

Nursing and Midwifery Council submission of evidence to the House of Commons Women and Equalities Select Committee inquiry into Health and Social Care and LGBT communities

Introduction

We set the education standards that nurses, midwives and in England, nursing associates, must achieve to practise, with 83 education providers approved to run 968 programmes across the UK. When they have shown both clinical excellence and a commitment to kindness, compassion and respect, we welcome them onto our register of nearly 700,000 professionals.

Once registered, professionals must uphold day in, day out the standards and behaviour set out in our code so that people can have confidence that they will consistently receive quality, safe care wherever they're treated.

We operate a revalidation process that encourages nurses, midwives and nursing associates to promote lifelong learning. It is a journey that asks professionals to reflect on their practice and how the code applies to their day-to-day work.

Professional regulation enables better care and keeps people safe. But on the rare occasions when care goes wrong or falls short of people's expectations, we step in to investigate and take action when needed. In 2018-19 we received over 5,000 referrals which constitutes a very small proportion of our register of approximately 8 in every 1,000 registrants. In the same period decisions applying sanctions were given on 1224 cases.¹

We promote a culture that encourages professionals to be open and learn from mistakes, gives the public an equal voice, and where everyone involved is treated with kindness and understanding.

Overview

We welcome the work that the Committee is undertaking to explore the experiences of LGBT people accessing healthcare services in the UK. In preparing this response we have consulted with one of our key stakeholders in this field, Skills for Care, who provide support to health and social care workers to provide better care to the LGBT community through their 'Confident with difference' events.²

The Government's 2018 National LGBT survey highlighted worrying accounts of poor care, discrimination, and a lack of awareness and planning when it came to health and

¹ We do not conclude all cases received during the reporting period. Therefore there will be differences between the numbers received and outcomes for the year, for example with some concluded cases having been referred in the previous reporting period.

² <https://www.skillsforcare.org.uk/Getting-involved/Events/Event-follow-up/Confident-with-difference.aspx>

social care provision for LGBT communities. Subsequently the Stonewall report of late 2018, *'LGBT in Britain: Health report'*³ painted a similar picture. We took the personal stories shared about negative experiences with nurses and other healthcare professionals in these reports very seriously. Members of the LGBT community should not feel marginalised, neglected or discriminated against when seeking care, and healthcare workers who are LGBT should be able to go about their roles free from discrimination or harassment.

As the largest professional regulator in the UK we are committed to using our influence to support improvements in practice in equality, diversity and inclusion across the health and care sector, including the LGBT community. Using our register data we are improving our understanding of the workforce, including the LGBT part of it, and building an evidence base to support future understanding of the health experiences of the LGBT community.

Of the 698,237 nurses, midwives and nursing associates who were on our register on the 31 March 2019 the number identifying as bisexual was 4,269 (0.6 per cent), gay or lesbian 11,859 (1.7 per cent) and heterosexual or straight 626,920 (89.8 per cent). The differences between the professions are that 0.7 per cent of midwives identify as gay or lesbian as compared with 1.8 per cent of nurses and 0.8 per cent of those with dual registration. The number of people who told us that their gender identity did not completely match the sex they were registered with at birth was 4,457.

Modernisation of our standards and processes

For the last two years we have been undertaking a number of pieces of work to modernise our standards and processes. A central part of this is a major programme of work to reform nursing and midwifery education, including a wholesale review of our education standards. Our work has sought to understand what people will need nurses, midwives and nursing associates of the future to know and be capable of doing to reflect the changing landscape in which they work.

Our new standards for educators expect that they involve people from diverse groups in the design and evaluation of education programmes and demonstrate a commitment to compliance with equalities and human rights legislation. In our consultation on education standards last May, 81 percent of respondents agreed that the framework would support equality and diversity within nursing and midwifery education.

