



**UNISON Response to the
Nursing & Midwifery Consultation on
The Annual Registration Fee
November 2006**

1. Introduction

- 1.1 UNISON is the largest public sector union in health with 450,000 members employed across the service. We are pleased to have the opportunity of responding to the Nursing & Midwifery Council (NMC) consultation on the registration fee proposals.
- 1.2 As the largest trade union and the voice of the healthcare team, we are instrumental at influencing policy at regional, national and international level. We work with Government and other international unions to shape healthcare. In addition we work collaboratively with other trade unions on healthcare issues. UNISON has a long history of working with organisation and individuals who work and campaign in these areas of practise and care. UNISON works closely with each of the regulators to establish standards & policies in both patient care and education. We are a key stakeholder and value the opportunity in our collaborations to improve patient care
- 1.3 As part of our consultation process, we have sought the views of our members, activists and regions using a variety of methods. These have included sending the consultation document to our 470 health branches across the United Kingdom seeking views and opinions. In addition we have received extensive feedback from our nursing sector. Without doubt this consultation has prompted the highest number of responses than any other consultation, including the previous registration fees increase.
- 1.4 Information has also been available on our web page for members to read and comment on. The proposals have been discussed at our National Nursing Sector forum. Finally, the document was sent to each of our Regional Heads of Health (including each of the UK countries) to ensure that we received the broadest views and reflected the diversity of our nursing family membership.
- 1.5 We hope that the NMC will take into account the weight of UNISON's views as a major stakeholder and the strength of feeling that our members have expressed regarding these proposals.
- 1.6 We make this response in the knowledge that the recommendations were published by the previous council and those current members whilst new, must be aware of the strength of feeling of registrants; we have sought to articulate this.

2. Executive Summary

- 2.1 UNISON members have unanimously rejected calls for the registration fee to increase to £80.00 per year
- 2.2 They are deeply concerned that council gave no alternatives in the consultation outlining only a single figure.
- 2.3 Council must consider other ways of economising, including moving from 23 Portland Place and looking at the fees paid to panel members. Participating in fitness to practise cases UNISON would argue is a public duty, time off of work should be granted and a minimal fee offered. What incentive is there to nurse if you can get more per hour being on an NMC fitness to practise committee?
- 2.4 UNISON is concerned that council have identified monies to cover the future shape of regulation, without knowing what it will be. If adjudication is separated UNISON will argue that the cost should be met by Government.
- 2.5 Whilst we acknowledge that council have sought to accommodate previous feedback for annual payments, we do not believe that you have provided sufficient information regarding the financing of such a system. In effect registrant may not want it if they have to pay £4.00 for the ease of paying their registration fee annually.
- 2.6 UNISON members are calling for a review of self regulation; they have argued that we need to engage with registrants to facilitate their understanding. Some has stated that "public protection is not the sole responsibility of registrants, government are also accountable but they make no contribution" Self regulation has to be relevant to registrants in 2006, it is no longer acceptable to argue history, as we know over time peoples perceptions of it change. For self regulation to be up to date registrants need to understand it, from the consultation document it is clear that this is not always the case.
- 2.7 There should be continuity between at least the NMC and Health Professions Council on registration fees.
- 2.8 UNISON does not believe that the NMC has done enough to be able to justify and demonstrate such a huge increase, nor do registrants appear to have confidence that all other possible financial options have been looked at.
- 2.9 There have been no special measures considered for part timers, new or retiring registrants, many of whom will struggle to fund such an increase.

3. Background

- 3.1 To canvass a broad range of opinion, UNISON conducted a national consultation of our branches and nurse members. The consultation

documents were sent to our 470 health branches, and members were encouraged to discuss and feed back comments and opinions. In addition debate has taken place between our National Officers and Heads of Health, this ensured effective Regional and National views, were obtained.

- 3.2 Regions, Countries and National sectors have also met and debated the proposals, channelling their concerns in reports to us. Information about the proposals was also made available via our web page. These discussions have been reflected across the four countries.
- 3.3 We have received an over whelming number of responses to this consultation including those from individual members as well as our normal committee feed back.

