

**Nursing and Midwifery Council
Registrations Appeal Committee**

**Registrations Appeal Hearing
Monday, 3 November 2025**

Virtual Hearing

Name of Appellant:	Simi Koonathan Pathrose
Type of case:	Registrations appeal
Panel members:	Sarah Hamilton (Chair, Lay member) Elizabeth Williamson (Registrant member) Reni Aina (Lay member)
Legal Assessor:	Karen Rea
Hearings Coordinator:	Hamizah Sukiman
Nursing and Midwifery Council:	Represented by Shoba Aziz, Case Presenter
Ms Pathrose:	Present and unrepresented
Decision:	Appeal dismissed

Decision and reasons

The panel decided to dismiss your appeal against the decision of the Assistant Registrar of the Nursing and Midwifery Council ('NMC').

This appeal is made under Article 37 of the Nursing and Midwifery Order 2001 ('the Order'). You appealed the decision of the Assistant Registrar, dated 7 February 2025, that you would need to complete an English language test in order for the NMC to be satisfied that your English is sufficiently proficient for you to practise safely and effectively.

Article 9(2)(ba) of the Order states that one of the requirements of registration is that an applicant must satisfy the Registrar that they have the necessary knowledge of English.

Further, the NMC Guidance, '*Guidance on registration language requirements*' (updated June 2023), sets out that there are three 'types' of evidence that will satisfy the NMC that an applicant has the necessary knowledge of English to practise in the UK, without needing further evidence. The three types are:

1. An applicant has recently achieved the required score in the academic version of International English Language Testing System ('IELTS') or the Occupational English Test ('OET'). You must achieve the required scores in reading, writing, listening and speaking ('Evidence type 1');
2. An applicant completed a pre-registration nurse, midwife or nursing associate programme that was taught and examined in English. During that programme, an applicant must have spent at least half of their time interacting with patients, service users, their families and other healthcare professionals, and at least three-quarters of these interactions must have been in English ('Evidence type 2'); or
3. An applicant has recently practised for one year in a country where English is a majority spoken language ('Evidence type 3').

In reaching its decision, the panel considered all of the evidence in this case, including your evidence under affirmation, documentary evidence you provided as well as submissions from Ms Aziz.

Background

You first applied for registration on 7 February 2025.

As part of your application, you included the following documentation as part of your evidence:

- Completed ‘*Supporting Information From Employers*’ (‘SIFE’) form, completed on 5 December 2024;
- Confirmation of the medium of instruction (Letter and Transcript) from the School of Nursing, Trichur Metropolitan Health Care (Pvt) Ltd in Thrissur, India;
- Reply from your SIFE counter-signatory confirming the nature of Connect Nursing Limited, dated 23 January 2025; and
- Reply from your line manager clarifying how they observed your clinical interactions, in English, with people who use services, their families, carers, and other healthcare professionals, dated 23 January 2025.

The Assistant Registrar refused your application on the grounds that the evidence you have submitted did not meet the criteria of the NMC Guidance, ‘*Guidance on registration language requirements*’, as outlined above. The Assistant Registrar further stated that evidence type 2, which you relied upon in your application, can be useful in three scenarios. The Assistant Registrar stated the scenarios are:

‘1. If you have completed an NMC-approved pre-registration nurse, midwife or nursing associate programme, we will accept this as evidence that you have the necessary knowledge of English.

[...]

2. If you completed your pre-registration nurse, midwife or nursing associate programme in a country where English is a majority spoken language, you will need to demonstrate that the programme meets the requirements for interactions in English by providing evidence that is recent, objective and

that we can easily verify, such as a transcript from the University or Higher Education Institution where you completed your course.

3. If you completed your pre-registration nurse, midwife or nursing associate programme in a country where English is not a majority spoken language, you will need to provide evidence that you were taught in English and that you can interact clinically in English. To help you, we will allow you to provide separate evidence for the teaching and interaction elements. You will need to provide:

- a training transcript or official letter from your training institute showing that your course was taught and examined in English*
- supporting information from your employer as evidence that you can interact clinically in English.'*

Based on the evidence you submitted in support of your application, the Assistant Registrar determined that you did not possess the necessary level of English proficiency. The Assistant Registrar required you to complete an English language test, namely the academic version of the International English Language Testing System ('IELTS') and obtain a score of at least 7.0 in each section of the test (6.5 in writing is now accepted), or to complete the Occupational English Test (OET) and attain at least level B in each section (C+ is now accepted in the writing section).

A letter was sent to you advising you of the Assistant Registrar's decision.

On 9 February, you appealed the decision of the Assistant Registrar in a Notice of Appeal.

This appeal was scheduled to be heard on 1 August 2025, before this panel. At that hearing, Ms Price, on behalf of the NMC, referred to two NMC guidance documents as part of her submissions, namely the NMC Guidance, '*Guidance on registration language requirements*' outlined above, as well as the NMC Guidance, '*SIFE for employers*'.

