

RHESTR O WELLIANNAU WEDI'U DIDOLI MARSHALLED LIST OF AMENDMENTS

Bil Lefelau Diogel Staff Nyrsio (Cymru) Safe Nurse Staffing Levels (Wales) Bill

Mae'r gwelliannau â * ar eu pwys yn rhai newydd neu'n rhai sydd wedi'u haddasu
Amendments marked * are new or have been altered

Mae gwelliannau a nodir ag 'R' yn dynodi bod yr Aelod wedi datgan buddiant
cofrestradwy o dan Reol Sefydlog 2 neu fuddiant perthnasol o dan Reolau Sefydlog 13 neu
17 wrth gyflwyno'r gwelliant.

Amendments marked 'R' mean that the Member has declared either a registrable interest
under Standing Order 2 or relevant interest under Standing Orders 13 or 17 when tabling
the amendment.

Caiff y Bil ei ystyried yn y drefn a ganlyn—
The Bill will be considered in the following order—

Sections 2 - 5	Adrannau 2 - 5
Section 1	Adran 1
Long title	Teitl hir

Mark Drakeford

28

Section 2, page 1, line 12, leave out '1 of the National Health Service (Wales) Act 2006 (promotion and provision of the health service in Wales) after section 10 (Welsh Ministers' arrangements with other bodies)' and insert '2 of the National Health Service (Wales) Act 2006 (health service bodies), in Chapter 4 (miscellaneous), before section 26'.

Adran 2, tudalen 1, llinell 13, hepgorer '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 chyrrff eraill)' a mewnosoder '2 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (cyrrff y gwasanaeth iechyd), ym Mhennod 4 (amrywiol), cyn adran 26'.



Darren Millar **29A**

Gyda chefnogaeth/ Supported by: Elin Jones

As an amendment to amendment 29, line 102, after 'sensitively', insert 'and safely'.

Fel gwelliant i welliant 29, llinell 102, ar ôl 'sensitively', mewnosoder 'and safely'.

Darren Millar **29B**

Gyda chefnogaeth/ Supported by: Elin Jones

As an amendment to amendment 29, line 110, after 'sensitively', insert 'and safely'.

Fel gwelliant i welliant 29, llinell 110, ar ôl 'sensitively', mewnosoder 'and safely'.

Darren Millar **29C**

As an amendment to amendment 29, line 122, after 'provides', insert ', commissions or funds'.

Fel gwelliant i welliant 29, llinell 122, ar ôl 'provides', mewnosoder ', commissions or funds'.

Darren Millar **29D**

As an amendment to amendment 29, line 125, after 'nurses', insert ', and the appropriate mix of qualifications and experience,'.

Fel gwelliant i welliant 29, llinell 125, ar ôl 'nurses', mewnosoder ', and the appropriate mix of qualifications and experience,'.

Darren Millar **29E**

Gyda chefnogaeth/ Supported by: Elin Jones

As an amendment to amendment 29, line 125, after 'provide', insert 'safe'.

Fel gwelliant i welliant 29, llinell 125, ar ôl 'provide', mewnosoder 'safe'.

Darren Millar **29F**

Gyda chefnogaeth/ Supported by: Elin Jones

As an amendment to amendment 29, line 126, after 'the"', insert 'safe'.

Fel gwelliant i welliant 29, llinell 126, ar ôl 'the"', mewnosoder 'safe'.



Darren Millar

29G

Gyda chefnogaeth/ Supported by: Elin Jones

As an amendment to amendment 29, line 128, after 'the', insert 'safe'.

Fel gwelliant i welliant 29, llinell 128, ar ôl 'the', mewnosoder 'safe'.

Darren Millar

29H

Gyda chefnogaeth/ Supported by: Elin Jones

As an amendment to amendment 29, line 131, after 'the', insert 'safe'.

Fel gwelliant i welliant 29, llinell 131, ar ôl 'the', mewnosoder 'safe'.

Darren Millar

29I

Gyda chefnogaeth/ Supported by: Elin Jones

As an amendment to amendment 29, line 133, after 'the', insert 'safe'.

Fel gwelliant i welliant 29, llinell 133, ar ôl 'the', mewnosoder 'safe'.

Darren Millar

29J

As an amendment to amendment 29, line 136, leave out—

- 'adult acute medical inpatient wards,
- (b) adult acute surgical inpatient'

And insert—

'all hospital'.

Fel gwelliant i welliant 29, llinell 136, hepgorer—

- 'adult acute medical inpatient wards,
- (b) adult acute surgical inpatient'

A mewnosoder—

'all hospital'.

Elin Jones

29Z

As an amendment to amendment 29, after line 137, insert—

'() community hospital wards, and'.

Fel gwelliant i welliant 29, ar ôl llinell 137, mewnosoder—

'() community hospital wards, and'.



Elin Jones

29AA

As an amendment to amendment 29, after line 137, insert –

‘() mental health inpatient wards, and’.

Fel gwelliant i welliant 29, ar ôl llinell 137, mewnosoder –

‘() mental health inpatient wards, and’.

Elin Jones

29AB

As an amendment to amendment 29, after line 137, insert –

‘() children inpatient wards in acute hospitals, and’.

