



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

Response form for consultation on draft compliance notice

Consultation closing date: 22.03.2023

Name of body: Nursing and Midwifery Council

The Welsh Language Commissioner ('the Commissioner') is consulting with you on the contents of your draft compliance notice in accordance with section 47 of the [Welsh Language \(Wales\) Measure 2011](#) ('the Measure'). You should consider the contents of the draft compliance notice alongside the [Welsh Language Standards \(No.8\) Regulations 2022](#) ('the regulations').

If you do not participate in the consultation, this does not prevent the Commissioner from issuing you with a final compliance notice. The Measure¹ notes that it is your responsibility to show that the requirement to comply with a standard, or to comply with it in a particular respect, is unreasonable or disproportionate.

On the basis of evidence received as part of this consultation, the Commissioner may impose other standards included within the regulations that have not been imposed within the draft compliance notice.²

Please return this form together with any other further information to post@welshlanguagecommissioner.wales by the above closing date.

¹ Section 57(2) of the Measure

² A draft compliance notice is the notice given under section 47 of the Measure

The reasonableness and proportionality of the standards

Please note any standard(s), included within this draft compliance notice (if any), which you consider to be unreasonable and/or disproportionate. Please also note if there are any standard(s) relating to activities that you do not undertake. Provide reasons and/or evidence to support your position.

Where appropriate, you should note whether varying the requirement in accordance with section 44(2) of the Measure (see examples below, such as imposing a different imposition day or imposing another standard relating to the same activity) would make it a reasonable and/or proportionate requirement. You are also welcome to attach any additional materials separately should you wish.

Some standards are reliant on each other. The regulations include tables (in Part 2 of Schedules 1 and 3) to accompany the service delivery standards and operational standards. These tables note which other standards need to be imposed when a particular standard is included in a compliance notice.

<i>Standard</i>	<i>Supporting reasons and evidence for why you are of the opinion that the standard is unreasonable or disproportionate</i>	<i>Would varying a requirement to comply with a standard make it reasonable and/or proportionate?</i> <i>e.g. introducing the requirement at different times, in different circumstances or in different areas, or imposing another accompanying standard relating to the same activity. You should note what these are and the numbers of any relevant standards, noting all supporting reasons and evidence you consider relevant.</i>

e.g. Standard 22		e.g. <ul style="list-style-type: none"> ○ Imposition day of 12 months rather than 6 months. ○ A longer imposition day for a particular department within the organisation.
<p>Standard 20</p> <p>If you produce an application form that you make available for a registrant to be included on the register maintained by you, you must produce it in Welsh.</p>	<p>Our initial application process</p> <p>We are the regulator for more than 771,000 nursing and midwifery professionals in the UK. At the end of September 2022 there were 38,901 nursing and midwifery professionals on our Register in Wales.</p> <p>We have three principal initial application routes:</p> <ul style="list-style-type: none"> • UK trained route • Trained outside the UK (Overseas) route • EU/EEA route <p>Our initial registration application process is automated through online forms. We have different automated routes for each of the three principal application routes and we do not issue ‘an application form’.</p> <p>There are 26 individual web screens for the UK initial trained application route. There are approximately 50 screens for the EEA and Overseas route. Each screen of the user portal for the application process would need specific changes which would then need to be translated into our back-office system.</p> <p>Changes to our online processes are made by our third-party supplier and initial cost estimates for translating our UK trained only route are approximately £170,000 - £230,000.</p>	<p>We propose that this standard is varied so that it only ever applies to our initial UK qualified application route.</p> <p>We believe this would be a more reasonable and proportionate approach and would satisfy the needs of those applicants who are most likely to want to apply to join the register in Welsh.</p> <p>We propose that the imposition date is extended from six months to 33 months which would be December 2025.</p> <p>Our proposal is that within the six-month deadline we will create a Welsh PDF version of our UK application form to enable applicants to apply to join the register in Welsh.</p> <p>We will ensure that our UK trained application process is translated into Welsh when we implement our new</p>

We understand that the Commissioner does not take cost into consideration when assessing reasonableness and proportionality but as we are primarily funded by our registrants' fees, we cannot ignore the potential impact this would have on both our budget and resources.

