

# Covid-19 emergency temporary registration policy

## Introduction

- 1 The Coronavirus Act 2020 gives the Registrar a new emergency power to temporarily register a person or group of persons as registered nurses, midwives or nursing associates if the Secretary of State advises that an emergency has occurred, is occurring or is about to occur.
- 2 It is useful to note that we also have existing powers under article 6A of the Nursing and Midwifery Order 2001 (“the Order”) to temporarily annotate existing entries to the register during an emergency to allow fit, proper, and suitably experienced registrants to prescribe. These powers do not extend to nursing associates. We have not yet developed a separate policy in relation to this emergency annotation power but we will keep the need for this under review.

## Aims of the policy

- 3 The aims of this policy are to:
  - 3.1 outline our emergency registration powers;
  - 3.2 set out our approach to identifying persons or specified groups of persons that are, or may reasonably be considered to be, suitable to be temporarily registered during this Covid-19 emergency.

## Our emergency powers

- 4 The Coronavirus Act 2020 has the effect of modifying “the Order” to insert article 9A (Temporary registration in emergencies involving loss of human life or human illness) when the Secretary of State has advised the Registrar that an emergency has occurred, is occurring or is about to occur and that the Registrar should consider acting under this article.
- 5 “Emergency” means an emergency of the kind described in section 19(1)(a) of the Civil Contingencies Act 2004, read with subsection (2)(a) and (b) of that section, namely an emergency involving a loss of human life or human illness.
- 6 This provision allows the Registrar to:
  - 6.1 Register a person, if the Registrar considers that the person is a fit, proper and suitably experienced person to be registered as a nurse, midwife or nursing associate with regard to the emergency;
  - 6.2 Register a group of people if the Registrar considers that the group is comprised of persons who are of a type who may reasonably be considered fit, proper and suitably experienced persons, to be registered as registered nurses, midwives or nursing associates in an emergency.
  - 6.3 Apply conditions to the registration of a person registered under these provisions, and vary or revoke these conditions or add new ones;

- 6.4 Remove someone registered in an emergency for any other reason, including where we suspect that the person's fitness to practise may be impaired.
- 7 We also have powers under article 6A (Temporary annotations with regard to emergencies involving loss of human life or human illness etc.) of the Order to annotate the register entries of individual registrants or groups of registrants that we consider fit, proper and suitably experienced to allow them to prescribe, even though they may not have a prescribing qualification. This power does not extend to nursing associates
- 8 Temporary registration status is separate from full registration and will end automatically when the emergency period ends.

## **Emergency registration requirements**

- 9 We have no power to apply our usual registration requirements to the temporary register and no registration fees are payable. Everyone on the Covid-19 temporary register will be required to comply with the Code<sup>1</sup>. This includes recognising and working within the limits of their competence and being open and honest about tasks which they feel unable to do.
- 10 The only emergency registration requirements which can be applied by the Registrar are those set out above, namely whether the potential temporary registrants are, or may reasonably be considered to be, fit, proper and suitably experienced people to be registered in the context of this particular emergency; We will not be applying our normal health, character or language requirements.
- 11 Potential registrants will be asked to assess their own suitability for temporary registration based on their own health conditions and personal situations and any employers for whom they work during this period will be responsible for undertaking any necessary DBS checks and providing training for specific roles.
- 12 People with temporary registration will still be required to hold a suitable indemnity arrangement when they practise, but the government is taking steps to ensure that all those working in health and care services to support the response to the Covid-19 emergency will have an indemnity arrangement provided by their employer. All temporary registrants should check their indemnity cover with any employer.
- 13 People with temporary registration will not be required to meet our revalidation requirements.

## **Emergency removal processes**

- 14 Under the emergency powers, our normal fitness to practise processes will not apply to those on the temporary register. Instead, if concerns are raised about any individual on the temporary register, the Registrar will have the power to remove them from the temporary register immediately. Temporary registration may be revoked by the Registrar for any reason, including where the Registrar suspects

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<sup>1</sup> The Code: Professional standards of practice and behaviour

that the person's fitness to practise may be impaired. We are in the process of developing a fair, proportionate and efficient process to use in such circumstances.

