

<b>SUMMARY REPORT</b>		ABM University Health Board			
<b>Health Board</b>		Date of Meeting: 26 <sup>th</sup> January 2017 Agenda item: 6 (iv)			
<b>Report Title</b>	<b>Update on the Nurse Staffing Levels (Wales) Act</b>				
<b>Prepared and Presented by</b>	Professor Rory Farrelly, Director of Nursing & Patient Experience				
<b>Purpose</b>					
The purpose of this report is to update on progress and outline the actions required to comply with the duties contained within the Nurse Staffing Levels (Wales) Act (2016). The first of the statutory duties which the Act places on Health Board's takes effect from April 2017, with further duties coming into effect in April 2018.				<b>Decision</b>	
				<b>Approval</b>	
				<b>Information</b>	
				<b>Other</b>	
<b>Corporate Objectives</b>					
<b>Healthier Communities</b>	<b>Excellent Patient Outcomes &amp; Experiences</b>	<b>Sustainable &amp; Accessible Services</b>	<b>Strong Partnerships</b>	<b>Fully Engaged &amp; Skilled Workforce</b>	<b>Effective Governance</b>
	<b>x</b>			<b>x</b>	
<b>Key Recommendations</b>					
The following recommendations are made to ensure that NHS Wales are prepared for the commencement of the Nurse Staffing Levels (Wales) Act:					
<ol style="list-style-type: none"> <li>1. Participate in the consultation of the draft Guidance and submit responses by the 7<sup>th</sup> April 2017.</li> <li>2. Participate in the consultation of the draft Guidance and submit responses by the 7<sup>th</sup> April 2017.</li> <li>3. Assess and makes explicit the responsibilities of key executives/delivery units as required with commencement of Section 25A.</li> <li>4. Review of corporate governance systems/structures to ensure that the Health Board/Trust Board will be in a position to readily demonstrate compliance with Section 25A of the Act from April 2017; and is prepared for the further duties that will commence from April 2018.</li> <li>5. Support the submission of a more detailed board paper in March 2017, where each Health Board will be required to give assurance that they have reviewed their corporate governance systems/structures in readiness for the Act.</li> </ol>					

<b>MAIN REPORT</b>	ABM University Health Board
<b>Health Board</b>	Date of Meeting: 26 <sup>th</sup> January 2017 Agenda item: 6 (iv)
<b>Subject</b>	<b>Update on the Nurse Staffing Levels (Wales) Act</b>
<b>Prepared, and Presented by</b>	Professor Rory Farrelly, Director of Nursing & Patient Experience

## Situation

The purpose of this report is to update on progress and outline the actions required to comply with the duties contained within the Nurse Staffing Levels (Wales) Act (2016). The first of the statutory duties which the Act places on Health Board's takes effect from April 2017, with further duties coming into effect in April 2018.

## Background

The National Assembly for Wales passed the Nurse Staffing Levels (Wales) Bill in February 2016, and it received Royal Assent on 21<sup>st</sup> March 2016. The Act inserts new sections (25A-E) into the National Health Service (Wales) Act 2006. There are five duties set out in the Act:

<b>Section</b>	<b>Requirement</b>
<b>25A:</b>	Welsh Health Boards/NHS Trusts have an overarching responsibility when considering how many nurses are necessary to meet all reasonable requirements, to have regard to providing sufficient nurses to care for patients sensitively. This duty applies also when the local Health Board/NHS Trust is securing the provision of nursing services. This duty includes a requirement to undertake workforce planning, including the recruitment, retention, education and training of nurses. <i>*a 'nurse' means a registered nurse 'a nurse providing care to patients' includes those to whom care giving is delegated by a nurse</i>
<b>25B:</b>	Requirement for the Health Board to take all reasonable steps to maintain the nurse staffing level and to make arrangements for the purpose of informing patients of the Registered Nurse staffing level. Initially this section duty applies to adult, acute medical and surgical in-patient settings.
<b>25C:</b>	The duty for a 'designated person' to use a specific method to calculate the nurse staffing levels using a specific method.
<b>25D:</b>	The duty for the Welsh Ministers to issue guidance about the duties in sections 25 B & C and to consult on the guidance before it is issued.
<b>25E:</b>	The duty for the Health Board to submit a report about the nurse staffing level to include, the extent to which the level has been maintained, the impact the Board considers that not maintaining the level has had on care provided to patients by nurses, and any actions taken in response to not maintaining the level.