The panel, under the guidance of the legal assessor, expressed concerns that you may not have seen either of these documents, and that the documents do not form part of the

NMC bundle for the registrations appeal hearing. The panel asked you whether you have had sight of these documents, and you indicated that you have seen the bundle sent to you by the NMC, but you were unclear on whether you have read the guidance referred to.

Following submissions from both Ms Price and you, the panel adjourned the hearing to allow the NMC the opportunity to serve upon you all the documents it wishes to rely upon (including the SIFE guidance) and for you to have the opportunity to prepare your case based on this. At that hearing, the panel made the following directions:

1. The NMC must send to you information in relation to the SIFE process, including providing you a full copy of the NMC Guidance, '*Supporting information from employers (SIFE)*' from the NMC website, including the guidance '*SIFE for applicants*', '*SIFE for employers*' and '*SIFE Case studies*' by 8 August 2025;
2. The NMC must provide a clear and detailed summary of its position on this appeal to you by 15 August 2025;
3. On receipt of 1 and 2 above, you have the permission to provide to the NMC a Witness Statement with supporting documentation by 5 September 2025; and
4. The matter must be relisted as an urgent matter on the first available date after 12 September 2025, with a time estimate of one day.

The hearing today has been scheduled following the adjournment of the previous hearing on 1 August 2025.

Submissions in respect of the Registration Appeal

Ms Aziz, on behalf of the NMC, outlined the background to the case, including the details of your application to the Assistant Registrar and she referred the panel to the summary of the NMC's position, dated 8 August 2025, contained within the bundle.

She referred the panel to the NMC Guidance, '*Guidance on registration language requirements*', as outlined above. The guidance further states:

'If you completed your pre-registration nurse, midwife or nursing associate programme in a country where English is not a majority spoken language you will

need to provide evidence that you were taught in English and that you can interact clinically in English. To help you we will allow you to provide separate evidence for the teaching and interaction elements. You will need to provide:

*16.1.A training transcript or official letter from your training institute showing that your course was taught and examined in English, **and***

16.2.Additional supporting information from your employer (see below) as evidence that you can interact clinically in English

If you cannot provide both of these elements you will need to provide an alternative type of evidence such as a language test.’ (emphasis added)

[....]

Supporting information from employers

As set out above, in specific circumstances we will allow you to supplement evidence types 1 and 2 with additional supporting information from your current employer. You must have been working in a health or care setting for at least 12 months at the point you submit your application.

When you apply you will be asked to nominate your line manager to confirm that you have suitable knowledge of English in reading, writing, listening and speaking. You must have shown that you can interact with a wide range of people, including patients, service users, their families and other healthcare professionals. Your line manager (or line managers) must be an NMC registrant.

You will also need to nominate a senior NMC registrant from the same employer to counter-sign the information.’

Ms Aziz confirmed that you have provided the NMC with your nursing training transcript from an institution in India, showing that the programme was conducted in English. She

submitted that the NMC accept that your nursing course was conducted in English (per 16.1 in the guidance above).

However, the NMC is of the view that India is not an English-speaking majority country, and therefore additional evidence into whether you can interact clinically in English would be required, in accordance with the NMC Guidance (per 16.2 in the guidance above). This is the point for the panel's consideration today, namely the sufficiency of additional supporting information provided by your employer as evidence that you are able to interact clinically in English.

The panel also had sight of the NMC Guidance, '*SIFE for employers*'. Under the header, '*Providing SIFE as a line manager*', the guidance stated:

'To be able to provide SIFE, the line manager must have seen substantial evidence of the applicant's language skills in practice. They should only agree to provide SIFE if they have worked closely with the applicant and have been able to observe their clinical interactions, in English, with people who use services, their families, carers, and other healthcare professionals.'

The panel had sight of the documents you submitted as part of this appeal (prior to August 2025), namely a completed SIFE form, an email from the counter signatory, dated 23 January 2025, confirming the nature of Connect Nursing Limited as well as an email from your line manager, dated 23 January 2025, in respect of your clinical interactions. The panel also had sight of a supporting letter, dated 31 July 2025, from your line manager commenting on your performance.

Prior to the commencement of this hearing, you provided the panel with additional documentation to support this appeal including:

- A statement, dated 30 August 2025, detailing the nature of your role, your interactions with patients and your English language proficiency in a clinical setting; and
- Correspondence between you and the NMC between August and October 2025.

The panel also heard your evidence under affirmation. You told the panel that you do not work independently, but you do work under close observation. You stated that you are subject to regular supervision and are subject to an appraisal every six months.

You told the panel that your current role is in complex care, rather than a conventional domiciliary role. You said that your current role involves providing care in clients' homes, and this includes 24-hour ventilation management, moving and handling, PEG medication administration as well as communicating with other healthcare professionals (such as General Practitioners, pharmacists as well as hospital staff, as necessary). You told the panel that you are confident that you are able to work independently, and you gave the panel an example of your typical day, where you accompanied a patient to hospital having rang 999, and you communicated with all healthcare professionals involved in that patients' care in English.