Fel gwelliant i welliant 29, ar ôl llinell 137, mewnosoder –

‘() children inpatient wards in acute hospitals, and’.

Elin Jones

29AC

As an amendment to amendment 29, after line 137, insert –

‘() community nursing, and’.

Fel gwelliant i welliant 29, ar ôl llinell 137, mewnosoder –

‘() community nursing, and’.

Elin Jones

29AD

As an amendment to amendment 29, after line 137, insert –

‘() maternity services, and’.

Fel gwelliant i welliant 29, ar ôl llinell 137, mewnosoder –

‘() maternity services, and’.

Darren Millar

29K

Gyda chefnogaeth/ Supported by: Elin Jones

As an amendment to amendment 29, line 141, after ‘a’ at the first place where it appears, insert ‘safe’.

Fel gwelliant i welliant 29, llinell 141, ar ôl ‘a’ yn y lle cyntaf y mae’n ymddangos, mewnosoder ‘safe’.



Darren Millar

29L

Gyda chefnogaeth/ Supported by: Elin Jones

As an amendment to amendment 29, line 145, after 'provide', insert 'safe'.

Fel gwelliant i welliant 29, llinell 145, ar ôl 'provide', mewnosoder 'safe'.

Darren Millar

29M

Gyda chefnogaeth/ Supported by: Elin Jones

As an amendment to amendment 29, line 149, after 'of', insert 'safe'.

Fel gwelliant i welliant 29, llinell 149, ar ôl 'of', mewnosoder 'safe'.

Darren Millar

29N

Gyda chefnogaeth/ Supported by: Elin Jones

As an amendment to amendment 29, line 150, after 'different', insert 'safe'.

Fel gwelliant i welliant 29, llinell 150, ar ôl 'different', mewnosoder 'safe'.

Darren Millar

29O

Gyda chefnogaeth/ Supported by: Elin Jones

As an amendment to amendment 29, line 158, after 'a', insert 'safe'.

Fel gwelliant i welliant 29, llinell 158, ar ôl 'a', mewnosoder 'safe'.

Darren Millar

29P

As an amendment to amendment 29, after line 173, insert –

'() The Welsh Ministers must also issue guidance about the workforce planning required to enable health service bodies to comply with this section.'

Fel gwelliant i welliant 29, ar ôl llinell 173, mewnosoder –

'() The Welsh Ministers must also issue guidance about the workforce planning required to enable health service bodies to comply with this section.'



Darren Millar

29Q

As an amendment to amendment 29, after line 176, insert –

'() the independent health care and care home sectors,'.

Fel gwelliant i welliant 29, ar ôl llinell 176, mewnosoder –

'() the independent health care and care home sectors,'.

Darren Millar

29R

Gyda chefnogaeth/ Supported by: Elin Jones

As an amendment to amendment 29, line 186, after 'which', insert 'safe'.

Fel gwelliant i welliant 29, llinell 186, ar ôl 'which', mewnosoder 'safe'.

Darren Millar

29S

Gyda chefnogaeth/ Supported by: Elin Jones

As an amendment to amendment 29, line 187, after 'maintaining', insert 'safe'.

Fel gwelliant i welliant 29, llinell 187, ar ôl 'maintaining', mewnosoder 'safe'.

Darren Millar

29T

Gyda chefnogaeth/ Supported by: Elin Jones

As an amendment to amendment 29, after line 193, insert –

'(iv) problems arising from inadequate hydration,'.

Fel gwelliant i welliant 29, ar ôl llinell 193, mewnosoder –

'(iv) problems arising from inadequate hydration,'.

Darren Millar

29U

Gyda chefnogaeth/ Supported by: Elin Jones

As an amendment to amendment 29, after line 193, insert –

'(iv) problems arising from inadequate nutrition,'.

Fel gwelliant i welliant 29, ar ôl llinell 193, mewnosoder –

'(iv) problems arising from inadequate nutrition,'.



Darren Millar

29V

Gyda chefnogaeth / Supported by: Elin Jones

As an amendment to amendment 29, line 194, after 'maintaining', insert 'safe'.

Fel gwelliant i welliant 29, llinell 194, ar ôl 'maintaining', mewnosoder 'safe'.

Darren Millar

29W

As an amendment to amendment 29, after line 202, insert –

'25F Compliance

The Welsh Ministers must, by regulations, provide for the independent inspection of compliance by health service bodies with the provisions of sections 25A to 25E.'

Fel gwelliant i welliant 29, ar ôl llinell 202, mewnosoder –

'25F Compliance

The Welsh Ministers must, by regulations, provide for the independent inspection of compliance by health service bodies with the provisions of sections 25A to 25E.'

Darren Millar

29X

As an amendment to amendment 29, after line 202, insert –

'25F Financial penalties

- (1) The Welsh Ministers may, by regulations, provide for the imposition of financial penalties on health service bodies that fail to comply with the provisions of sections 25A to 25E.
- (2) Penalties imposed by regulations under subsection (1) may not exceed the cost that would have been incurred by the relevant health service body if it had complied with the provisions of this section.'