We are also in the implementation period of our Fitness to Practise Strategy which aims to ensure that people are at the heart of our processes, treating people who use services, patients and their families with compassion and respect and resolving concerns about nurses, midwives and nursing associates as swiftly as possible. We are also changing our registration processes, especially for those trained outside the UK, to ensure that they are as streamlined and easy to navigate as possible, whilst maintaining the highest standards.

In the section below we provide responses to the specific questions that we were asked to consider.

³ https://www.stonewall.org.uk/system/files/lgbt_in_britain_health.pdf

How are pre-qualification curricula constructed to be LGBT-inclusive?

The NMC does not set detailed curricula for pre-registration programmes. Instead we set the proficiencies that all newly qualified nurses and midwives in the UK and nursing associates in England must be able to demonstrate to enter onto our register. We also set standards for those who provide nursing, midwifery and nursing associate education. We approve and monitor the pre-registration programmes designed by approved education providers across the UK against compliance with our standards.

Standards for programme providers

Approved education providers design their pre-registration programme curricula in order to meet our standards and proficiencies. Our programme provider standards set down requirements for selection and admission of nursing, midwifery and nursing associate students, as well as general programme requirements.⁴ For example, they stipulate that all learning environments and delivery partners ensure that:

- Students and educators understand how to raise complaints and are encouraged and supported to do so in line with local and national policies without fear of adverse consequences.
- The learning culture is fair, impartial, transparent, fosters good relations between individuals and diverse groups, and is compliant with equalities and human rights legislation.
- The recruitment and selection of students is open, fair and transparent and includes measures to understand and address underrepresentation.
- Service users and representatives from relevant stakeholder groups are engaged in partnership in student recruitment and selection.
- Students have their diverse needs respected and taken into account across all learning environments, with support and adjustments provided in accordance with equalities and human rights legislation and good practice.
- Students are protected from discrimination, harassment and other behaviour that undermines their performance or confidence.

Standards of proficiency

Our new Future Nurse proficiencies were published in 2018 and were drafted working in consultation with a wide range of groups including LGBT representative groups.⁵ While the standards do not explicitly reference LGBT people or issues they do contain a number focused on 'person centred care' that are intended to prepare nurses for caring for LGBT people, amongst others.

⁴ Standards framework for nursing and midwifery education, NMC, 2018
<https://www.nmc.org.uk/standards-for-education-and-training/standards-framework-for-nursing-and-midwifery-education/>

⁵ Future nurse: Standards of proficiency for registered nurses, NMC, 2018
<https://www.nmc.org.uk/standards/standards-for-nurses/standards-of-proficiency-for-registered-nurses/>

Examples of relevant standards from our Future Nurse proficiencies include:

- Demonstrate an understanding of, and the ability to challenge, discriminatory behaviour.
- Understand the need to base all decisions regarding care and interventions on people's needs and preferences, recognising and addressing any personal and external factors that may unduly influence their decisions.
- Provide and promote non-discriminatory, person centred and sensitive care at all times, reflecting on people's values and beliefs, diverse backgrounds, cultural characteristics, language requirements, needs and preferences, taking account of any need for adjustments.
- Understand and apply a person-centred approach to nursing care, demonstrating shared assessment, planning, decision making and goal setting when working with people, their families, communities and populations of all ages.

In addition, the introduction to the proficiencies document contains the following statement relevant to LGBT patients, families and members of the public: *“Registered nurses provide leadership in the delivery of care for people of all ages and from different backgrounds, cultures and beliefs.”*

This year we have been consulting on our draft Future Midwife standards which will include similar proficiencies that education providers will be required to develop course outcomes around.

The NMC code

All nurses, midwives and nursing associates must abide by our code, which sets our standards of behaviour for nurses, midwives and nursing associates.⁶ As with our proficiencies, the code doesn't specifically reference LGBT people or issues, however it does contain clear standards which are aimed at 'person centred' values or care. Some examples of these are to:

- Treat all people with kindness, respect and compassion.
- Avoid making assumptions and recognise diversity.
- Challenge poor practice and discriminatory attitudes.
- Treat people fairly and without discrimination.
- Not express your personal beliefs to people in an inappropriate way.
- Uphold the reputation of your profession at all times.

