
STATUTORY INSTRUMENTS

2002 No. 253

The Nursing and Midwifery Order 2001

PART IV

EDUCATION AND TRAINING

Education and training

15.—(1) The Council shall from time to time establish—

- (a) the standards of education and training necessary to achieve the standards of proficiency it has established under article 5(2); and
- (b) the requirements to be satisfied for admission to, and continued participation in, such education and training which may include requirements as to good health and good character.

(2) So far as is necessary to implement the requirements [^{F1}of article 31 (training of nurses responsible for general care) and article 40 (training of midwives) of the Directive], the standards and requirements established under paragraph (1) shall be set out in rules made by the Council.

(3) The standards mentioned in paragraph (1)(a) shall include such matters as the outcomes to be achieved by that education and training.

(4) Before establishing the requirements referred to in paragraph (1) the Council shall consult such of those persons mentioned in article 3(14) as it considers appropriate.

(5) The Council shall—

- (a) ensure that universities and other bodies in the United Kingdom concerned with such education and training are notified of the standards and requirements established under paragraph (1); and
- (b) take appropriate steps to satisfy itself that those standards and requirements are met.

(6) In performing the function mentioned in paragraph (5)(b) the Council may in particular, approve, or arrange with others to approve—

- (a) a course of education or training which the Council is satisfied confers or would confer on persons completing it successfully the standards of proficiency mentioned in paragraph (1);
- (b) qualifications which are granted following success in an examination, or some other appropriate assessment, taken as part of an approved course of education or training;
- (c) institutions which the Council considers to be properly organised and equipped for conducting the whole or part of an approved course of education or training;
- (d) such tests of competence or knowledge of English as it may require.

(7) In connection with paragraph (6), the Council may approve or arrange with others to approve a course of education or training run outside the United Kingdom by an institution to which paragraph (6)(c) applies.

Status: Point in time view as at 03/12/2007.

Changes to legislation: There are currently no known outstanding effects for the The Nursing and Midwifery Order 2001, PART IV. (See end of Document for details)

(8) The Council shall from time to time publish a statement of the criteria which will be taken into account in deciding whether to give approval under paragraph (6).

(9) The Council shall maintain and publish a list of the courses of education or training, qualifications and institutions—

- (a) which are for the time being approved under this Order; or
- (b) which have been approved under this Order but which are no longer so approved, together with a record of the periods in respect of which they were approved.

(10) In this article a reference to education or training includes any course of education or training or test referred to in paragraph (6).

Textual Amendments

- F1** Words in [art. 15\(2\)](#) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **164**

Commencement Information

- I1** Art. 15(2)(4) in force at 5.3.2004 for specified purposes as notified in the London Gazette (Issue 57218, published 27.2.2004), see [art. 1\(2\)\(3\)](#)
- I2** [Art. 15](#) in force at 1.8.2004 in so far as not already in force as notified in the London Gazette (Issue 57361, published 21.7.2004), see [art. 1\(2\)\(3\)](#)

Visitors

16.—(1) The Council may appoint persons (“visitors”) to visit any place at which or institution by which or under whose direction—

- (a) any relevant course of education or training is, or is proposed to be, given;
- (b) any examination or other assessment is, or is proposed to be, held in connection with any such course;
- (c) any test of competence is, or is proposed to be, conducted in connection with any such course or for any other purposes connected with this Order.

(2) For the purposes of this article and article 18, the words “any test of competence” includes an assessment to establish the level of a person’s knowledge of written or spoken English.

(3) In this article, “relevant course of education or training” means any course of education or training which forms, or is intended to form, part of an approved course of education or training or any course which a registrant may be required to undergo after registration in accordance with rules made by the Council.

(4) No visitor may exercise his functions under this Order in relation to—

- (a) any place at which he regularly gives instruction in any subject; or
- (b) any institution with which he has a significant connection.

(5) A person shall not be prevented from being a visitor merely because he is—

- (a) a member of the Council or any of its committees; or
- (b) a Screener,

but no person may be a visitor if he is employed by the Council.

(6) Visitors shall be selected with due regard to the profession with which the education and training they are to report on is concerned and at least one of the visitors shall be registered in that part of the register which relates to that profession.