Fel gwelliant i welliant 29, ar ôl llinell 202, mewnosoder –

'25F Financial penalties

- (1) The Welsh Ministers may, by regulations, provide for the imposition of financial penalties on health service bodies that fail to comply with the provisions of sections 25A to 25E.
- (2) Penalties imposed by regulations under subsection (1) may not exceed the cost that would have been incurred by the relevant health service body if it had complied with the provisions of this section.'



Darren Millar

29Y

As an amendment to amendment 29, after line 202, insert –

'25F Whistleblowing

- (1) An employee of a health service body, including temporary (agency or bank) staff, who has reasonable cause to suspect that a body is in breach of its duties under sections 25A to 25E, must inform the management of those suspicions.
- (2) Duties under subsection (1) are legal obligations for the purposes of section 43B(1)(b) of the Employment Rights Act 1996.'

Fel gwelliant i welliant 29, ar ôl llinell 202, mewnosoder –

'25F Whistleblowing

- (1) An employee of a health service body, including temporary (agency or bank) staff, who has reasonable cause to suspect that a body is in breach of its duties under sections 25A to 25E, must inform the management of those suspicions.
- (2) Duties under subsection (1) are legal obligations for the purposes of section 43B(1)(b) of the Employment Rights Act 1996.'

Elin Jones

29AE

As an amendment to amendment 29, after line 202, insert –

'25F Recruitment and training of nurses

The Welsh Ministers, Local Health Boards and any NHS Trust to which sections 25A to 25E apply must have regard to the provisions of sections 25A to 25E when undertaking functions relating to the recruitment and training of nurses.'

Fel gwelliant i welliant 29, ar ôl llinell 202, mewnosoder –

'25F Recruitment and training of nurses

The Welsh Ministers, Local Health Boards and any NHS Trust to which sections 25A to 25E apply must have regard to the provisions of sections 25A to 25E when undertaking functions relating to the recruitment and training of nurses.'



Mark Drakeford

29

Section 2, page 1, line 15, leave out –

“Safe nurse staffing levels

10A Duty to maintain safe nurse staffing levels

- (1) Each health service body in Wales must in exercising its functions –
 - (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
 - (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 –
 - (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 –
- (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.
- (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.



- (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.
- (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)."

And insert—

“Nursing services

25A Duty to have regard to providing sufficient nurses

- (1) Subsection (2) applies where a Local Health Board is considering the extent of provision of nursing services for its area necessary to meet all reasonable requirements.
- (2) The Local Health Board must have regard to the importance of providing sufficient nurses to allow the nurses time to care for patients sensitively.
- (3) Where an NHS Trust in Wales provides nursing services it must provide those services to such extent as it considers necessary to meet all reasonable requirements; and subsection (4) applies where an NHS Trust in Wales is considering the extent of the nursing services it provides.
- (4) The NHS Trust must have regard to the importance of providing sufficient nurses to allow the nurses time to care for patients sensitively.
- (5) In this section, and in sections 25B to 25E, references to—



- (a) a nurse providing care for patients include the provision of care by a person other than a nurse acting under the supervision of, or discharging duties delegated to the person by, a nurse;
- (b) a “nurse” mean a registered nurse;
- (c) an “NHS Trust in Wales” mean an NHS trust all or most of whose hospitals, establishments and facilities are situated in Wales.

Nurse staffing levels

25B Duty to calculate and take steps to maintain nurse staffing levels

- (1) Where a Local Health Board or NHS Trust in Wales provides nursing services in a situation to which this section applies, it must –
 - (a) designate a person or a description of person to calculate the number of nurses appropriate to provide care to patients that meets all reasonable requirements in that situation (the “nurse staffing level”),
 - (b) take all reasonable steps to maintain the nurse staffing level, and
 - (c) make arrangements for the purpose of informing patients of the nurse staffing level.
- (2) A person designated by virtue of subsection (1)(a) (“a designated person”) must calculate the nurse staffing level in accordance with section 25C.
- (3) This section applies to the following situations –
 - (a) adult acute medical inpatient wards,
 - (b) adult acute surgical inpatient wards, and
 - (c) such other situations as the Welsh Ministers may by regulations specify.

25C Nurse staffing levels: method of calculation

- (1) When calculating a nurse staffing level, a designated person must –
 - (a) exercise professional judgement, and
 - (b) take into account each of the following –
 - (i) the average ratio of nurses to patients appropriate to provide care to patients that meets all reasonable requirements, estimated for a specified period using evidence-based workforce planning tools;
 - (ii) the extent to which patients’ well-being is known to be particularly sensitive to the provision of care by a nurse.



- (2) A designated person may calculate different nurse staffing levels—
 - (a) in relation to different periods of time;
 - (b) depending on the conditions in which care is provided by a nurse.

