

6 June 2022

Jack Sargeant MS
Chair of the Senedd Petitions Committee
Welsh Parliament
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Royal College of Nursing
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Dear Chair

I am writing to you as Chair of the Royal College of Nursing (RCN) Wales Board and as the petitioner seeking to extend Section 25B of the Nurse Staffing Levels (Wales) Act 2016 to community and mental health inpatient wards.

Thank you for your email enclosing the response from the Minister of Health and Social Services responding to the petition. I agree with the Minister that 'good workforce planning and modelling; effective recruitment and retention strategies including international recruitment, and standardised programmes of clinical supervision and preceptorships' are important. However, the extension of Section 25B of the Nurse Staffing Levels (Wales) Act 2016 must be acknowledged as a driver of standards, workforce sustainability and improved patient safety alongside those the Minister mentioned.

I do not believe the Minister's letter addresses the concerns of the signatories, nor does it explore the importance of Section 25B of the Nurse Staffing Levels (Wales) Act 2016 to patient safety, the ongoing work of Health Education and Improvement Wales' (HEIW) All Wales Nurse Staffing Programme or the evidence of the positive change Section 25B has stimulated since its implementation.

Continued

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Pat Cullen

**Cyfarwyddwr, RCN Cymru/
Director, RCN Wales**
Helen Whyley

Mae'r Coleg Nyrso Brenhinol yn Goleg Brenhinol a sefydlwyd drwy Siarter Frenhinol ac Undeb Llafur Cofestr Arbennig a sefydlwyd a dan Ddeddf Undebau Llafur (Cydgrynhoi) 1992.

The RCN is a Royal College set up by Royal Charter and a Special Register Trade Union established under the Trade Union and Labour Relations (Consolidation) Act 1992.

Mae'r RCN yn cynrychioli nrysys a nyrso, gan hyrwyddo rhagoriaeth mewn arfer a llunio polisiau iechyd
The RCN represents nurses and nursing, promotes excellence in practice and shapes health policies



The petition to extend Section 25B of the Nurse Staffing Levels (Wales) Act 2016 received the support of 10,572 people. I am now requesting that the Petition Committee ask for a parliamentary debate in the Senedd Chamber. A parliamentary debate would offer an opportunity to highlight the value of patient safety and make sure the public's concerns are heard.

I believe it is time for a parliamentary debate for the following reasons:

- **It is a matter of public interest**

With over 10,000 signatories the public are strongly invested in the petition and deserve to know the Senedd recognise its importance as well. This should happen through a parliamentary debate.

As users of the health service, it is in the interest of the public to ensure the NHS has sufficient nurse staffing levels with the correct skill mix to care for patients. Extending Section 25B could save the life of someone's mother, father, daughter, son, friend. Research has shown that where there are fewer nurses, patients are 26% more likely to die and this rises to 29% following complicated hospital stays.¹

A parliamentary debate would allow Members of the Senedd (MS) to discuss a topic that is so close to the hearts of their constituents and provide the public with the reassurance they are being listened to on a matter they feel so strongly about.

- **NHS Wales is the single largest employer in Wales**

The NHS is the largest employer in Wales and currently employs almost 89,000 full-time equivalent (FTE) posts. Nursing is the single largest professional group within the NHS, representing 40% of the total workforce. 91% of this workforce is female.²

The predominately female nursing workforce contributes significantly to the Welsh economy. In 2021 our members in Wales responded to an RCN survey revealing that 58.3% of them earned half or all of their household income.

A parliamentary debate would demonstrate the Welsh parliament's commitment to equality, improving standards in the workplace and partnership working.

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¹ Rafferty et al 2006 *Outcomes of variation in hospital nurse staffing in English hospitals: cross-sectional analysis survey data and discharge records*. Available at: <https://pubmed.ncbi.nlm.nih.gov/17064706/>, accessed 18 May 2022.

² Health Education and Improvement Wales 2021 *NHS workforce trends (as at 31 March 2021)*. Available at: <https://heiw.nhs.wales/files/nhs-wales-workforce-trends-as-at-31-march-2021/>, accessed 31 May 2022.

