

ABM University Health Board	
29th March 2018 Health Board Agenda item: 2 (ix)	
Subject	<i>Nurse Staffing Levels (Wales) Act Update</i>
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Presented by	Professor Angela Hopkins Interim Director of Nursing & Patient Experience

1. SITUATION

The purpose of this report is to provide the Health Board with an update on progress and to provide assurance on the approach and progress to the implementation of sections 25B and 25C of the Nurse Staffing Act that takes effect from April 2018.

A key requirement of the Act and the Statutory Guidance is for each Health Board/NHS Trust to ensure they have calculated the nurse staffing level, using the triangulated approach, for each adult acute medical and surgical inpatient ward within their organisation and have formally presented the findings to the Board in April 2018.

2. BACKGROUND

The Nurse Staffing Levels (Wales) Act 2016 became law in March 2016, with a phased commencement. The Act requires health service bodies to make provision for appropriate nurse staffing levels, and ensure that they are providing sufficient nurses to allow the nurses' time to care for patients sensitively. Sections 25A relates to the Health Boards/NHS Trusts overarching responsibility which came into effect in April 2017, requiring Health Boards to ensure they had robust workforce plans, recruitment strategies, and structures and processes in place to ensure appropriate nurse staffing levels across their organisations.

To comply with Section 25D of the Act, Welsh Government devised statutory guidance, which following a period of consultation, was revised and launched on the 2nd November 2017.

The statutory guidance relates to sections 25B and 25C requires Health Boards/NHS Trusts to use a specific method to calculate appropriate nurse staffing levels, to take all reasonable steps to maintain the nurse staffing level within adult in-patient medical and surgical wards and to inform patients of the nurse staffing level.

Under Section 25E Health Boards/Trusts must submit annual reports to their board and three-yearly reports to Welsh Government in relation to their compliance with the staffing levels, the impact upon the quality of care where the nurse staffing level was not maintained and the actions required in response to this. The first report is due in 2021.

In July 2016, the Welsh Health Boards/NHS Trusts received a paper which set out the requirements and initial work required to prepare the organisation for the commencement of the Act and made a series of recommendations. A second paper was presented in January 2017. In November 2017 a further paper was produced, highlighting the need for Health Boards/NHS Trust to consider the implications and requirements of the Act and take action to prepare for the roll out of the five duties set out within the Act. This is the fourth of a series of papers, devised on an All Wales basis, which contains recommendations which Health Boards/NHS Trust are advised to implement in readiness for the implementation of the Act. Each Welsh Health Board/NHS Trust is now required to calculate the nurse staffing level for every adult acute medical and surgical inpatient area as defined under section 25B of the Act and within paragraphs 26-30 of the Statutory guidance and formally present this information to their Board in April 2018.

In June 2017, the Chief Nursing Officer asked the All Wales Nurse Staffing Group to set up a working group, consisting of, representatives from each Health Board/NHS Trust, Public Health Wales and Welsh Government, to devise an Operational Handbook based on the statutory guidance to guide and assist operational staff in meeting the requirements of sections 25B and 25C of the Nurse Staffing Levels (Wales) Act. There is a clear directive from Welsh Government that NHS Wales should adopt a Once for Wales approach and the operational handbook provides guidance and standardised templates to enable each Health Board/NHS Trust to follow the same process, providing a clear and consistent approach throughout Wales. Within the handbook there are nationally agreed templates that Health Boards/NHS Trusts are advised to use to comply with the requirements of the Act, which includes templates for Health Boards/NHS Trusts to report their annual reports to the Board and three yearly report to Welsh Government.

The Operational Handbook was agreed, by The All Wales Nurse Staffing Group, Nurse Directors and Chief Nursing Officer in February and Welsh Government will issue a Welsh Health Circular in March 2018 to support the implementation of the Operational Handbook. This will be available in English and Welsh in paper format and an electronic version via NHS Wales websites.

Section 25B (1) (C) also requires Health Boards/NHS Trusts to make arrangements to inform patients of the nurse staffing levels on each adult acute medical and surgical wards and should also be informed of the date the nurse staffing level was agreed by the Board. This should be visible to anyone attending the ward. The Operational handbook provides a standard template.

The Welsh levels of care document edition 1 was signed off by Nurse Directors and the Chief Nursing Officer for Wales on the 19th December 2017.

This document was developed to provide a comparator template to collect acuity data from wards included within the Act.

This data is currently being used to populate templates for evaluation by Finance and workforce and Organisational Development colleagues. The information will be used as a part of the triangulated approach to calculate the required nurse staffing levels along with professional judgement and quality indicators to report in April 2018.

3. ASSESSMENT

Section 25A of Nurse Staffing Act

25A relates to the Health Board's overarching responsibility, which came into effect in April 2017 requiring Health Boards/NHS Trusts to ensure they had robust workforce plans, recruitment strategies, and structures and processes in place to ensure appropriate nurse staffing levels across their organisations.