25D Nurse staffing levels: guidance

- (1) The Welsh Ministers must issue guidance about the duties under sections 25B and 25C and Local Health Boards and any NHS Trust to which those sections apply must have regard to the guidance.
- (2) The guidance may set out, in particular, that when calculating a nurse staffing level a designated person should exercise professional judgement by taking the following into account—
 - (a) the qualifications, competencies, skills and experience of the nurses providing care to patients;
 - (b) the conditions in which care by a nurse is provided;
 - (c) the potential impact on care by a nurse of—
 - (i) the physical condition and layout of the ward or other situation in which the care is provided;
 - (ii) the turnover of patients receiving the care;
 - (d) services or care provided to patients by other health professionals or other staff (for example, healthcare support workers), and their qualifications, competencies, skills and experience;
 - (e) the extent to which the nurses providing care are required to undertake supervisory or administrative functions.
- (3) Before issuing guidance the Welsh Ministers must consult—
 - (a) Local Health Boards and any NHS Trust that is under a duty to have regard to 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 likely to be affected by the guidance as they consider appropriate.

25E Nurse staffing levels: reports

- (1) Each Local Health Board and any NHS Trust to which the duty in section 25B applies must submit a report (whether or not as part of a wider report) to the Welsh Ministers which sets out, in respect of the period to which the report relates—
 - (a) the extent to which nurse staffing levels have been maintained;



- (b) the impact the Board or Trust considers that not maintaining nurse staffing levels has had on care provided to patients by nurses, for example by reference to an increase in incidents of harm caused by –
 - (i) errors in administering medication to patients;
 - (ii) patients falling;
 - (iii) patients developing hospital-acquired pressure ulcers;
 - (c) any actions taken in response to not maintaining nurse staffing levels.
- (2) Each report must be submitted to the Welsh Ministers –
- (a) within the period of three years beginning with the date on which this section comes into force, and
 - (b) within each period of three years beginning with the date the previous report was submitted.
- (3) The Welsh Ministers must lay each report submitted to them before the National Assembly for Wales.”.

Adran 2, tudalen 1, llinell 16, hepgorer –

“Safe nurse staffing levels

10A Duty to maintain safe nurse staffing levels

- (1) Each health service body in Wales must in exercising its functions –
- (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
 - (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 –
- (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;
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 - (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 –
- (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;
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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.
- (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.
- (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)."

A mewnosoder—

“Nursing services

25A Duty to have regard to providing sufficient nurses

- (1) Subsection (2) applies where a Local Health Board is considering the extent of provision of nursing services for its area necessary to meet all reasonable requirements.



- (2) The Local Health Board must have regard to the importance of providing sufficient nurses to allow the nurses time to care for patients sensitively.
- (3) Where an NHS Trust in Wales provides nursing services it must provide those services to such extent as it considers necessary to meet all reasonable requirements; and subsection (4) applies where an NHS Trust in Wales is considering the extent of the nursing services it provides.
- (4) The NHS Trust must have regard to the importance of providing sufficient nurses to allow the nurses time to care for patients sensitively.
- (5) In this section, and in sections 25B to 25E, references to—
 - (a) a nurse providing care for patients include the provision of care by a person other than a nurse acting under the supervision of, or discharging duties delegated to the person by, a nurse;
 - (b) a “nurse” mean a registered nurse;
 - (c) an “NHS Trust in Wales” mean an NHS trust all or most of whose hospitals, establishments and facilities are situated in Wales.

Nurse staffing levels

25B Duty to calculate and take steps to maintain nurse staffing levels

- (1) Where a Local Health Board or NHS Trust in Wales provides nursing services in a situation to which this section applies, it must—
 - (a) designate a person or a description of person to calculate the number of nurses appropriate to provide care to patients that meets all reasonable requirements in that situation (the “nurse staffing level”),
 - (b) take all reasonable steps to maintain the nurse staffing level, and
 - (c) make arrangements for the purpose of informing patients of the nurse staffing level.
- (2) A person designated by virtue of subsection (1)(a) (“a designated person”) must calculate the nurse staffing level in accordance with section 25C.
- (3) This section applies to the following situations—
 - (a) adult acute medical inpatient wards,
 - (b) adult acute surgical inpatient wards, and
 - (c) such other situations as the Welsh Ministers may by regulations specify.



25C Nurse staffing levels: method of calculation

- (1) When calculating a nurse staffing level, a designated person must—
 - (a) exercise professional judgement, and
 - (b) take into account each of the following—
 - (i) the average ratio of nurses to patients appropriate to provide care to patients that meets all reasonable requirements, estimated for a specified period using evidence-based workforce planning tools;
 - (ii) the extent to which patients' well-being is known to be particularly sensitive to the provision of care by a nurse.
- (2) A designated person may calculate different nurse staffing levels—
 - (a) in relation to different periods of time;
 - (b) depending on the conditions in which care is provided by a nurse.

25D Nurse staffing levels: guidance

- (1) The Welsh Ministers must issue guidance about the duties under sections 25B and 25C and Local Health Boards and any NHS Trust to which those sections apply must have regard to the guidance.
- (2) The guidance may set out, in particular, that when calculating a nurse staffing level a designated person should exercise professional judgement by taking the following into account—
 - (a) the qualifications, competencies, skills and experience of the nurses providing care to patients;
 - (b) the conditions in which care by a nurse is provided;
 - (c) the potential impact on care by a nurse of—
 - (i) the physical condition and layout of the ward or other situation in which the care is provided;
 - (ii) the turnover of patients receiving the care;
 - (d) services or care provided to patients by other health professionals or other staff (for example, healthcare support workers), and their qualifications, competencies, skills and experience;
 - (e) the extent to which the nurses providing care are required to undertake supervisory or administrative functions.
- (3) Before issuing guidance the Welsh Ministers must consult—
 - (a) Local Health Boards and any NHS Trust that is under a duty to have regard to 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 likely to be affected by the guidance as they consider appropriate.

