

Observer questions – Council meeting 24 November 2021

Question submitted by Justin Mackie

Is Council satisfied that the NMC has treated the CPP lawyer who agreed the CPD with Melanie Hayes, fairly and with kindness?

Response:

“We recognise that when our work is criticised and reviewed, this can be uncomfortable for the organisation as a whole and for individuals involved. Our approach in this review has mirrored our expectations of how fitness to practise cases should be assessed by considering the wider context, not seeking to blame individuals.

The 'Lookback, Learn and Improve' report is clear that from the moment we first received the concerns about Ms Hayes there are things we can learn in the way we understood and responded at each stage of the process. We know we need to improve and that shortcomings in how we have approached such matters lay behind our mistakes. This has guided the improvements we've already actioned and those we plan to do.

We have communicated formally and informally with those affected by this case throughout the review process but we also recognise that our communications with colleagues should have been better. This learning will be reflected in our review of our Duty of Care policy which could have been more rigorously applied in this situation.

We're sorry for the impact this has had on colleagues but recognise it's essential we do not shy away from acknowledging our mistakes, saying sorry when we've got things wrong and being determined to make improvements where required. Our approach to learning and improving will continue to be guided by all our values to be fair, kind, ambitious and collaborative.”

Question submitted by Peter Mount

I was delighted to see the unanimous support at your round table on November 18th, that now is the time to take urgent steps to remove some of the obstacles to registration which are experienced by so many overseas nurses. I argue that current NMC registration procedures for many overseas nurses can be seen as racist, discriminatory and support exploitation. I also believe that your policies do not conform with the statement made in the minutes on your November 2019 Council meeting relating to illegality.

While appreciating that consulting on changes to the regulations will take time (it took 6 months for this roundtable to happen) I would like to ask the council what they plan to do in the immediate future to address these issues.

Response:

"The NMC is grateful to Mr Mount for raising the problems that some nurses trained in India have experienced in passing our English language tests. As a result of this, the Council has brought forward its planned review of English language standards by six months. Last week's roundtable marked the start of that process. We were grateful for all the contributions made, particularly by those individuals who shared their personal experiences of not passing the test.

The purpose of our approach to English language testing is to protect the public and maintain confidence in the professions the NMC regulate. The standards have been set at a level suitable for professional registration, following public consultation and taking into account the available evidence including the standards set by other regulators.

Our review will, among other things, examine carefully why some applicants appear to have particular difficulty with the test. The NMC will of course also ensure compliance with our obligations under the Equality Act. We have zero tolerance, as an organisation, towards all forms of racism and discrimination. We are clear that we must strike the right balance between maintaining standards, ensuring public safety, and fairness to those going through our processes.

The NMC is under a statutory obligation to consult on any changes we make. The discussion at the roundtable was valuable, and will help us scope both our review and any proposals on which we shall be consulting. We shall also continue to work with employers and other sector partners who can support applicants, so that they have the best possible chance of success in the tests.

The Council will be monitoring progress on this issue and will look forward to receiving reports back from the Executive."