(7) Where a visitor visits any place or institution in the exercise of his functions under this article, he shall report to the Council—

- (a) on the nature and quality of the instruction given, or to be given, and the facilities provided or to be provided, at that place or by that institution; and
- (b) on such other matters (if any) as it requires.

(8) Requirements of the kind mentioned in paragraph (7)(b) may be imposed by the Council—

- (a) generally in relation to all visits made to a specified kind of place or institution or in respect of a specified type of course; or
- (b) specifically in relation to a particular visit.

(9) Where a visitor reports to the Council in accordance with paragraph (7), the Council shall on receipt of the report—

- (a) send a copy of it to the institution concerned; and
- (b) notify that institution of the period within which it may make observations on the report.

(10) The period specified by the Council in a notice given under sub-paragraph (b) of paragraph (9) shall be not less than one month beginning with the date on which a copy of the report is sent to the institution concerned under sub-paragraph (a) of paragraph (9).

(11) The Council shall not take any steps in the light of any report made under paragraph (7) before the end of the specified period mentioned in paragraph (10).

(12) The Council shall publish such reports together with, on the request of the institution concerned, the response of that institution to the report.

(13) The Council may make such provision in respect of visitors as it may determine—

- (a) for the payment of fees and allowances, including the payment of allowances to employers of visitors for the purposes of enabling visitors to perform functions under this article;
- (b) for the reimbursement of such expenses as visitors may reasonably have incurred in the course of carrying out their functions under this article.

Commencement Information

- I3** [Art. 16](#) in force at 1.8.2004 as notified in the London Gazette (Issue 57361, published 21.7.2004), see [art. 1\(2\)\(3\)](#)

Information to be given by institutions

17.—(1) This article applies to any institution in the United Kingdom by which, or under whose direction, whether inside or outside the United Kingdom—

- (a) any relevant course of education or training is, or is proposed to be, given; or
- (b) any test of competence is, or is proposed to be, conducted in connection with any such course or for any other purpose connected with this Order.

(2) In paragraph (1) “relevant course of education or training” has the same meaning as in article 16(3).

(3) Whenever required to do so by the Council, any such institution shall give to the Council such information and assistance as the Council may reasonably require in connection with the exercise of its functions under this Order.

(4) Where an institution refuses any reasonable request for information made by the Council under this article, the Council may in accordance with article 18 refuse to approve, or withdraw

Status: Point in time view as at 03/12/2007.

Changes to legislation: There are currently no known outstanding effects for the The Nursing and Midwifery Order 2001, PART IV. (See end of Document for details)

approval from, as the case may be, any education, training, qualification or institution to which the information relates.

(5) In this article a reference to education or training includes any course of education or training or test referred to in article 15(6).

Commencement Information

I4 Art. 17 in force at 1.8.2004 as notified in the London Gazette (Issue 57361, published 21.7.2004), see art. 1(2)(3)

Refusal or withdrawal of approval of courses, qualifications and institutions

18.—(1) Where as a result of any visitor's report or other information acquired by the Council and taking account of the observations received from the institution under article 16(9), the Council is of the opinion that the standards established under article 15(1) are not, or will not be, met by particular education or training or that an institution is not observing the requirements referred to in article 15(1) it may refuse to approve, or withdraw approval from, as the case may be, any education, training, qualification or institution to which that opinion relates.

(2) In this article a reference to education or training includes any course of education or training or test referred to in article 15(6).

(3) In making any decision under paragraph (1) to refuse or to withdraw approval the Council shall act in accordance with this article.

(4) The Council shall—

- (a) notify the institution concerned, setting out its reasons; and
- (b) inform the institution of the period within which it may make observations on the matters raised, which shall be not less than one month beginning with the date on which the reasons are sent to the institution under sub-paragraph (a).

(5) The Council shall take no further steps before the period specified in sub-paragraph (b) of paragraph (4) has expired.

(6) If, taking account of the matters referred to in paragraph (1) and any observations submitted by the institution under paragraph (4), the Council decides that it is appropriate to refuse or withdraw approval under paragraph (1) it shall notify the institution accordingly.

(7) A decision under paragraph (6) shall have effect from the date of the decision or from such later date as may be specified in the decision.

