

## CHRE Performance Review 2008/09 – Nursing and Midwifery Council

**NOTE:** For the purposes of publication, the comments made by CHRE, together with NMC’s responses, have been amalgamated into the NMC’s original submission.

Throughout this submission, references to “the Order” are to the Nursing and Midwifery Order 2001, as amended. Where available, web links are provided in footnotes as supporting evidence.

### 2. Second Function: Registration

No	Standard	
2.1	<b>The regulator has efficient, fair and transparent processes for entry to the register and periodic renewal for registration.</b>	
	<b>Minimum requirements</b>	<b>2008/09 Response</b>
2.1 i)	The process is well-defined and details are accessible. For example details are available on the Internet and over the telephone.	<p>The main requirements for initial registration and renewal of registration are set out in the Order<sup>1</sup> and the detail is contained in the Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004, as amended, and the Nursing and Midwifery Council (Fees) Rules 2004, as amended<sup>1</sup>.</p> <p>We produce personalised documentation, which carries a unique bar code for each applicant. This is generated when a UK Higher Education Institution tells us that a student has successfully completed a qualifying programme or following an approach from an applicant who has qualified outside the UK.</p> <p>We produce bar-coded renewal documentation automatically for each registrant and send it to them 45 days before their registration is due to expire. We have a similar process for issuing the documentation relating to the payment of the retention fee in the intermediate years.</p> <p>Our website gives comprehensive information to registrants and potential registrants. The Registration section<sup>2</sup> provides links to more detailed information on topics such as <i>Join the Register</i></p>

<sup>1</sup> Legislation - <http://www.nmc-uk.org/aArticle.aspx?ArticleID=34>

<sup>2</sup> Registration - <http://www.nmc-uk.org/aSection.aspx?SectionID=6#Making%20Contact>

		<p>and <i>Renew and maintain your registration</i>. It also provides an online form for submitting a change of address or telephone number<sup>3</sup>.</p> <p>The European section<sup>4</sup> provides information for nurses and midwives registered in the EU who want to work in the UK. It also provides information for UK registrants who want to work elsewhere in the EU.</p> <p>The Overseas section<sup>5</sup> provides information for applicants who have trained outside the EU. This includes a link to the programme for overseas nurses<sup>6</sup>, which has been in operation since September 2005. A separate link provides information for midwives trained outside the EU.</p> <p>The Order requires us to prescribe good health and good character requirements to be met by applicants for entry to the register and for renewal. Detailed guidance on these aspects of registration, including health related examples, is available on our website<sup>7</sup>.</p> <p>One-to-one advice on matters relating to registration is available from our Call Centre or by visiting our offices. In 2008, the Call Centre processed over 550,000 inquiries.</p>
2.1 ii)	All applicants are treated fairly and assessed against a well-defined set of criteria (e.g. using the concept of good character) that are linked to the standards of competence and conduct.	<p>We receive over 30,000 applications for initial registration and 220,000 applications for renewal of registration each year. We assess all applicants against criteria covering good health and good character, qualifications held, and recent practice experience.</p> <p>We have clear protocols in place for staff considering applications for registration. These include two very detailed policy documents, one for applications from other EU countries and another for those from overseas. Applications that fall outside the criteria are referred to the Registrar's Advisory Group (a panel of senior staff chaired by the Assistant Registrar) for more detailed consideration.</p> <p><b>CHRE commented:</b></p> <p>In last year's performance review report we noted that the NMC did not collect diversity or ethnicity</p>

<sup>3</sup> Change of address or phone number - <http://www.nmc-uk.org/aflexCapture.aspx?FlexCaptureID=7>

<sup>4</sup> EU Registration - <http://www.nmc-uk.org/aSection.aspx?SectionID=44>

<sup>5</sup> Overseas Registration - <http://www.nmc-uk.org/aSection.aspx?SectionID=17>