25E Nurse staffing levels: reports

- (1) Each Local Health Board and any NHS Trust to which the duty in section 25B applies must submit a report (whether or not as part of a wider report) to the Welsh Ministers which sets out, in respect of the period to which the report relates –
 - (a) the extent to which nurse staffing levels have been maintained;
 - (b) the impact the Board or Trust considers that not maintaining nurse staffing levels has had on care provided to patients by nurses, for example by reference to an increase in incidents of harm caused by –
 - (i) errors in administering medication to patients;
 - (ii) patients falling;
 - (iii) patients developing hospital-acquired pressure ulcers;
 - (c) any actions taken in response to not maintaining nurse staffing levels.
- (2) Each report must be submitted to the Welsh Ministers –
 - (a) within the period of three years beginning with the date on which this section comes into force, and
 - (b) within each period of three years beginning with the date the previous report was submitted.
- (3) The Welsh Ministers must lay each report submitted to them before the National Assembly for Wales.”.

Darren Millar

1

Section 2, page 1, line 19, after ‘numbers’, insert ‘and have an appropriate mix of qualifications and experience’.

Adran 2, tudalen 1, llinell 20, ar ôl ‘numbers’, mewnosoder ‘and have an appropriate mix of qualifications and experience’.

Elin Jones

20

Section 2, page 1, line 24, after ‘in’ at the first place where it appears, insert ‘community hospital wards and’.

Adran 2, tudalen 1, llinell 25, ar ôl ‘in’ yn y lle cyntaf y mae’n ymddangos, mewnosoder ‘community hospital wards and’.



Darren Millar

2

Section 2, page 1, line 24, leave out 'adult inpatient wards in acute hospitals' and insert 'all hospital wards'.

Adran 2, tudalen 1, llinell 25, hepgorer 'adult inpatient wards in acute hospitals' a mewnosoder 'all hospital wards'.

Elin Jones

21

Section 2, page 1, line 24, after 'wards', insert '(including mental health inpatient wards)'.

Adran 2, tudalen 1, llinell 25, ar ôl 'wards', mewnosoder '(including mental health inpatient wards)'.

Darren Millar

3

Section 2, page 1, after line 25, insert—

'(c) have regard to the degree to which the aims of paragraphs (a) and (b) are being achieved by any provider from which it proposes to commission or fund services.'

Adran 2, tudalen 1, ar ôl llinell 26, mewnosoder—

'(c) have regard to the degree to which the aims of paragraphs (a) and (b) are being achieved by any provider from which it proposes to commission or fund services.'

Darren Millar

4

Section 2, page 1, after line 25, insert—

'(c) the duty contained in paragraph ((*paragraph to be inserted by amendment 3*)) applies, whether those services referred to are provided in Wales or not.'

Adran 2, tudalen 1, ar ôl llinell 26, mewnosoder—

'(c) the duty contained in paragraph ((*paragraff sy'n cael ei fewnosod gan welliant 3*)) applies, whether those services referred to are provided in Wales or not.'

Elin Jones

22

Section 2, page 1, line 32, after 'Wales', insert 'including, but not limited to, children inpatient wards in acute hospitals'.

Adran 2, tudalen 1, llinell 33, ar ôl 'Wales', mewnosoder 'including, but not limited to, children inpatient wards in acute hospitals'.



Elin Jones

23

Section 2, page 1, line 32, after 'Wales', insert 'including, but not limited to, community nursing services'.

Adran 2, tudalen 1, llinell 33, ar ôl 'Wales', mewnosoder 'including, but limited to, community nursing services'.

Elin Jones

24

Section 2, page 1, line 32, after 'Wales', insert 'including, but not limited to, maternity services'.

Adran 2, tudalen 1, llinell 33, ar ôl 'Wales', mewnosoder 'including, but not limited to, maternity services'.

Darren Millar

5

Section 2, page 2, after line 8, insert –

'() must include provision for ensuring that regard is had to the qualifications and experience of nursing staff when exercising functions under this section;'

Adran 2, tudalen 2, ar ôl llinell 8, mewnosoder –

'() must include provision for ensuring that regard is had to the qualifications and experience of nursing staff when exercising functions under this section;'

Darren Millar

6

Section 2, page 2, after line 28, insert –

'(i) must include provision about the workforce planning required to enable health service bodies to comply with this section.'

Adran 2, tudalen 2, ar ôl llinell 28, mewnosoder –

'(i) must include provision about the workforce planning required to enable health service bodies to comply with this section.'

Darren Millar

7

Section 2, page 3, after line 15, insert –

'() Before issuing guidance under section 10(5)(*paragraph to be inserted by amendment 6*) the Welsh Ministers must consult the independent health care and care home sectors.'



Adran 2, tudalen 3, ar ôl llinell 15, mewnosoder –

'() Before issuing guidance under section 10(5)(*paragraff sy'n cael ei fewnosod gan welliant 6*) the Welsh Ministers must consult the independent health care and care home sectors.'