(8) Where approval is withdrawn under this article, the Council shall use its best endeavours to secure that any person who is undertaking the education or training concerned or is studying for the qualification concerned or is studying at the institution concerned at the time when recognition is withdrawn is given the opportunity to follow approved education or training or to study for an approved qualification or at an approved institution.

(9) The withdrawal under this article of approval from any education or training, qualification or institution shall not affect the entitlement of any person to be registered on the basis of an award to him, before the date on which the decision withdrawing approval had effect, of—

- (a) the qualification concerned; or
- (b) any qualification awarded—
 - (i) in connection with any education or training, or
 - (ii) by an institution

from which approval has been withdrawn.

Commencement Information

I5 Art. 18 in force at 1.8.2004 as notified in the London Gazette (Issue 57361, published 21.7.2004), see art. 1(2)(3)

Post-registration training

19.—(1) The Council may make rules requiring registrants to undertake such continuing professional development as it shall specify in standards.

(2) The rules may, in particular, make provision with respect to registrants who fail to comply with any requirements of the rules, including making provision for their registration to cease to have effect.

[^{F2}(2A) Paragraphs (1) and (2), so far as relating to a person (“P”) who is a registrant only as a result of being a visiting nurse or midwife from a relevant European State, have effect subject to, respectively, paragraphs (2B) and (2C).

(2B) Rules made under paragraph (1)—

- (a) may not impose requirements on P if P is required to undertake, in P's home State, continuing professional development in relation to the profession of nursing or midwifery (as the case may be); and
- (b) where they impose requirements on P—
 - (i) shall take account of the fact that P is fully qualified to pursue that profession in P's home State, and
 - (ii) shall specify that continuing professional development which P is required to undertake by the requirements may be undertaken outside the United Kingdom.

(2C) Where rules make provision such as is mentioned in paragraph (2), the rules must secure that any sanction imposed in relation to P by or under that provision is appropriate and proportionate in view of P's continued lawful establishment in P's home State as a nurse or midwife (as the case may be).

(2D) In paragraphs (2B) and (2C) “home State”, in relation to P, means the relevant European State in which P is lawfully established as a nurse or midwife (as the case may be).]

(3) The Council may by rules require persons who have not practised or who have not practised for or during a prescribed period, to undertake such education or training or to gain such experience as it shall specify in standards.

(4) If the Council makes rules under paragraph (1) or (3), it shall establish the standards to be met in relation to—

- (a) continuing professional development;
- (b) the education or training mentioned in paragraph (3),

and article 15(3) to (9) and articles 16 to 18 of this Order shall apply in respect of those standards as if they were standards established under article 15(1)(a).

(5) In the articles mentioned in paragraph (4), references to “education and training” shall, for the purposes of that paragraph, be treated as being to education, training or experience.

(6) In respect of additional qualifications which may be recorded on the register the Council may establish standards of education and training and article 15(3) to (9) and articles 16 to 18 shall apply in respect of those standards as if they were standards established under article 15(1)(a).

Status: Point in time view as at 03/12/2007.

Changes to legislation: There are currently no known outstanding effects for the The Nursing and Midwifery Order 2001, PART IV. (See end of Document for details)

Textual Amendments

- F2** [Art. 19\(2A\)-\(2D\)](#) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **165**

Commencement Information

- I6** [Art. 19\(1\)\(2\)\(3\)](#) in force at 5.3.2004 for specified purposes as notified in the London Gazette (Issue 57218, published 27.2.2004), see [art. 1\(2\)\(3\)](#)
- I7** [Art. 19](#) in force at 1.8.2004 in so far as not already in force as notified in the London Gazette (Issue 57361, published 21.7.2004), see [art. 1\(2\)\(3\)](#)

Wales

20. The National Assembly for Wales may create or designate a body with which the Council may enter into any such arrangements as are referred to in article 15(6) of this Order in order to perform its function under article 15(5)(b) in respect of the standards established under article 15(1) or 19(4) or (6).

Commencement Information

- I8** [Art. 20](#) in force at 1.8.2004 as notified in the London Gazette (Issue 57361, published 21.7.2004), see [art. 1\(2\)\(3\)](#)

Status:

Point in time view as at 03/12/2007.

Changes to legislation:

There are currently no known outstanding effects for the The Nursing and Midwifery Order 2001, PART IV.