

August 2022

## 1. Introduction

- 1.1 The Professional Standards Authority for Health and Social Care promotes the health, safety and wellbeing of patients, service users and the public by raising standards of regulation and registration of people working in health and care. We are an independent body, accountable to the UK Parliament. More information about our work and the approach we take is available at [www.professionalstandards.org.uk](http://www.professionalstandards.org.uk)
- 1.2 As part of our work we:
- Oversee the ten health and care professional regulators and report annually to Parliament on their performance
  - Accredit registers of healthcare practitioners working in occupations not regulated by law through the Accredited Registers programme
  - Conduct research and advise the four UK governments on improvements in regulation
  - Promote right-touch regulation and publish papers on regulatory policy and practice.

## 2. General comments

- 2.1 It is reasonable for the NMC to consider broadening the types of evidence that can be submitted in support of English language proficiency. Regulators should be flexible where this is consistent with patient and public safety; this can help prevent unnecessary barriers and support workforce needs. We note the NMC has taken care to consider the possible risks attached to the specific proposals described in the document and how to manage them.
- 2.2 We are pleased to see that the NMC has both sought and summarised views from its Public Voice Forum. We shall be interested to understand how the views of patients and the public are balanced against those of other stakeholders that come through in the responses to the consultation.
- 2.3 We note that, in addition to the specific proposals made, the consultation also seeks views on more significant potential changes to the English language requirements, including using employer references alone as proof of competence and asking if the standards set should be the same across the three professions the NMC regulates. Given the tight time-table for implementing any revised requirements, we are concerned it may be challenging to give sufficient consideration to the possible impact of these more substantial changes, should the NMC consider taking them forward in October of this year.

### **3. Specific comments**

#### *Employer references as supporting evidence*

- 3.1 We agree that there are challenges inherent in making an employer reference an objective assessment of English language proficiency. The NMC will be delegating responsibility to referees and will need to be assured of the quality of the referees' assessments of applicants' competence. We appreciate that the NMC is looking at ways of managing this risk through having a co-signatory and seeking further views on how to make the references robust.
- 3.2 We are conscious that, although the applicant would be working in a non-registered role, there may be pressures on organisations to provide this reference in order to fill registrant vacancies. In addition, the culture of an organisation may have an impact on how much care is taken over the reference. Bias, including unconscious bias, could also affect a referee's view of an applicant. The NMC should be clear about expectations of / consequences for employers providing these references. It will be important to develop guidance on how a referee can assess that an applicant would be capable of safe and effective clinical interaction in English at the level of a registrant.

#### *Equality Impact*

We recognise that the NMC carried out an Equality Impact Assessment in May 2022 relevant to both the current and proposed requirements. We are pleased to see that such an exercise was undertaken prior to the consultation being produced and that these proposals may enhance the diversity of the workforce. Given the tight time-frame for implementation, however, and anticipated large volume of responses to the consultation, we are concerned there may be challenges in ensuring that the additional information received through the responses can be fully taken into account.

#### *More significant potential changes*

- 3.4 We note that there are also questions included in the consultation document that could lead to substantial changes to the English language requirements. These include questions on: allowing employer references alone as proof of English language competence; allowing postgraduate qualifications outside the disciplines of nursing and midwifery that are taught and examined in English as proof on their own of English language competence; whether English language proficiency should be the same across the three professions the NMC regulates. Given the tight time-table for implementing any revised requirements, we are concerned it may be challenging to give sufficient consideration to the possible impact of these more substantial changes, should the NMC consider taking them forward in October of this year.

### **4. Further information**

- 4.1 Please get in touch if you would like to discuss any aspect of this response in further detail. You can contact us at:

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