- 15 Temporary registration on the Covid-19 temporary register is only being granted for the purposes of practising in health and care services in the UK in support of this emergency. Using this temporary registration for any other purposes may result in removal from the temporary register.
- 16 Under the emergency legislation, there is no right of appeal against a decision by the Registrar to refuse to register a person or to revoke a person's registration.

## **Policy principles for emergency registration**

- 17 Our over-arching objective is to protect the public, and any action we take in an emergency will seek to balance the need to support the health and care workforce with the importance of minimising risks to patient safety.
- 18 If we are advised by the Secretary of State that there is an emergency and that we should consider temporary registration, we will work to identify appropriate individuals or groups of people that we believe are fit, proper and suitably experienced to be registered during that emergency.
- 19 We will identify groups of people who may be suitable for temporary registration during this emergency period in stages depending on the scale of the emergency and we will seek to register those with the most relevant and recent experience first. We will adopt a risk-based approach, as we recognise that there are different groups of potential temporary registrants who we consider it may be reasonable to invite to join the temporary register at different times, depending on the scale and duration of the Covid-19 emergency.
- 20 We will not consider adding any people to the temporary register who were previously removed from the register through our fitness to practise or fraudulent entry processes or who left the register through our voluntary removal process or about whom we have any outstanding fitness to practise concerns.
- 21 In deciding which people or groups of people we might register at any stage in this emergency period, we will consider the scale and duration of the Covid-19 emergency and what level of assurance we have about whether they are fit, proper and suitably experienced. We will also consider whether we need to apply any conditions to their registration.
- 22 We have engaged with the Department of Health and Social Care and the devolved administrations, other UK health and care regulators, education leaders, and representative bodies in the development of our policy approach.

### **First group of potential temporary registrants: recent former registrants**

- 23 Applying these policy principles, we have proposed that the first group of people who may reasonably be considered to be fit, proper and suitably experienced to be registered as nurses, midwives or nursing associates for the duration of this Covid-

19 emergency are those individuals who were previously registered with us without any concerns, up to three years ago.

- 24 In line with our policy principles, we will be excluding from this group those who were previously removed from the register through our fitness to practise or fraudulent entry processes or who left the register through our voluntary removal process or about whom we have any outstanding fitness to practise concerns.
- 25 We are satisfied that they can reasonably be considered to be fit and proper by reason of their previous recent period of registration without concern, and suitably experienced by reason of their recent nursing and midwifery registered practice. They will be bound by the Code and will need to assess their own suitability for any work based on their own health conditions and personal situation. Any employers for whom they work during this period will be responsible for undertaking any necessary DBS checks and providing training for specific roles. In these circumstances, we do not consider it necessary to impose any specific conditions on their registration.
- 26 On 20 March 2020, with the agreement of the Council, we contacted this first group of people to notify them of our plans and invite them to opt-in to temporary registration. In line with the latest government health advice, we have not contacted former registrants of 70 years or older or with known health conditions.

#### **Other groups of potential temporary registrants**

- 27 This is an unprecedented and evolving situation and we have already identified other groups of people who we consider might meet the requirements for temporary registration depending on the overall evolution of this pandemic and the severity of the resulting workforce shortages over the coming weeks. Such groups include final year nursing students, former registrants who left the register more than three years ago, and overseas qualified nursing and midwifery professionals already working or studying in the UK in other healthcare roles.
- 28 We recognise that these groups may present a different level of risk to the first group of potential registrants, so in relation to all these groups we consider it is likely to be necessary to use our power to impose conditions on their temporary registration.

#### **Nursing students in their final six months of study**

- 29 Applying the principles set out above the next group of people that we consider may be suitable for temporary registration are nursing students in the final six months of their NMC approved pre-registration education programmes.
- 30 Following discussions with senior midwives, we are not proposing to invite midwifery students or nursing associates students to join the temporary register at this time. This is because the newly registered midwife is required to practice with a high level of clinical autonomy, which it was felt could not be expected of students who had not completed their full programme. Nursing Associate students who have not completed their programmes are also not included as a group for temporary registration. This is because the programmes are new and only of two

years duration, so nursing associates students are not in an immediately comparable position to final year nursing students.

