public-inquiry) and, in Wales, the [Trusted to Care report](https://www.gov.wales/trusted-care-independent-review-princess-wales-and-neath-and-port-talbot-hospitals) on quality and patient safety at Princess of Wales Hospital and Neath Port Talbot Hospital.

Introduced as a Member Bill by Kirsty Williams AM, the legislation sought to ensure that nurse staffing levels within the Welsh NHS are sufficient to provide safe, effective, and quality nursing care to patients at all times.

The Act initially required health boards to calculate and maintain appropriate nurse staffing levels in adult acute medical and surgical hospital wards. Throughout the development and passage of the legislation, there was a clear intention for this requirement (commonly referred to as section 25B) to be extended to other healthcare settings in the future. From October 2021, it has also applied to paediatric wards.

## Main elements

The Act inserted the following new sections into the [NHS (Wales) Act 2006](https://www.legislation.gov.uk/ukpga/2006/42/contents) (the key duties are often referred to by these section numbers):

* **25A** An overarching duty on local health boards and NHS trusts to have regard to the importance of providing sufficient nurses in all settings. This also applies where health boards are commissioning services from a third party. This duty came into force in April 2017.
* **25B** A duty to calculate and maintain nurse staffing levels in specified settings (the ‘nurse staffing level’ is defined as “the number of nurses appropriate to provide care to patients that meets all reasonable requirements in that situation”). For adult acute medical and surgical wards, this came into force in April 2018. From October 2021, it has also applied to paediatric inpatient wards. This section also makes provision for extending the duty to further settings.
* **25C** Sets out the method of calculation for nurse staffing levels.
* **25D** Requires the Welsh Government to issue [statutory guidance](https://www.gov.wales/nurse-staffing-levels-wales-act-2016-statutory-guidance-version-2-html) to health boards/trusts about their duties under 25B and 25C.
* **25E** Health boards (and trusts where applicable) are required to report to Welsh Government on their compliance with section 25B after a three year period. The Welsh Government must subsequently publish a summary report. The first of these [summary reports](https://www.gov.wales/nurse-staffing-levels-wales-act-2016-nurse-staffing-level-reports-2018-2021), for the period April 2018-April 2021, was published in December 2021.