4. Self Regulation

- 4.1 UNISON members have for the first time indicated that their needs to be a debate on self regulation. They have argued that whilst they do not wish to see an end to nurses regulating nurses, we needs to have a discussion on the subject. The strength of feeling on this issue became higher following the NMC decision to move away from elected registrants, as part of the Foster consultation.
- 4.2 For some time UNISON has indicated that the NMC needs to do more to engage with registrants discussing self regulation could be one way to achieve this. It is no longer sufficient to simply argue history and standards, registrants have to have ownership.
- 4.3 Self regulation will also be diluted with the possible recommendations which were announced as part of the regulation consultation. Respondents were also deeply disappointed that the council decided to move towards a civil standard as opposed to the current criminal standard. Again this significant decision was taken without engaging a wider audience. One registrant responded "whatever happens as a result of the outcome its unacceptable for my regulator to take such a significant decision without engaging us. We're accountable for our actions, but do not have the ability to influence decisions"
- 4.4 The introduction of lay members into council, a move welcomed by UNISON also starts to move the position away from self regulation, as it is in fact no longer nurses alone who make decision regarding who enters and who leaves the register.
- 4.5 UNISON's policy position is to support and maintain self regulation, however we also accept that just as nurses are expected to use research based evidence to inform their practise. The NMC needs to do the same, engaging registrants in the self regulation debate, do not take their views and opinions for granted. This would allow nurses in 2006 to decide if self regulation is as appropriate and relevant as it was when introduced and what are the

implications for it today and in the next 10 years, if registrants accept that it remains valid and important they will make an informed decision and understand that it costs.

- 4.6 Nurses, Midwives and specialist public health community nurses expressed concern to us that if self regulation is about nurses making decisions for nurses then how do their views get taken into account, how is their voice heard.
- 4.7 UNISON wants to stress that this is not about removing self regulation but it is saying that whilst nurses fought to achieve the position, registrants today have the right to participate and review it.

5. NMC Work programme

- 5.1 UNISON recognises the vast amount of work that both the NMC council and its staff have undertaken since its creation, it is something that we should all recognise. Along with the other unions, UNISON has had the opportunity to attend council meetings and to participate in other key discussions.
- 5.2 We also acknowledge that there is sometimes confusion surrounding the role of the NMC as a regulator and our role as a trade union. However the responsibility is ours to make students and new registrants aware of our different roles. We need to do more to highlight the need for them to be in a trade union or professional organisation. However surely something is fundamentally wrong if this time next year we have not done more to address this? It must start in education and we must work together to achieve it. This also stresses the need for the NMC to be more engaging with registrants, this level of confusion simply should not exist.
- 5.3 Council have outlined clearly what achievements have been obtained, however this consultation is taking place two years on from the first fee increase and much of this work was taken into account at this stage, for example the call centre changes.
- 5.4 The NMC's financial management was also questioned during this process, in our response to the 2004 consultation UNISON raised concern at the fees paid to panel members in conduct work, which in 2004 was £260 per day or £32.00 per hour if you based it on an eight hour day. Whilst we do not dispute the amount of work involved in conduct work, the fees that panel members currently receive is more than a band 7 registrant per hour. Given the numbers of cases, which need to be heard and the growing number approximately 32 per month, which are registered this is one way that the NMC could review its own expenditure. We have made recommendations on this issue as part of our response to the consultation on regulation.

6. Proposed Fees Increase

- 6.1 UNISON members have unanimously rejected the proposals to increase the fee to £180.00, they were quite frankly appalled by the proposed increase. There appears to have been no consideration as to the implication part time workers, nor to the plight of newly qualified or retiring members. The NMC did take newly qualified nurses into account in the 2004 consultation proposing a transitional opportunity.
- 6.2 UNISON members recognise that they have to be on the NMC register; however a number of individuals suggested different ways with which council could have approached this.
- Council could have proposed a small increase to enable the new council to come into effect and review the financial statements.
 - It could have proposed a fee which looked at current costs only
 - It could have proposed an inflation only increase
- 6.3 The issue of 23 Portland Place was also raised, it is clear that council has outgrown this historical building. UNISON would strongly urge the NMC to consider moving to a location outside of London and giving up Portland Place. Leasing buildings or purchasing them outside of London is vastly cheaper and could help to establish a more reasonable registration fee. Whilst we are mindful of the impact that this would have on staff, it would be possible to identify another location even within other parts of London. A second option could be to look at a joint location with other regulators, thus reducing the cost further.
- 6.4 We were also surprised to see that there was no reference to income, given that the consultation appears keen to identify value for money by breaking down the cost of the proposed new fee. There was no current financial information contained within the document to reflect on.
- 6.5 You identify £6.00 of targeted funds to clear fitness to practise backlog specifically. UNISON understands currently that the NMC have 374 cases outstanding, 124 of which are listed under the old rule and 250 on the new rules. As this is targeted monies, you do not identify other ways that this money could have been found e.g. perhaps it would have been possible to look at how other savings could have been made from existing budgets, for a fixed period of time to fund fitness to practise. If this was to clear the backlog and cover fitness to practise in the future you have not made this understandable in the consultation document.
- 6.6 The proposal suggests £10.00 for compliance with the Charities Commission financial best practise. In 2004 UNISON supported this principal¹, however given the unexpected dramatic proposed increase; perhaps council could have considered whether it was realistic to achieve it within the original anticipated time of 2010. This could have freed up monies to fund other urgent parts of

¹ UNISON response to NMC fees increase 2004

councils work and not necessitated such a huge proposed increase. They are also guidelines not requirements, therefore council is not obligated and it would be within its gift to alter this, if for some other substantive business reason, they felt it necessary. UNISON would argue this fees increase would have been one such reason.

