

**Introducing powers
to allow payment of
registration fees by
instalments**

Introduction

- 1 The Nursing and Midwifery Council (NMC) is planning in the future to allow nurses and midwives to pay registration fees by instalments. As a first step, we need to make changes to our legislation and this consultation seeks views on these proposed changes.
- 2 The consultation has two main aims.
 - 2.1 To seek views from stakeholders on the legislative changes that would be required to develop options for payment by instalments.
 - 2.2 To gauge the extent of demand for payment by instalments.

Background

- 3 The Nursing and Midwifery Council (NMC) is the regulator for nursing and midwifery in the UK. We exist to safeguard the health and wellbeing of the public. We do this by setting standards of education, training, conduct and performance for nurses and midwives. We also hold the register of those who have qualified and meet those standards. If an allegation is made that a registered nurse or midwife is not fit to practise, we have a duty to investigate that allegation and, where necessary, take action to protect the health and wellbeing of the public.
- 4 The funding that we receive to perform our statutory functions comes primarily from registration fees paid to us by nurses and midwives. The amount that nurses and midwives pay and the process for how they pay is set out in our legislation: the Order¹, the Registration Rules² and the Fees Rules³.
- 5 As is set out in our legislation, nurses and midwives pay registration fees to us for:
 - 5.1 initial registration;
 - 5.2 annual retention of registration;
 - 5.3 renewal of registration;
 - 5.4 readmission to the register; and
 - 5.5 restoration of registration.
- 6 These fees are currently paid in a single payment of £100, payable by a set date – our current legislation does not enable us to allow payment by instalment
- 7 In recent years, frustration at being unable to pay registration fees by instalments has been a consistent theme in our research and consultation activities, particularly in response to our fee consultations.

¹ The Nursing and Midwifery Order 2001 (as amended).

² The Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004 (as amended).

³ The Nursing and Midwifery Council (Fees) Rules 2004 (as amended).

- 8 Other professional regulators and professional bodies do allow their professionals to pay registration or membership fees by instalments. These include the Health and Care Professions Council, the General Medical Council, Unite, the Royal College of Nursing and Royal College of Midwives.
- 9 As a result of responses to our fees consultations and feedback via other forums, we believe that nurses and midwives would welcome the introduction of the ability to pay the registration fee by instalments. Nurses and midwives have stated that the one-off payment of a registration fee can be financially difficult and spreading the cost across the year would be beneficial.
- 10 In addition, at our accountability hearings, the House of Commons Health Select Committee has encouraged us to introduce this change in order to help nurses and midwives better manage the cost of paying registration fees.

Introducing payment by instalments & consultation questions

- 11 We would like to introduce payment by instalments as soon as we can, to lessen the financial impact on nurses and midwives. To enable this, we would need to:
 - 11.1 seek legislative change;
 - 11.2 develop relevant policy; and
 - 11.3 invest in necessary IT infrastructure.
- 12 This consultation focuses on the first stage of the process – seeking a change to our current legislation. Once the legislation is in place, we will begin work on developing policy and systems for implementation. At present our registration systems are unable to allow for fee payments by instalments; however, we intend that this ability will be built into the much larger project to replace our current registration system. This approach should allow for the introduction of payment by instalments from 2016.

Question 1: To what extent do you agree or disagree that the ability to pay registration fees by instalments would be a good idea?

- Strongly agree**
- Agree**
- Neither agree nor disagree**
- Disagree**
- Strongly disagree**
- I don't know**

13 The legislative changes we propose include the following.

13.1 **Introducing instalments.** The legislation would allow for a direct debit mandate (or agreed equivalent), together with the payment of the first instalment, to replace the requirement for registration fees to be paid upfront in full. Further payment in instalments would follow over the year until the full registration fee is paid. We would not specify the frequency of payment in the legislation as this will be determined by Council in the development phase of this work.

13.2 **Methods of payment.** The legislation would specify that the Registrar may allow payment of the registration fee by instalments by direct debit, and would future-proof this by including options for payment by other equivalent methods that the Registrar may consider appropriate. This will allow us to develop flexible options for payment in the future to take advantage of technological developments without the need for further consulting on legislative change.