Actions taken to achieve compliance:

- Confirmed designated person as the Director of Nursing & Patient Experience.
- Developed a monthly Health Board Multidisciplinary Nurse Staffing Act Task & Finish Group, chaired by the Interim Deputy Director of Nursing & Patient Experience, which reports to Nursing Midwifery Board & Workforce & Organisational Development Committee.
- Conducted a review of workforce planning procedures, for 2018 to 2021, which include; Health Board recruitment events, retention, workforce planning & redesign, training and development.
- Representation on the All-Wales Nurse Staffing Group and its sub groups.
- Contributed with the work undertaken at an All-Wales level on acuity levels of care.
- Undertaken a formal review across all acute Service Delivery Units for calculating and reporting nurse staffing requirements to ensure a Health Board wide consistent approach is adopted.
- Presented a Health Board position status paper to the Development Board in December outlining the preparedness for the Nurse Staffing Act (Wales).
- Provided acuity feedback sessions to all Service Delivery Units included in the June audit.
- Formally launched the Nurse Staffing (Wales) Act Guidance

Position: fully compliant

Section 25B and 25C of the Nurse Staffing Act

The Statutory Guidance relates to sections 25B and 25C which takes effect in April 2018 and requires Health Boards/NHSTrusts to use a specific method to calculate appropriate nurse staffing levels, to take all reasonable steps to maintain the nurse staffing level within adult in-patient medical and surgical wards and to inform patients of the nurse staffing level.

Actions taken towards meeting full compliance:

- Confirmed the 32 adult acute medical & surgical wards within the Health Board. These areas have been agreed using the criteria set out in the Operational Handbook.
- Risk Assessments completed by each Service Delivery Units, to assess readiness.
- The Welsh levels of Care document edition 1 was signed off by Nurse Directors and the Chief Nursing Officer for Wales on the 19th December 2017.
- The Welsh Levels of Care and Operational Handbook have been circulated to Service Delivery Unit Leads and uploaded on COIN.
- Introduced a rigorous data approval process to ensure accuracy of the 6 monthly acuity data prior to sign off. There has also been a number of workshops organised across the organisation to ensure a consistent approach to data collection of acuity data.
- Raised the issue regarding Information Technology barriers around the capture of data required for the Act on an All- Wales and Health Board basis.
- There is national work on solutions for electronic capture of acuity data.

Further actions to be taken to meet compliance:

- Complete the template set out in the Operational Handbook for the 32 acute medical & surgical wards included in the Act. The Service Delivery Units, in partnership with nursing, finance and workforce colleagues, will complete the All Wales Templates. Once signed off they will then be approved by the Interim Director of Nursing & Patient Experience, Director of Finance, & Director of Workforce & Organisational Development by April 6th 2018. An aggregate of the information will be presented to April's Board.
- Implement mobile devices to be used within adult acute medical and surgical wards included within the Act in readiness for the June Adult Acuity Audit.
- Display the nurse staffing levels in accordance with the template agreed in the Operational Handbook to meet compliance in April 2018.
- Develop a Health Board Operating Framework, and reflect in the Board's Escalation policy and Business Continuity Plans by April 2018.

Status: Partial Compliance (Aim for full compliance in April 2018)

Section 25D of the Nurse Staffing Act**25D took effect in April 2017 Develop Statutory Guidance****Action:**

To comply with Section 25D of the Act, Welsh Government devised statutory guidance, which following a period of consultation, was received and launched on the 2nd November 2017.

Status: Fully Compliant

Section 25E of the Nurse Staffing Act

25E which takes effect in April 2018 requires Health Boards/NHS Trusts to report their compliance in maintaining the nurse staffing level for each adult acute medical and surgical ward.

Actions to be taken to meet compliance:

- The Health Board has a Rostering Policy in place and the Unit Nurse Directors have a system in place to monitor compliance.
- The Health Board currently has two Electronic Rostering systems in place (Kronos & Allocate). The Kronos system does not support monitoring of rostering compliance and therefore the Allocate system will be implemented as a project plan.
- A Board report will be presented in April 2018 using the aggregated template from the operational Guidance Handbook.
- A three yearly report will be completed for Welsh Government using the agreed National Template. The first report is due April 2021 which will include the previous 3 year compliance position.

Status: Partial-compliant (Pending Implementation of E-Rostering Project)

4. RECOMENDATIONS

- The Board is asked to note the positive progress made against the Health Board meeting its statutory requirements in implementation of the Nurse Staffing Levels (Wales) Act.
- Note that a further paper will be provided outlining the detail of the nurse staffing level across the 32 acute medical and surgical wards in compliance with Sections 25B and 25C of the Act at the April Executive Team and Health Board Meeting.