

Report on consultation findings

**On the introduction of guidance to
cover individuals who apply to register
qualifications awarded more than five
years previously**

Introduction

During October 2013, the Nursing and Midwifery (NMC) carried out consultation on the introduction of guidance to cover individuals who apply to register qualifications awarded more than five years previously. This consultation document took the form of an online questionnaire which was co-drafted by the NMC and Alpha Research Ltd.

The survey was live online between 9 August and 9 October 2013 and generated 90 valid responses – 86 from individuals and four from organisations.

This summary report presents findings from the survey. A longer report is also available upon request.

Thank you to everyone who participated in this consultation. We much appreciate the volume and breadth of the responses received.

Background to the consultation

Article 9 of the Nursing and Midwifery Order 2001 (the Order) says that an applicant can be admitted to the register if she satisfies the Registrar that she holds an approved qualification awarded within the previous five years, or if the qualification was awarded more than five years before applying, that she has done the additional education, training or experience that the Council requires.

Rule 7 of the Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004 further says that the prescribed period between the award of an approved qualification and applying to register it, is five years.

If a nurse or midwife applies for registration more than five years after being awarded an approved qualification (a five year applicant), Article 19(3) of the Order and Rule 3(4) apply. This means that the Nursing and Midwifery Council (NMC) can set a standard, and then ask a five year applicant to undertake particular education, training or experience to show she meets this standard.

The NMC's own legislation envisages a situation where a five year applicant will be able to undertake some kind of further education or assessment to demonstrate her competence to enter the register.

However, the NMC had not set a standard to cover five year applicants.

At its March 2013 meeting, the NMC's Council acted on this. They decided that for any person who first applies for registration more than five years after being awarded an approved pre-registration or post-registration qualification, the standard required is that the person must be able to show the NMC, when she comes to register that qualification, that she meets the NMC standards that currently apply to the qualification.

The standards that currently apply are:

Initial registration:

- Standards for pre-registration nursing education (NMC, 2010) – Standards for Competence
- Standards for pre-registration midwifery education (NMC, 2009) – Standard 17

Post-initial registration:

- Standards of proficiency for specialist community public health nurses (NMC, 2004) and related circulars – Standards of proficiency for entry to the register
- Council also approved the development of guidance on ways to meet the standards.

The proposed guidance outlined the routes by which five year applicants may demonstrate that they meet the standards that apply to their qualification. It was proposed that they may undertake an education or training programme (Route 1) or take competence tests, if available (Route 2).

Route 1. For pre-registration and post-registration qualifications, the NMC proposed that five year applicants may meet the standards that currently apply to the qualification by undertaking a new education and training programme.

This option already exists for five year applicants.

However, the NMC explicitly spelled this out because for five year applicants who have not practised in the intervening period, they consider it to be the best option in the interests of public protection.

Route 2. For pre-registration qualifications, three aptitude tests have been developed with an approved education institute (AEI) that could apply to five year applicants who wish to register as nurse (adult and child only) or midwife. The current tests for nurses would need to be modified to align them with the current pre-registration education standards. There are no tests available for mental health and learning disability fields of nursing.

The tests involve multiple choice testing, short answers and an objective simulated clinical examination (OSCE), using actors.

More information about the aptitude tests can be found here:

<http://www.northampton.ac.uk/about-us/academic-schools/school-of-health/post-registration-study/nmc-eu-aptitude-test>

It should be noted that this guidance also applies to enrolled nurses seeking to enter onto the first part of the register by applying accreditation of prior experiential learning.

Summary of results

- About two thirds of respondents were aware of the five year rule, usually having found out from the NMC, education providers or colleagues. It was expected that the NMC or education providers should be the ones to publicise the rule.
- Three quarters of individuals and organisations agreed that nurses or midwives who apply to register a qualification awarded more than five years previously should be required to undertake an education or training programme that enables them to demonstrate that they have met the standards that apply to them.
 - however, when comments recorded by respondents were taken into account, agreement was not as strong if this requirement is to apply to those who have been practising competently in the period since attaining an approved qualification (c.55-65 percent)
 - conversely, agreement would be stronger if five year applicants who have been practising in the intervening period do not have to take an education or training programme (c.80-90 percent)
 - a number of cases were cited (e.g. occupational health) where the qualification was not, or did not have to be, registered in order to practise or that registering was not subsequently requested or publicised. Consequently, practitioners perceived as competent in current practice could be affected by the five year rule solely for procedural reasons
 - it was suggested that alternative, less onerous methods of assessing competence should be considered in such cases e.g. adopting Return to Practice procedures
- About two thirds of individuals and organisations thought that competence testing would be an appropriate alternative to an education and training programme, where available.
 - again, support was dependent on whether the five year applicant had been practising in the intervening period. If they had, we estimate that support for competence testing would be between 50 percent and 60 percent. If they had not been practising during this period, then support is estimated to be 70-80 percent
 - there were calls from a significant minority for the competence test to be complemented, or replaced, by clinical assessment in practice, not just in simulation
 - there is seen to be considerable work to do to adapt the existing competence tests to assess specialists such as SCPHN practitioners
- About half of the participants in the consultation suggested improvements to the guidance for those who first apply for registration more than five years after being awarded an approved qualification.
 - its success depends on comprehensive publicity by the NMC to ensure awareness of the five year rule and the accompanying guidance