<sup>6</sup> Overseas nurses registration - <http://www.nmc-uk.org/aArticle.aspx?ArticleID=1653>

<sup>7</sup> Good health and good character - <http://www.nmc-uk.org/aArticle.aspx?ArticleID=2603>

		<p>data on its registrants and was the only regulator not to do so. The NMC informed us that they intended to collect this data under its Equality and Diversity Strategy. It would be helpful to know what progress has been made on this.</p> <p><b>NMC responded:</b></p> <p>We will begin collecting diversity data on all registrants during 2009. Following consultation with registrants and stakeholders last year<sup>8 and 9</sup>, we will collect data on all six diversity strands (gender, age, ethnicity, disability, religion or belief and sexuality). The data collection will be supported by a communications programme explaining why we need the data, how we will ensure it is kept secure and confidential and what we will use it for.</p> <p>We are currently identifying the most cost effective way to collect the data and we will keep you up to date with progress.</p>
2.1 iii)	Applications are processed efficiently.	<p>The Order requires the Registrar to give a decision on each application as soon as reasonably practicable and, in any event, within three months of receipt of full supporting documentation. To ensure this is achieved, we monitor the progress of all applications; applicants are advised at each stage if any further documents or evidence are required. Failure to notify the applicant of the Registrar's decision within the specified time is one of the grounds for appeal under Article 37<sup>1</sup> of the Order.</p> <p>We have an automatic monitoring system in place which tracks the progress of all applications using automatic workflow queues within the computerised registration system. This ensures applications are dealt with in order of receipt, avoiding delays to registration.</p> <p>We monitor the volume and content of complaints received and report quarterly on progress. In 2008 we received 112 complaints about registration (less than one complaint per 10,000 service transactions throughout the year).</p> <p><b>CHRE commented:</b></p> <p>Could you tell us what the actual timescales are for processing applications.</p>

<sup>8</sup> Have your say on equality and diversity - <http://www.nmc-uk.org/aFrameDisplay.aspx?DocumentID=4522>

<sup>9</sup> Supplementary report on the Have your say on equality and diversity engagement events - <http://www.nmc-uk.org/aFrameDisplay.aspx?DocumentID=4521>

		<p><b>NMC responded:</b></p> <p>During the period April 2008 to January 2009, details of 18,702 potential registrants were uploaded by UK Higher Education Institutions. We completed the registration process for 93% of these within 21 days.</p> <p>We currently receive between 200 and 500 applications each month from EU and overseas applicants; we currently assess 99% of these applications within one month of receiving all the required documentation.</p> <p>Each month, we issue anywhere between 12,000 and 20,000 packs for renewing registration. During the period April 2008 to January 2009, 76% of renewals were completed within five days of receiving the first of the renewal components from the registrant (see 2.1(iv) below for further information), overall 97% were completed within 20 days.</p> <p>Renewal of registration happens every three years. In the intervening two years, the registrant is required to pay a retention fee but does not have to submit any documentation. Once the fee is received, the registration is updated overnight.</p>
<p>2.1 iv)</p>	<p>The regulator has service standards or equivalents around the registration of international, European and national professionals that it monitors its performance against.</p>	<p>The Order requires the Registrar to give a decision on each application as soon as reasonably practicable and, in any event, within three months of receipt of full supporting documentation. Failure to notify the applicant of the Registrar's decision within the specified time is one of the grounds for appeal under Article 37 of the Order<sup>1</sup>.</p> <p>Since the new Rules came into force in 2004, there have been no appeals against a Registrar's decision on the grounds that we failed to give a decision within the required three months.</p> <p><b>CHRE commented:</b></p> <p>We are concerned that the NMC does not appear to have service standards for the registration of international, European and national professionals. This is particular concerning given that it appears that it takes the NMC up to three months to give a decision on each application.</p> <p><b>NMC responded:</b></p> <p>We believe that the information below demonstrates that we do meet this requirement.</p> <p>The process for registering new UK applicants begins when the Higher Education Institution uploads information onto our system confirming completion of the programme, at which point we</p>

