

Royal College of Nursing (RCN) Parliamentary Briefing for Professional Qualifications Bill: Lords Report Stage 2021

The Royal College of Nursing (RCN) is the largest professional body and trade union for nursing staff in the world. We represent 485,000 members who are registered nurses, midwives, students, and nursing support workers.

Across the UK there are currently 122,591 registered international nurses (out of a total of 731,918 registrants¹). Every day international nurses make an enormous contribution within the health and social care sector and are a vital part of the workforce. Similarly, there are British nursing professionals making vital contributions to health services overseas. Nursing is a safety critical profession, and any legislation and/or other policy which impacts on nursing standards and patient care must be independent of Government.

[The Professional Qualifications Bill](#) has the potential to impact both international health and care workers here in the UK as well as UK staff working overseas, as it sets out a new framework for the recognition of overseas professional qualifications in the UK. The Professional Qualifications Bill will impact how the nursing regulator, the Nursing and Midwifery Council (NMC), recognises qualifications of all internationally educated nurses moving forward.

Our members' key areas of concern:

We have concerns that the Bill in its current form fails to provide adequate detail regarding its full intentions and scope – leaving clauses open to wide interpretation. The Bill currently has a broad scope and potentially grants far-reaching powers to the Secretary of State of Health and Social Care and Ministers in devolved administrations. Our members are concerned that secondary legislation could be used to significantly alter the details of the Bill. It is imperative to our members that the ambiguity currently in the Bill, which could impact on nursing and patient safety long term, is resolved to address the requirements set out here.

Patient safety: Our members consider that the Bill, in its current form, potentially risks patient safety. We believe that it could open the door to political interference in existing standards of education and practice which potentially poses serious risks to safety critical professions. Our members are clear, safety must be demonstrably prioritised within the intent of the Bill.

International Recognition Agreements: Our members are particularly concerned that the Bill enables Governments to include international recognition of qualifications agreements within future trade deals. The wording of the clause is extremely vague, and we strongly support amendments that make it explicit that regulators cannot be bound to recognise overseas qualifications or experience as part of any international agreement. We are seeking assurances through amendments that all relevant professional organisations in participating countries are consulted on any international recognition agreements.

¹ [The NMC Register](#), May 2021

There has been prolonged underinvestment in the nursing workforce. The Bill grants the Government wider powers over professional regulation, which when used in combination with other mechanisms such as the Shortage Occupation List could lead to a systemic over reliance on international recruitment to address nursing vacancy gaps. The international nursing workforce makes an invaluable contribution to our health and care services however, the Government must make appropriate investment in educating and retaining the workforce to ensure long-term sustainability as well as credibly understanding the genuine workforce shortage in the context of both service and population need. We are concerned that this over reliance may impact how ethically employers – and Governments – recruit nurses from overseas. It is imperative that the recruitment of international healthcare workers is mutually beneficial to both sending and receiving countries, and workers themselves are properly informed and supported throughout the process.

Our members are concerned that the proposals could impact the wider nursing profession by allowing the SoS and Ministers in devolved administrations to gain greater influence over standards of practice. This is due to the combination of the Professional Qualifications Bill, regulatory reforms, and the extension of powers pertaining to professional regulation being sought to be granted to the SoS for Health and Social Care in the current Health and Care Integration Bill (England).

Autonomy of regulators: Our members need assurances that any national authority cannot over-ride decisions made by the NMC, which must have full independence in assessing an individual's qualification and experience through the lens of public protection and patient safety. We strongly support any amendments which make clear that the autonomy of regulators is maintained and unaffected by any parts of the Bill.

We are supportive of the proposal of regulator-to-regulator agreements, as we believe that regulators are best placed to make such arrangements. However, there must be robust review and scrutiny processes in place and the ability to withdraw from such agreements if deemed necessary by the regulator. Relevant stakeholders, including us, have valuable expertise to share and should be consulted on these agreements.

Inequity across the UK: We represent members across all four nations of the UK. Our members are concerned that the Bill could lead to variations across the four nations, and how this may impact standardisation. The Bill grants the SoS and Ministers in devolved administrations the autonomy to introduce their own international recognition agreements. We have significant concerns that this could lead to variations in standards of practise across the four nations which poses risks to patient safety and could make some countries preferred destinations over others. We are also concerned that variation caused by the array of regulators in the social care sector in the four nations could be exacerbated through regulator-to-regulator agreements.

We will monitor the most relevant amendments as they are laid and will brief Peers and MPs on amendments as the Bill reaches report stage in the House of Lords, and progresses through the House of Commons.

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