

Jackie Smith
Chief Executive and Registrar
Nursing and Midwifery Council
23 Portland Place
London, W1B 1PZ

To: Skills for Health
Department of Business, Innovation and Skills
Department of Health

5th September 2014

Re: Consultation on the proposal for a Higher Apprenticeship in Adult Nursing

Dear colleagues,

- 1 Thank you for the opportunity to respond to your [consultation](#). We have chosen to respond through this letter in place of the on-line survey as we feel it is the best way of providing the views of the NMC for consideration.
- 2 We welcome approaches to widening access for suitable Health Care Assistants (HCA's) to train as adult nurses. We do, however, feel that further work is required for the proposals to introduce a Higher Apprenticeship in Adult Nursing, and have a number of specific comments for consideration.

About us

- 3 The NMC is the independent regulator for the nursing and midwifery professions, we exist to safeguard the public. We do this by setting standards to be met and maintained by individuals, registering individuals that meet and continue to meet those standards, and taking action against those that do not meet our standards. No nurse or midwife can legally practise in the UK unless they are registered with us. Our roles, functions and responsibilities are set out in law; this includes a number of defined regulatory activities regarding the education and training of nurses and midwives.
- 4 For education and qualifications, our legislation¹ specifies that we must approve any UK qualification (and the education institution delivering it) that would allow an individual to apply to us as suitably qualified to become a nurse or midwife. In addition, in order to be admitted to any such approved programme, the NMC have the statutory duty to set [standards](#) to be met by individuals. So, the NMC has the statutory ownership of what UK qualifications are sufficient to enable registration with us in order to practise as a nurse or midwife, and what individuals applying to those programmes must demonstrate. We maintain a list of [approved programmes](#) and education institutions on our website. Any apprenticeship scheme to gain access to our approved programmes must therefore fall into this approach.

¹ The Nursing and Midwifery Order 2001 – Articles 13-20 and 39-40; The Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004 – Rule 3. See [here](#) for further information.

- 5 As part of our formal commitment to the Francis Report we have commissioned an independent evaluation of our pre registration nursing (and midwifery) standards and expect the report in autumn 2015. This will include ensuring that our standards continue to enable applicants from diverse backgrounds to have the opportunity to study on NMC approved programmes and become adult nurses.

Our understanding of the consultation proposals

- 6 Based on the information available, we understand the proposal to be an expansion to the Department of Business, Innovation and Skills (BIS) [Higher Apprenticeships Scheme](#) following recommendations in the [Cavendish Review](#). BIS own the rights to apprentice standards in the scheme, and develop and operate programmes with others such as the Skills for Health Council, Trailblazer Groups and education providers. The proposal would be for HCA's to study for a Higher Apprenticeship qualification while they worked; this would enable them to then apply for an NMC approved programme in pre registration adult nursing at an NMC approved education institution. This aims to increase accessibility to the adult nursing profession to those from a more vocational background.
- 7 We welcome accessibility to the profession from those with a more vocational background, and note that this currently already happens as set out in the section below. However, there would appear to be a natural friction in the proposal between the NMC having the legislative ownership of nursing education standards that lead to registration as an adult nurse, and the BIS rights to apprentice standards in the Higher Apprenticeships Scheme. The consultation does not detail how this would be resolved; our position is that any Higher Apprenticeship in Adult Nursing must also be a part of the existing legislative framework we operate. There are clear public protection implications for any such apprenticeship that do not exist for other frameworks or professions covered by the Higher Apprenticeships Scheme due to the nature of healthcare, and adult nursing being a regulated healthcare profession. Any apprenticeship qualification would therefore have to meet our [pre registration nursing education standards](#), be approved by us and be delivered by an approved education institution.

