

NMC conclusions from the consultation on introducing powers to allow payment of the registration fees by instalments

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Contents

Introduction and background	2
Stakeholder responses and our conclusions	3
Supportive responses	3
Unsupportive or other comments	3
Equality Assessment.....	5
Impacts of the proposed changes	6
Legal drafting	6
Conclusion and next steps.....	6

Introduction and background

- 1 The Nursing and Midwifery Council (NMC) is the healthcare regulator for nursing and midwifery in the UK. We exist to safeguard the health and wellbeing of the public. We do this by setting standards of education, training, conduct and performance for nurses and midwives. We also hold the register of those who have qualified and meet those standards. If an allegation is made that a registered nurse or midwife is not fit to practise, we have a duty to investigate that allegation and, where necessary, take action to safeguard the health and wellbeing of the public.
- 2 Between 11th August and 3rd October 2014 we [consulted](#) on proposals to introduce legislative changes that would allow us to offer payment of the annual registration fee in instalments. We set out the proposed base method for payment with a future-proofing clause to allow us to develop other methods without having to change our legislation, and proposed that the frequency of payment would not be a matter for legislation. We also proposed an option to take action should payment of an instalment be missed.
- 3 The consultation was therefore about introducing enabling legislation as a first step, not the development of systems and processes for operating payments of the registration fee in instalments in the future. This will be developed separately, with a further consultation on how we proposed to use the legislation at a date in the future.
- 4 We also sought to gauge potential demand for payment of the registration fee in instalments, if introduced, to help inform the development of any systems and processes in the future that would use the legislation we consulted upon.
- 5 We believed that there was demand for the ability to pay the registration fee in instalments from nurses and midwives, as well as a recommendation to do so from the House of Commons Health Select Committee. The expected result would be to help nurses and midwives better manage the cost of paying registration fees, by spreading the cost (for those who wished to do so) of the fee over time. This would reduce the impact of payment in full on a set date each year.
- 6 We would like to thank all of those who responded to our consultation.

Stakeholder responses and our conclusions

- 7 We received 3,077 responses to our consultation. 9 responses were from organisations, 3,068 responses were from individuals. Of individual responses, 87% indicated that they were registered as a nurse or midwife with us.

Supportive responses

- 8 94% of respondents thought the introduction of the ability to pay the registration fee in instalments would be a good idea, with 84% indicating they strongly supported it. This support was strong across a range of demographics and amongst nurses and midwives. 87% of respondents agreed with the legislation changes we proposed in our consultation to give us the legal ability to introduce phased payments in the future.
- 9 44% of respondents indicated that they would be likely to take up the option to pay in instalments if the payment frequency was two six-monthly payments. By comparison, this became 66% if the payment frequency was four quarterly payments and 77% if the payment frequency was 12 monthly payments. 36% of respondents indicated that they were likely to use any of the three options. Only 5% said they would be unlikely to use any of these options. We will use this information to feed into systems and process options to be developed in the future to make use of the proposed legislation we consulted upon.
- 10 We received a number of supportive comments for our proposals to introduce the ability to pay the registration fee in instalments. Many respondents welcomed the proposals and commented that the major benefit of being able to pay the registration fee in instalments in the future would be the ability to spread costs throughout the year, making them more manageable.

Unsupportive or other comments

- 11 We received a small number of unsupportive or other comments for our proposals to introduce the ability to pay the registration fee in instalments. These are set out below.
- 12 Some respondents set out that registrants who opted to pay the registration fee in instalments should be reminded of the importance of keeping their address details up to date to insure they do not miss any correspondence, for example in the event of a missed payment. Equally, the NMC must ensure they keep registrant details up to date as it was suggested this has not always happened in the past. We agree with both of these points and would note that nurses and midwives are obliged to ensure that their correct personal and contact details are kept up to date¹. The NMC is also bound by data protection provisions to ensure we act on

¹ A statement of entry is issued to each nurse or midwife who registers with us, confirming registration and the individuals' personal details. A change in personal details, such as address, will require the re-issue of the statement of entry - <http://www.nmc-uk.org/Registration/Staying-on-the-register/Your-statement-of-entry/> : further detail can be found on how to do this on our website - <http://www.nmc-uk.org/Registration/Staying-on-the-register/Updating-your-details/> : In addition, page 11 – 'NMC Prep Standards' sets out the obligation to keep us informed of changes to personal details - http://www.nmc-uk.org/Documents/Standards/NMC_Prep-handbook_2011.pdf :

any notifications of personal detail changes and maintain the notified information on our records.

