

Jenny Rathbone MS  
Chair, Equality and Social Justice Committee

By email: [SeneddEquality@senedd.wales](mailto:SeneddEquality@senedd.wales)

13 October 2023

Dear Ms Rathbone,

**Re: Inquiry into data justice**

Thank you for your letter regarding the Equality and Social Justice Committee's recent inquiry into data justice.

As the independent regulator of nurses and midwives we recognise the importance of professionals handling personal information in a sensitive and secure way that respects the rights and privacy of the public. Our Code and Standards require nursing and midwifery professionals to respect, uphold and advocate for people's human rights, including rights to privacy, confidentiality and sensitive data governance.

Our Code and Standards embed the need for safe, person-centred care in nursing and midwifery practice, this includes listening to patients and considering and respecting their preferences and personal decisions regarding their care. Listening to people receiving care and respecting their rights is vital to ensuring that care is delivered not only with the highest standards of safety but with trust and confidence from patients, families and the public.

Please find attached a briefing outlining the NMC's full response to your letter. This briefing highlights the aspects of our Code and Standards that relate to data protection and the rights of the public as well as setting out the responsibility of employers and educational institutions.

I hope we have provided clarity and reassurance that our Code and Standards seek to ensure that patients' rights are respected and protected with regard to data governance and ethics. The specific training given will vary by institution, but our Code and Standards upholds people's rights, ensuring their data and personal information is respected by all professionals on the register.

If you have any questions, please do contact our Public Affairs team ([public.affairs@nmc-uk.org](mailto:public.affairs@nmc-uk.org)) who will be happy to offer their support to make sure you have all the answers you and the Committee needs.

Yours sincerely,



Sam Foster  
Executive Director of Professional Practice and Lead Director for Wales

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We're the independent regulator for nurses and midwives in the UK, and nursing associates in England. Our vision is safe, effective and kind nursing and midwifery practice that improves everyone's health and wellbeing.

Registered charity in England and Wales (1091434) and in Scotland (SC038362)

## **NMC Briefing – October 2023**

### **Nursing and Midwifery Council response to the Senedd Equalities and Social Justice Committee letter, 28 July 2023**

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## **About Us**

- 1 The Nursing and Midwifery Council (NMC) is the independent regulator of nursing and midwifery professionals in the UK.
- 2 Our vision is safe, effective and kind nursing and midwifery practice that improves everyone's health and wellbeing. As the independent regulator of more than 788,000 nursing and midwifery professionals, we have an important role to play in making this a reality.
- 3 Our core role is to regulate. First, we promote high education and professional standards for nurses and midwives across the UK, and nursing associates in England. Second, we maintain the register of professionals eligible to practise. Third, we investigate concerns about nurses, midwives and nursing associates – something that affects less than one percent of professionals each year. We believe in giving professionals the chance to address concerns, but we'll always take action when needed.
- 4 To regulate well, we support our professions and the public. We create resources and guidance that are useful throughout people's careers, helping them to deliver our standards in practice and address new challenges. We also support people involved in our investigations, and we're increasing our visibility so people feel engaged and empowered to shape our work.
- 5 Regulating and supporting our professions allows us to influence health and social care. We share intelligence from our regulatory activities and work with our partners to support workforce planning and sector-wide decision making. We use our voice to speak up for a healthy and inclusive working environment for our professions.

## **Overview**

- 6 As the independent regulator of nurses and midwives we recognise the importance of professionals handling personal information in a sensitive and secure way.
- 7 Our Code and our Standards of Proficiency are central to the practice of safe, kind and effective care. Together, they embed the need for safe and person-centred care in nursing and midwifery practice, this includes listening to people receiving care and considering and respecting their preferences and personal decisions regarding their care.
- 8 Listening to people and respecting their rights is vital to ensuring that care is delivered not only with the highest standards of safety but with trust and confidence from patients, families and the public.

## **The Code**

- 9 [The Code](#) is central and integral to the ethical practice of all nurses and midwives and applies to all NMC registrants. Sub-section 1.5 of The Code requires professionals to ‘respect and uphold people’s human rights’. In particular relation to rights and information governance, sections 5 and 10 apply.
- 10 The Code makes clear that registrants must respect people’s right to privacy and confidentiality (Section 5). This includes the right to privacy and confidentiality after they have died (5.1; 5.3), and a requirement to share necessary information with other health and care professionals and agencies only when the interests of patient safety and public protection override the need for confidentiality (5.4).
- 11 Section 10 requires professionals to keep clear and accurate records of practice. This includes the need for professionals to make sure that information they record is accurate, dated and attributed to themselves (10.4), take all steps to make sure that all records are kept securely (10.5) and collect, treat and store all data and research findings appropriately (10.6).
- 12 While in practice, it is the responsibility of employers to ensure that nurses and midwives undertake mandatory training on GDPR, data collection, use and rationale for sharing or accessing data which include patient consent and confidentiality.