- 31 We are satisfied that these final six month nursing students can reasonably be considered to be fit and proper by reason of their participation in our approved education programmes where they are subject to fitness to practice procedures in line with our health and character guidance.
- 32 We are also satisfied that they are suitably experienced to be registered during this emergency period, provided their temporary registration is subject to the proposed 'conditions of practice' set out below to reflect the fact that they have not yet fully completed their pre-registration nursing programme.
- 33 All these temporary registrants will be bound by the Code and we will be asking the Approved Education Institutions (AEIs) to provide us with the names of their students who meet these emergency registration requirements which will enable us to verify their identity and have a level of assurance about their previous successful completion of their programmes to date. We will ask AEIs to exclude any student who is in a local fitness to practise process, who has any outstanding failed assessments, or for whom the university would not sign a health and good character statement.

#### **Proposed conditions of practice for nursing students going onto the Covid-19 temporary register**

- 34 Any nursing student placed on the emergency register would be subject to the following conditions on their temporary registration:
  - 34.1 *You must ensure that you are supervised any time you are working. Your supervision must consist of:*
    - 34.1.1 *Working at all times with, but not always directly observed by, a NMC registered nurse, midwife, or other registered health care professional, who is not on a temporary register.*
    - 34.2 *You must not carry out any activity in which you have not been assessed as competent and appropriately signed off during your training unless you are supervised by NMC registered nurses, midwives, and other registered health care professionals who are not on a temporary register (unless a lifesaving intervention is required to avoid sudden and unexpected death).*
- 35 These conditions of practice would be published on the temporary register for any nursing student registrant. We will also inform students who were opting onto the register that they would be subject to those conditions.

#### **Process for contacting potential temporary registrants**

- 36 We may take different approaches to registration with different groups of people as we feel it is appropriate. For example, for some groups, individuals may be contacted and asked to opt-in to registration so that we can verify their identity and up to date contact details. For other groups, such as students, we may ask AEIs to provide a list of names and current contact details which we will add to the

temporary register. Anyone on the temporary register will be able to contact us to ask to be removed at any time.

- 37 We will not charge individuals a registration fee for joining the Covid-19 temporary register.
- 38 We recognise that some people may have caring responsibilities or health concerns that mean that they feel unable to return to practice during this emergency. We understand that individuals in these circumstances may not wish to join the register. In line with the most recent government health advice, we will also not knowingly contact anyone of 70 years or over to join the temporary register. No one is under any obligation to join the temporary registrar and people on the temporary register will not be compelled to work.
- 39 The temporary register will be published on our website. People on the temporary register may work in any health or social care setting provided that this is in support of the response to the Covid-19 emergency. Once people are added to the temporary register, we may share their registration details with health and care services across the UK and we will signpost them to where they can find information about how to offer their services in each country.
- 40 Each country is then responsible for its own workforce deployment arrangements in relation to any people on the temporary register. We expect employers to liaise directly with those on the temporary register to offer work and agree appropriate terms and conditions of employment.

## **End of temporary registration**

- 41 Temporary registration status is separate from full registration and will end automatically when the emergency period ends. Once we are informed by the Secretary of State that the emergency has ended, we will be required to revoke all temporary registrations.
- 42 Anyone who then wishes to be readmitted to the full register will have to apply in the usual way and meet all our normal registration requirements.

## **Returning to the full register**

- 43 Any practice hours which have been completed by any registered nurse, midwife or nursing associate during any period of temporary registration will count as practice hours for the purpose of any future application for readmission to the register.
- 44 Nursing students who choose to join the temporary register instead of completing their pre-registration programmes in an extended clinical placement will not be automatically admitted onto the full register at the end of the emergency period. In each case, the AEI would need to work with the student who opted to join the temporary register to see if their practice hours could be counted towards their programme. The AEI will also need to ensure that there is an appropriate assessment to ensure all the learning outcomes and requirements for full registration have been met. If not, then the student would need to return to their programme to complete their studies.

- 45 In considering any future applications for admission or readmission to the full register from people who have been removed from the temporary register for any reason, we may take into account any information which has been brought to our attention which raises serious concerns about an individual's ability to practice safely and effectively, but we will also take into account the context in which any concerns arose including the unprecedented nature of this Covid-19 emergency.
- 46 We may also share any information we hold about any students who are removed from the temporary register with their AELs so that they can take it into account in relation to their normal health and character declaration processes for the purposes of any application for full registration.

**This policy was approved by Council at their meeting on 25 March 2020**