



**AGENDA ITEM**

7.5

**CTM BOARD**

**THREE-YEARLY ASSURANCE REPORT ON COMPLIANCE WITH THE  
NURSE STAFFING LEVELS (WALES) ACT  
2018-2021**

<b>Date of meeting</b>	30 <sup>th</sup> September 2021
<b>FOI Status</b>	Open/Public
<b>If closed please indicate reason</b>	Not Applicable - Public Report
<b>Prepared by</b>	Ben Durham, Lead Nurse for Professional Practice and Quality Assurance
<b>Presented by</b>	Greg Dix, Executive Director of Nursing
<b>Approving Executive Sponsor</b>	Executive Director of Nursing
<b>Report purpose</b>	FOR NOTING

**Engagement (internal/external) undertaken to date (including receipt/consideration at Committee/group)**

<b>Committee/Group/Individuals</b>	<b>Date</b>	<b>Outcome</b>
Management Board	30/09/2021	NOTED

**ACRONYMS**

NSLWA	Nurse Staffing Levels (Wales) Act
ILG	Integrated Locality Group



## 1. SITUATION/BACKGROUND

The Nurse Staffing Levels (Wales) Act (NSLWA) 2016 became law in March 2016 with the final sections of the Act coming into effect in April 2018.

Section 25E requires Health Boards/Trusts to report their compliance in maintaining the nurse staffing level for each adult acute medical and surgical ward. The Health Board (HB) must submit a three-yearly report to Welsh Government. To facilitate this, a process of submitting an annual assurance report, using a nationally agreed template, to each Health Board has been agreed through the All Wales Nurse Staffing programme.

The aim of this report is to provide an overview of the Health Board's level of compliance with the agreed nurse staffing levels, the impact upon the quality of care where the nurse staffing level was not maintained and the actions taken in response to this position. This report forms the basis of the statutory three year report to Welsh Government required by the NSLWA and covers the time period from 1<sup>st</sup> April 2018 – 5<sup>th</sup> April 2021 and follows on from the caveated 3 yearly report presented to Board in May 2021. The report is the culmination of the progress made within Cwm Taf Morgannwg University Health Board (CTMUHB) in the last 3 years since the NSLWA came into law.

During this reporting period the COVID-19 pandemic has created many challenges within the HB, the Welsh Government position associated with the Nurse Staffing Levels (Wales) Act 2016 during these exceptional circumstances was to postpone the annual report to Board, due May 2020 to September 2020. In addition, there has been further disruption to some of the All Wales Nursing Staffing Programme work streams. Most notable was the extension to the Act's second duty to Paediatric inpatient wards, which was postponed until October 2021. Also during the reporting period, the bi-annual acuity audit for January 2021 was cancelled due to the ongoing COVID-19 pandemic.

The Board is asked to formally receive and note the information contained within the Three-Yearly Assurance Report on compliance with the Nurse staffing levels (Wales) Act which has been produced using the prescribed NHS Wales reporting template (Appendix A)

The Act has five sections:

- Section 25A of the Act relates to the overarching responsibility placed upon each Health Board, requiring Health Boards and Trusts to ensure they have robust workforce plans, recruitment strategies, structures and processes in place to ensure appropriate nurse staffing levels across their organisations. This duty came into effect in April 2017.
- Section 25B requires Health Boards/ Trusts to calculate and take reasonable steps to maintain the nurse staffing level in all adult acute medical and surgical wards.



Health Boards/Trusts are also required to inform patients of the nurse staffing level.