Other registration application forms

Once a professional is registered there are other registration processes that we maintain including annual registration renewals, readmissions (where registration has lapsed) and subsequent registration (where a professional may want to add an additional registration category).

The combined total number of web screens for these additional processes is 127. These application processes are supported by approximately 350 email templates in the system.

In our discussions with advisors from the Commissioner's office we discussed these additional registration processes and our understanding is that these routes would not fall within the scope of this Standard. **We would welcome confirmation that this is the case.**

Our data

Our [September 2022 data report](#) for Wales includes training information and shows that across the reporting periods the majority of professionals on the register living in Wales also trained in Wales (around 70%). We consider that this group, who would apply through the UK application route outlined above, is most

legislative framework which we hope will be by the end of 2025.

This timetable is being dictated by the DHSC and is liable to change so we would welcome a flexible imposition date or a clear link made to this external dependency to accommodate that uncertainty.

likely to want to have the ability to apply to join the register in Welsh.

We acknowledge that there will also be professionals who live elsewhere in the UK and speak Welsh. A further 20% of people on the register in Wales trained elsewhere in the UK. They may want to submit their initial application to join the Register in Welsh and so translating the UK application route would also provide them with that opportunity.

The percentage of professionals who trained outside the UK who are registered in Wales represents a very small proportion (under 10%) of the total number of nursing and midwifery professionals living in Wales.

Whilst these professionals may be learning Welsh now that they live in Wales, our view is that it would be unreasonable and disproportionate for us to translate our non-UK trained application routes into Welsh.

We consider it extremely unlikely that an individual who has not trained in the UK would want to apply to join our Register in Welsh. A key part of our registration application process includes a requirement to meet our [English language requirements](#) and overseas applicants are required to provide evidence of English language competence. Translating the non UK trained application form into Welsh would also be disproportionate when we require English language competence.

Regulatory reform

We are preparing for the reform of our legislation which will result

	<p>in significant changes being made to our operational processes. This extensive programme of work will be moving to implementation in 2025 and will require a significant redesign of our operational processes and supporting systems.</p> <p>We will ensure that we take the requirements of Standard 20 into account when we are designing our new registration system as part of our regulatory reform programme of work. This will result in a better user experience as we will be able to incorporate these requirements into the design from the outset rather than having to work within the constraints of our current technical solutions.</p> <p>As a regulator we are focused on reducing our significant fitness to practise caseload and progressing our regulatory reform programme of work. We expect to have implemented our new legislation by December 2025 so any redesigns we make to our systems now would only be in place for short period of time before being made redundant under our new legislation. We also have a significant modernisation of technology programme underway and making significant technical changes outside of these current programmes is an unreasonable and disproportionate expectation to place on us in the current context</p>	
<p>Standard 62</p> <p>You must keep a record (following assessment of your employees' Welsh language skills made in</p>	<p>We plan to identify and record Welsh language as part of the annual employee appraisal process. This will enable us to have a focus on development as well as data collection.</p> <p>We have just over 1,200 employees and we need time to both design and embed this process across our organisation. Our financial year runs from April to March and our appraisals coincide</p>	<p>We propose that a longer imposition date of 12 months is applied to this standard.</p> <p>This will result in the reporting coinciding with our financial years and will enable sufficient time to embed the</p>

<p>accordance with standard 51), of the number of employees who have Welsh language skills at the end of each financial year and, where you have that information, you must keep a record of the skill level of those employees.</p>	<p>with the financial year. At this point, it will not be practical to implement the changes in March 2023 and so we think a reasonable and proportionate approach would be to introduce this standard in March 2024 to coincide with the end of the financial year and the start of the new appraisal cycle.</p>	<p>process into our business as usual activities.</p>
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