		<p>issue the relevant application form. While we issue an application form to everyone whose information is uploaded, not all of them will choose to register straight away.</p> <p>Our internal target is to complete the registration process within 21 days of the information being uploaded. Our undertaking to potential registrants<sup>10</sup> is that we will complete the registration process within 10 days of receiving their completed application, together with payment of the registration fee. During the period April 2008 to January 2009, 93% of those whose information was uploaded were registered within 21 days. Some of the remaining 7% will have chosen not to register and will not have returned their application form.</p> <p>For EU and overseas applicants, in accordance with legislative requirements we aim to assess all applications within three months of receiving all the relevant documentation<sup>11 and 12</sup>. We are currently assessing 99% of these applicants within one month.</p> <p>For those renewing registration, we undertake to update the registration within 10 working days of receiving the completed application form, together with the payment and that the registrant will receive the new PIN card within a further 5 -10 working days<sup>13</sup>. Renewal of registration has two components – completed application form and payment. Once both of these have been received, the registration is renewed overnight and the new PIN card is sent out the next day. We monitor our performance from the time we receive the first component – the form or the payment. During the period April 2008 to January 2009, 76% of renewals were completed within five days and 91% within our 10-day target. Overall 97% were completed within 20 days.</p> <p>Detailed monthly statistics on the work of the Registrations Department are provided to the Business Planning and Governance Committee on a quarterly basis.</p>
2.1 v)	The regulator takes steps to ensure against fraudulent or erroneous entry to register.	We have processes in place to check an applicant's identity, qualifications held and good character to identify any fraudulent or erroneous applications. For UK trained applicants, this includes confirmation, from an authorised signatory in an NMC approved setting, of identity, qualification and good character. For all non-UK applications, verification comes from the authorised body in the

<sup>10</sup> New UK registration - <http://www.nmc-uk.org/aArticle.aspx?ArticleID=171>

<sup>11</sup> Registering as a nurse or midwife in the UK (EU and EEA) - <http://www.nmc-uk.org/aFrameDisplay.aspx?DocumentID=4650>

<sup>12</sup> Registering as a nurse or midwife in the UK (outside the EEA) - <http://www.nmc-uk.org/aFrameDisplay.aspx?DocumentID=4649>

<sup>13</sup> Renewal of registration - <http://www.nmc-uk.org/aArticle.aspx?ArticleID=2792>

		<p>applicant's home country and includes verification of current registration, qualifications held (including a transcript of the theory and practice areas covered broken down into hours) and good character. For non-EU applicants, this includes photographic checks against the British Council's online checking system.</p> <p>In 2008, we dealt with several different types of fraudulent applications including: the use of invalid employment references, fake verification documents and registration certificates from overseas authorised bodies, and false International English Language test certificates. Each case was investigated and, as a result, 10 applications were rejected.</p> <p>Our Investigating Committee considers any allegation that an entry in the register has been fraudulently procured or incorrectly made. The Nursing and Midwifery Council (Fitness to Practise) Rules 2004, as amended, provide the framework for dealing with these allegations<sup>1</sup>.</p> <p>Between 2005 and 2008, the Investigating Committee heard six cases relating to allegations of fraudulent entry to the register and ordered the Registrar to remove all the entries from the register. We will be considering a further two cases in February 2009.</p>
2.1 vi)	<p>There is a well-defined and accessible process to appeal registration decisions. For example, details of each step of the appeal process are provided to all professionals automatically when they have not registered successfully.</p>	<p>Article 37 of the Order<sup>1</sup> sets out the circumstances when an applicant has a right of appeal against a decision made by the Registrar. The rules regulating such appeals are contained within the Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004, as amended<sup>1</sup>.</p> <p>If the Registrar refuses an application, the decision letter sets out the reasons for that decision, notifies the applicant of their right of appeal and provides information as to how that right may be exercised.</p> <p>Since the new Rules came into force in 2004, there has been one appeal against a Registrar's decision. The Appeal was unsuccessful and the Registrar's decision was upheld.</p>
	<p>Any extra information that supports the regulator's case but that does not fit within the minimum requirements above</p>	<p>Our Call Centre has demonstrated, through an independent evaluation, that our systems and processes meet the requirements of the Customer Contact Association's<sup>14</sup> framework for best practice. We became an accredited member of the Association in June 2007 and renewed our membership in June 2008.</p>