13.3 **Missed payments.** We are proposing that where an instalment is missed, a notice would be issued to the nurse or midwife requiring payment within 14 days. If payment is not received, the Registrar **may** then remove the person from the register. This would be similar to approaches taken by the other professional regulators.

14 The legal drafting that would give effect to this is set out in Annexe 1.

Question 2: To what extent do you agree or disagree with the legislation changes outlined above?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- I don't know

Question 3: [for NMC registrants] If the NMC were to introduce payment by instalments as described above, how likely would you be to choose to pay your fee this way if the payment frequency was...

...two six-monthly payments?

...four quarterly payments?

...12 monthly payments?

- Very likely
 - Quite likely
 - Not very likely
 - Not at all likely
 - I don't know
-

Next steps and responding to this consultation

- 15 This consultation will run from 5 August 2014 to 3 October 2014 at 12pm. To respond to this consultation, please complete our [online survey](#) or email your response to consultations@nmc-uk.org.
- 16 We will analyse your responses to help shape our final conclusions. Subject to a successful consultation and Council approval, we aim to lay the legislative changes set out in Annexe 1 in Parliament in early 2015. Subject to a successful parliamentary process, these legislative changes would take effect by May 2015 and would form the basis for developing our new system with an aim to launch from 2016.

Legal drafting

- 17 The draft legislation in annexe 1 will provide the legal powers for us to introduce a system for making registration payments by instalments.
- 18 It should be pointed out that these changes are likely to be included in the same instrument as other rule changes currently under consideration, and so the numbering within the draft reflects this.

Question 4: Do you have any specific comments on the legal drafting?

Annexe 1 – Legal drafting

Amendment of the Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004

14. The Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004⁽⁴⁾ are amended as follows.

...

17A. In rule 14 (lapse of registration) in paragraph (4) for "rule 12A or 13" substitute "rule 12A, 13 or 15A(4)".

...

17B. After rule 15 (readmission to the register) insert—

‘Payment of fees

15A.—(1) A person may, with the agreement of the Registrar, pay any prescribed fee for-

- (a) registration as provided in rule 5 or rule 8;
- (b) retention as provided in rule 12A;
- (c) renewal as provided in rule 13;
- (d) readmission as provided in rule 15; or
- (e) restoration as provided in article 33 of the Order,

in such instalments and by such means of payment as the Registrar may determine.

(2) For the purpose of paragraph (1) the Registrar will determine-

- (a) the amount of each instalment and the date on which each instalment is to be paid (with the final instalment due on a date no later than 11 months beginning with the date on which the prescribed fee was due); and
- (b) that payment will be made by Direct Debit or by such other means of payment.

(3) Where it has been agreed in accordance with paragraph (1) that any prescribed fee will be paid in instalments-

- (a) the Registrar may make, retain, renew, readmit or restore a register entry once the first instalment as so determined of that fee has been so paid; and
- (b) references in these Rules to an application being accompanied by or supported by payment of any such prescribed fee or payment of such a prescribed fee having been received, shall be construed as if they were references to a direct debit mandate (or such other form of written payment authorisation as the Registrar may determine) being received in respect of those fees.

(4) Where—

- (a) in accordance with this rule any prescribed fee is to be paid in instalments; and
- (b) following the payment of the first instalment and the making, retention, renewal readmission or restoration of a register entry, any subsequent instalment is not paid by the date on which it is due,

⁽⁴⁾ These Rules are set out as a Schedule to S.I. 2004/1767.

the Registrar will send a notice to the registrant stating that, if payment is not received within 14 days (beginning with the day on which the Registrar sent the notice) the registrant's name may be removed from the register, and if no such payment is made, the Registrar may remove the registrant's name from the register.

....

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Nursing and Midwifery Council (Fitness to Practise) Rules 2004 (S.I. 2004/1761) (“the Fitness to Practise Rules”) and the Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004 (S.I. 2004/1767) (“the Registration Rules”).

...

Paragraph 17B inserts rule 15A to the Registration Rules to provide that the Registrar may agree payment of the prescribed fees for registration, retention, renewal, readmission or restoration may be made by instalments.