The requirements of the code also form a central component of the revalidation process that all nurses, midwives and nursing associates must complete every three years in

⁶ The Code: Professional standards of practice and behaviour of nurses, midwives and nursing associates, NMC, 2018 <https://www.nmc.org.uk/standards/code/>

order to maintain their registration. Thus, by upholding the code and being required to evidence this by revalidating, we expect nurses, midwives and nursing associates to facilitate and provide safe, compassionate and effective care to all, including the LGBT community, throughout their career.

All of our standards are subject to comprehensive equality impact assessments at development.

Are there any modules in training (either pre- or post-qualification) that specifically focus on LGBT-health needs?

As we have outlined above the NMC does not specify what must be taught in which modules to this level of detail. It will be up to individual education providers to decide the content of their course based on our standards, and other sources.

What criteria are used to assess whether someone is fit to practice if there has been a complaint of LGBT discrimination or harassment made against them?

If we receive a complaint or concern about a nurse, midwife or nursing associate we have processes in place to consider this. In all cases we assess someone's fitness to practise with reference to our published fitness to practise guidance,⁷ the NMC's code, and any other relevant policies or standards relevant to the concerns raised. Concerns about LGBT related discrimination may be raised by people using services, patients, colleagues, or members of the public, and we assess each case on its own facts.

As we have highlighted the code sets out a number of standards of conduct or behaviour relevant to the treatment of LGBT patients and members of the public, which includes:

- **Treat people as individuals and uphold their dignity.** This includes treating people with kindness, respect and compassion, avoiding assumptions and recognising diversity and individual choice, and respecting and upholding people's human rights.
- **Uphold the reputation of your profession at all times.** This includes acting with honesty and integrity at all times, treating people fairly and without discrimination, bullying or harassment.

When concerns about someone's fitness to practise are raised with us, we assess how serious the concerns are and the risk of harm to patients and members of the public, with reference to our fitness to practise guidance. We will also take into account anything that has happened since the concern was raised or happened, for example whether the professional has reflected on their behaviour and taken steps to remedy it, such as attending relevant training. Some concerns are more difficult to put right, for example causing deliberate harm to patients (such as through discrimination), and in these cases it is more likely that we will find someone's fitness to practise is impaired and take action to restrict their practice or remove them from the register altogether.

⁷ <https://www.nmc.org.uk/ftp-library/>

Of LGBT nurses, midwives and nursing associates on our register, the numbers of concerns raised about them to us is low. Of the total number of referrals in 2018-19 3.1% of them had previously self-identified to us as being gay or lesbian, and 1.1% bisexual.⁸

What is the process for nurses or midwives who have qualified overseas when it comes to ensuring their knowledge and compliance with UK equality legislation?

In order to enter the register, all nurses, midwives and nursing associates trained outside the UK must meet our registration requirements. These include that they hold a qualification comparable to one approved for entry to the register by the NMC in the UK, are capable of safe and effective practice, have an appropriate indemnity arrangement, and can satisfy our English language requirements.

As part of the application process the overwhelming majority of nurses, midwives and nursing associates are required to undertake a test of competence which they must successfully pass before they can enter the register. The test is designed around the proficiencies in our pre-registration education standards outlined earlier in this document, as well as the requirements of the code. Thus applicants are tested on their clinical knowledge and skills as well as against the values that we have set out in our standards, including those relating to equality, diversity and inclusion. Preparation for the test will include knowledge of relevant legislation, including equalities legislation.

Once they have entered the register, nurses, midwives and nursing associates trained outside the UK must meet the same standards as everyone else in order to maintain their registration, including upholding the requirements of the code and revalidating every three years.

Further information

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⁸ Annual equality, diversity and inclusion report 2018-19, NMC 2018