<sup>14</sup> Customer Contact Association - <http://www.cca.org.uk/index.asp>

Supporting evidence	Provided in footnotes.
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No	Standard	
<b>2.2</b>	<b>Registers are accessible to the public and include appropriate information about registrants.</b>	
	Minimum Requirements	2008/09 Response
2.2 i)	The regulator makes its registers accessible to the public. For example, the register is available on the internet and for review on-site	Our register is available online <sup>15</sup> , an electronic version is available for inspection at our offices on request.
2.2 ii)	The public and, where applicable, employers are easily able to find a specific registrant and identify if they are eligible to practise.	<p>Our register is available online and may be searched by name and/or Personal Identification Number (PIN)<sup>15</sup>, this enables the public to check the registration status of any nurse or midwife. The information provided includes the register entry, any additional recorded qualifications and a geographical locator. For a midwife, the entry will indicate whether or not she is currently entitled to provide midwifery care (a midwife will only be so entitled if she has submitted a Notification of Intention to Practise for the current year). The published register will also show whether the registrant is currently subject to a conditions of practice order, or a caution order, imposed following fitness to practise proceedings.</p> <p>We offer a confirmation service to employers<sup>16</sup>, and other authorised stakeholders, to check the registration status of their nursing and midwifery staff; we actively encourage employers to use this on a regular basis to check their employees' registration. The service is available 24 hours a day through the internet and an interactive telephone service. We provide a batch process for employers with large numbers of practitioners to check; the employer submits an electronic file containing the details of their nurses and midwives which is checked and returned.</p> <p>Every employer wishing to access the service is issued with a caller code and caller pass number which are then validated by the system when the service is accessed. Internet users are required</p>

<sup>15</sup> Search the Register - <http://www.nmc-uk.org/aSection.aspx?SectionID=20>

<sup>16</sup> Employer confirmation service - <http://www.nmc-uk.org/aSection.aspx?SectionID=19>

		<p>to enter the PIN and date of birth of the registrant. The system will then confirm the full name of the registrant; PIN; date of birth; registered and recorded qualifications; the status of the registration – effective / lapsed; expiry date for the registration; and, where relevant, information about fitness to practise sanctions. The user is advised to print the screen for written confirmation.</p> <p>We provided nearly two million confirmations in 2008, 88% of which were provided through the internet service. Batch confirmations accounted for 11%.</p> <p>A recent survey of over 100 employers using the confirmations service showed that 82% used the system every month and 96% of all users were satisfied or very satisfied with the service.</p> <p>We provide a verification certificate to health regulators in other countries who wish to confirm the registration status of a nurse or midwife. This provides similar details as are available through the employers' confirmation service.</p>
2.2 iii)	Relevant fitness to practise history and sanctions are included within registration information	As noted in Standard 2.2(ii), our published register shows whether the registrant is currently subject to a conditions of practice order, or a caution order, imposed following fitness to practise proceedings.
Any extra information that supports the regulator's case but that does not fit within the minimum requirements above		
Supporting evidence		Provided in footnotes.