Darren Millar

8

Section 2, page 3, after line 35, insert –

'(11) The Welsh Ministers must, by regulations, provide for the independent inspection of compliance by health service bodies with the provisions of this section.'

Adran 2, tudalen 3, ar ôl llinell 35, mewnosoder –

'(11) The Welsh Ministers must, by regulations, provide for the independent inspection of compliance by health service bodies with the provisions of this section.'

Darren Millar

9

Section 2, page 3, after line 35, insert –

'(11) The Welsh Ministers may, by regulations, provide for the imposition of financial penalties on health service bodies that fail to comply with the provisions of this section.'

Adran 2, tudalen 3, ar ôl llinell 35, mewnosoder –

'(11) The Welsh Ministers may, by regulations, provide for the imposition of financial penalties on health service bodies that fail to comply with the provisions of this section.'

Darren Millar

10

Section 2, page 3, after line 35, insert –

'(11) Penalties imposed by regulations under subsection (*subsection to be inserted by amendment 9*) may not exceed the cost that would have been incurred by the relevant health service body if it had complied with the provisions of this section.'

Adran 2, tudalen 3, ar ôl llinell 35, mewnosoder –

'(11) Penalties imposed by regulations under subsection (*is-adran sy'n cael ei mewnosod gan welliant 9*) may not exceed the cost that would have been incurred by the relevant health service body if it had complied with the provisions of this section.'



Darren Millar

11

Section 2, page 3, after line 35, insert –

‘(11) Duties under this section are legal obligations for the purposes of section 43B(1)(b) of the Employment Rights Act 1996.’

Adran 2, tudalen 3, ar ôl llinell 35, mewnosoder –

‘(11) Duties under this section are legal obligations for the purposes of section 43B(1)(b) of the Employment Rights Act 1996.’

Darren Millar

12

Section 2, page 3, after line 35, insert –

‘(11) An employee of a health service body, including temporary (agency or bank) staff, who has reasonable cause to suspect that a body is in breach of its duties under this section, must inform the management of that fact.’

Adran 2, tudalen 3, ar ôl llinell 35, mewnosoder –

‘(11) An employee of a health service body, including temporary (agency or bank) staff, who has reasonable cause to suspect that a body is in breach of its duties under this section, must inform the management of that fact.’

Elin Jones

25

Section 2, page 3, after line 35, insert –

‘(11) The Welsh Ministers must have regard to the provisions of this section when undertaking functions relating to the recruitment and training of nurses.’

Adran 2, tudalen 3, ar ôl llinell 35, mewnosoder –

‘(11) The Welsh Ministers must have regard to the provisions of this section when undertaking functions relating to the recruitment and training of nurses.’

Darren Millar

30A

As an amendment to amendment 30, line 2, after ‘25B(3)(c)’, insert ‘, (section to be inserted by amendment 29W)’.

Fel gwelliant i welliant 30, llinell 3, ar ôl ‘25B(3)(c)’, mewnosoder ‘, (yr adran sy’n cael ei mewnosod gan welliant 29W)’.



Darren Millar

30B

As an amendment to amendment 30, line 2, after '25B(3)(c)', insert ', (section to be inserted by amendment 29X)'.

Fel gwelliant i welliant 30, llinell 3, ar ôl '25B(3)(c)', mewnosoder ', (yr adran sy'n cael ei mewnosod gan welliant 29X)'.

Mark Drakeford

30

Section 2, page 3, line 37, leave out 'an order under section 141(4)' insert "or regulations under section 10A(3)' and insert 'containing' insert "regulations under section 25B(3)(c) or'.

Adran 2, tudalen 3, llinell 37, hepgorer 'an order under section 141(4)' mewnosoder "or regulations under section 10A(3)' a mewnosoder 'containing" mewnosoder "regulations under section 25B(3)(c) or'.

Darren Millar

13

Section 2, page 3, line 38, after '10A(3)', insert 'or ((subsection to be inserted by amendment 8))'.

Adran 2, tudalen 3, llinell 38, ar ôl '10A(3)', mewnosoder 'or ((is-adran sy'n cael ei mewnosod gan welliant 8))'.

Darren Millar

14

Section 2, page 3, line 38, after '10A(3)', insert 'or ((subsection to be inserted by amendment 9))'.

Adran 2, tudalen 3, llinell 38, ar ôl '10A(3)', mewnosoder 'or ((is-adran sy'n cael ei mewnosod gan welliant 9))'.

Darren Millar

31A

Gyda chefnogaeth / Supported by: Elin Jones

As an amendment to amendment 31, line 2, after 'insert ""', insert 'safe'.

Fel gwelliant i welliant 31, llinell 3, ar ôl 'mewnosoder "" yn y lle cyntaf y mae'n ymddangos, mewnosoder 'safe'.

Mark Drakeford

31

Section 2, page 3, after line 38, insert—

- '(3) In section 207 of the National Health Service (Wales) Act 2006 (index of defined expressions) after the entry in the table for "NHS trust order" insert "nurse staffing level" in the first column and insert "section 25B(1)(a)" next to it in the second column.'