## **Standards of Proficiency**

- 13 In relation to nursing students, they are required to meet the [Standards for proficiency for registered nurses](#) in order to join the NMC register and begin practice. These standards include the following:
  - 13.1 Demonstrate an understanding of research methods, ethics and governance in order to critically analyse, safely use, share and apply research findings to promote and inform best nursing practice.
  - 13.2 Provide and promote non-discriminatory, person centred and sensitive care at all times, reflecting on people’s values and beliefs, diverse backgrounds, cultural characteristics, language requirements, needs and preferences, taking account of any need for adjustments.
  - 13.3 Demonstrate the ability to keep complete, clear, accurate and timely records.
  - 13.4 Effectively and responsibly use a range of digital technologies to access, input, share and apply information and data within teams and between agencies.

- 13.5 Annex A.1.10 of the Standards expects recent nursing students joining the register to be able to analyse and clearly record and share digital information and data.
- 14 Midwifery students must meet the [Standards of proficiency for midwives](#) in order to join the register and practice as a midwife. These Standards include:
- 14.1 Understand and act in accordance with relevant legal, regulatory, and governance requirements, policies, and ethical frameworks including any mandatory reporting duties, differentiating where appropriate between the devolved legislatures of the United Kingdom.
  - 14.2 Effectively and responsibly use a range of digital and other technologies to access, record, share and apply data within teams and between agencies.
  - 14.3 Keep, and securely store, effective records for all aspects of the continuum of care for the woman, newborn infant, partner and family.
  - 14.4 Present and share verbal, digital and written reports with individuals and/or groups, respecting confidentiality.
  - 14.5 Clearly document the woman's understanding, input, and decisions about her care.
  - 14.6 Analyse, clearly record and share digital information and data.
- 15 In addition, the Standards for midwives sets out three key themes to enable safe midwifery practice where the mother and family trust the care of the midwife. In order to enable the best care, midwives must communicate clearly and openly working in partnership with women to build a strong and trusting relationship. Midwives must also enable and advocate for the human rights of women and children as well as ensuring that for the views, preferences, and decisions of women, partners and families are respected, understood, and reflected in the care they receive.

## **Training and education**

- 16 The training of nursing and midwifery students to meet these Standards will vary depending on the educational institution. Individual curricula at approved educational institutions (AEIs) are developed to meet the NMC's outcome focussed Standards of proficiency. This means that how programmes are delivered; what specific training is given on data, privacy, and rights; and where in the curriculum these aspects are covered will vary between AEIs.
- 17 As part of the approval process for a nursing or midwifery programme, an AEI is required to demonstrate that their curricula meet these Standards and our

Code, including the sections set out above relating to human rights and digital information.

- 18 In addition to taught learning within the AEI, learning around data governance and protection of data, ethics and human rights will also take place in the practice learning environment, again meeting the expectations of our Code and Standards as set out above.

## Resources and public information

- 19 To support the implementation of the Code and Standards, in July we launched our [‘The best midwifery care happens in partnership’](#) resource for midwives.
- 19.1 These resources demonstrate to midwives how listening, and partnership are essential to support safe, kind and effective midwifery care.
- 19.2 Through real stories told by women, we showcase the impact of active listening on the experience and outcome of care. It also includes a set of questions to help midwives to reflect on how they listen to people and act on what they hear, in order to deliver the best possible care.
- 20 We have also launched our public information campaign: [‘People receiving care - For every pregnancy’](#).
- 20.1 This public information campaign focuses on the partnership between women and their midwives in the antenatal period.
- 20.2 The Code specifically states: “They (midwives) must recognise and respect the contribution that people can make to their own health and wellbeing and encourage and empower people to share decisions about their treatment and care.”
- 20.3 This work aims to increase the public’s understanding of what they can expect from their midwives and how they can make informed decisions about their care alongside them.
- 21 Although currently focused on midwifery taken together, these resources will support midwives to listen, respect and advocate for the rights of women and families in their care. This will extend to all aspects of the Code and Standards including data protection and privacy.

## Further information

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