

## **NMC response to Department for International Trade consultation on Trade with Japan**

**Which of the following trade related areas best describe the areas of the Economic Partnership Agreement that are important to your organisation?**

*Please select all that apply.*

- Goods trade
- Services trade
- Regulation and standards
- Cross border investment
- Small and Medium size enterprises (SMEs)
- Competition law, subsidies, procurement and state-owned enterprises (SOEs)
- Intellectual property
- State to state dispute settlement
- Structure of the agreement
- Other
- None
- Don't know

**Based on your selection above, which areas of the Economic Partnership Agreement between the EU and Japan are important to your organisation and in what ways are they important?**

*If possible, please specify the exact provisions of the EPA and provide as much detail as possible as to why they are important.*

The part of the Economic Partnership Agreement that is important to us is Article 8.35 on Mutual recognition of professional qualifications and in particular, paragraph 1 of that Article, which states, “*Nothing in this Section shall prevent a Party from requiring that natural persons must possess the necessary qualifications or professional experience specified in the territory where the service is supplied, for the sector of activity concerned.*”

This is important to us because of our role as the UK professional regulator of nurses, midwives and nursing associates, and our statutory duty to promote and maintain proper professional standards and conduct for those professions. In performing our role we believe we should be in a position to carry out all the relevant regulatory controls relating to non-UK trained applicants to make sure that they have the necessary training and skills to practice safely and effectively in the UK.

**Which of the following trade related areas best describe the areas of the Economic Partnership Agreement that the UK government should consider changing during future negotiations?**

*Please select all that apply.*

- Goods trade
- Services trade
- Regulation and standards
- Cross border investment
- Small and Medium size Enterprises (SMEs)
- Competition law, subsidies, procurement and state-owned enterprises (SOEs)
- Intellectual property
- State to state dispute settlement
- Structure of the agreement
- Other
- None
- Don't know

**Is there anything else that you would like to say about the UK's future trade and investment relationship with Japan?**

- Yes
- No

**Please provide details below:**

As the professional regulator of nurses and midwives in the UK, and nursing associates in England, we work to ensure these professionals have the knowledge and skills to deliver consistent, quality care that keeps people safe. We set the education standards professionals must achieve to practise in the UK. When they have shown both clinical excellence and a commitment to kindness, compassion and respect, we welcome them onto our register of nearly 700,000 professionals. Once registered, nurses, midwives and nursing associates must uphold the standards and behaviours set out in our Code so that people can have confidence that they will consistently receive quality, safe care wherever they are treated.

Our interest in responding to this consultation 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 are paramount and all overseas trained nurses, midwives and nursing associates must have the necessary skills and knowledge 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 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 to maintain high standards of public protection and to ensure that non-UK trained nurses and midwives have the skills required to deliver safe and effective care.

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. They are required to:

- 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.

### **Maintaining patient safety**

Under any new trade agreement, it is integral that patient safety is maintained and RPQs are not used as an economic bargaining tool. In any new RPQ regime, the nursing or midwifery qualification in question, must be comparable to the proficiency of a UK qualification.

Therefore we believe it is important that we are involved at the earliest opportunity possible in the negotiation process to ensure that we are involved 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 are able to direct the individual to our test of competence to demonstrate that they have required skills to join the register.

We believe that any agreement that includes an RPQ element, must purely be about recognising the qualification and must not limit us from being able to undertake any further regulatory checks outlined above.

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.

Finally, we currently have regular contact and engagement with regulators in a number of different countries. These networks allow us to share intelligence and advice, spread best practice and promote mutual learning. They also provide a wealth of advice that can be called upon to aid the development of future RPQ agreements. We would welcome the opportunity to engage in such discussions should this be required.