Current access to adult nursing for HCA's

- 8 Our current approach (set out in standard 3 of our pre registration nursing and education standards) enables access to our approved UK qualifications for individuals with a vocational background, such as HCA's. The standards for recruitment and selection for entry to our approved programmes (which we draft and approved education institutions follow) are drafted in such a way as to allow entrance from different backgrounds. For example, we specify the ability to demonstrate numerical competence, but do not specify a particular qualification or grade. Any grading criteria would be for the approved education institution to decide, and many apply such criteria in order to gain the best candidates for nursing. Our programmes may be completed on a full time or part time basis: this therefore already allows individuals to work (e.g. as a HCA) and earn while they study.
- 9 In addition, when we approve an education provider and a programme, we will only approve a single programme (which may be in one, all or some of the four fields of nursing) which can be adapted into multiple programmes for more specific

needs. Evidence must be presented by the approved education institution that the approved programme is fully met by any such variant programme. This approach will equally apply to a Higher Apprenticeship in Adult Nursing.

- 10 We would also highlight that the Open University currently run a comparable programme to the apprenticeship proposed, which has been approved by the NMC²; it is a programme aimed at preparing people for the HCA role. Successful completion of it serves to prepare people from diverse backgrounds (whether vocational or academic) towards applying for an NMC approved programme in pre registration adult nursing and becoming a registered adult nurse. We would therefore like to explore the comparisons between the current approach and the proposed approach further.

Wider stakeholder views

- 11 We are aware that there is a degree of political and employer buy in to the proposals, and the proposal could help suitable persons access the adult nursing profession, which in turn could help alleviate staffing vacancies. Again it is important to note that our standards are supportive of widening access / widening participation approaches. We welcome access to the adult nursing profession from diverse backgrounds, but it is critical for public protection that only NMC approved standards in nursing education allow persons to be eligible to apply for registration with us. We also highlight concerns that the views of the public and patients (as end users of healthcare) have not been engaged with on the proposals for feedback. This is a key feature of the various failure in care reports, such as the Francis Report, to ensure healthcare is fit for purpose. Inclusion of the public and patients has been widely adopted in all other areas of healthcare.
- 12 We have circulated this consultation to members of our patient and public forum so that they have sight of the consultation and had hoped to feed back their views to you. However, given the short timeframe of the consultation, members have not had adequate opportunity to provide views to be included in our response.

Feedback on the consultation process

- 13 In highlighting the need to resolve certain issues, we also wish to feedback on our experience of the development, progress and consultation of the proposal so far. We have been in attendance at some of the Trailblazer Group meetings in order to inform and reiterate our position on our role, and that of our standards for pre registration nursing education. However, we do not feel that this feedback, from limited engagement, has been addressed in sufficient detail in the proposals consulted upon. We therefore remain unclear on a number of details that have been proposed.
- 14 We also feel that other key stakeholders have not been sufficiently engaged to explore the current approach, any issues with it, and develop proportionate options – for example, patients and the public are yet to be involved.
- 15 We note that the consultation period is two weeks and has been carried out by Skills for Health on behalf of BIS. We had anticipated that an approach more

² <http://www.open.ac.uk/courses/qualifications/w16>

aligned with government best practice as set out in HM Treasury's [Green Book](#) would have been followed for this important and sensitive issue. We do not believe the brief materials provided and the limited timeframe to respond allow a reasonable opportunity to be informed. This has meant we have been unable to form a fuller response that can be analysed in greater detail, and result in a robust and well evidenced final approach that takes account of key stakeholders views. We would be grateful if you could confirm the proposed next steps, and how responses will be assessed to shape the proposal.

Conclusion

- 16 We continue to welcome access for suitable HCA's or others from a diverse or more vocational background to be educated and trained as adult nurses. We know that this already happens on many of the current programmes across the UK that we have approved as part of our [quality assurance framework](#).
- 17 We feel that further work is required on the proposals to introduce a Higher Apprenticeship in Adult Nursing; the current approach we take already facilitates the key aim of the proposal. Should an apprenticeship be launched, it must form part of the legislative remit that the NMC is responsible for given the public protection implications linked to adult nursing as a regulated healthcare profession. Any apprenticeship should also only ever act as a further means to access an NMC approved programme for adult nursing which must be obtained in order to be eligible to apply for registration with the NMC, and become a practising adult nurse.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Jackie Smith', with a long horizontal line extending to the right.

Jackie Smith

Chief Executive and Registrar,
Nursing and Midwifery Council