

# NMC response to the Call for Evidence on the Comprehensive and Progressive Agreement for Trans-Pacific Partnership

## 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 almost 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 education and 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 evidence on the UK's accession to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP). 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 other ongoing trade negotiations. In particular, we noted in our responses to the consultations on [trade deals with Canada and Mexico](#) that stronger ties with these countries are seen as an important step forward in the UK joining the CPTPP.
- 6 We have responded to those questions of greatest relevance to our regulatory role, which for the purposes of this call for evidence principally concern the

facilitation of the movement of people and the mutual recognition of professional qualifications.

## Trade Deals and the Test of Competence

- 7 As the professional regulator of nurses and midwives in the UK, and nursing associates in England, our mandate is to protect the public. We uphold this mandate by requiring that all applicants evidence that they have the knowledge and skills needed to deliver consistent and quality care.
- 8 Consequently, our primary priority for the UK's trade policy is that regulatory autonomy should not be undermined through the negotiation of mutual recognition agreements based on a person's qualification, and that our ability to assess international applicants through our [Test of Competence](#) (ToC) should not be restricted.
- 9 As a result, our position is that the UK joining the CPTPP must not undermine our ability to apply the ToC as our method for assessing applicants from other countries party to that agreement. This not only supports public safety, it also helps ensure a reliable flow of qualified professionals onto the register.
- 10 This is because the ToC is structured around our [pre-registration proficiency standards](#) and allows us to ensure that everyone joining the register meets the same standards. It is formed of two parts: a multiple-choice computer based theoretical test, known as the Computer Based Test (CBT), and a practical test known as the Objective Structured Clinical Examination (OSCE).
- 11 We are confident in the robustness of this assessment approach because it is designed to test the knowledge, skills and attributes needed for nursing and midwifery in the UK specifically. As these skills evolve and change, we can review and adapt the ToC to keep it aligned to reflect our new standards. This was done most recently in August 2021 in order to reflect our new [Future Nurse](#) and [Future Midwife](#) standards. This ensures that all those delivering care in the UK meet the same high standards, regardless of where they are trained or how long they have been out of practice.
- 12 In addition, the ToC is applied consistently, transparently, and equally to all applicants. This aligns with the Government's ambition to see an efficient and fair process for the recruitment of internationally trained health professionals. It also underscores our commitment to fairness and non-discrimination in our processes.
- 13 Finally, the ToC offers a far more cost-effective and time-efficient method of assessment when compared to qualification assessment. Internal work undertaken in 2018 which looked at this in detail found that putting a qualification assessment process in place for overseas applicants would be very resource intensive and likely lead to an outcome where very few, if any, qualifications would meet our new standards.

## Engagement throughout CPTPP negotiations

- 14 The CPTPP contains two chapters of particular interest to us. These are Chapter 10 on 'cross-border trade in services', and Chapter 25 on 'regulatory coherence'.

For both these chapters, we welcome the promotion of stronger dialogue with our regulatory counterparts. This is something we already do through a number of international networks, and our [strategy](#) commits us to build and use these insights as effectively as we can.

- 15 However, Chapter 10 in particular could affect our regulatory function as it calls for parties to encourage their regulators to establish dialogues with counterparts with a view to recognising professional qualifications. As we have explained above, we intend to use the ToC as the assessment route for all CPTPP applicants, and have no plans to negotiate qualification recognition agreements due to their cost, complexity and equality & diversity implications.
- 16 We are also concerned that the wording of this chapter could place a legal obligation on regulators who might seek to negotiate bilateral agreements with other CPTPP partners. Our understanding is that any partnership reached between two regulators might have to be extended to other regulatory bodies within the CPTTP should they request the opportunity. We think that this could undermine regulatory autonomy to form targeted agreements where there is legitimate need and require additional resource to undertake the resulting negotiations. We would therefore welcome greater clarity on how these provisions would work in practice.
- 17 We also note that the CPTPP would be the first multilateral trading arrangement that the UK will have entered into post Brexit. As a result, there may be additional complexities and challenges that have not yet become fully clear. It is important that regulators like the NMC are kept engaged throughout the process, and we would welcome confirmation from DIT that the progression of CPTPP membership, in addition to other key international agreements, will be monitored by the Regulated Professions Advisory Group. This will enable us to continue to engage with the UK Government and highlight any unintended consequences before any arrangements are finalised.

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