

English Language Review Equality Impact Assessment

Summary (May 2022)

Aim

- 1 As part of our English language review we have developed a new equality impact assessment (EqIA) to understand the impact of our current requirements and potential policy changes on different groups with protected characteristics.
- 2 We are working with stakeholders from a wide range of communities to co-create this assessment and reflect the lived experiences of international registrants and applicants.

Context

- 3 We value the diversity of the people on our register and the contribution of international professionals to UK health and social care. We recognise that moving to a new country to take up employment as a nurse, midwife or nursing associate involves a significant personal and financial investment. Our requirements must therefore be person-centred and support applicants to enable them to succeed and flourish.
- 4 It is an important part of our public protection role that we assure ourselves that everyone joining our register can communicate effectively in English. In doing so, we are upholding our legal duty¹ to ensure registrants are competent in English.
- 5 Our English language requirements must be a fair and proportionate way to ensure that everyone who is capable of safe and effective practice as a nurse, midwife or nursing associate is able to join our register, no matter where they trained or how they became competent in English.
- 6 Staff from minority ethnic backgrounds experience inequalities while working in the health and social care sector, from both the public and their colleagues. They are more likely than white colleagues to report harassment and bullying, less likely to be shortlisted for new job opportunities² and less likely than white counterparts to feel their employer offers equal opportunities. International nurses are subject to racism from the public³ and some have employment contracts which require them to pay exit fees to change jobs.⁴

1 Article 5A of the Order requires the NMC to publish guidance about the process for applicants and “the evidence, information or documents” needed to demonstrate they have the necessary knowledge of English. Schedule 4 of the Order defines this as “knowledge of English which is necessary for safe and effective practice of nursing, midwifery in the United Kingdom or as a nursing associate in England”. Article 3 (14) of the Order requires us to consult on any changes we make to our guidance.

2 https://www.nhs.uk/rho/wp-content/uploads/2022/02/RHO-Rapid-Review-Final-Report_v.7.pdf

3 <https://www.nursingtimes.net/news/research-and-innovation/review-finds-nhs-nurses-enduring-covert-and-overt-racial-discrimination-15-02-2022/>

4 <https://www.theguardian.com/society/2022/mar/27/overseas-nurses-in-the-uk-forced-to-pay-out-thousands-if-they-want-to-quit-jobs>

Stakeholder views

- 7 Stakeholders have shared concerns about whether our English language requirements are fair and reliable for everyone. This includes sharing that some internationally trained nurses aren't able to meet the required scores in the language tests despite holding post-graduate qualifications taught in English and/or having substantial experience of working in unregulated roles in health or social care in the UK.
- 8 We are working with a wide range of stakeholders to co-create the EqIA and ensure we hear directly from those most affected by our requirements. For example, we have established an External Advisory Group (EAG) made up of stakeholders from across health and social care, including groups representing international registrants.

Equality impacts

- 9 **Gender:** 81 percent of non-UK trained professionals who provided English language evidence to join our register were female.⁵ 19 percent were male. The number of female applicants was lower than those on our register (81 percent compared to 89 percent). The number of male applicants was higher (19 percent compared to 11 percent).
- 10 **Race and ethnicity:** Over half (52 percent) of international applicants who provided English language evidence to join our register identified as Asian, with 26 percent identifying as Asian Indian and 23 percent identifying as Asian Filipina/Filipino.⁶ 15 percent identified as Black, with 13 percent identifying as Black African. 5 percent identified as White and 0.25 percent identified as having a Mixed ethnic background.
- 11 There is a greater number of people from minority ethnic backgrounds in our international admissions process compared to our register as a whole. 13 percent of people on our register identified as Asian compared to 52 percent of international applicants. 10 percent of registrants identified as Black compared to 15 percent of international applicants. 72 percent of people on our register identified as White compared to 5 percent of international applicants.

5 This data comes from NMC international registration data for all non-UK trained professionals who provided English language evidence when joining the NMC register for the first time in 2017-2022.

