

## Education and Standards information handling guidance

### Introduction

- 1 The Nursing and Midwifery Council (NMC) is the statutory professional regulator for nurses and midwives in the UK. Our principal functions include setting standards of education, training, conduct and performance for nurses and midwives, and ensuring the maintenance of those standards. We are also statutorily required to keep a register of qualified nurses and midwives.
- 2 The Education and Standards directorate is responsible for setting the standards of proficiency that prospective nurses or midwives must meet in order to be admitted to the register.<sup>1</sup> We also set education and training standards, which shape the content and design of nursing and midwifery programmes.<sup>2</sup>
- 3 As well as setting standards, we approve education institutions and programmes and quality assure our approved programmes against the standards we have set. We do this by appointing independent visitors, who report on whether approved education institutions (AEIs) are continuing to meet our education and training standards.<sup>3</sup>
- 4 On a day to day basis we process general information relating to our standards and AEIs. However, there are occasions where we may handle personal information relating to specific individuals, for example, through our quality assurance processes or in answering general queries from the public about our education and training processes. On occasion, we may also be involved in sharing personal information with third parties to further our overarching object to protect the public. In general, the reason why we process personal information is either because we have a legal obligation to do so or because it is necessary for the exercise of our statutory functions<sup>4</sup> or any other functions in the public interest.

### Purpose

- 5 This guidance sets out in general terms how we will handle the personal information we receive in connection with our education functions and the circumstances when we may share personal information with third parties.

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<sup>1</sup> Article 5(2) of the Order

<sup>2</sup> Article 15(1)(a) of the Order

<sup>3</sup> Articles 16-18 of the Order

<sup>4</sup> As set out in the Nursing and Midwifery Order 2001 (“the Order”)

## Standards development

- 6 Before establishing any standards, we must consult appropriately.<sup>5</sup> When we set our proficiency and education standards we use a range of different consultation methods in order to engage effectively with a wide variety of stakeholders.
- 7 When we hold public consultations to obtain feedback on our proposals (either ourselves or by using external companies) we generally do not collect any personal data at all. The analysis we carry out from our public consultations is fully anonymised.
- 8 On occasion, we may decide to obtain the views of specific individuals who may have a particular interest in the work do. In such circumstances, we may contact relevant individuals whose personal information we already have to see if they wish to be involved in our consultation exercise. We may do this internally or through external agencies, and will ensure in either case that we comply with data protection legislation.

## Quality assurance

- 9 An important part of our work involves quality assuring AEIs to make sure they are delivering programme and courses in accordance with our standards. We use independent visitors to review the institutions and programmes and produce reports.

## Visitor information

- 10 Our quality assurance reviews are carried out by a team of three visitors: a managing reviewer, a nurse or midwife reviewer selected with due regard to the profession with which they are to report on,<sup>6</sup> and a lay reviewer. We require all our visitors to provide us with their contact details and details of their experience to ensure that our quality assurance reviews are carried out by individuals with the correct expertise.
- 11 Visitors are required to produce reports in respect of the AEIs they have reviewed as part of our quality assurance processes. We may publish these reports on the NMC's website with the names of the visitors who produced them, along with the AEI's response to the report, where they have asked us to do so.<sup>7</sup>

## AEI named contacts

- 12 In order to quality assure, we require AEIs to provide us with the contact details of a named individual (and any delegates) to take on the role of an AEI official correspondent. This enables us to communicate effectively with AEIs in respect of any ongoing quality assurance work and to clearly identify an individual who is responsible for taking forward any recommended actions arising out of our

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<sup>5</sup> Article 3(14) of the Order

<sup>6</sup> Article 16(6) of the Order requires this.

<sup>7</sup> Article 16(12) of the Order

reviews. We will share the name of the AEI contact with our visitors, who carry out independent reviews of the AEIs on our behalf. We may also use the AEI contact's details to pass on relevant information about the NMC, for example details of stakeholder engagement events or consultations that the NMC is holding.<sup>8</sup>

- 13 We rely on named AEI contacts to keep their contact details with us with up-to-date. Lead midwifery educators can update or change their contact details via the form on our website ([www.nmc.org.uk/education/lead-midwifery-educators/form-for-new-lmes](http://www.nmc.org.uk/education/lead-midwifery-educators/form-for-new-lmes)). All other correspondents can update their detail by sending an email to [QATeam@nmc-uk.org](mailto:QATeam@nmc-uk.org).

