

Response to Health and Care Professions Council consultation on English language proficiency

January 2024

1. Introduction

- 1.1 The Professional Standards Authority for Health and Social Care promotes the health, safety and wellbeing of patients, service users and the public by raising standards of regulation and registration of people working in health and care. We are an independent body, accountable to the UK Parliament. More information about our work and the approach we take is available at www.professionalstandards.org.uk
- 1.2 As part of our work we:
- Oversee the ten health and care professional regulators and report annually to Parliament on their performance
 - Accredit registers of healthcare practitioners working in occupations not regulated by law through the Accredited Registers programme
 - Conduct research and advise the four UK governments on improvements in regulation
 - Promote right-touch regulation and publish papers on regulatory policy and practice.

2. General comments

- 2.1 We welcome the opportunity to comment on the Health and Care Professions Council (HCPC) consultation on English language proficiency.
- 2.2 We note and welcome the pre-consultation engagement that the HCPC has carried out in advance of putting these proposals out to public consultation. We broadly support its approach with the focus on managing risks and maintaining a focus on public protection whilst bringing HCPC into line with the approach taken by other regulators and seeking to mitigate any potential negative unintended consequences of any changes, including equality impacts and potential impacts on workforce supply.
- 2.3 In the context of workforce pressures, it is positive that the HCPC has sought to allow flexibility for registrants in how they evidence English language proficiency, alongside seeking to make the test of proficiency more objective. However, we would want to be assured that sufficient consideration has been given to how the additional means of assuring proficiency will be evidenced. Our answers to the consultation questions are below.

3. Answers to questions

Proposal 1: removal and replacement of self-declaration of English as a first language

Q1: Do you agree with the proposal to remove self-declaration of English language proficiency as an option for international applicants to join the register?

- 3.1 We agree with the proposal to remove self-declaration of English language proficiency as an option for international applicants and accept HCPC's risk-based rationale that this will make the process more robust and objective. We understand this is in line with the approach taken by other regulators and welcome the commitment to consistency to help strengthen public protection.
- 3.2 We welcome the HCPC's consideration of the equality impacts of this approach within the EIA and agree that whilst there are some negative impacts identified, these are balanced with overall positive impacts identified. The arguments for making this change appear logical and proposals outlined elsewhere should help to mitigate the negative effects identified.

Proposal 2: Introduction of a 'qualifying countries list' based on majority English speaking populations

Q2: To what extent do you agree or disagree that this proposal would enable international applicants to:

a) Show that they are proficient enough in English to practise safely and effectively?

b) Feel confident in their own English proficiency?

c) Easily join the register?

- 3.3 We agree that this proposal should allow HCPC to assess whether international applicants are proficient enough in English to practice safety and effectively and will bring HCPC into line with the approach taken by other regulators including the GMC and NMC.
- 3.4 We cannot comment directly on whether this will enable applicants to feel confident in their own English proficiency or allow them to easily join the register.

Q3: Would a 75% English speaking population be an appropriate test for qualifying countries to be on our list? Please explain your reasoning and/or suggest any preferred alternatives.

- 3.5 We do not have the expertise to comment on whether a 75% English speaking population is the appropriate metric to allow a country to be on the list of allowable countries for the HCPC's international registration process.
- 3.6 We welcome the work undertaken by the HCPC to look closely at the approach taken by other organisations and to request any further evidence on this point in this consultation to support their final decision on this test.

Proposal 3: accepting previous registration in a majority English speaking country or supervised work experience in the UK.

Q4: Separately to considering where qualifications are gained, should we accept evidence of work experience in a listed country where English is spoken by a majority as their first language? Please explain your answer.

- 3.7 We support the proposal to allow applicants to submit evidence of work experience in in a listed country where English is spoken by a majority as their first language as a method of providing more flexible ways for applicants to demonstrate English language proficiency with the removal of self-declaration as an option.
- 3.8 It would be helpful to understand what evidence the HCPC will use to gain assurance that the applicant has been working in a relevant role in a listed country within the given time period as well as being registered in a regulated role (for which proof of registration will be evidence).

Q5: Separately to considering where qualifications are gained, should we accept evidence of work experience in the UK if this has been supervised by a registered health and care professional? Please explain your answer.

- 3.9 As above, we support the proposal to allow applicants to submit evidence of work experience in the UK as a method of providing more flexible ways for applicants to demonstrate English language proficiency with the removal of self-declaration.
- 3.10 In order to ensure that this approach is sufficiently robust to maintain public protection it would be helpful to know whether the HCPC intend to develop any additional guidance on which unregulated roles might be in scope for this and also whether they intend to provide guidance alongside the template provided, for HCPC supervising registrants verifying English language proficiency for an applicant.

Proposal 4: creating a revised and exhaustive list of approved test providers

Q6: Do you agree with our proposal to expand our list of approved test providers? Please explain your answer.

- 3.11 We agree with the proposal to expand the list of approved test providers.

Q7: In addition to our current approved providers, which test providers should we consider accepting as evidence of English language proficiency?

- 3.12 We don't have direct knowledge of English language test providers to provide a view on this question.

Q8: Should our list of approved tests be exhaustive?

- 3.13 We don't have a view on this question.

General views on our proposals

Q9: Which of these statements would you most agree with?

1) Overall, these proposals provide greater assurance that applicants' proficiency in English is sufficient for them to practise safely and effectively.

2) Overall, these proposals provide the same assurance that applicants' proficiency in English is sufficient for them to practise safely and effectively.

3) Overall, these proposals provide less assurance that applicants' proficiency in English is sufficient for them to practise safely and effectively.

3.14 See general views outlined at start of response.

Equality Impact Analysis

Q10: In addition to the equality impacts set out in the Equality Impact Assessment, can you identify any further impacts relating to protected characteristics that we should consider? Protected characteristics consist of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, ethnicity, religion or belief, sex, sexual orientation.

You may also consider other ways in which people's background might mean lead to an adverse impact, for example if applicants are refugees or forcibly displaced people, or how their socio-economic status might affect things.

Do you have any suggestions about how any negative equality impacts you have identified could be mitigated?

3.15 We welcome the HCPC's detailed assessment of equality impacts and proposed mitigations to these. We don't have any additions to the impacts outlined or the proposed mitigations.

4. Further information

4.1 Please get in touch if you would like to discuss any aspect of this response in further detail. You can contact us at:

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