## **Actions Highlighted in July 2016**

In July 2016, the Welsh Health Boards/NHS Trust received a paper which set out the requirements and initial work required to prepare the organisation for the commencement of the Act. The actions endorsed at that time were:

1. A review of workforce planning procedures to ensure that they take into consideration the totality of the overarching duty.
2. A review of the clinical governance and management structures to ensure that the 'designated person' can fulfil their statutory functions.
3. Preparation of a definitive list of all the wards that will be covered by the Statutory Guidance i.e. medical and surgical adult in-patient wards, redefining footprints where necessary.
4. Confirming the definition of 'establishment' for each of the wards that will be covered by the Guidance i.e. medical and surgical adult in-patient wards.
5. Supporting the All Wales Professional Nurse Staffing Group to develop the All Wales indicators/measures and their definitions to be used for the reporting on the impact of not maintaining the levels. Review IT systems and staff procedures for collecting these indicators/measures at ward level.
6. Discuss with patient groups how best to inform patients of the nurse staffing levels.

## **Assessment**

### **Section 25B commenced on August 3 2016.**

This initiated the development of draft Guidance by the Welsh Government which is required to support the implementation of the Act. The Guidance relates to Sections 25B & C of the Act and will provide direction for both the 'designated persons' (Section 25B) in their specified duties within the Act and to Chief Executive Officers and Boards, to whom overall responsibility for compliance with the Act will fall.

The statutory consultation on the draft Guidance commenced in December 2016 and will run until the 7<sup>th</sup> April 2017.

### **Section 25A will commence on 6 April 2017.**

There is no statutory guidance relating to Section 25A (or to Section 25 E).

In order to comply with the Act the Health Board will need to be assured that systems and processes can demonstrate that the Board has regard to ensuring that the services it both provides and commissions provide sufficient nurses to care for patients sensitively. In addition the Board will need to be assured that it has systems in place to undertake workforce planning, including the recruitment, retention, education and training of nurses.

Commencement of Section 25A ahead of sections B, C & E is intended to provide

the opportunity to build towards compliance with the legislation in a phased manner. This is in recognition of a number of factors, including the global difficulties in nurse recruitment which are currently being experienced.

**Sections 25B, C & E will be commence on 6 April 2018.**

These Sections pertain specifically to adult in-patient medical and surgical wards. The timetable for commencement of these Sections allows implementation to be aligned with the 2017/18 Integrated Medium Term Planning cycle. The Health Board will need to ensure that a designated person is identified in line with the Guidance; and that a robust process, using a specific method, for calculating and then maintaining, the nurse staffing levels within these wards, is in place.

These sections also require that patients are informed of the nurse staffing levels; and that the Health Board submits a three-yearly report on their compliance with the staffing levels; the impact on care quality of any non-compliance; and any actions taken if non-compliance has occurred.

The following actions are being taken to ensure ABMU is prepared for the commencement of the Nurse Staffing Levels (Wales) Act:

1. Participating in the consultation of the draft Guidance and submit responses by 7<sup>th</sup> April 2017.
2. Assess and makes explicit the responsibilities of key executives/Service Delivery Units as required with commencement of Section 25A. **Action:** Chief Executive and Executive Team
3. Review of corporate governance systems/structures to ensure that ABMU Health Board will be in a position to readily demonstrate compliance with Section 25A of the Act from April 2017; and is prepared for the further duties will commence from April 2018.
4. A more detailed report will be submitted to the board in May 2017 regarding steps taken to prepare for the Act.

**Recommendation:**

The Board is asked to note the report.