

NMC responses to the Department for International Trade surveys on future trade agreement with Australia, New Zealand and the USA, and on the UK potentially seeking accession to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership

Background

The Department for International Trade (DIT) consulted on what future trade agreements between the UK and Australia, New Zealand and the United States of America after the UK exits the EU in March 2019 could include. Additionally, DIT sought views on the on the UK potentially seeking accession to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP).

The consultations took the form of online surveys and for ease of reference the consultation questions and the NMC answers are listed below. The survey questions are the same for the three surveys on future trade agreement between the UK and Australia, New Zealand and the USA and the NMC submitted identical responses to these surveys.

Survey questions and NMC response for Department for International Trade survey on future trade agreement with Australia, New Zealand and the USA

Please tell us who you are responding as?

- Public sector body – In an official capacity as a representative of a devolved administration / local government organisation / public service provider / other public sector body in the UK or elsewhere.

What is the name of the public sector body you are responding on behalf of?

Organisation: Nursing and Midwifery Council

Which area does your public sector body represent?

Please select all that apply

- Health

Have any of your members been in contact with your public sector body about the prospect of a free trade agreement (or related trade talks) with Australia/New Zealand/USA and why?

- No

What would you want the UK government to achieve through a free trade agreement (or related trade talks) with Australia/New Zealand/USA, and why?

Please supply your answer and any supporting evidence below

We exist, and have a statutory duty, 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.

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. From 2019, we will also regulate the new profession of nursing associate.

Our interest in responding to this consultation and future trade agreements that the UK negotiates, is around the inclusion of recognition agreements and regulatory alignment in relation to nurses' and midwives' qualifications.

Our view is that public protection and patient safety is paramount and all overseas trained nurses and midwives must have the necessary skills and knowledge to practice safely and effectively in the UK and be able to deliver the high quality level of care which the public expects. To enable this we believe that we must be in a position to assess the competence of all overseas applicants and make sure they have skills and training equivalent to what we would require of UK trained nurses and midwives.

This means that as the professional regulator of nurses and midwives in the UK we must be in a position to carry out all the relevant regulatory controls relating to non-UK trained applicants.

While in principle we are not opposed to the inclusion of recognition of professional qualification (RPQ) agreements as a part of any new international trade agreement there are a number of considerations that must be taken into account. Any new trade agreement must not undermine our ability and statutory role in maintaining high standards of public protection and ensure that non-UK trained nurses and midwives have the skills to practise safely and effectively.

Currently, all non-EEA applicants have to meet our registration requirements, which are set out in legislation, and provide evidence that they have the standard of proficiency for admission to our register. The requirements are:

- hold a qualification as a nurse or midwife which attests to a standard of proficiency comparable to that of the UK;
- meet the NMC's English language requirements;
- hold an appropriate indemnity arrangement;
- satisfy us that they are capable of safe and effective practice including meeting the requirements for good health and good character; and
- pay the assessment and registration fees.

Applicants who hold a qualification which does not meet the NMC's education standards are required to successfully complete a test of competence. These are operated by specific NMC-approved education institutions in the UK.

Which of these areas of a free trade agreement best describe the priorities that you have outlined above?

Please select all that apply

Other

What concerns, if any, does your public sector body have about a free trade agreement (or related trade talks) with New Zealand/Australia/USA, and why?

Please supply your answer and any supporting evidence below

Our main concern is maintaining patient safety and protecting the public; and we believe that this should be the paramount objective when considering the inclusion of an RPQ regime as a part of a future international trade agreement.

It is integral that patient safety is maintained and RPQ's are not used as an economic bargaining tool. Any new RPQ regime must ensure that the nursing or midwifery qualification in the country in question is comparable to the nursing and midwifery standards of proficiency for UK qualifications in order to maintain patient safety. It is important that we are involved at the earliest opportunity possible in the negotiation process to ensure that we are consulted in mapping qualifications and checking comparability against our own nursing and midwifery standards.

Where an individual's qualification does not meet our own standards, it is vital that we retain the right to direct the individual to our test of competence to demonstrate that they have required skills to join the register. We believe that any trade agreement that includes an RPQ element, must purely be about recognising the qualification and not limit us from being able to undertake any further regulatory checks.

In particular, we believe it is vital for patient safety that any non-EEA applicant wishing to apply for registration, must be able to demonstrate their English language capability by providing evidence that they have:

- undertaken a pre-registration nursing or midwifery qualification taught and examined in English;
- registered and practised for a minimum of one year in a country where English is the first and native language, and a successful pass in an English language test was required for registration; and
- achieved the required score in one of the English language tests accepted by the NMC.

Which of these areas of a free trade agreement best describe the priorities that you have outlined above?

Please select all that apply

- Other

Is there anything else that you would want to say about the UK's future trade relationship with Australia/New Zealand/USA?

