

Nursing and Midwifery Council response to Welsh Government's White Paper consultation - Striking the right balance: proposals for a Welsh Language Bill

About the Nursing and Midwifery Council

- 1 We exist to protect the public by regulating nurses and midwives in the UK. We do this by setting standards of education, training, practice and behaviour so that nurses and midwives can deliver high quality healthcare throughout their careers.
- 2 We maintain a register of nurses and midwives who meet these standards, and we have clear and transparent processes to investigate nurses and midwives who fall short of our standards.

Our response

- 3 We welcome the opportunity to respond to the Welsh Government's White Paper consultation¹ and the ambition to strike the right balance between promoting the Welsh language and to reduce bureaucracy and ensure value for money (paragraph 9 of the consultation document). We fully support the ambition to further the use of the Welsh language in Wales and the desire to ensure that organisations and bodies across sectors play their part in this.
- 4 We believe that the NMC and the services we provide should be accessible, including for Welsh speakers. For example, at our Council meeting in Wales this year we published all materials in both Welsh and English and asked people in advance what their Welsh language needs were.
- 5 We are currently operating a Welsh Language Scheme² and report to Council annually on our progress.
- 6 We have previously responded to the Welsh Government's consultations on its Welsh Language Strategy - a million Welsh speakers by 2050³, and the Welsh Language Standards⁴.
- 7 Our regulatory remit is UK wide, but we are mindful of the differing approaches to healthcare delivery in each of the four countries of the UK. Our response focuses on our role as a professional regulator and how the consultation proposals could impact on our regulatory functions, processes and on nurses and midwives across the UK. Not all matters in the consultation will therefore be for us to provide a view on.

¹ https://consultations.gov.wales/sites/default/files/consultation_doc_files/170807-welsh-language-bill-white-paper-consultation-document-en.pdf

² <https://www.nmc.org.uk/about-us/our-equality-and-diversity-commitments/welsh-language-scheme/>

³ <https://www.nmc.org.uk/globalassets/sitedocuments/consultations/nmc-responses/2016/nmc-consultation-response---welsh-language-strategy---oct-2016.pdf>

⁴ <https://www.nmc.org.uk/globalassets/sitedocuments/consultations/nmc-responses/2016/nmc-response-consultation-welsh-language-standards-healthcare.pdf>

Our role as a UK wide professional regulator

- 8 We regulate nurses and midwives in England, Northern Ireland, Scotland and Wales and our regulatory powers are reserved for Westminster. We are funded by our registration fees (our only source of income as a self-funding regulator) from nurses and midwives based across the UK and overseas.
- 9 As of April 2017, 34,458 (approximately 5 per cent) of the 690,773 nurses and midwives on our register have an address in Wales.
- 10 We encourage the Welsh Government to consider what the cost impacts of the proposals in the White Paper could have outside Wales, including on nurses and midwives based in England, Northern Ireland and Scotland. This is of particular importance for public bodies such as the NMC which operate across the four countries of the UK but have no offices in Wales.
- 11 The UK wide professional regulators are overseen by the Professional Standards Authority (PSA). Therefore we believe that the proposals should be proportionate and not place any unintended or unreasonable burdens on organisations or people and take into account the PSA's Right Touch Regulation principles⁵ and the ambitions outlined in the Rethinking Regulation and Regulation Rethought papers⁶.
- 12 The UK Government has for some time strongly stated that the fees of regulated professionals should not increase. As we are funded by our registration fees from nurses and midwives any additional costs of complying with the Welsh language Standards will have to be borne by nurses and midwives across the UK. We therefore welcome the revised proposed standards, which strike a more realistic balance between enhancement of the services that are provided to Welsh speakers and cost impact on UK-wide registrants.

Proposal to replace the Welsh language Commissioner with a Welsh Language Commission

- 13 We do not have a view on the proposal to replace the Welsh Language Commissioner with a Welsh Language Commission. However we are supportive of the statement that “the Welsh Government should be responsible for making and imposing Standards on bodies, and for issuing guidance and codes of practice. The Commission should be responsible for monitoring and enforcing compliance with the Standards” (paragraph 48(vii) of the consultation document). Separating these functions could help simplify the steps in the process of making and imposing Welsh language Standards.
- 14 One potential source of confusion is the proposed dual role of the Welsh Language Commission in both promoting Welsh language and monitoring compliance with the Standards (paragraph 48(i) of the consultation document). We encourage the Welsh Government to consider how any potential confusion around this dual role could be mitigated and how the duties could be separated from one another.
- 15 We are supportive of the proposed shift from enforcement to remedy and that bodies should manage complaints at the first instance, and that the Welsh Language Commission should only investigate serious cases (paragraph 48(viii) of the consultation document). An increased focus on remedy is aligned with our view that

⁵ <http://www.professionalstandards.org.uk/what-we-do/improving-regulation/right-touch-regulation>

⁶ <http://www.professionalstandards.org.uk/docs/default-source/publications/thought-paper/regulation-rethought.pdf?sfvrsn=14>

the proposals should to be proportionate and have the impact on front line services and the experience of Welsh language speakers at the forefront. We also believe that the Commission would be of great benefit to regulators such as the NMC if it were able to play a supportive role of helping organisations to achieve compliance through best practice advice, instead of concentrating solely on compliance.

- 16 We are supportive of the proposal for the Welsh Government to report to the Assembly every five years rather than annually on the Welsh language strategy (paragraph 127 of the consultation document). We believe this would enable bodies to take a longer term view and plan accordingly.

Application of Welsh Language Standards

- 17 We agree with the Welsh Government's proposal of reforming the existing Welsh Language Standards, particularly in relation to striking a balance between having standards that improve service and those that seemingly bring no benefit. We agree with the comment at paragraph 151 of the consultation that the number of record keeping and supplementary standards could be reduced.
- 18 One potential problem that we anticipate relates to the convergence principle (paragraph 152 of the consultation document), stating that the Welsh Government would like to see all bodies, over time, converge towards the same Standards. As highlighted in our response we are a four country regulator, do not have any offices in Wales and only a proportion of our register of nurses and midwives has an address in Wales. It would therefore be difficult for us to be subject to the same Standards as a body that is solely active and with an office in Wales.
- 19 We believe that the Standards applied to bodies should be reasonable and proportionate and have the impact on front line services and the experience of Welsh language speakers at the forefront. We also encourage the Welsh Government to consider how the proposals could impact on UK wide bodies like ourselves and nurses and midwives in England, Northern Ireland and Scotland.
- 20 Overall we are pleased that the Welsh Government has listened to the feedback on the previous set of proposals and we believe that the new proposals do on the whole constitute a sensible way forward, and one that takes into account the position of UK-wide organisations. We would be very happy to engage further with you as these standards are developed further.