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Bwrdd Iechyd Prifysgol
Bae Abertawe
Swansea Bay University
Health Board

Cadeirydd Dros Dro/ Interim Chair: **Emma Woollett**
Prif Weithredwr/Chief Executive: **Tracy Myhill**

gofalu am ein gilydd, cydweithio, gwella bob amser
caring for each other, working together, always improving

Rydym yn croesawu gohebiaeth yn y Gymraeg ac yn y Saesneg. We welcome correspondence in Welsh or English.

Dyddiad/Date: 2nd June 2020
Ein Cyf / Our Ref: 20-B-016

☎ 01639 648363

✉ FOIA.Requests@wales.nhs.uk

[REDACTED]
[REDACTED]

Corporate Services
Headquarters
1 Talbot Gateway
Baglan
Port Talbot, SA12 7BR

[REDACTED],

I refer to your Freedom of Information Act Request acknowledged by ourselves on 12th February 2020. Your request sought information relating to the Nurse Staffing Act for Wales.

Please provide the number of times that ABM/Swansea Bay UHB have been non-compliant with the Nurse Staffing Act for Wales in the following calendar years: January 2016, January 2017, January 2018, January 2019

The ward establishments in all areas which come under the Nurse Staffing Act were aligned to the requirements of the Act, and as such SBUHB (and ABMU previously) were fully compliant with the Act for all years mentioned above.

On the 6th March 2020 you clarified that you wanted the number of IR1's in each year since 2016 completed by nurses who believed that the Nurse Staffing Act had not been met. I appreciate that this might not reflect actual non-compliance, but it will give me a sense check as to what front line staff believe.

What is contained within this report are the occasions where staff *believed* that the Nurse Staffing Act had not been met, although it is important to note that at all times the health board would have taken all reasonable steps to ensure compliance (as per the requirements of the Act).

The Nurse Staffing Levels (Wales) Act became law in March 2016 and had a phased commencement. The first duty of this Act came in to force on 1 April 2017, which relates to having sufficient nurses in all areas to care for patients sensitively.

The second duty comes into force on 1 April 2018 when the act came into full force and set out instructions on how to determine nursing establishments for acute adult in-



Pencadlys BIP Bae Abertawe, Un Porthfa Talbot, Port Talbot, SA12 7BR / Swansea Bay UHB Headquarters, One Talbot Gateway, Port Talbot, SA12 7BR

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patient medical and surgical wards. Monitoring and reporting requirements begin at this point.

The Nurse Staffing Levels (Wales) Act sets out a specific methodology for calculating the nursing workforce establishment in a given area (acute medical & surgical wards). This methodology comprises of; using information from different sources to reach a decision, an evidence based workforce tool, identification of patient outcome indicators that are sensitive to nurse staffing levels, and the application of professional judgement. In line with an 'All Wales approach',

Swansea Bay University Health Board (SBUHB) is committed to ensuring that they comply with the requirements of the Nurse Staffing Levels (Wales) Act, and to, take all reasonable steps to maintain the nurse staffing level. The Health Board is therefore continuing to work in line with the 'Once for Wales approach'

The Health Board encourages nursing and midwifery staff to report any incidents via its online system Datix, where they feel that nurse staffing levels were a significant matter.

During May 2018 the Datix fields were amended in relation to the Nurse Staffing Act, however these fields do not satisfy the full validation methodology outlined above which is necessary to verify if there has been a breach in the Nurse Staffing Act.

Further work is being undertaken on an All Wales basis to develop an appropriate and consistent system for validation to monitor compliance with the Nurse Staffing Act.

The figures below therefore, are the number of incidents reported where staff 'believed' that the Nurse Staffing Act had not been met. These figures cannot be validated as per our comments above as there would have been a number of operational actions taken to ensure reasonable steps were undertaken to ensure compliance with the act.

Year	Total
2016	2
2017	169
2018	679
2019	623

A series of Board papers have been submitted in line with the reporting expectations of the Act. Details of which can be found within this link:

<https://sbuhb.nhs.wales/about-us/key-documents-folder/board-papers/>,

I hope this information is helpful. If you require anything further please contact us at FOIA.Requests@wales.nhs.uk.

Under the terms of the Health Board's Freedom of Information policy, individuals seeking access to recorded information held by the Health Board are entitled to



request internal review of the handling of their requests. If you would like to complain about the Health Board's handling of your request please contact me directly at the address below or register your complaint via FOIA.Requests@wales.nhs.uk.

If after Internal Review you remain dissatisfied you are also entitled to refer the matter to the information commissioner at the Information Commissioner's Office (Wales), 2nd Floor, Churchill House, Churchill Way, Cardiff, CF10 2HH. Telephone Number: 029 2067 8400.

Yours sincerely



Pam Wenger
Director of Corporate Governance