Adran 2, tudalen 3, ar ôl llinell 38, mewnosoder –

- '(3) Yn adran 207 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (mynegai o ymadroddion wedi eu diffinio) ar ôl y cofnod yn y tabl ar gyfer "NHS trust order" mewnosoder "nurse staffing level" yn y golofn gyntaf a mewnosoder "section 25B(1)(a)" wrth ei ymyl yn yr ail golofn.'

Darren Millar

15

Page 3, after line 38, insert a new section –

[] Amendment of the Care Homes (Wales) Regulations 2002

- (1) The Care Homes (Wales) Regulations 2002 are amended as follows.
- (2) At the end of regulation 18 (staffing) add –

"(5) The registered person shall have regard to the provisions of section 10A of the National Health Service (Wales) Act 2006 (safe nurse staffing levels) and guidance issued under that section when operating within the framework of these Regulations."

Tudalen 3, ar ôl llinell 38, mewnosoder adran newydd –

[] Diwygiad i Reoliadau Cartrefi Gofal (Cymru) 2002

- (1) Mae Rheoliadau Cartrefi Gofal (Cymru) 2002 wedi eu diwygio fel a ganlyn.
- (2) Ar ddiwedd rheoliad 18 (staffio) ychwaneger –

"(5) Rhaid i'r person cofrestredig roi sylw i ddarpariaethau adran 10A o Ddeddf Gwasanaeth Iechyd Gwladol (Cymru) 2006 (lefelau diogel staff nyrsio) a chanllawiau a ddyroddir o dan yr adran honno wrth weithredu o fewn fframwaith y Rheoliadau hyn."

Darren Millar

16

Page 3, after line 38, insert a new section –

[] Amendment of the Independent Health Care (Wales) Regulations 2011

- (1) The Independent Health Care (Wales) Regulations 2011 are amended as follows.
- (2) At the end of regulation 20 (staffing) add –

"(5) The registered person shall have regard to the provisions of section 10A of the National Health Service (Wales) Act 2006 (safe nurse staffing levels) and guidance issued under that section when operating within the framework of these Regulations."



Tudalen 3, ar ôl llinell 38, mewnosoder adran newydd –

[] Diwygiad i Reoliadau Gofal Iechyd Annibynnol (Cymru) 2011

- (1) Mae Rheoliadau Gofal Iechyd Annibynnol (Cymru) 2011 wedi eu diwygio fel a ganlyn.
- (2) Ar ddiwedd rheoliad 20 (staffio) ychwaneger –

“(5) Rhaid i’r person cofrestredig roi sylw i ddarpariaethau adran 10A o Ddeddf Gwasanaeth Iechyd Gwladol (Cymru) 2006 (lefelau diogel staff nyrsio) a chanllawiau a ddyroddir o dan yr adran honno wrth weithredu o fewn fframwaith y Rheoliadau hyn.”.

Darren Millar

36

Page 3, after line 38, insert a new section –

[] Amendment of the Care Homes (Wales) Regulations 2002

- (1) The Care Homes (Wales) Regulations 2002 are amended as follows.
- (2) At the end of regulation 18 (staffing) add –

“(5) The registered person shall have regard to the provisions of sections 25A to 25D of the National Health Service (Wales) 2006 (nursing services and nurse staffing levels) and guidance issued in relation to those sections when operating within the framework of these Regulations.”.

Tudalen 3, ar ôl llinell 38, mewnosoder adran newydd –

[] Diwygio Rheoliadau Cartrefi Gofal (Cymru) 2002

- (1) Mae Rheoliadau Cartrefi Gofal (Cymru) 2002 wedi eu diwygio fel a ganlyn.
- (2) Ar ddiwedd rheoliad 18 (staffio) ychwaneger –

“(5) Rhaid i’r person cofrestredig roi sylw i ddarpariaethau adrannau 25A i 25D o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (gwasanaethau nyrsio a lefelau staff nyrsio) a chanllawiau a ddyroddir mewn perthynas â’r adrannau hynny wrth weithredu o fewn fframwaith y Rheoliadau hyn.”.



Darren Millar

37

Page 3, after line 38, insert a new section –

[] Amendment of the Independent Health Care (Wales) Regulations 2011

- (1) The Independent Health Care (Wales) Regulations 2011 are amended as follows.
- (2) At the end of regulation 20 (staffing) add –

“(5) The registered person shall have regard to the provisions of sections 25A to 25D of the National Health Service (Wales) Act 2006 (nursing services and nurse staffing levels) and guidance issued in relation to those sections when operating within the framework of these Regulations.”.

Tudalen 3, ar ôl llinell 38, mewnosoder adran newydd –

[] Diwygio Rheoliadau Gofal Iechyd Annibynnol (Cymru) 2011

- (1) Mae Rheoliadau Gofal Iechyd Annibynnol (Cymru) 2011 wedi eu diwygio fel a ganlyn.
- (2) Ar ddiwedd rheoliad 20 (staffio) ychwaneger –

“(5) Rhaid i'r person cofrestredig roi sylw i ddarpariaethau adrannau 25A i 25D o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (gwasanaethau nyrsio a lefelau staff nyrsio) a chanllawiau a ddyroddir mewn perthynas â'r adrannau hynny wrth weithredu o fewn fframwaith y Rheoliadau hyn.”.