### Quality assurance reviews

- 14 When conducting quality assurance reviews, AEIs often provide a significant amount of supporting documentation to assist visitors to produce their reports. This documentation can sometimes contain personal information, such as minutes of meetings attended by certain individuals which contain their thoughts or opinions or CV's of academic staff. AEIs are required to upload any documentation via our online portal. This information is password protected and can only be accessed by individuals that need to see it as part of our quality assurance process.

### Concerns

- 15 AEIs manage the delivery of educational programmes in accordance with our standards for education. When risks emerge, the named AEI contact must respond swiftly to manage and control risks appropriately by making an exceptional report to the NMC. All exceptional reports should be sent to: [exceptional.reporting@nmc-uk.org](mailto:exceptional.reporting@nmc-uk.org).
- 16 If a concern is raised with us by someone other than the AEI which relates to the safe and effective delivery of an NMC approved programme, we'll investigate and, if necessary, act upon the concerns raised. We will inform the AEI concerned within five working days so that the risk can be locally managed where possible. We may also contact the third party to ensure we understand the risk and information correctly.
- 17 Where appropriate, we'll redirect any concerns regarding systems to the appropriate systems regulator. Where a concern relates to the fitness to practise of a registered nurse or midwife, we may pass the information on for fitness to practise investigation<sup>9</sup> or refer it to our Employer Link Service.

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<sup>8</sup> We consider that this is necessary to discharge our duty to cooperate, in so far as is appropriate and reasonably practicable, with those responsible with the education or training of nurses, midwives or other health care professionals under Article 3(5)(b) of the Order as well as our obligations to consult under Article 3(14) of the Order.

<sup>9</sup> Article 22(6) gives the Council the power to refer any matter for FtP investigation where it appears appropriate to do so.

## **Risk intelligence**

- 18 We carry out analysis on our quality assurance activity and, on occasion, we may decide to share this with other professional and system regulators to support cross-regulatory collaboration and to further our objective of protecting the public.<sup>10</sup> Where we choose to do so we generally will remove any personal information from our analysis so that it is fully anonymised.

## **Enquiries**

- 19 We receive enquiries about our education standards and quality assurance processes by email, letter and telephone. We use any personal information provided to us for the purpose of answering the enquiry. We may share the information we have been provided with another relevant department within the NMC for the purpose of trying to assist the enquirer with their query.
- 20 Where we receive an enquiry that raises a concern about a registered nurse or midwife, we'll consider whether this needs to be referred for investigation. In some circumstances, we may decide to share the information with an external third party, such as other healthcare regulators, where we consider a public protection issue arises.

## **Corporate Complaints**

- 21 If a complaint is made to us we'll use the data provided to help to resolve the concerns raised by the complainant. We may share information with another relevant team within the NMC specifically for the purpose of resolving the complaint. If a complaint raises a public protection concern about an applicant for registration or a registered nurse or midwife, we may also pass this onto the relevant department to consider whether any regulatory action needs to be taken.
- 22 The information that is provided by the complainant is restricted to those members of staff who need to consider the complaint and is not normally shared outside the NMC. However, where it is necessary to resolve the complaint, we may request further information from the complainant. In rare circumstances, we may need to seek information from parties (for example, other regulators or external lawyers) to assist us in resolving the complaint. We will not release any personal data to a third party unless an individual goes through our corporate third party verification process.
- 23 As well as answering the concerns raised we also use the information contained within complaints to learn and improve the way in which we carry out our responsibilities. This information is fully anonymised and does not contain any personal data.

## **Surveys, research and training**

- 24 We may from time to time carry out surveys and research in respect of our register or use information we have obtained as part of our registration

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<sup>10</sup> See Article 3(4) and 3(5) of the Order

processes for training purposes. Any personal information will however be fully anonymised to remove any personal data.