

Registration and Revalidation information handling guidance

Introduction

- 1 We are 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 required to keep a register of qualified nurses and midwives.
- 2 We handle the personal information of a range of people in the context of processing applications for registration with the NMC and maintaining our public register of qualified nurses and midwives. We process personal data because it is necessary for the exercise of our statutory functions¹ or any other functions in the public interest.

Purpose

- 3 This guidance aims to provide transparent and accessible information to anyone involved in our registration processes. This includes:
 - 3.1. People who are applying for registration with us;
 - 3.2. People who provide information to us in support of someone's registration application;
 - 3.3. The qualified nurses and midwives who are registered with us.
- 4 We have separate information handling and publication guidance for people going through fitness to practise proceedings, which can be found on our website.

Registration applications

- 5 In order to be admitted to or remain on our register a person must submit an application and satisfy our statutory registration requirements. We process a large number of different applications for registration including admission, revalidation, readmission and annual retentions. We also process applications by nurses or midwives to register recordable qualifications, such as prescribing qualifications, against their entry on the register.
- 6 Before we can enter a person on our register or record a qualification against their entry, an applicant must provide us with the information and evidence we require to make a decision. Most of this information is about the applicant themselves but the

¹ As set out in the Nursing and Midwifery Order 2001 ("the Order")

application may also contain personal information about third parties, such as their employer or a referee.

- 7 If information is missing from an application or the information provided is unclear, we may contact the applicant to request further information. In the event that we have a concern about the information provided, we will investigate those concerns in order to fulfil our role of protecting the public. This may involve contacting third parties before making our decision about whether or not the applicant should be admitted to our register.

Verifying information

- 8 In some cases we choose to verify the information that an applicant has provided to us in their registration application. We usually verify the information that an applicant for registration has provided to us in the following ways:
 - 8.1. As part of the registration process for applicants trained overseas, we will verify the validity of the applicant's passport using a verification software provided by a third party.
 - 8.2. As part of the registration process for EU/EEA applicants we will check whether any sanctions have been imposed on an applicant's registration in their home country via the Internal Market Information System (IMI).
- 9 Additionally, where applicants are required to provide us with details of third parties as part of their application we may contact those third parties to verify that the information the applicant has provided to us is correct. For example we may contact:
 - 9.1. Employers to verify dates of employment
 - 9.2. Referees to verify their relationship to applicant and confirm their registration details where this is not initially provided on reference forms
 - 9.3. Confirmers and reflective discussion partners who have worked in conjunction with nurses and midwives applying for revalidation to verify that they have in fact had a confirmation or reflective discussion with the applicant. We may also ask for the dates on which the discussions took place.
- 10 We will generally only use third party information for the purposes of processing the applicant's registration application and deciding whether or not the applicant has met our registration requirements. If we contact a third party to obtain further information, we may disclose to the applicant any further information provided to us about their registration application.
- 11 If we become aware that a third party has provided incorrect or fraudulent information in support of a registration application and they are an NMC registrant, we will consider whether this raises concerns about their own fitness to practise and may make a referral to our fitness to practise department.

Higher Education Institutions and other bodies responsible for tests of competence

12 In some cases an applicant may be required to undertake an approved competency test before they can complete their registration application. In such cases we will usually share the following information about the applicant with the test centre or university:

- 12.1. Full name
- 12.2. NMC candidate ID
- 12.3. Date of birth
- 12.4. Address
- 12.5. Telephone number
- 12.6. Email address
- 12.7. Type of application the applicant is making
- 12.8. The result of any previous NMC competency tests (if applicable).

13 We provide this information so that the applicant sits the correct test or enrolls on the correct course. It also enables the test centres to communicate the results of the test directly to us. We pass on any test results we receive to the applicant.

Health information

14 We keep all information relating to an applicant's health confidential. We use health information that an applicant has provided

- 14.1. To us to inform our registration decision and, in particular, to decide whether or not they are of sufficient good health to be capable of safe and effective practice.
- 14.2. To explain to appeal panels why we may have decided to refuse an applicant's registration on the grounds of health.
- 14.3. To assess whether we need to make any reasonable adjustments in accordance with the Equality Act 2010.

