

# **NMC response to the Department for International Trade's call for input on UK trade negotiations with Canada and Mexico**

## **About us**

- 1 Our vision is safe, effective and kind nursing and midwifery that improves everyone's health and wellbeing. As the professional regulator of over 732,000 nursing and midwifery professionals, we have an important role to play in making this a reality.
- 2 Our core role is to regulate. First, we promote high professional standards for nurses and midwives across the UK, and nursing associates in England. Second, we maintain the register of professionals eligible to practise. Third, we investigate concerns about nurses, midwives and nursing associates – something that affects less than one percent of professionals each year. We believe in giving professionals the chance to address concerns, but we'll always take action when needed.
- 3 To regulate well, we support our professions and the public. We create resources and guidance that are useful throughout people's careers, helping them to deliver our standards in practice and address new challenges. We also support people involved in our investigations, and we're increasing our visibility so people feel engaged and empowered to shape our work.
- 4 Regulating and supporting our professions allows us to influence health and social care. We share intelligence from our regulatory activities and work with our partners to support workforce planning and sector-wide decision making. We use our voice to speak up for a healthy and inclusive working environment for our professions.

## **Introduction**

- 5 We welcome this call for input on the UK's trading relationship with Canada and Mexico. It is vitally important that the direction of the UK's emerging trade policy is transparent and open to views. Our response builds on our previous submissions to the Department for International Trade (DIT) on its negotiations with Australia, New Zealand and the United States.
- 6 As with those submissions, we have responded to those questions of greatest relevance to our regulatory purpose.

## **Which areas of the current trading relationships do you think the UK government should aim to keep the same and why?**

- 7 In both instances, the most relevant area of negotiation is the mutual recognition of professional qualifications. This is more explicitly referenced in Chapter Eleven of the Canada-European Union Comprehensive Economic and Trade Agreement. This leaves it to the relevant authorities or professional bodies in either party to negotiate a proposal on mutual recognition and sets out the process for doing so.
- 8 Our position is that any trade deal the UK negotiates must enshrine the right of regulators to develop recommendations for proposed mutual recognition agreements (MRAs) only where it is felt that this would be appropriate and in line with that regulator's remit. In our case this means improving public safety by robustly assessing the skills and knowledge of all applicants to our professional register, in addition to considering our other regulatory requirements such as English language and health and character standards.
- 9 Our firm position is that any new trade deals must not make provision for the automatic recognition of nursing or midwifery qualifications. This is because as the professional regulator of nursing and midwifery professionals in the UK, we need to be able to design and carry out all relevant regulatory controls relating to internationally trained applicants in order to uphold our public safety role. This is vital for ensuring that applicants to our register have the necessary skills and knowledge to practice safely and effectively in the UK context and to deliver the high-quality level of care which the public expects.
- 10 This goes beyond looking at an applicant's qualification. We need to have sufficient assurance that those seeking registration with us have the fundamental skills and knowledge needed to practise safely and effectively in the UK context, at the point at which they apply to us. This means that we must be in a position to carry out all the relevant regulatory controls relating to non-UK trained applicants, primarily through our existing overseas Test of Competence (ToC), which allows us to consider these important non-qualification criteria.
- 11 To that end, these deals should allow for the continued use of our existing overseas ToC as the primary means of assessing overseas applicants. We currently use this for all non-EEA applicants, including those from Canada and Mexico. This is our preferred approach for assessing all overseas applicants as it is the most effective, streamlined and cost-effective international registrations route that ensures we are able to fulfil our public protection role.
- 12 Finally, any guidelines provided for negotiating and forming an MRA should remain non-binding, as is currently the case with the guidelines referred to in Article 11.6 and contained in Annex 11-A of the Canada text. This will allow regulators to make appropriate judgements as to the best way to protect the public, taking into account the specific needs of their professions, particularly around the inclusion of non-qualification criteria and the appropriateness of compensatory measures.

## **Is there anything else that you would want to say about the UK's future trade and investment relationship with Canada and Mexico?**

- 13 As the professional regulator of nurses and midwives in the UK, and nursing associates in England, we work to ensure international applicants to our register have the knowledge and skills to deliver consistent, quality care that keeps people safe.
- 14 Our position is that international nursing and midwifery professionals should not be seen as a panacea to workforce shortages in the UK. We know that internationally-trained professionals bring a wealth of skills and insights to the UK, and we are committed to further streamlining our existing overseas assessment process so that employers can continue to grow this contribution sustainably.
- 15 We also note that stronger ties with Canada and Mexico are seen as an important step forward in the UK joining the Comprehensive and Progressive Trans-Pacific Partnership (CPTPP). While in principle we are not opposed to UK joining the CPTPP, our position remains that this must not undermine our regulatory standards and ability to maintain high standards of public protection.
- 16 The CPTPP contains several elements that could potentially impact our ability to maintain public protection and our functions. These include chapter 12 on 'temporary entry for business people' and chapter 25 on 'regulatory coherence'. Consequently, as the UK continues the process of accession to the CPTPP, we would strongly advocate that a follow up call for input be issued for those negotiations. This will enable us to continue to engage with the UK Government on its ambitious programme of trade deals.

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