- 13 Some respondents queried whether it would still be possible to pay the registration fee in full up front as their preferred method of payment. For clarity, we confirm that it would remain an option should a nurse or midwife wish to do so.
- 14 Some respondents asked how employers and members of the public could check the continuing registration of a nurse or midwife if their registration could be removed for non-payment. The means for members of the public who wish to check whether a nurse or midwife holds an active registration at a given point in time is to [search our on-line register](#) via our website. Although employers can also use this function, the Employer Confirmation Service is recommended for use by all employers as it provides more information. It is currently used by many employers to meet their existing obligations in only employing registered professionals in roles requiring registration. These services will remain unchanged as a result of introducing the proposed legislation we consulted upon. The continuing suitability of these mechanisms or any additional need to promote their use or develop other methods, will be further considered as systems and processes to use the legislation are developed in the future, based on proportionality and necessity.
- 15 Some respondents expressed concern that payment of the registration fee in instalments could be used as an excuse to increase the registration fee. This is not the case, any decision to increase the registration fee must, under our governing legislation, be consulted upon with stakeholders as set out in our recent fee rise [consultation](#), and follow a set process. Any such change would require changes to our Fees Rules.
- 16 Some respondents believed that paying the registration fee in instalments could be a disincentive to paying the registration fee and make it easier to exceed a personal monthly budget or mismanage personal finances. This could affect an individual's registration. No evidence was presented to support this view further. We would note that this view is at odds with the majority of responses to our consultation which stated payment in instalments of the registration fee would give nurses and midwives the ability to spread costs throughout the year, making them more manageable.
- 17 Some respondents stated that the implementation of payment of the registration fee in instalments could incur additional cost for the NMC which would be funded by registrants. The cost of introducing the legislation that we consulted upon to introduce the ability to pay the registration fee in instalments is captured within existing budgets. We acknowledge that there will be a financial cost for the NMC in the future of introducing the systems and processes that will make use of the legislation that we consulted upon to operate the ability to pay the registration fee in instalments. There may also be savings associated with having a greater proportion of our registrants paying by direct debit or other such means. The cost for the systems and processes to deliver it in the future will be thoroughly assessed as options are developed and will be taken into account.

- 18 Some respondents considered that the 14 day period to pay in the event of a missed payment was too short and suggested advance payments could be collected to cover such an eventuality. No supporting evidence was presented to substantiate or expand on this view. Timely payment of the annual registration fee by whatever available method the individual chooses remains a personal responsibility. However as set out in our consultation document, this legislation would not mean removal from the register would be automatic in the event of non-payment; this allows for safeguards to protect the registrant against circumstances in which they are not at fault and of which they are therefore unaware. The NMC will develop appropriate approaches to make use of the legislation in the future. The 14 day timeframe to address non payment is consistent with that used by the Health and Care Professions Council which currently has the ability to collect the registration fee in instalments.
- 19 Some respondents did not think the registrant should be removed from the register in the event of non-payment. Our current legislation² provides that a nurse or midwife's registration would lapse where, for example, the registration fee was not paid. As this power already exists and we are not seeking to remove it in the legislation we consulted upon, this approach would continue to exist for payment of the registration fee in instalments.
- 20 A number of other comments were made that we should consider during the future development of systems and processes that would make use of the legislation that we consulted upon:
- IT systems should be sufficiently robust to ensure that registrants are not adversely affected by an IT or banking error;
 - The process to inform registrants of a non-payment and the action to be taken should be clearly defined;
 - Consideration could be given as to whether payments may be deducted directly from an employment pay roll to the NMC; and,
 - Those who may choose to pay the registration fee in instalments should not have to pay for that ability.

Equality Assessment

- 21 We have completed an Equality Assessment for the proposal to introduce legislative changes that would allow us to introduce payment of the registration fee in instalments, against protected characteristics as defined in the [Equalities Act 2010](#).
- 22 In addition, in our consultation respondents were invited to comment on or evidence any equality impacts the proposed changes may have in free text responses to the consultation questions. No views or evidence of note were provided. Our analysis shows no adverse impacts on protected characteristics from the proposals.

² Rule 14 (4) and (5) of the Education, Registration and Registration Appeals Rules 2004 (as amended) - <http://www.nmc-uk.org/About-us/legislation/Our-Orders-and-Rules/>

Impacts of the proposed changes

- 23 In our consultation, respondents were invited to comment on or evidence any impacts the proposed legislation changes may have in free text responses to the consultation questions.
- 24 No views or evidence of note were provided further to the views set out above. We therefore do not consider that any of the responses raise matters which would cause us to amend or abandon the proposed approach.

Legal drafting

- 25 We proposed that we would give effect to our proposals by the legal drafting that was contained within Annexe A of our consultation.
- 26 No views or evidence of note were provided in relation to the proposed legal drafting. We therefore do not consider that any of the responses raise matters which would cause us to change or abandon the amendments we seek to our legislation. Subject to any minor drafting amendments after further review by the Department of Health's legal team, we propose to implement the legal drafting as consulted upon to give effect to the approaches set out in our consultation.

Conclusion and next steps

- 27 We have decided to implement our proposals to introduce legislation that would allow payment of the registration fee in instalments in the future as set out in our consultation. The proposals have received a high level of support. There has not been any evidence submitted to us that would suggest another course of action is required. The expected result would be to help nurses and midwives better manage the cost of paying registration fees, by spreading the cost (for those who wished to do so) of the fee over time. This would reduce the impact of payment in full on a set date each year.
- 28 Our Council has approved these conclusions on 3 December 2014.
- 29 We will lay the legal drafting amending our legislation before parliament for approval. We anticipate that this will be in early 2015. Subject to this and a successful parliamentary process we anticipate that these amendments to our Rules will take effect before the dissolution of parliament for the general election in May 2015.
- 30 In the future, we will separately start work on developing policies and systems to use this legislation. We will use the feedback that has been provided in response to this consultation to help inform proportionate options for those policies and systems. A separate consultation on how what systems and processes we propose to introduce to make use of this legislation will follow in the future.