15 We may ask applicants to provide further information about their health to help us decide what reasonable adjustments to make or to follow up on any concerns we have about their ability to carry out safe and effective practice.

Caution and conviction data

16 As part of our registration processes all applicants are asked to self-declare whether or not they have any cautions or convictions. We usually use this information to inform our decision about whether or not an applicant is of sufficient

good character to be capable of safe and effective practice. We may also use this information to explain to an appeal panel why we may have refused an applicant's registration.

- 17 As a healthcare regulator we are entitled to see and use information about a person's spent cautions and convictions to inform our registration decision. We are not entitled to take into account any protected cautions or convictions. If we inadvertently become aware of this information, for example because an applicant accidentally declares a protected caution or conviction to us, we ensure that this information is redacted from the applicant's case file and is not taken into account when we make our registration decision.

Concerns

Investigating concerns

- 18 Once an applicant has submitted a complete application for registration we will investigate any concerns that we have before we make a decision on whether the applicant has satisfied our statutory registration requirements. Concerns can arise when:
 - 18.1. An applicant self-declares on their application that they have caution(s) or conviction(s);
 - 18.2. An applicant informs us that they have a health condition which could impact on their ability to carry out safe and effective practice;
 - 18.3. A concern has been raised with us about an applicant when they were not on the register at the time of the allegation so we did not have the statutory power to investigate under our fitness to practise processes;
 - 18.4. A third party raises a concern about the applicant's ability to carry out safe and effective practice after the applicant has submitted their application and before we have made our decision;
 - 18.5. We discover that an applicant may have provided incorrect or fraudulent information to us.
- 19 Where we become aware that an applicant has a caution or conviction (apart from those that are protected), we will always carry out further investigations to determine whether they are of sufficient good character to be capable of safe and effective practice. As part of this investigation we will make contact with all relevant parties, which may include the applicant's employer, former employers or the police. In some cases we may need to contact witnesses to an incident.
- 20 Where we have a concern about an applicant's health (for example they have declared a health issue that could impact on their ability to carry out safe and effective practice), we will investigate that concern to determine whether or not the applicant has met the registration requirements. It may be necessary to investigate health concerns by getting a report from the applicant's General Practitioner. In some cases we will also request that an independent medical examination is

completed and a report produced. We will always seek the applicant's consent before taking these steps and keep health information confidential.

- 21 In cases where we have concerns about an applicant's ability to carry out safe and effective practice but they were not on the register at the time of the allegation we will assess whether or not they are serious enough to look into if the individual applies for registration with us at the time of receiving the allegation. If it is, we will keep a record of the concerns and investigate them at the time of any subsequent registration application.

Third party information

- 22 Where we have asked a third party to assist our investigation into an applicant's registration application, we will usually always share the information they have provided to us with the applicant. This is so that the applicant can understand what information we have taken into account when we have made our registration decision. We will redact any personal information that is not relevant to our decision-making, for example, home contact details or bank details.

Unsuccessful applications

- 23 Where a registration application is refused, we will notify the applicant in writing by letter. If the applicant has a representative we will also notify the representative. The applicant has the right to appeal a decision to refuse their registration application. Generally appeals are considered in public by a registration appeal panel unless, for example, the panel is considering matters relating to an appellant's health.

- 24 Before a panel considers an appeal against a registration decision, we will prepare a bundle of evidence and send it to:

- 24.1. The panel considering the appeal, which comprises of three independent members, a chair person, a registrant member and a lay member.
- 24.2. An independent legal assessor, who advises the panels on matters of law and procedure;
- 24.3. The panel secretary, who assists the panel in an administrative capacity;
- 24.4. The appellant (and their representative);
- 24.5. The NMC's case presenter.

- 25 We will generally redact the bundles to remove irrelevant or prejudicial information that the panel does not need to make their decision, such as addresses or contact details, or the identity of individuals where they are not in issue. This bundle will generally contain:

- 25.1. any information submitted by the appellant (or on their behalf by a representative) in support of their registration application and their appeal;

25.2. any evidence we have gathered as part of our investigation into any concerns;

25.3. the refusal decision.