Please supply your answer and any supporting evidence below

As the professional regulator of nurses and midwives in the UK, we have regular contact and engagement with regulators in other countries, including in Australia, New Zealand and the USA. This provides an opportunity for us to share best practice and discuss regulatory developments of mutual interest.

Our networks provide a wealth of expertise that can be called upon should RPQ regimes be included in future trade deals and we would welcome discussions with them should they be required.

Survey questions on the UK potentially seeking accession to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership

Please tell us who you are responding as?

- Public sector body – In an official capacity as a representative of a devolved administration / local government organisation / public service provider / other public sector body in the UK or elsewhere.

What is the name of the public sector body you are responding on behalf of?

Organisation: Nursing and Midwifery Council

Which area does your public sector body represent?

Please select all that apply

- Health

Does your public sector body have a presence in, or operate in, one or more of the current Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) member countries (Japan, Vietnam, Singapore, Malaysia, Brunei, Australia, New Zealand, Canada, Mexico Chile and Peru)?

- Yes
 No

Have any of your members been in contact with your public sector body about the prospects of the UK potentially joining the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)?

- No

What does your public sector body think would be the greatest benefits were the UK to join the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), and why?

Please supply your answer and any supporting evidence below

We exist, and have a statutory duty, 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.

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. From 2019, we will also regulate the new profession of nursing associate.

Our interest in responding to this consultation and future trade agreements that the UK negotiates, is around the inclusion of recognition agreements and regulatory alignment in relation to nurses' and midwives' qualifications.

While in principle we are not opposed to UK joining the CPTPP, we believe that there are a number of considerations that must be taken into account, including that joining CPTPP must not undermine our regulatory standards and our ability to maintain high standards of public protection.

Our view is that public protection is paramount and all overseas trained nurses and midwives must have the necessary skills and knowledge to practice safely and effectively in the UK, and to be able to deliver the high quality level of care which the public expects.

We believe this is additionally important in the case of the UK seeking accession to the CPTPP as it is likely that training standards for nurses and midwives will vary across the participating countries. Therefore we believe that we must be in a position to be able to assess all overseas applicants and make sure they have skills and training equivalent to what we would require of UK trained nurses and midwives.

This means that if the UK would become a signatory of the CPTPP and there is a recognition of professional qualifications (RPQ) element relating to nursing and midwifery, we must be in a position to carry out all the relevant regulatory controls relating to non-UK trained applicants. We believe that this is essential in order to fulfil our statutory role of maintaining public protection.

All non-EEA applicants have to meet our registration requirements, which are set out in legislation, and provide evidence that they have the standard of proficiency for admission to our register. The requirements are:

- hold a qualification as a nurse or midwife which attests to a standard of proficiency comparable to that of the UK;
- meet the NMC's English language requirements;
- hold an appropriate indemnity arrangement;

- satisfy us that they are capable of safe and effective practice including meeting the requirements for good health and good character; and
- pay the assessment and registration fees.

Applicants who hold a qualification which does not meet the NMC's education standards are required to successfully complete a test of competence. These are operated by specific NMC-approved education institutions in the UK.

Which of these areas of a free trade agreement best describe the priorities that you have outlined above?

Please select all that apply

Other

What concerns, if any, does your public sector body have about the UK considering seeking accession to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)?

Please supply your answer and any supporting evidence below

Our main concern is public protection and patient safety. In our view it is integral that this is considered a key priority as a part of any recognition of professional qualifications (RPQ) regimes, and that such regimes are not used as economic bargaining tools but are aligned with our UK standards

We believe that in the case of any new international trade agreement, including in the case of the UK seeking accession to the CPTPP, we must be in a position to ensure that the nursing or midwifery qualification in question is comparable to the nursing and midwifery standards of proficiency for UK qualifications in order to maintain patient safety. It is important that we are involved at the earliest opportunity possible in the negotiation process to ensure that we are consulted in mapping qualifications and checking comparability against our own nursing and midwifery standards.

The CPTPP contains several elements of which could potentially impact on 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'. In our view it would be helpful if the UK Government could clarify that UK accession to the CPTPP would not act as a barrier for us in maintaining our current high standards of public protection or unduly impact on our regulatory functions.

Which of these areas of a free trade agreement best describe the priorities that you have outlined above?

Please select all that apply

Other

Is there anything else that your organisation would want to say about the UK's future trade and investment relationship with the existing Comprehensive and Progressive

Agreement for Trans-Pacific Partnership (CPTPP) member countries or about the UK potentially joining CPTPP?

Please supply your answer and any supporting evidence below

As the professional regulator of nurses and midwives in the UK, we recognise that we have an opportunity to engage and build international networks with regulators in other countries, including those in the CPTPP.

While we have good relationships with regulators in Australia and New Zealand, our links with counterparts in other countries in the CPTPP are limited, however we are ready to engage with them should we be required.