

Employer Link Service

15/06/2017

11:30

**Countess of Chester Hospital NHS Foundation Trust
Countess of Chester Hospital
Liverpool Road
Chester
CH2 1UL**

Agenda

1. NMC update
2. Employer update and local issues
3. Nurses and midwives with current NMC cases (case list sent separately by Egress encrypted email)
4. Nurses and midwives with recent closed NMC cases
5. Any other business

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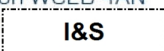
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The nursing and midwifery regulator for England,
Scotland, Wales, Northern Ireland and the Islands

Registered charity in England and Wales (1091434) and in Scotland (SC038362)



Meeting Note

Employer Link Service Meeting

Date and Time: 15 June 2017, 11.30am - 13.00

Meeting Location: Countess of Chester Hospital NHS Foundation Trust, Countess of Chester Health Park, Liverpool Road, Chester. CH2 1UL

Attendees: Alison Kelly (AK) Director of Nursing and Kristian Garsed (KG) (NMC Regulation Adviser).

1	Nursing and Midwifery Council update
	Introduction: • KG introduced himself and set out his professional background: ○ Barrister for ten years, having spent five years in private practice and then five years as a lawyer and then a senior lawyer employed in the Regulatory Legal Team in the Fitness to Practise Directorate (FtP) at the NMC. ○ Appointed to the role of Regulation Adviser (RA) in the Employer Link Service in May 2016. • KG provided a recap and update on the information provided previously by KG's colleague Tony Newman (RA) when he had met with AK in November 2016. • The ELS is still a relatively new service, which has been established in response to a recommendation in the Francis Report, and aims to support Chief Nurses / Directors of Nursing / Heads of Midwifery and build and maintain regulatory relationships and to provide regulatory advice, information and support to employers. • ELS has now been in substantive operation for a little over a year and during the last year we have reached the full complement of 6 RAs (having experienced some recruitment challenges during 2016-2017) all of whom are now fully operational. • The RAs have geographical patches, with some flexibility around this given that the service is in its early stages. KG's areas of primary responsibility are ordinarily Wales and the North West. • KG explained that each RA is supported by another RA, KG is supported by (and in turn supports) Mark Brooke. However as there are only 6 RAs we cross support each other across the UK to a significant degree.

- The other RAs and their areas of primary responsibility and partnerships are:
 - Michele Harrison (South West / Northern Ireland) and David Porter (South East / Northern Ireland)
 - Tony Newman (Midlands / West Scotland) and Loucia Kyprianou (East / East Scotland)
- All RAs are professionally experienced and senior members of the NMC with wide ranging professional backgrounds and skills including: a Barrister (KG), a registrant and former CCC panel member (MH), a risk intelligence expert (DP), a senior project manager (TN), a Solicitor (LK) and a former police officer (MB).

GENERAL NMC UPDATES AND PRIORTIES:

Revalidation

- KG mentioned that revalidation has recently celebrated its one year anniversary and on 15 May 2017 the NMC published its fourth quarterly report.
- The final quarter of the first year has continued to show how successful revalidation has been with 48,598 nurses and midwives renewing their registration during this period. Throughout this quarter 93 percent of those who were due to revalidate have done so successfully and there is no sign that revalidation has had an adverse effect on the register.
- Over 200,000 nurses and midwives have successfully revalidated since the introduction of revalidation in April 2016.
- Our first annual revalidation report will be published in the spring alongside early findings from our three year evaluation process which is being led by Ipsos MORI.
- AK confirmed that the Trust's experience of revalidation has been similarly positive and that the process is tightly managed within the organisation. There have been no more than a handful of employees who have not successfully and straightforwardly revalidated. There has been one individual who needed to seek (and was granted) an 'exceptional circumstances' extension.

Engagement in Fitness to Practise cases:

- KG mentioned that a significant current priority for the NMC is to actively encourage engagement in the fitness to practise process (both from employers and individual registrants and their representatives) at the earliest opportunity so we can reach the outcome that best protects the public at the earliest opportunity.
- KG explained that the NMC identifies two particular areas in which employers can assist with this priority -
 - During the investigation stage we depend on employers responding to information requests from screening/investigations as soon as they can – or letting us know if they are unable to respond within the timeframe so a more suitable timeframe can be agreed. ELS can assist with this.

