

Nursing and Midwifery Council Circular

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Amends: *Age of Entry*, Standard 1, Section 2 of the *Standards of Proficiency for Pre-registration Nursing Education* (NMC 2004).
Age of Entry, Standard 4, Section 3 of the *Standards of Proficiency for Pre-registration Midwifery Education*.
Category: Standards
Status: Action

Title: **Removal of minimum age of entry requirement for pre-registration nursing and midwifery programmes.**

For Action by: Official Correspondents
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Removal of minimum age of entry requirement for pre-registration nursing and midwifery programmes.

Summary

- 1 Part IV of the *Nursing and Midwifery Order 2001, Education and training* (15. - (1)(b) enables the NMC to establish - *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 This Circular confirms that with immediate effect the minimum age of entry to pre-registration nursing and midwifery programmes is removed.
- 3 This amends the current requirements as stated in Section 2, Standard 1 of the *Standards of proficiency for pre-registration nursing education* (NMC 2004) and in Section 3, Standard 4 of the *Standards of proficiency for pre-registration midwifery education* (NMC 2004) which are withdrawn. All other requirements for programme entry as set out in these respective *Standards of proficiency* documents remain unchanged.

Background

- 4 The decision to remove the programme entry requirement related to minimum age meets the requirements of the European Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation, which prevents discrimination on grounds of age in the fields of employment and vocational training. The Directive has been implemented by way of the Employment Equality (Age) Regulations 2006 that came into force on 1 October 2006.

Action

- 5 Programme providers are no longer required to apply NMC requirements for minimum age for entry to pre-registration nursing and midwifery programmes.
- 6 Directive 2005/36/EC on the Recognition of Professional Qualifications, Article 31(1) requires that '*Admission to training for nurses responsible for general care shall be contingent upon completion of general education of 10 years, as attested by a diploma, certificate or other evidence issued by the competent authorities or bodies in a Member State or by a certificate attesting success in an examination, of an equivalent level, for admission to a school of nursing*'. A similar provision for midwifery training is under article 40(2) (a)/ (b). The previous Directives 77/453/EEC (the second Nursing Directive) concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of nurses responsible for general care and 80/155/EEC (the second Midwifery Directive) concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in midwifery are replaced by Directive 2005/36/EC from 20

October 2007. Education providers will be required to comply with the requirements for admission to training set out in the Directive.

- 7 Education providers must comply with the *Health and Safety at Work Act* 2004 that restricts the manner in which young people may be deployed. In this context, a “*young person*” is defined as “*any person who has not attained the age of 18*”.
- 8 The key regulations in this respect are the *Health and Safety (Training for Employment) Regulations 1990* and the *Management of Health and Safety at Work Regulations 1999*, and the *Management of Health and Safety at Work Regulations (Northern Ireland) 2000*.
- 9 Whilst the 1990 regulations relate to the employee status of students on training for employment programmes, the 1999 and (Northern Ireland) 2000 regulations require employers to conduct risk assessments before requiring any young person to undertake any task. (See appendix 1). Providers will already be familiar with these requirements as they applied to students under the age of eighteen prior to the removal of the NMC minimum age of entry requirements.

For further information please contact Garth Long, Professional Adviser on 0207 333 6631 at garth.long@nmc-uk.org

Yours sincerely

Sarah Thewlis
Chief Executive and Registrar

This circular may be reproduced by all to whom it is addressed

This circular has been issued by:

Sarah Thewlis

Sarah Thewlis
Chief Executive and Registrar
Nursing and Midwifery Council

Appendix 1

Extracts from the *Management of Health and Safety at Work Regulations 1999* and the *Management of Health and Safety at Work Regulations (Northern Ireland) 2000*.

Education provider's attention is particularly drawn to:

Risk Assessment

Regulation 3 requires:

- (5) *In making or reviewing the assessment, an employer who employs or is to employ a young person shall take particular account of—*
- (a) the inexperience, lack of awareness of risks and immaturity of young persons;*
 - (b) the fitting-out and layout of the workplace and the workstation;*
 - (c) the nature, degree and duration of exposure to physical, biological and chemical agents;*
 - (d) the form, range, and use of work equipment and the way in which it is handled*
 - (e) the organisation of processes and activities;*
 - (f) the extent of the health and safety training provided or to be provided to young persons; and*
 - (g) risks from agents, processes and work listed in the Annex to Council Directive 94/33/EC on the protection of young people at work.*

Protection of young persons

Regulation 19 requires:

- 3 (1) *Every employer shall ensure that young persons employed by him are protected at work from any risks to their health or safety which are a consequence of their lack of experience, or absence of awareness of existing or potential risks or the fact that young persons have not yet fully matured.*
- (2) *Subject to paragraph (3), no employer shall employ a young person for work -*
- (a) which is beyond his physical or psychological capacity;*
 - (b) involving harmful exposure to agents which are toxic or carcinogenic, cause heritable genetic damage or harm to the unborn child or which in any other way chronically affect human health;*

(c) involving harmful exposure to radiation;

(d) involving the risk of accidents which it may reasonably be assumed cannot be recognised or avoided by young persons owing to their insufficient attention to safety or lack of experience or training; or

(e) in which there is a risk to health from -

(i) extreme cold or heat;

(ii) noise; or

(iii) vibration,

and in determining whether work will involve harm or risks for the purposes of this paragraph, regard shall be had to the results of the assessment.

(3) Nothing in paragraph (2) shall prevent the employment of a young person who is no longer a child for work

(a) where it is necessary for his training;

*(b) where the young person will be supervised by a competent person;
and*

(c) where any risk will be reduced to the lowest level that is reasonably practicable.

(4) The provisions contained in this regulation are without prejudice to

(a) the provisions contained elsewhere in these Regulations; and

(b) any prohibition or restriction, arising otherwise than by this regulation, on the employment of any person.