Mark Drakeford

32

Page 4, line 2, leave out section 3.

Tudalen 4, llinell 2, hepgorer adran 3.

Darren Millar

17

Section 3, page 4, after line 20, insert –

‘(j) problems arising from inadequate nutrition.’.

Adran 3, tudalen 4, ar ôl llinell 22, mewnosoder –

‘(j) problemau sy'n deillio o faethiad annigonol.’.

Darren Millar

18

Section 3, page 4, after line 20, insert –

‘(j) problems arising from inadequate hydration.’.

Adran 3, tudalen 4, ar ôl llinell 22, mewnosoder –

‘(j) problemau sy'n deillio o hydradiad annigonol.’.



Darren Millar

19

Page 4, line 24, leave out section 4 and insert –

‘4 Commencement

- (1) The following provisions come into force on the day on which this Act receives Royal Assent –
 - (a) section 1;
 - (b) this section; and
 - (c) section 5.
- (2) The other provisions of this Act come into force on such day as the Welsh Ministers may appoint by order made by statutory instrument.
- (3) An order under subsection (2) may –
 - (a) appoint different days for different purposes; and
 - (b) make transitional, transitory or saving provision in connection with the coming into force of a provision of this Act.’.

Tudalen 4, llinell 26, hepgorer adran 4 a mewnosoder –

‘4 Cychwyn

- (1) Daw’r darpariaethau a ganlyn i rym ar y diwrnod y mae’r Ddeddf hon yn cael Cydsyniad Brenhinol –
 - (a) adran 1;
 - (b) yr adran hon; ac
 - (c) adran 5.
- (2) Daw darpariaethau eraill y Ddeddf hon i rym ar ddiwrnod a bennir gan Weinidogion Cymru mewn gorchymyn a wneir drwy offeryn statudol.
- (3) Caiff gorchymyn o dan is-adran (2) –
 - (a) pennu gwahanol ddyddiau at wahanol ddibenion; a
 - (b) gwneud darpariaeth drosiannol, ddarfodol neu arbed mewn cysylltiad â dod â darpariaeth o’r Ddeddf hon i rym.’.

Mark Drakeford

33

Section 4, page 4, line 24, leave out ‘Royal Assent, and has effect in relation to each financial year of a health service body beginning on or after Royal Assent’ and insert ‘the day on which this Act receives Royal Assent except for section 2 which comes into force on such day as the Welsh Ministers may appoint by order made by statutory instrument’.



Adran 4, tudalen 4, llinell 26, hepgorer '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' a mewnosoder 'ar y diwrnod y mae'r Ddeddf hon yn cael y Cydsyniad Brenhinol ac eithrio adran 2 sy'n dod i rym ar ddiwrnod a bennir gan Weinidogion Cymru drwy orchymyn a wneir drwy offeryn statudol'.

Mark Drakeford

34

Section 4, page 4, after line 25, insert –

- '() An order under subsection (1) may –
- (a) appoint different days for different purposes;
 - (b) make transitional, transitory or saving provision in connection with the coming into force of a provision of this Act.'

Adran 4, tudalen 4, ar ôl llinell 28, mewnosoder –

- '() Caiff gorchymyn o dan is-adran (1) –
- (a) pennu diwrnodau gwahanol at ddibenion gwahanol;
 - (b) gwneud darpariaeth drosiannol, ddarfodol neu arbed mewn cysylltiad â dod â darpariaeth yn y Ddeddf hon i rym.'

Mark Drakeford

35

Section 5, page 4, line 27, leave out 'Safe'.

Adran 5, tudalen 4, llinell 30, hepgorer 'Diogel'.

Mark Drakeford

27

Page 1, line 6, leave out section 1.

Tudalen 1, llinell 6, hepgorer adran 1.

Mark Drakeford

38

Long title, page 1, line 1, leave out 'require health service bodies to make provision for safe' and insert 'make provision about Local Health Boards and NHS trusts in Wales establishing'.

Teitl hir, tudalen 1, llinell 1, hepgorer 'i'w gwneud yn ofynnol i gyrff yn y gwasanaeth iechyd wneud darpariaeth ar gyfer lefelau diogel o' a mewnosoder 'i wneud darpariaeth ynghylch Byrdiau Iechyd Lleol ac ymddiriedolaethau GIG yng Nghymru yn sefydlu lefelau'.



Elin Jones

39

Long title, page 1, line 1, leave out 'require health service bodies to make provision for safe nurse staffing levels' and insert 'make provision for the delivery of safe nurse staffing levels by Local Health Boards and NHS trusts in Wales, and for related functions of the Welsh Ministers'.

Teitl hir, tudalen 1, llinell 1, hepgorer 'i'w gwneud yn ofynnol i gyrff yn y gwasanaeth iechyd wneud darpariaeth ar gyfer lefelau diogel o staff nyrsio' a mewnosoder 'i wneud darpariaeth ar gyfer cyflawni lefelau diogel o staff nyrsio gan Fyrddau Iechyd Lleol ac ymddiriedolaethau'r GIG yng Nghymru, ac ar gyfer swyddogaethau cysylltiedig Gweinidogion Cymru'.