- The NMC considers there is a role for employers to encourage registrants (who could also encourage their representatives) that are subject to a referral to engage with the NMC early in the process to work collaboratively with the regulator to achieve a prompt and proportionate resolution.

Changes to NMC legislation (s.60 changes)

- KG confirmed that in March 2017, the Government approved the introduction of a number of long-awaited changes to our legislation.
- The removal of statutory supervision and the midwifery committee and some changes to our FtP processes came into effect on 31 March 2017.
- Remaining FtP changes, including the introduction of new powers for Case Examiners to issue warnings, agree undertakings and give advice, should come into effect by the end of July 2017 subject to Parliamentary timelines.
- The changes are:

Changes to midwifery regulation

- This major change has now removed the additional tier of regulation for midwifery – removing supervision, thereby modernising and aligning nursing and midwifery requirements.
- To support this change the NMC's Midwifery Committee has overseen the production of a guidance document for midwives and a transition document to help the transitions boards in the four countries to prepare for the anticipated change.
- KG re-iterated that these changes do not alter the status of midwifery as a distinct profession with its own standards. There will be no change to the protected title of midwife, and delivering a baby remains a protected function for a midwife or a medical practitioner. There are also no changes to the scope of midwifery practice.

Changes to fitness to practise processes

- These changes provide the NMC with greater flexibility to resolve cases at the end of the investigation stage of the fitness to practise process:
- Disposing of suitable cases earlier without a hearing, with additional powers being available to Case Examiners including issuing advice, warnings and undertakings to registrants (whilst still taking the more serious cases to hearings)
- Removing the distinction between the Conduct and Competence Committee and the Health Committee and instead creating a single FtP panel able to consider all types of allegation in the same hearing
- Increasing flexibility over the location of hearings, enabling the NMC to take account of individual circumstances and hold FtP hearings other than solely in the country of the registrant's home address.

- Adjusting the review timetable for interim orders to make it less onerous. The time limit for review of Interim Orders will move from 3 months to 6 months.
- Enabling panels imposing substantive orders to direct whether or not the order requires a review before its expiry.

Pre-registration education for nurses and midwives

- KG provided the information that the NMC is delivering a programme of change for education between 2016 and 2020, to ensure that new nurses and midwives are safe, skilled and confident when working across a health and care system that is changing at an unprecedented rate.
- Work is underway to develop new, outcome-based standards of proficiency for the future graduate registered nurse (led by Professor Dame Jill Macleod Clark) and midwife (led by Professor Mary Renfrew). We are also developing an education framework, carrying out an independent review of our QA function, and a review of the standards for medicines management, prescribing and return to practice.
- The consultation on the new nursing standards and the new education framework opened on 13 June 2017 and a separate consultation on the proposed changes to the standards for medicines management and prescribing in another consultation, opened on 15 June 2017. Both can be found here: <https://www.nmc.org.uk/education/education-consultation/>
- We expect to consult on the new midwifery standards in spring 2018.

Nursing Associates / Nursing Degree Apprenticeships

- KG explained that on 25 January 2017 the Council agreed to the request from the Secretary of State for Health that we regulate nursing associates.
- Alongside HEE and other partners we have begun work on developing the standards for the role and ensuring that we have the right regulatory processes and education framework in place to regulate this new role. We anticipate that we will open the register for nursing associates in early 2019, when the first trainee nursing associates will qualify and begin preparing for practice.
- AK explained that there are 20 Nursing Associates within the pilot scheme in post in Wirral and Cheshire. The Trust is providing facilitation placements (although is not employing anybody in this role) in partnership with the University of Chester.
- KG also confirmed that in November 2016 the Department of Health confirmed that the new nursing degree apprenticeship standard had been approved and that the apprenticeship is expected to be introduced in September 2017.
- Students undertaking the nursing degree apprenticeship will be employed in the healthcare sector and be released by their employer to study. They will train in a range of practice placement settings and will be trained against the NMC's pre-registration standards at NMC approved education providers.