- **It is an opportunity for the Welsh Government to update on current work and barriers to extending Section 25B**

A parliamentary debate would provide the Welsh Government the opportunity to showcase the pioneering legislation. A debate would also allow the Senedd to discuss any barriers, constraints, and solutions.

I support the Minister's statement that 'being grounded in evidence is what has given the Act its credibility and reinforces the nurse's voice from ward to board'. I'd therefore like to draw your attention to the work of HEIW's All Wales Nurse Staffing Programme whose primary purpose, as stipulated on HEIW's website, is to develop evidence-based workforce planning tools and 'support health boards in preparing for the second duty of the Act [Section 25B]'.³

When the Nurse Staffing Levels (Wales) Act was unanimously passed in March 2016 the All Wales Nurse Staffing Programme was strengthened to develop the evidence base and tools needed for Section 25B. Five workstreams were established; adult acute medical & surgical (inpatient); paediatric (inpatient); district nursing, health visiting and mental health (inpatient). The work of the adult acute medical & surgical and paediatrics (inpatient) workstreams have been instrumental in providing the evidence-based workforce planning tools needed for the implementation of Section 25B.

The district nursing, health visiting and mental health workstreams have also been working tirelessly to gather the necessary evidence to extend Section 25B. In 2017, the Chief Nursing Officer introduced the workstream's interim principles for district nursing. The principles were implemented to 'support health boards in readiness for feasibility for any potential extension of the law in the future'⁴. Interim principles have also been developed for health visiting and mental health.

With such excellent progress and the ongoing development of the evidence-based workforce planning tools it can be challenging for the nursing workforce and the public to understand why a timescale has not been established to extend Section 25B to the areas currently being explored.

A debate would allow the Welsh Government an opportunity to outline a timescale for the extension and highlight any barriers and constraints they are currently facing. This would allow the public to have a better understanding of why an extension of Section 25B has not yet been possible.

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³ Health Education and Improvement Wales, *All Wales Nurse Staffing Programme*. Available at: <https://heiw.nhs.wales/programmes/all-wales-nurse-staffing-programme/>, accessed 31 May 2022.

⁴ Chief Nursing Officer 2017 *Interim District Nurse Guiding Staffing Principles*. Available at: <https://gov.wales/sites/default/files/publications/2019-03/interim-district-nurse-guiding-staffing-principles.pdf>, accessed 6 June 2022.

- **The Nurse Staffing Levels (Wales) Act 2016 protects patients**

Wales was the first country in Europe to protect patient care by placing nurse staffing levels into legislation. This was a ground-breaking achievement for the Welsh Parliament, the Welsh Government and all political parties in Wales. By introducing the legislation, attention has been drawn to nursing, changed the behaviour of health boards, and made patients safer. Scotland has since followed Wales' example with the introduction of the Health and Care (Staffing) (Scotland) Act 2019.

Successive Welsh Governments have supported the Nurse Staffing Levels (Wales) Act 2016. The 2011-2016 Government implemented the Act and the 2016-2021 Government extended Section 25B. The previous Welsh Government made a commitment to have 'more nurses, in more settings, through an extended nurse staffing levels law.'⁵ It was recognised in 2016 that for the Nurse Staffing Levels (Wales) Act to be successful there needed to be an increase in the number of nursing students educated in Wales. Between 2016 and 2021 student nursing places increased by 55.2%.⁶ The Welsh Government consistently invested in nursing education with places rising from 1,418 in 2016 to 2,202 in 2021. The biggest increase in student nursing places occurred in 2016 because of workforce planning for the implementation of the Act.

Since the implementation of the Act, under Section 25A health boards and trusts must regard to the importance of 'providing sufficient nurses to allow the nurses time to care for patients sensitively' in all areas where care is provided and commissioned. Health Boards and Trusts must do this by undertaking workforce planning (including planning the recruitment, retention, education and training of nurses).⁷ The very nature of Section 25A promotes workforce planning and has been significant in supporting understanding the current nursing workforce in Wales and what is needed to support Section 25B.

