



# Deddf Lefelau Staff Nyrsio (Cymru) 2016

2016 dccc 5

Deddf Cynulliad Cenedlaethol Cymru i wneud darpariaeth ynghylch Byrddau Iechyd Lleol ac Ymddiriedolaethau GIG yng Nghymru yn sefydlu lefelau staff nyrsio. [21 Mawrth 2016]

**Gan ei fod wedi ei basio gan Gynulliad Cenedlaethol Cymru ac wedi derbyn cydsyniad Ei Mawrhydi, deddfir fel a ganlyn:**

## **1 Lefelau staff nyrsio**

- (1) Yn Rhan 2 o [Ddeddf y Gwasanaeth Iechyd Gwladol \(Cymru\) 2006 \(p.42\)](#) (cyrff y gwasanaeth iechyd), ym Mhennod 4 (amrywiol), cyn adran 26 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—
  - (a) providing sufficient nurses to allow the nurses time to care for patients sensitively, and
  - (b) where securing the provision of nursing services, ensuring that there are 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 provision of nursing services.
- (4) The NHS Trust must have regard to the importance of—

- (a) providing sufficient nurses to allow the nurses time to care for patients sensitively, and
  - (b) where securing the provision of nursing services, ensuring that there are sufficient nurses to allow the nurses time to care for patients sensitively.
- (5) For the purposes of having regard to the importance of providing sufficient nurses to allow the nurses time to care for patients sensitively, a Local Health Board or NHS Trust in Wales must (among other things) undertake workforce planning (including planning the recruitment, retention, education and training of nurses).
- (6) 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;