

TO: Sam Rowlands MS Temporary Chair, Health and Social Care Committee  
Senedd Cymru

02 September 2024

**Re: post-legislative scrutiny of the Nurse Staffing Levels (Wales) Act 2016 – invitation to comment on government response (dated 22 August)**

Dear Mr. Rowlands,

Thank you for the invitation to provide comments on the government's response to the committee's report. I would like to offer feedback on several aspects of the response on behalf of my colleagues from the Health Workforce and Systems Research Group at the University of Southampton, who previously submitted written evidence.

**Responses to Recommendations 5 & 6**

Commissioning research to evaluate the Act should be contingent on the availability of suitable data, so the government's approach—to keep the situation under review and commission research once data is available—seems sensible. However, we would like to note the following:

1. The key evaluation questions, and therefore the criteria for having sufficiently robust data, are not clearly defined.
2. Unless the evaluation questions are clearly specified, the data requirements cannot be determined, making the basis for delaying or determining the timeliness of an evaluation unclear.
3. Waiting for new data from new systems is not necessarily a valid reason for delay unless it is clear what new data will be forthcoming and how it will address the evaluation questions. For example, if a key question involves comparing 2016 and 2024, this can only be done with comparable data from both periods and so data from new systems may not be helpful.
4. Research commissioning can be a lengthy process. Defining the evaluation at an early stage will help clarify data requirements and determine when it is appropriate to proceed.
5. We note that the government combines responses to recommendations 5 and 6. While recommendation 5 relates to the evaluation of the policy in general, recommendation 6 focuses more specifically on the use of the Welsh Levels of Care tools.
6. The need for any tool that claims to measure staffing requirements to be robustly evaluated is somewhat separate from the broader policy evaluation.
7. Questions remain about the accuracy, benefits, and costs of the Welsh Levels of Care tools relative to other tools. These are specific questions that may be best addressed outside a broader policy evaluation. Thus, the two pieces of research need not be linked.

## Response to Recommendation 8

The assurances provided regarding the risk of substitution between Band 4 nursing associates and registered nurses are broadly reassuring. However, we would note the following:

1. Similar assurances were offered in England before the implementation of the Band 4 nursing associate role, yet there is considerable anecdotal evidence suggesting that such substitution is occurring (e.g., unfilled posts being explicitly redesignated, and jobs advertised as suitable for either a nursing associate or a registered nurse).
2. The Welsh legislation may indeed offer additional safeguards that are not present in England, and the government is right to highlight these important differences.
3. Whether the Act is successful in preventing unwarranted substitution can only be determined by careful monitoring over time as the role is implemented.
4. Developing unequivocally clear parameters of practice that distinguish a nursing associate from a registered nurse is a crucial protection, but it remains to be seen whether absolute clarity is achievable.

Thank you for the opportunity to comment.

Yours Sincerely



Peter Griffiths  
Chair of Health Services Research  
Health Workforce and Systems Research Group & NIHR Applied Research Collaboration (Wessex)  
Building 67 Highfield Campus,  
University of Southampton, SO17 1BJ United Kingdom  
Mobile: +44 (0) 7342 077797  
Email: peter.griffiths@soton.ac.uk