- Section 25C requires Health Boards/Trusts to use a specific method to calculate the nurse staffing level in all adult acute medical and surgical wards. These duties came into effect in April 2018.
- Section 25D of the Act required that Welsh Government devised statutory guidance to support the Act and this was launched on the 2 November 2017. An operational handbook was subsequently developed to assist Health Boards and Trusts interpret and implement the requirements of the Act and this was issued at the end of March 2018.
- Section 25E requires Health Boards/Trusts to report their compliance in maintaining the nurse staffing level for each adult acute medical and surgical ward and the Health Board must submit a three-yearly report to Welsh Government, along with an Annual Report to Board outlining compliance with the nurse 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 Board's responsibilities under the Act are to:

- Identify a designated person (or a description of a person)
- Determine which ward areas where Section 25B applies
- Receive and agree written reports from the 'designated person' on the nurse staffing level that has been calculated for each adult acute medical and surgical inpatient ward
- Ensure that operational systems are in place to record and review every occasion when the number of nurses deployed varies from the planned roster
- Agree the operating framework which will specify the systems and processes to ensure that all reasonable steps are taken to maintain the nurse staffing level on both a long term and a shift-by-shift basis; and specify the arrangements for informing patients of the nurse staffing.

## **2. SPECIFIC MATTERS FOR CONSIDERATION BY THIS MEETING (ASSESSMENT)**

The Three-Yearly Assurance Report on compliance with the Nurse Staffing Levels (Wales) Act: (Appendix A) sets out the progress made within CTMUHB during 2018/2021 (1<sup>th</sup> April 2018 - 5<sup>th</sup> April 2021) in relation to meeting the various statutory requirements of the NSLWA. For ease of providing assurance, the report is divided into the following sections:

- **Section 25A**, which addresses the Health Boards/Trusts overarching responsibility to ensure appropriate nurse staffing levels in any area where nursing services are provided or commissioned, in addition to the detailed requirements relating to adult medical and surgical wards (pages 1-3 of the report).
- **Section 25B**, which address the Health Board responsibility for the those wards under this section, this section also includes the 3 annual reports against the compliance with the Nurse Staffing Levels (Wales) Act and how COVID-19 pandemic has effected wards under section 25B (pages 4-8)



- **The process and methodology used to inform the triangulated approach** to calculate the nurse staffing level on section 25B wards; and the use made of the principles underpinning this approach to provide the foundation for the work being undertaken to ensure appropriate nurse staffing levels are calculated for all areas where nursing services are provided (pages 8-9).
- **The extent to which** the nurse staffing levels in Section 25B wards have been maintained (pages 9-12).
- The robustness of the systems and processes in place for **maintaining the nurse staffing level** (pages 12-13).
- The **impact on care quality** as a result of not maintaining the nurse staffing levels (page 13-14)
- The **actions taken** when nurse staffing levels have not been maintained, both in relation to specific incidents and when considering the more strategic challenges in maintaining the calculated staffing levels (page 14-15).
- Report **conclusion** (pages 15-16)

Cwm Taf Morgannwg University Health Board (CTMUHB) acknowledges that during the first 10 months of the 2016 Act was in force the Health Board was not compliant (From April 2017-January 2018). The Chief Nursing Officer (CNO) for Wales raised concerns in December 2018 as to why the Health Board was non-compliant within the Act 2016 in a letter to Chief Executive who replied to the CNO providing assurances that the Health Board would urgently apply the agreed triangulated methodology when calculating the nurse staffing levels for 25B wards.

The Princess of Wales Hospital was part of Abertawe Bro Morgannwg Heath Board and due to boundary reconfiguration did not combine with CT UHB until 1<sup>st</sup> April 2019.

The Covid-19 pandemic has had an effect within all of the various workstreams that are responsible for introducing the NSLA, both at HB level and nationally. Between June 2020 and 30 September 2020 within CTMUHB there have been multiple changes to 22 of the 29 wards at various points in response to COVID-19. The January 2021 bi-annual acuity audit was cancelled, however since November 2020 the Heads of Nursing for the 3 District General Hospitals (DGHs) agreed to provide weekly reports charting any changes to wards within the acute sites. During this height of the 2<sup>nd</sup> wave of the COVID-19 pandemic, 21 section B wards had been repurposed into Red, Amber and Green as defined by Welsh Government (2020) COVID-19 – 16 point plan.