- it could include reference to, and guidance for, those with specialist qualifications, who may be working without having to register their approved qualification
 - more information was desired on the competencies required and on how the system works alongside Return to Practice
 - suggested inclusion of key attributes to assess (e.g. compassion, good character)
- About half of participants suggested how the operation of the five year rule could be improved.
 - the need for potent publicity, along with accounting for (a) specialisms, (b) Return to Practice and (c) recent practice experience, were all reiterated
 - support mechanisms from the NMC for five year applicants was suggested
 - independent validation was seen as a robust way to monitor the process
- About half of the participants in the consultation commented on other ways to assess competence of five year applicants.
 - the predominant theme was assessment in practice, for example via workplace reviews, clinical audits, observation, or the Return to Practice system
 - distance learning and portfolio submission were also suggested

Of these 90 responses, 86 responses came from individuals and four from organisations. Four did not say in which capacity they were responding and it could not be identified from their other answers given.

Response from organisations

All four responses were from professional organisations. Unite the Union and the Royal College of Midwives were happy to be identified.

Consultation Monitoring Questions

Respondents were likely to have heard about the consultation via the NMC. There were also a significant number who heard via colleagues or from Occupational Health professional networks.

	Individuals (base = all responses, 86) % <i>Multiple answers possible</i>	Organisations (base = all responses, 3) <i>Multiple answers possible</i>
NMC email/ letter	30	1/3
Friend or colleague	19	-
Occupational Health forum/ OH Jiscmail	18	-
NMC website	17	1/3
NMC newsletter	6	1/3
RCN/RCM website	2	-
University	1	-
NMC event	-	-
Other	14	-

TABLE A9. Finding out about the consultation.

Respondents were asked four questions to gauge how well the consultation achieved its aims:

	Individual respondents (Base = all responses, 85-86) %		Organisational responses (Base = all responses, 3)	
	Agree (strongly agree)	Disagree (strongly disagree)	Agree (strongly agree)	Disagree (strongly disagree)
Agreement with...				
You know what this consultation can and cannot influence	72 (19)	7 (-)	2/3 (0/3)	1/3 (0/3)
You have been provided with enough information on the subject	72 (21)	14 (4)	2/3 (1/3)	1/3 (0/3)
The consultation documents were easy to understand	79 (24)	9 (1)	1/3 (1/3)	1/3 (0/3)
It was easy to give your views	92 (39) *Combined figure		2/3 (1/3)	0/3 (0/3)

TABLE A10. Perceptions of the consultation

Respondents were generally quite satisfied that the consultation met its aims, with a very clear majority agreeing that it had met each of the four aims, although one in seven individuals did not think that enough information had been provided.

Respondents were given the opportunity to comment on how the consultation could be improved. 25 comments were made, of which the only suggestions to be mentioned at least twice were:

- (more) direct emails from the NMC to publicise the consultation (three comments)
- seek the views of the public (two)
- give reassurance that consultation results will inform policy (two)
- publicise to special interest groups, for example AOHNP, HEOPS (two)
- present the information more concisely (two)

Glossary of terms and explanations

Approved qualification – A qualification awarded in the United Kingdom which Council approves as meeting the standard of proficiency it requires for admission to a part of the register. Approved qualifications include pre-registration nursing and midwifery qualifications and Specialist Community Public Health Nurses (SCPHN) qualifications, and as well as qualifications obtained by second level nurses wishing to convert their qualification to be able to register as a first level nurse.

Some EEA qualifications to which an EC directive applies, and other overseas qualifications which Council has decided are comparable to UK awarded approved qualifications are also classed as approved qualifications.

Competence testing – May involve multiple choice testing, short answers and an objective simulated clinical examination (OSCE). Also referred to as aptitude testing.

'Five year applicant' – An individual who applies for admission to the register on the basis of holding of an approved qualification which was awarded more than five years previously.

'Five-year rule' – States that an applicant can be admitted to the register if they satisfy the Registrar that they hold an approved qualification awarded within the previous five years, or if the approved qualification was awarded more than five years before applying, that they have undertaken the required additional, education, training or experience.

The five-year rule applies to approved qualifications. It does not apply to recordable qualifications.

Guidance – Should be followed. Failure to follow guidance may be taken account of if a nurse or midwife's fitness to practice has been called into question.

NMC register – The NMC register is a public record of all nurses and midwives who have met our registration requirements and are therefore entitled to practise in the UK. In order to remain on the register, nurses and midwives must follow the standards and guidance we set which helps to ensure they practise safely and effectively.

Register – see NMC register

Rules – These are statutory, drafted by our solicitors and subject to approval by the Privy Council. They must be complied with.

Standards – The NMC sets standards of education training conduct and performance for nurses and midwives. Standards must be complied with. We are required to establish standards. Failure to comply may bring a nurse's or midwife's fitness to practice into question and endanger their ability to practise.

The Code – *The code: Standards of conduct, performance and ethics for nurses and midwives* is the professional code for all nurses and midwives. It sets out how they should conduct themselves in every area of their practice.

The Order – The NMC is governed by the Nursing and Midwifery Order (the Order, Statutory instrument 2002/253), as amended from time to time. The order requires us to produce various items of supporting documentation such as rules, standards and guidance. The Order is supported in relation to registration by the Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004.