26 At the conclusion of an appeal, in those cases where an appeal is rejected, arrangements will be made for the outcome of the hearing and the panel's reasons to be published. For those cases where a hearing was conducted in private, a revised and suitably edited version of the panel's reasons will be made available.

Register information

27 We maintain a public register of qualified nurses and midwives on our website. We publish the full name of each registrant, their personal identification number and their registrable and recordable qualifications of our registrants. Where a nurse or midwife is under a 'live' fitness to practise sanction, we also publish details of this on our register. We do not publish addresses on our public register but do include details of the nurse's or midwives' geographical area to assist those searching the register to identify individuals. For further information about the information we publish see the *FtP Publication guidance*.

Accuracy

28 We keep the register in a form and manner that guards against falsification and take all reasonable steps to ensure that only authorised individuals can amend the NMC register.² We also update the register as soon as it comes to our attention that it contains inaccurate information. However, we do rely on registrants to keep their information with us up-to-date and accurate. Those who have an NMC online account can update both their email and postal addresses through their online account. Registered nurses and midwives are required to notify us in writing within one month of any change of name or address.³

Sharing information with nominated third parties

29 We will only share the personal data of a registered nurse or midwife with a nominated third party, such as a relative, nursing agency or company, where we have written authority from the nurse or midwife to do so. Before we share any information with a nominated third party, we will take steps to confirm their identity. Nominated third parties will not be able to make requests for us to change the personal data of a registered nurse or midwife.

30 The nominated third party's details will be held on our system until such time as they or the registered nurse or midwife requests us to remove them.

Cooperating with employers and other regulators

31 Under our legislation, we have a duty to co-operate, insofar as is appropriate and reasonably practicable, with those who employ registered nurses and midwives

² Rule 4(4) of the NMC (Education, Registration and Registration Appeals) Rules 2004

³ Rule 16(1) of the NMC (Education, Registration and Registration Appeals) Rules 2004

and other healthcare regulators.⁴ Where appropriate we may pass on information to relevant regulatory authorities, safeguarding agencies and the police.

32 We have an online portal for employers which enables them to access register information in a more efficient way because it enables them to have the register details of a large number of registrants at one time. We provide employers with exactly the same information that is on the public register apart from that we also provide employers with dates that a registered nurse or midwife may have lapsed. We also share register information with the National Health Service so that they have an up to date list of the registration status of nurses and midwives.

Certificates of current professional status

33 The NMC sometimes provides certificates of current professional status to other regulators in the EU on request. These certificates contain:

- 33.1. The name of the individual
- 33.2. Their PIN
- 33.3. Their Home address
- 33.4. The date they initially registered with us
- 33.5. Their current registration status
- 33.6. Their registration expiry date (if applicable)
- 33.7. The qualifications registered with us and relevant training dates.
- 33.8. The name of the training institution where they gained their nursing/midwifery qualification
- 33.9. The Articles of the EU Directive they are registered under

Direct Debits

34 Registrants are encouraged to pay their registration fees by setting up a direct debit via their NMC online accounts. The NMC call centre can provide general advice on how to setup a direct debit but this process needs to be completed directly by the registrants through their NMC online accounts

Enquiries

35 We receive a large number of enquiries about the work that we on a daily basis through our call centre and mailboxes. Any personal data disclosed as part of our telephone advice line or inbox service will be used to assist the enquirer to resolve their enquiry. We may share the information we have been provided with another

⁴ Article 3(5) of the NMC Order 2001

relevant department within the NMC for the purpose of trying to assist the enquirer with their query. We will not release any personal data to a third party unless the person has gone through the nominated third party verification process described above.

Corporate complaints

- 36 If a complaint is made to us we will 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 we need to take any regulatory action.
- 37 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 third 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 the nominated third party verification process described above.
- 38 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

- 39 We carry out surveys and research in respect of our register. Research reports will however be fully anonymised to remove any personal data before publication. We may use information we have obtained as part of our registration processes for training purposes.