6 Ibid.

- 12 36 percent of non-UK trained professionals who provided English language evidence when joining the register stated their nationality was Indian. 32 percent identified as Filipina/Filipino.
- 13 **Age:** People aged 21–30 years old made up 53 percent of international applicants compared to 60 percent of UK trained professionals. 41 percent were aged 31–40 years old compared to 23 percent of UK trained professionals. 5 percent were aged over 41 years old compared to 17 percent of UK trained professionals.⁷
- 14 **Disability:** 0.2 percent of non-UK trained professionals who provided English language evidence stated they had a disability.⁸ This compares to 3 percent of current registrants. 74 percent stated that they didn't have a disability compared to 93 percent of current registrants. We know that these figures are likely to be the result of underreporting of disability.
- 15 **Sexual orientation:** 65 percent of non-UK trained professionals who provided English language evidence identified as heterosexual. This compares to 90 percent of current registrants. 2 percent identified as bisexual which is the same as the percentage of current registrants. 1 percent identified as gay or lesbian compared to 2 percent of current registrants. No information is available for 25 percent of applicants.⁹
- 16 **Religion or belief:** 58 percent of non-UK trained professionals who provided English language evidence identified as Christian. This is the same as the percentage of current registrants. 6 percent identified as Hindu compared to 1 percent of current registrants. 2 percent identified as having no religion compared to 30 percent of current registrants. No information is available for 25 percent of applicants.¹⁰
- 17 Other equality factors that aren't protected characteristics have been considered in this review. These include:
 - 17.1. Socio-economic background – including the cost of migration and tests
 - 17.2. Dialect/Accent – including presumptions about people who are competent in English but don't speak standard English
 - 17.3. Geography
- 18 **Welsh language:** We haven't identified any evidence that justifies a change to the proposed approach considering the needs of Welsh speakers. We will engage with Welsh speakers as part of the consultation to reflect on any impacts.

7 Data on international applicants comes from NMC international registration data for all non-UK trained professionals who provided English language evidence when joining the NMC register for the first time in 2017–2022. Data on UK trained applicants comes from NMC data on UK trained professionals joining the register for the first time in 2021/22.

8 This data comes from NMC international registration data for all non-UK trained professionals who provided English language evidence when joining the NMC register for the first time in 2017–2022.

9 Ibid.

10 Ibid.

Initial findings

- 19 Our current English language requirements set out how all applicants have the same three ways to demonstrate their language competence, through either training in English, regulated practice in English or a language test.
- 20 We recognise that our English language requirements have a greater impact on people who didn't initially qualify in a majority English speaking country as it is more likely they will be required to take an English language test. People from a minority ethnic background are significantly overrepresented amongst our international applicants. Our English language requirements and processes are therefore likely to have an impact on people from a minority ethnic background.
- 21 Initial findings from the review include the recommendations that we should:
 - 21.1. Collect more information about the protected characteristics of people whose application is reviewed by an assistant registrar or who have their registration decided by a registration appeals panel.
 - 21.2. Work with our approved test providers to better understand the impact of their tests on people from different backgrounds to see if there is more we can do to support test takers.
 - 21.3. Update guidance and training for registration appeals panellists who make decisions where English language is a factor. This would help to ensure greater consistency in decision making.
- 22 We know that some professionals experience discrimination in the workplace. As part of the review we are considering how employer references can be used in a way that ensures impartiality and objectivity for international applicants.
- 23 We don't foresee that the proposal to allow the use of post-graduate qualifications as evidence will have a negative impact due to protected characteristics. However, it is less likely to be available to people without the financial resources to undertake post-graduate study.

Next Steps

- 24 The public consultation will be another opportunity for us to engage with diverse voices and audiences to enable us to better understand the equalities impacts of our English language requirements.
- 25 We will continue to work with the EAG to collect evidence and information on the equality impacts of our English language requirements and our proposed changes.
- 26 We will review and update the full EqlA at the following times:
 - 26.1. August 2022 – Post consultation.
 - 26.2. April 2023 – Six months after we begin implementation of any changes.
- 27 Following this, we will continue to monitor the equality impacts of our English language requirements and review the EqlA regularly.