REGISTRATIONS UPDATE**Payment by instalments**

- KG provided the information that payment by instalments and a refunds provision are now established.
- Take-up is running at 93% which is higher than expected but it is too early to make any definitive assessment of the impact this may have.
- If the NMC is unable to collect a Direct Debit, we will send a reminder and then a final notice, 14 days prior to the end of that quarter. At that stage payment by instalment is no longer possible and the full fee becomes due.
- If a nurse or midwife does not respond to the final reminder they will lapse at that point; we continued their registration on the basis that they were paying their fee in instalments but they have failed to do that by failing to pay all of it, so it would be as if they had failed to pay their retention payment in December altogether.
- Responsibility should be on the registrant to keep their employers informed as to their registration status.
- Employers have a responsibility to make sure the nurses and midwives they employ are registered with the NMC.
- Our employer confirmation service makes it easy for employers to check registration, as well as details of any sanctions issued as a result of fitness to practise proceedings.
- Employers can register for use of the employer confirmation service through www.nmc.org.uk/registration/employer-confirmations/updating-or-requesting-caller-code-information

IELTS

- KG confirmed that the NMC's Chief Executive has recently informed the Council of a proposal to undertake a stocktake of the current IELTS language test for nurses and midwives trained overseas seeking join the NMC register given that these have been in place since 2007.
- The NMC's foremost consideration must always be protection of patients and the public and we will be gathering data and evidence to inform our consideration of whether any variation in either direction is needed to the current standards.
- AK explained that the Trust's experience is that the required standard of proficiency is very challenging, and this does make it very difficult for the Trust and other organisations to recruit sufficient numbers of registered staff.
- KG and KG also discussed the length of time it takes for registration applications for EU and overseas trained applicants to be completed. KG provided the information that the statutory time period (in most cases 3 months) for the NMC to complete registration applications only begins once the application is complete. The NMC currently consistently meets this

	requirement. Part of the reason it can take a long time for an application to become complete, is that there are strict periods of validity for various items required in the application, for example the criminal records check. This means that it is not uncommon for some items to need to be resubmitted. OSCE • KG provided the news that two new test centres for nurses and midwives trained outside the EU and EEA to complete their pre-registration examinations have recently been announced. • The first new centre is at Oxford Brooke's University, which will offer the test of competence across two sites in Oxford and Swindon. The new centre will mean less waiting time for candidates as it will offer a greater choice and availability of where they can sit the exam. • Previously there was only one OSCE centre in the UK, based at the University of Northampton. • The second new test centre and the third now in the UK is at Ulster University in Northern Ireland. • The new test centres will help to increase capacity, meaning a greater choice of location and shorter waiting times for those wanting to sit the competence test. • On 06 April 2017 the NMC also announced changes to the application process for nurses and midwives trained outside EU/EEA which will provide additional flexibility by increasing the number of times a nurse or midwife can sit a key component of the test they need to pass in order to practise in the UK. • Previously, any nurse or midwife failing to pass the OSCE at their first attempt could re-sit ten days later. If they failed the exam for a second time their application would be closed and they would then have to wait six months before re-applying. • From 6 April 2017 nurses and midwives submitting a new registration application will have the opportunity to sit an OSCE for a third time if they need to, waiting three months to allow for further preparation, all within the same application. This change will increase flexibility by bringing our overseas registration process in line with the eight month time limit permitted by their visa to successfully complete their OSCE. • OSCE pass rate data for March 2017: Taken: 302 Pass: 160 Fail: 142
2	Trust update
	• Lucy Letby PIN: I&S • A police investigation was initiated in May 2017, exploring whether or not, in the context of a raised neonatal mortality rate, there was any deliberate

	endangerment or attempt to harm any of the infants who had died / experienced non-fatal collapses. - As AK and KG had discussed previously this registrant has been the subject of some suspicion in connection with this, however has not been arrested or identified as a suspect. - AK provided the update that to date, there have been no arrests and the Trust and the Officer in the Case (OIC) are in regular dialogue. No witness interviews have been conducted as yet, as the investigation is still at the document gathering stage. It is likely that it will be the medical staff who will be interviewed first although this is liable to change. No timescales have been given for the completion of the investigation. - LL is still employed and is still working in a non-clinical role. The Trust are supporting her and are attempting to mitigate against her becoming overly de-skilled whilst under these arrangements.
3	Registrants with current NMC cases - WRITTEN UPDATE AS NOT DISCUSSED DUE TO LACK OF TIME AT THE MEETING: I&S I&S I&S

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4**Closed cases**

- No separate discussion.

5**AOB and Actions**

- KG to contact AK to make arrangements for a learning session for the Trust.
- KG to raise an issue on behalf of AK around the Trust's experience of being contacted for information by NMC investigators. AK to clarify the detail of this issue.