You told the panel that at the end of every shift, you telephone your line manager. You also told the panel that your line manager has accompanied you to clients' homes to teach you how to use equipment, and these visits lasted one to two hours. You confirmed that you often work with another member of staff (which can be a registered nurse) in your role.

You confirmed, in response to Ms Aziz's questions, that you understand medication labels, care plans and other clinical documentation, and that you are able to interact with patients and healthcare professionals. You told the panel that you obtained a score of 5.0 on the IELTS in 2022 (with 4.5 for the writing component of the test), but this has now expired. You informed the panel that you passed the Objective Structured Clinical Examination ('OSCE') – the second part of the NMC's Test of Competence – on your second attempt.

Ms Aziz submitted that, in accordance with the NMC Guidance above, your line manager must have seen substantive evidence of your language skills in clinical practice. She submitted that there is insufficient evidence from your line manager before this panel today that you are able to interact clinically in English, particularly given the nature of your domiciliary work. She submitted that your line manager has not attended this hearing to give evidence today, and there is no additional documentary evidence supporting your

assertion that you have the necessary knowledge of English. Ms Aziz further submitted that it is apparent that you had difficulty understanding and responding to questions today, yet you assert that you possess the necessary level of proficiency to practise safely. She invited the panel to dismiss the appeal.

The panel accepted the advice of the legal assessor.

Panel's decision

The panel had regard to the NMC Guidance, '*Guidance on registration language requirements*' as well as the NMC Guidance, '*SIFE for employers*'.

The panel considered that you have provided a completed SIFE form which has been signed by your line manager and countersigned by their line manager, both of whom are registered nurses. The panel took into account that both nurses have indicated that you possess the sufficient English language proficiency to practise safely and effectively. The panel noted Ms Aziz's indication that neither manager provided further written information on your language proficiency, but it determined that it was not mandatory for them to do so.

The panel also considered your written statement and your line manager's supporting letter, dated 31 July 2025, which supports the assertion that you are sufficiently proficient in the English language. The panel noted that your statement, written in English, was clear and coherent.

The panel took into account the nature of your current role in complex care, and it was of the view that it was not solely domiciliary in nature. The panel considered that your current role involves caring for patients with complex care needs, including ventilator management, PEG medication administration, moving and handling, communication with patients and other healthcare practitioners as well as other elements of complex care, which the panel noted are transferable nursing skills. The panel therefore did not accept Ms Aziz's submissions that the role is purely domiciliary, and it acknowledged the complex nature of your current role.

Notwithstanding this, the panel considered that the hearing in August 2025 was adjourned to allow you the opportunity to obtain further information from your line manager in order for the SIFE information to be sufficient. The panel took into account that the NMC has complied with its direction, and that you were given a summary of the NMC's position in respect of your appeal on 8 August 2025. The panel considered that you therefore had nearly three months to obtain information which the NMC would find satisfactory, having been told that the information you provided in August 2025 was not satisfactory. The information has not been forthcoming, and the panel was unsure as to why. The panel noted that, when you were asked, you could not provide it with a clear answer. The panel was unable to determine whether the request for additional information was relayed to your line manager.

The panel considered that there is no information before it of the supervision which either your line manager or the counter-signatory undertook whilst you were working. In the panel's judgement, your own oral evidence on that matter lacked comprehension and detail.

The panel also considered that there was a lack of comprehension and spontaneity overall in your oral evidence today. In the panel's judgement, this is indicative of your current listening and speaking skills. The panel took into account that you took long pauses between hearing the questions from either Ms Aziz or the panel before responding, and that you did not respond at all on some occasions. When you did respond, the panel considered many of your responses incoherent, and you appeared to struggle to convey information clearly. The panel noted that you were unclear even when the matters discussed were straightforward, such as whether you had received the bundle sent to you by the NMC.

The panel considered that there is a proficiency gap between your written statement and the oral evidence you gave today. The panel acknowledged that you indicated that you were nervous. However, the panel determined that your nervousness was unlikely to be the cause of your incoherent responses, or the long pauses you took. The panel expressed concern that this was instead indicative of your comprehension of the questions being asked of you.

The panel was therefore not satisfied that you would be able to practise safely or effectively given your command of the listening and speaking elements of the English language, as displayed in your oral evidence today. In the absence of any supporting information from your employers in respect of your language proficiency in a clinical setting and in light of your oral evidence, the panel was unable to conclude that you meet the required proficiency skills. The panel noted that you indicated one of your patients is unable to speak, and the panel determined it is of the utmost importance that you are able to communicate both with the patient and on their behalf (to other practitioners) clearly and coherently, and that both the patient and other practitioners must be able to understand you. The panel determined that to allow you into the NMC register would pose a public protection risk.

Taking all the above into account, the panel decided to dismiss your appeal, to uphold the decision of the Assistant Registrar, thereby refusing your application to the NMC register. The panel noted that, should you wish to appeal this decision, the appeal must be made to a county court, pursuant to Article 37 (10) of the Order.

This will be confirmed to you in writing.

That concludes this determination.