The Royal College of Nursing Wales has published two reports, 2019⁸ and 2022⁹ looking at the impact of the legislation and has found tremendous achievements.

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⁵ Welsh Government 2019 *Written Statement: Extending the Nurse Staffing Levels (Wales) Act 2016 to paediatric inpatient wards*. Available at: <https://gov.wales/written-statement-extending-nurse-staffing-levels-wales-act-2016-paediatric-inpatient-wards>, accessed 1 June 2022.

⁶ Welsh Government 2021 *Written Statement: Expansion in training places for health professional workforce in Wales*. Available at: <https://gov.wales/written-statement-expansion-training-places-health-professional-workforce-wales>, accessed 31 May 2022.

⁷ Nurse Staffing Levels (Wales) Act 2016.

⁸ Royal College of Nursing Wales 2019 *Progress and Challenge: The implementation of the Nurse Staffing Levels (Wales) Act 2016*.

⁹ Royal College of Nursing Wales 2022 *Progress and challenge in delivering safe and effective care 2022: How NHS Wales has implemented the Nurse Staffing Levels (Wales) Act 2016*

Section 25B was implemented in 2018 and has already provided safer staffing levels in Wales. Not only has there been a rise in the number of nurses educated in Wales, but RCN Wales has found that on wards covered by Section 25B there has been an increase in the number of nurses.¹⁰ This is supported by Welsh Government evidence. A Welsh Government report found that on a national level the number of nursing staff on wards covered by Section 25B is higher now than before the Act was passed. There's an additional 139.74 additional Full Time Equivalent (FTE) registered nurses and 597 additional FTE healthcare support workers in November 2020 compared to March 2018 (before Section 25B came into force)¹¹.

On wards covered by Section 25B, there have been fewer patient falls, pressure ulcers and complaints about nursing where staffing levels have been considered a contributing factor. This demonstrates the importance of Section 25B to patient safety.

Additional evidence shows that in preparation for the extension of Section 25B to paediatric wards in October 2021 all health boards (where this would apply) recruited more paediatric nurses and proposed the need for additional funding and/or resources to the health board. The Nurse Staffing Levels (Wales) Act 2016 once again has shown that Section 25B means an increase in nursing staff and better patient care.¹²

The RCN has been a strong supporter of Welsh democracy and the development of the Welsh parliament. The petitions process is an important mechanism where members of the public can be involved in Welsh parliamentary business.

I am calling for a parliamentary debate on extending Section 25B of the Nurse Staffing Levels (Wales) Act 2016 to community and mental health settings to ensure the voices of 10,572 people are heard. Protecting patient care is critical. A parliamentary debate is necessary to understand the government's progress, barriers, and possible solutions to this vital issue. Most importantly a parliamentary debate would demonstrate that the public's concerns are being listened to.

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¹⁰ Royal College of Nursing Wales 2022 *Progress and challenge in delivering safe and effective care 2022: How NHS Wales has implemented the Nurse Staffing Levels (Wales) Act 2016*

¹¹ Welsh Government, *Nurse Staffing Levels (Wales) Act 2016 – Statutory summary of nurse staffing level reports 2018-2021*. Available at: [nurse-staffing-levels-wales-act-2016-statutory-summary-of-nurse-staffing-level-reports-2018-2021.pdf](#), accessed 6 June 2022.

¹² Royal College of Nursing Wales 2022 *Progress and challenge in delivering safe and effective care 2022: How NHS Wales has implemented the Nurse Staffing Levels (Wales) Act 2016*.

6 June 2022

6

At the end of 2020 the Petition Committee decided to increase the signature requirement for a petition to be considered for parliamentary debate from 5,000 to 10,000. My petition to extend Section 25B is one of only a few that has reached 10,000 signatures since this change has been made. I am overwhelmed by the public's support for the petition and strongly believe it is time for a parliamentary debate.

I look forward to hearing your decision.

Yours sincerely

A handwritten signature in black ink that reads "R Jones". The signature is written in a cursive style with a large, looped initial 'R'.

Richard Jones
Chair
RCN Wales Board