- 6.7 Council have identified £1.60 for the up keep of Portland Place however there is no mention of revenue actual or anticipated from the sale of Duchess Mews. This figure would given council £1,09,1200.00 as an up keep budget, however again there is not budget or expenditure information against this figure. A budget of that amount could enable council to purchase a property outside of London and off set the need for this money, as part of a registration fee increase.
- 6.8 Council refers to the estimated impact of changes to regulation following the outcome of reviews linked to Shipman, we recognise the need for council to be aware of this important issue. However we do not yet know the outcome of these consultations, nor the future shape of regulation. If for example adjudication² is separated out, as proposed in one of the three options in chapter four, UNISON would argue that this should be centrally funded and that non of the regulators should bare the cost. This would reduce the impact on registrant fees. However as so much is unknown we do not therefore believe that it is appropriate to expect registrants to pay for what may/may not happen in the future.
- 6.9 In 2004 UNISON asked council to consider moving to an annual payment fee, again however there is little information to make this judgement contained within the document. What, if any are the savings from moving to such a system, what is the difference in the cost, what new systems need to be introduced in the context of start up costs. If savings are not initially made due to the start up costs, when might they be and are there other ways to off set this. Again too limited information is provided to justify an income from registrants of £2,728,000.00.
- 6.10 The department of health in their response to the 2004 consultation³ indicated that they would seek to move ownership of the regulatory fee to the regulators we have received no information which indicates that this has taken place. We therefore believe that such an increase would still need the approval of the Privy Council.
- 6.11 In the previous consultation council outlined some options, which were open for registrants to consider, there is no continuity in this consultation as you have only sought the views on a single increase. In 2004 63% of registrants indicated that fees charged should be sufficient to cover inflation until 2010

² The regulation of the non-medical healthcare professions, Department of Health, 2006, chapter 4 resolving concerns about fitness to practise, page 29.

³ NMC consultation on registration fees, final report, April 2004, NMC Council Paper

but should be offset by targeted productivity and efficiency savings. There is no information in the consultation on any efficiency savings that have been achieved in 2004, does this mean that none have been made, if so why has this been so, when all other businesses including the NHS are expected to.

- 6.12 The consultation document also refers to the cost of other professional regulation, whilst we accept that there is a related link with some practitioners in the Health Professional Council, we do not accept that the same link can be justified with others the salary of a nurse in comparison with a doctor is not consistent nor is there future earning power of the same magnitude.
- 6.13 The introduction of higher English language test required for overseas trained nurses and midwives. In 2004 you increased the fee for overseas nursing applications to £140.00 since then the number of actual applications has dropped, so much so that it was discounted from income for the purpose of this consultation. We would therefore argue that given the number of applicants has dropped that the cost of administering them has also. We believe that it should be possible for the £140.00 to take account of this and that no further increase should be necessary.
- 6.14 Council have given no indication on how secure they believe the estimate on the registration fees to be, whilst in 2004 the consultation document indicated that there would need to be a future further increase after 2007 there was no indication that the charge would rise so dramatically. As a result council have not instilled confidence in registrants of their ability to successfully manage their registration fees. There are no re-assurances offered in the consultation that there will not be increases for a period of time.
- 6.15 In 2004 UNISON also indicated that there may be other ways of looking at the registration fees and applying it to earnings. Whilst such a system may be complex, it is deeply disappointing that council do not from this consultation appear to have considered it. Perhaps if the document could have demonstrated how it had listened to registrants last time and explained why some things were not possible it would give others more clarity.

7. **Conclusions**

- 7.1 UNISON members have unanimously rejected calls for the registration fee to increase to £80.00 per year
- 7.2 They are deeply concerned that council gave no alternatives in the consultation outlining only a single figure.
- 7.3 Council must consider other ways of economising, including moving from 23 Portland Place and looking at the fees paid to panel members. Participating in fitness to practise cases UNISON would argue is a public duty, time off of work should be granted and a minimal fee offered. What incentive is there to

nurse if you can get more per hour being on an NMC fitness to practise committee?

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- 7.7 There should be continuity between at least the NMC and Health Professions Council on registration fees.
- 7.8 UNISON does not believe that the NMC has done enough to be able to justify and demonstrate such a huge increase, nor do registrants appear to have confidence that all other possible financial options have been looked at.
- 7.9 Registrants have also questioned the use of a web based approach to the consultation, how does the NMC differentiate the responses it should only be the views of registrants and key stakeholders whose views are taken into account on fees consultations.
- 7.10 There have been no special measures considered for part timers, new or retiring registrants, many of whom will struggle to fund such an increase.