No	Standard	
<b>2.3</b>	<b>The regulator takes appropriate action to prevent non-registrants using a protected title.</b>	
	<b>Minimum requirements</b>	<b>2008/09 Response</b>
2.3 i)	The regulator publicises the importance of checking that a professional is registered. The communications plan is	<p>We provide a confirmation service for employers and actively encourage them to check the registration status of their nursing and midwifery staff on a regular basis. Detailed information about the service is provided in Standard 2.2 (ii).</p> <p>Our website homepage has a link to our confirmation service for employers<sup>16</sup>, which explains that</p>

	<p>targeted to a national audience of employers and the public and uses a variety of methods.</p>	<p>employers are responsible for checking that their staff are registered with the NMC and describes how this can be done online, by telephone, or in writing.</p> <p>We worked with the GMC and GDC to lead a joint project with the 13 health and social care regulators to raise awareness of healthcare regulation and complaints processes including a leaflet <i>Who regulates health and social care professionals?</i>. This sets out what the public can expect from a health or social care professional, who makes sure the standards are met, how to check registration, and who to contact for further advice. It was distributed nationally through GP surgeries and is available on our website<sup>17</sup>.</p> <p><b>CHRE commented:</b></p> <p>We would be interested in finding out more about how the NMC actively encourages employers to check the registration status of their nursing and midwifery staff on a regular basis. Also does the NMC have any specific plans to communicate with the public on the importance of checking that a professional is registered?</p> <p><b>NMC responded:</b></p> <p>We promote our confirmation service when we have a stand at employers' conferences, for example, NHS Employers. We also promote it when speaking at conferences at which employers are present.</p> <p>We are planning our first public facing market research survey for spring of this year. This is an important part of our strategy to better understand what patients and the public expect from nurses and midwives and from the NMC as the regulatory body for the professions. The aims of the survey are:</p> <ul style="list-style-type: none"> <li>• to see if people know that nurses and midwives are regulated</li> <li>• to see if people know that registration is compulsory</li> <li>• to see if people know who regulates nurses and midwives</li> <li>• to assess name recognition of the Nursing and Midwifery Council</li> <li>• to gauge awareness about how much people know about what healthcare regulation involves</li> </ul>
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<sup>17</sup> Who regulates health and social care professionals? - <http://www.nmc-uk.org/aFrameDisplay.aspx?DocumentID=1809>

		<p>(eg: setting standards etc).</p> <p>This will provide us with an initial benchmark against which to measure public understanding of regulation and will give us an evidence base for the design and targeting of our communications with patients and the public. The intention is to run the survey in April and to have first results by the end of the same month.</p>
2.3 ii)	The regulator has procedures for dealing with a person found to be fraudulently using a protected title, or undertaking a protected act (where this applies).	<p>A person found to have been fraudulently using a protected title is reported to the local police. If the person is in the process of applying for registration with the NMC, the matter would be considered by the Registrar as potentially indicating they are not of good character and the application is likely to be refused. In addition, we write to any employer found to be employing a non-registrant in a position requiring a registrant, reminding them of the need to check the registration status of their nurses and midwives.</p> <p>We use our powers to deal with practitioners who have made fraudulent or incorrect applications for registration (see Standard 2.1(v)).</p>
2.3 iii)	It uses the means at its disposal to seek to stop them from using that title.	<p>Under Article 45 of the Order<sup>1</sup>, only a registered midwife or a registered medical practitioner can “attend” a woman in childbirth except in an emergency. A person who contravenes Article 45 may be prosecuted. The framework for statutory Supervision of Midwives enables LSAs to identify possible breaches and to work with the police investigating the allegations. We are not aware of any recent prosecutions.</p> <p>Article 44 of the Order<sup>1</sup> makes it an offence for anyone to falsely represent themselves as being registered with the NMC, use a title to which they are not entitled or falsely represent themselves as possessing a qualification in nursing or midwifery. In 2008, we received one report, which resulted in a successful criminal prosecution.</p>
Any extra information that supports the regulator’s case but that does not fit within the minimum requirements above		
Supporting evidence		Provided in footnotes.