The extension to the 2016 Act second duty for Paediatric inpatient wards was postponed until October 2021, but work continued and a position paper has been submitted to the Board informing them that under the current clinical model for paediatric inpatient wards within CTM, there will be requirement to fund 43.87 wte Registered Nurse (RN) and 9.81 wte Healthcare Support Workers (HCSW) to be compliant within the 2016 Act.



## Changes to note

On the 1st April 2019 Cwm Taf UHB became Cwm Taf Morgannwg University Health Board. Although Cwm Taf UHB only became compliant with the Act in January 2019, the Princess of Wales Hospital (PoWH) had been compliant with the Act since August 2017 and their data was collated as part of the then Abertawe Bro Morgannwg HB therefore there is some missing data in the first year of the CTMUHB NSLA.

Due to Covid-19 some of the wards within Section 25B of the Act, required their staffing establishments to be temporarily revised as wards were repurposed in response to COVID-19. Some wards have been repurposed to provide dedicated additional Covid-19 positive, critical care beds and high care respiratory beds. Due to these changes, some wards that were initially sitting within Section 25B of the Act currently sit outside Section 25B. These changes are described in more detail within the Three-Yearly Assurance Report.

All wards that remain under Section 25B of the Act within CTMUHB are embedded within the Three-Yearly Assurance Report. In addition, to note that although the January 2021 bi-annual acuity was cancelled the expectation of the WG is for the HB to provide evidence that there has been consideration as to how wards under section 25B have had their nursing staffing levels reviewed.

### 3. KEY RISKS/MATTERS FOR ESCALATION TO BOARD/COMMITTEE

The Board is asked to note, in particular, under this section there is a requirement to report if there has been an impact on care quality due to not maintaining the nurse staffing levels. The incidents which need to be reported under the Act yearly are the number of serious incidents/complaints where failure to maintain the nurse staffing level was considered to have been a factor for the following patient harm incidents:

- Hospital acquired pressure damage (grade 3, 4 and unstageable).
- Falls resulting in serious harm or death (i.e. level 4 and 5 incidents).
- Medication related never events.

In addition, from 2019/20, we are also required to consider whether a failure to maintain nurse staffing levels played any part in any/all complaints received about nursing care.

Table 1 within Appendix A sets out the number of serious incidents/complaints that occurred on 25B wards from 1<sup>st</sup> April 2018 to 5<sup>th</sup> April 2021. There is also a requirement to report where failure to maintain the nurse staffing level was considered to have been a contributory factor. During this reporting period, there have been 4 identified incidents/complaints directly reported where failure to meet the nurse staffing level has been recorded. However, none of these met the threshold to be reported to Welsh Government.



Detail is provided in the final section of the Three-Yearly Assurance Report in relation to the key actions taken in response to specific incidents / nursing care concerns when the nurse staffing levels were not maintained. This includes the broader, more strategic actions being taken to ensure that both the numbers and the skill set of the nursing workforce is appropriate to provide sensitive and individualised care to all CTMUHB patients.

It is envisaged that wards within Section 25B will continue to be repurposed in response to resetting post COVID-19 and it is recognised that this will continue to present challenges in relation to the workforce required in order to deliver care within these repurposed wards.

#### 4. IMPACT ASSESSMENT

<b>Quality/Safety/Patient Experience implications</b>	Yes (Please see detail below)
<b>Related Health and Care standard(s)</b>	Staff and Resources
	Safe Care
<b>Equality impact assessment completed</b>	Yes
<b>Legal implications / impact</b>	Yes (Include further detail below)
<b>Resource (Capital/Revenue £/Workforce) implications / Impact</b>	Yes (Include further detail below)
<b>Link to Strategic Well-being Objectives</b>	Provide high quality, evidence based, and accessible care

#### 5. RECOMMENDATION

The Board is asked to:

- **NOTE** the position of the Health Board against its responsibilities within the NSLWA with regard to the Three-Yearly Annual Assurance Report, recognising that a presentation of the key findings within this report was presented to a Board Briefing Session on 29 April 2021
- **NOTE** the conclusions and recommendations have been reported on pages 16 and 17 of the Three-Yearly Annual Assurance Report (Appendix A).