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Llywodraeth Cymru
Welsh Government

Welsh Government

Consultation Document

Nurse Staffing Levels (Wales) Act 2016

Consultation on statutory guidance required by section 25D of the
Nurse Staffing Levels (Wales) Act 2016

Date of issue: 7 December 2016

Action required: Responses by 7 April 2017

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Overview

This consultation seeks your views on draft statutory guidance required by section 25D of the Nurse Staffing Levels (Wales) Act 2016 (the Act).

The guidance relates to the duties placed on Local Health Boards and NHS Trusts in Wales under sections 25B and 25C of the Act; the duty to calculate and take steps to maintain nurse staffing levels and the method of calculation.

How to respond

This consultation will close on 7 April 2017. You may respond online, by email or post.

Online

Please complete the consultation response form online at: <https://consultations.gov.wales/consultations/nurse-staffing-levels>

Email

Please complete the consultation response form and send it to:

OCNOMailbox@wales.gsi.gov.uk

Post

Please complete the consultation response form and send it to:

Office of the Chief Nursing Officer
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Insert any references to the internet, documents or information which might be useful to consultees e.g. consultation web address, detailed appendix to consultation

Contact details

For further information:

email: OCNOMailbox@wales.gsi.gov.uk

telephone:

Data protection

How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

Consultation on statutory guidance required by the Nurse Staffing Levels (Wales) Act 2016

What are the main issues?

1. This is the statutory guidance required by section 25D of the Nurse Staffing Levels (Wales) Act. The guidance is intended to support the implementation of sections 25B and 25C of the Act.
2. The Nurse Staffing Levels (Wales) Act, which received Royal Assent on 21 March 2016, places an overarching duty on Local Health Boards and NHS Trusts in Wales to ensure that nurses have time to care sensitively for their patients and codifies current best practice for determining nurse staffing levels, requiring Local Health Boards and NHS Trusts in Wales to calculate and maintain staffing levels in specific clinical areas.
3. As required by the Act, this statutory guidance covers two areas;
 - i. The duty in section 25B to calculate and maintain the nurse staffing level; and
 - ii. The method of calculation set out in section 25C
4. The consultation also seeks your view on potential future statutory guidance relating to 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.
5. Areas not covered in this statutory guidance, such as reporting and monitoring, may be covered in future, non-statutory guidance.

Where are we now?

6. The Commencement Order for the Act sets out the commencement schedule for bringing the various elements of section 1 into force. The commencement schedule is set out in the table below.
7. The duties considered in this guidance will be commenced on 6 April 2018. The guidance will be issued in 2017.

Commencement Timetable for the Nurse Staffing Levels (Wales) Act		
Date	Section	Description
3 August 2016	Commencement of Section 25D	Section 25D places a duty on Welsh Ministers to consult upon and issue guidance about the duties under sections 25B and 25C.
6 April 2017	Commencement of Section 25A	Section 25A places a duty on Local Health Boards and NHS Trusts when considering how many nurses are required to meet all reasonable requirements, to have regard to the importance of providing sufficient nurses to allow nurses time to care for patients sensitively.

Commencement Timetable for the Nurse Staffing Levels (Wales) Act		
Date	Section	Description
6 April 2018	Commencement of sections 25B, C&E	<p>Section 25B places a duty on local health boards and NHS Trusts to calculate and take steps to maintain nurse staffing levels in specified settings, which are currently adult acute medical and surgical inpatient wards. This section also contains a regulation making power which allows the Welsh Ministers to extend the settings to which the duty applies.</p> <p>Section 25C provides the method for these calculations.</p> <p>Section 25E places a duty on local health boards and NHS Trusts (to which the duty to calculate nurse staffing levels under section 25B applies) to report on nurse staffing levels. The Section also places a duty upon Welsh Ministers, after the expiry of each reporting period, to lay all reports submitted to them before the National Assembly for Wales and to prepare and publish a summary of the reports that are submitted.</p>

Section 25B – Duty to calculate and maintain nurse staffing levels

8. The first part of the guidance explains the duty to calculate and maintain nurse staffing levels, with particular focus on:
- How the designated person should be selected and how they should fit within the local health board’s governance framework;
 - What the reasonable requirements that must be met are;
 - How the nurse staffing level is defined;
 - Who is responsible for ensuring that reasonable steps are taken to maintain the nurse staffing level;
 - How patients should be informed of the nurse staffing level; and
 - The definitions for situations where section 25B applies.

