

Deputy Welsh Language Commissioner
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Dear Gwenith Price

Welsh Language Standards – consultation on compliance notice under Section 47 Welsh Language (Wales) Measure 2011

I am writing in response to your letter of 13 December 2022 to our Chief Executive and Registrar which marked the start of the statutory consultation process under section 47 of the Welsh Language Measure.

We are the independent, statutory regulator of around 39,000 nurses and midwives in Wales, and a total of 791,000 nursing and midwifery professionals across the UK. Our purpose is to promote and uphold the highest professional standards to protect the public and inspire confidence in the professions. Our vision is safe, effective and kind nursing and midwifery that improves everyone's health and wellbeing.

We are very supportive of the policy intent to ensure that the Welsh language is treated no less favourably than English. We acknowledge the benefits these new Regulations will bring to the Welsh speaking community. We have developed an implementation plan and will introduce several of the standards before our compliance deadline so that benefits can be realised as soon as possible.

We have very much welcomed the opportunity to discuss the detail of the standards with colleagues from the Commissioner's Office. Their advice has helped us to better understand the changes we need to make to ensure compliance. They have made clear that the Commissioner's intention is to ensure the reasonable and proportionate application of these standards and we share that vision, which we welcome.

We have only identified two standards where we believe that varying the requirements in accordance with section 44 (2) of the Measure would make them more proportionate and reasonable. Those standards are:

Standard 20: If you produce an application form that you make available for a registrant to be included on the register maintained by you, you must produce it in Welsh.

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We're the independent regulator for nurses and midwives in the UK, and nursing associates in England. Our vision is safe, effective and kind nursing and midwifery practice that improves everyone's health and wellbeing.

Registered charity in England and Wales (1091434) and in Scotland (SC038362)

Standard 62: You must keep a record (following assessment of your employees' Welsh language skills made in accordance with standard 52), of the number of employees who have Welsh language skills at the end of each financial year and, where you have that information, you must keep a record of the skill level of those employees.

We believe **Standard 20** should be varied so that:

1. The standard only applies to applicants who have obtained their qualification in the United Kingdom.

Welsh is more likely to be spoken by applicants who trained in Wales and the rest of the UK than applicants who trained overseas. Around 70% of professionals on our register living in also trained in Wales, around 20% trained in the rest of the UK, and less than 10% trained outside of the UK¹. In that context, applying the standard to application routes for people who trained outside the UK would be disproportionate.

Applying the standard only to UK educated applicants would be a more reasonable and proportionate approach. It would satisfy the needs of applicants who are most likely to want to apply to join the register in Welsh.

2. The implementation date is extended to December 2025.

In the interim, we will make a PDF version of the application form for UK-qualified applicants available in Welsh within six months as an interim measure.

Embedding a Welsh version of our application form into our online application process will take a significant amount of time and will also incur substantial costs. Changes to our registration process will be required as part of our programme of regulatory reform. That major change programme provides the ideal opportunity for us to sequence our transformation activities and we plan to implement this standard fully by the end of 2025.

It would be unreasonable to expect us to make such a significant change now which would only be in place for a short period of time and which would duplicate activity already planned for 2025. We appreciate that costs are not a factor for consideration by the Commissioner, but we want to avoid duplication of effort wherever possible as we are funded by the fees of the professionals on our register.

For **Standard 62**, we believe that the imposition date should be varied to 12 months to March 2024. This will enable us to implement this change to coincide with the end of our financial year and the start of the new employee appraisal cycle.

¹ NMC [September 2022 data report](#)

Our reasons are explained in more detail in the enclosed consultation response form. I trust our evidence is sufficient and would welcome further discussions with you on the final details of these two standards in advance of receiving our final compliance notice.

Yours sincerely

A handwritten signature in black ink, appearing to be 'JC' or similar initials, written in a cursive style.

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