Questions

1) How helpful did you find the above parts of the guidance?

2) If you feel these parts of the guidance could be improved could you please tell us how?

Section 25C – Method of calculation for the nurse staffing level

9. The second part of the guidance explains the method of calculation for the nurse staffing level, with particular focus on:

- An overview of how the triangulated method works;
- How professional judgement can be taken into account when calculating the nurse staffing level;
- A description of what is meant by an evidence-based workforce planning tool; and
- The indicators that should be used when considering the extent to which patients' wellbeing is known to be particularly sensitive to the provision of care by a nurse.

Questions

3) How helpful did you find the above parts of the guidance?

4) If you feel these parts of the guidance could be improved could you please tell us how?

5) We would like to know your views on the effects that the guidance would have on the Welsh language, specifically on:

- i) opportunities for people to use Welsh; and**
- ii) treating the Welsh language no less favourably than English.**

6) Please also explain how you believe the guidance could be formulated or changed so as to have:

- i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language; and**
- ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.**

Potential future guidance on workforce planning

10. Section 25D(3) of the Act sets out that 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.

11. Currently, workforce planning guidance for the NHS in Wales is contained under the NHS Planning Framework, which provides guidance on the development of Integrated Medium Term Plans (IMTPs). (A link to the framework is provided below.) In addition to this, the Workforce and Educational Development Service under NHS Wales Shared Services Partnership have developed additional supporting guidance specifically on workforce planning, which is published on their website. Should this consultation indicate that additional guidance is required, a further consultation will take place, which may also set out options for where that guidance would sit in relation to that already in existence.

<http://gov.wales/topics/health/nhswales/organisations/planning/?lang=en>

7) Would statutory guidance on workforce planning on this specific issue be beneficial? If yes, please give details.

8) What sort of information would be beneficial in any additional workforce planning guidance, that is not already in existence elsewhere?

9) We have asked a number of specific questions. If you have any related issues that we have not specifically addressed, please raise them here.

Consultation Response Form

Your name:

Organisation (if applicable):

email / telephone number:

Your address:

I am a/an <i>(please select one from the following)</i>	Patient / Family member or carer of a patient	
	Member of the public	
	Member of NHS staff	
	Local Health Board / NHS Trust	
	Organisation with an interest in the health service	
	Voluntary sector representative (community group, volunteer group, self-help group, cooperative, enterprise, religious group, not-for-profit organisation)	
	Other group not listed above	

1) On a scale of 1 to 5, where 1 is not helpful at all and 5 is very helpful; how helpful did you find the following parts of the guidance? (Please tick one option for each part)

Part	1	2	3	4	5	Don't Know
Overall approach						
Section 25B						
Designated person						
Reasonable Requirements						
Nurse staffing level						
Reasonable steps						
Informing patients						
Situations where section 25B applies						

2) If you feel part of the guidance could be improved, please tell us about it below. You may wish to consider whether anything could be added or removed from the guidance, or whether wording could be changed to improve clarity.

Part	Improvement
Overall approach	
Designated person	
Reasonable Requirements	
Nurse staffing level	
Reasonable steps	
Informing patients	
Situations where section 25B applies	

3) On a scale of 1 to 5, where 1 is not helpful at all and 5 is very helpful; how helpful did you find the following parts of the guidance? (Please tick one option for each part)

Part	1	2	3	4	5	Don't Know
Section 25C						
Introduction to section 25C						
Professional Judgement						
Evidence Based workforce planning tool						
Patient wellbeing is particularly sensitive to care provided by a nurse						

4) If you feel part of the guidance could be improved, please tell us about it below. You may wish to consider whether anything could be added or removed from the guidance, or whether wording could be changed to improve clarity.

Part	Improvement
Introduction to section 25C	
Professional Judgement	
Evidence Based workforce planning tool	
Patient wellbeing is particularly sensitive to care provided by a nurse	

5) We would like to know your views on the effects that the guidance would have on the Welsh language, specifically on:

- i) opportunities for people to use Welsh; and**
- ii) treating the Welsh language no less favourably than English.**

6) Please also explain how you believe the guidance could be formulated or changed so as to have:

- i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language; and**
- ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.**

7) Would further statutory guidance on workforce planning on this specific issue be beneficial? If yes, please give details.

8) What sort of information would be beneficial in any additional workforce planning guidance, that is not already in existence elsewhere?

9) We have asked a number of specific questions. If you have any related issues that we have not specifically addressed, please raise them here.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: