

October 2016

## UKPHR Guidance for applicants: Evidence of English (and Welsh) language skills

### PURPOSE OF THIS GUIDANCE

UKPHR has published a language policy which UKPHR will apply in respect of all future applicants for registration.

The Department of Health has empowered a number of statutory health and care professional regulators to introduce proportionate language controls for EEA applicants. There are already such controls in place in relation to applicants from other parts of the world. The power also allows the regulators to consider lack of proficiency in English as grounds for bringing a fitness to practise case against a regulated professional.

Section 77 of the Immigration Act 2016 will require public authorities to ensure that each person who works for the public authority in a customer-facing role speaks fluent English (or Welsh in some cases in Wales).

UKPHR's standards for assessment of a portfolio for specialist registration require competence in communication in relation to various requisite skills. In relation to the assessment of a portfolio for practitioner registration Standard 12 requires an ability to:

*Communicate effectively with a range of different people using different methods.*

This language policy supports the stated public policy and matches the policy of other regulators of healthcare professionals.

The Registrar will monitor the application of this policy so that UKPHR can be satisfied that the policy is meeting its intended purpose.

## Introduction

1. UKPHR's Registrar has powers to seek evidence or information about an applicant's knowledge of English and to refuse to grant an application for registration where this is not provided. In certain circumstances in Wales a knowledge of Welsh may also be relevant. In this guidance, English language will be referred to but in those cases where knowledge of Welsh language will be appropriate because of a legal requirement the guidance should be read as applying to Welsh as well as English.
2. This guidance describes the factors the Registrar will take into account to determine whether an applicant has demonstrated the necessary knowledge of English to practise safely in the UK.
3. The Registrar must take account of this guidance when determining whether an applicant has demonstrated the necessary knowledge of English.

## Background

4. To practise safely in the UK registrants must have sufficient knowledge of English.
5. Our core guidance *Good Public Health Practice (2016)* states that  
*"You must share with the public, in a way they can understand, the information they want or need to know about their health and health care and the health options available to them, including associated risks and uncertainties"*.

For doctors who are UKPHR registrants, *Good Medical Practice (2013)* states that doctors *"must have the necessary knowledge of the English language to provide a good standard of practice and care in the UK"*.

The reason it is essential for registrants to have the necessary language skills to practise in the UK is: to be able to communicate effectively with individual service users and communities, work in partnership with other healthcare colleagues and clearly and accurately document their work. If a registrant does not have the necessary knowledge of English, there is a risk that s/he may not be able to fulfil these requirements.

## When the Registrar will request evidence of knowledge of language

6. There are multiple opportunities for applicants for registration to demonstrate their proficiency in English:
  - a) If the Registrar has confidence in an applicant's English proficiency on the basis of the application process, **no further evidence or information regarding language proficiency will be requested;**
  - b) If the Registrar has doubts as to an applicant's proficiency in English, further evidence or information will be requested and considered;
  - c) If doubts remain after the provision of such further evidence or information, there is a further opportunity for applicants to provide additional or alternative language proficiency evidence which will be considered.
7. In addition, the Registrar has an overriding discretion to consider any credible evidence.

## Factors the Registrar will take into account when requesting evidence of necessary knowledge of English

8. The Registrar will review the information provided by applicants as part of the application process, and based on that may in some cases ask for further information in relation to knowledge of English.
9. For example, if an applicant has a recent relevant qualification that has been taught and examined in English, or the qualification is from a country where English is the first and native language or an applicant has recent experience of practising in a country where English is the first and native language, then the Registrar is unlikely to seek any further evidence.

By 'recent' UKPHR means evidence relating to English language competence that is less than two years old at the point of submitting the application to UKPHR. Two years is considered the accepted period for an individual to remain proficient in English if the language is used regularly.

Reference to a country where English is the first and native language means any country which is on the UK Government's list of countries that are exempt from proving knowledge of English in relation to British citizenship and settling in the UK.

10. The Registrar is likely to ask for further evidence or information from applicants who do not hold recent relevant qualifications that have been taught and examined in English, or do not have recent experience of practising in a country where English is the first and/or native language.
11. If during the application process a situation arises where an applicant requires the services of a translator or another person in order to communicate in English with UKPHR, the Registrar will review any language evidence that has already been provided. In these cases the Registrar is likely to request further evidence of the applicant's knowledge of English before granting the application for registration.

## Criteria for assessing language evidence

12. Where evidence or information is requested in relation to knowledge of English, UKPHR's criteria for assessing that evidence and information are as set out below. The criteria reflect UKPHR's overriding objective of protecting and enhancing public safety and provide UKPHR with adequate assurance that registrants practising in the UK can interact and communicate appropriately with individuals, communities and other healthcare professionals.
13. Where evidence or information is requested the Registrar will consider language evidence provided by applicants against the following tests:
  - a) Is the evidence recent, objective, independent and robust?
  - b) Does the evidence clearly demonstrate that the applicant can read, write and interact with individuals, communities and healthcare professionals in English?
  - c) Is it reasonable to expect UKPHR to be able to verify the evidence?
14. In circumstances where applicants submit evidence or information regarding English language proficiency that does not meet UKPHR's criteria, the Registrar will then seek and consider additional or alternative evidence.

15. Currently, the most reliable evidence that applicants can provide to satisfy the Registrar of the appropriate level of knowledge of English is achieving the required scores in the academic version of the IELTS test.

## Additional Information for Applicants from the European Economic Area

16. For applicants from the European Economic Area (EEA) with qualifications and training meeting the requirements for 'automatic recognition' as set out in the EU Directive on the Recognition of Professional Qualifications, where the Registrar does not have sufficient evidence of their knowledge of English on the basis of the application process, the Registrar will recognise the qualification and write to the applicant to confirm this.
17. The Registrar will then ask the applicant to provide evidence that the applicant has the necessary knowledge of English before granting the application for registration.
18. If the application is being assessed under the EU Directive's 'General Systems' provisions and the Registrar decides that the qualification or training does not meet UKPHR's minimum requirements, the Registrar will set out in a letter the shortfall in training and require the applicant to undertake appropriate compensation measures before granting the application for registration.
19. Compensation measures are considered as part of the recognition process therefore, if necessary, any language controls will be carried out after the compensation measures.
20. In the absence of the provision of evidence that the applicant has the necessary knowledge of English but the applicant meets UKPHR's qualification and training requirements, the Registrar will issue a letter recognising the qualification

## Types of evidence the Registrar is likely to accept

21. There are many different ways in which applicants may be able to demonstrate language proficiency. The Registrar has the power to exercise discretion and consider all types of credible evidence, which meet the parameters of the above criteria.
22. UKPHR will review its English language evidence requirements on a regular basis to ensure they remain suitable and give full consideration to new sources of evidence that can provide the necessary assurance of a doctor's English language capability.
23. However, we have set out the types of evidence which the Registrar will routinely accept as demonstrating that an applicant has the necessary knowledge of English to practise in the UK.

### **Evidence type 1:**

**A recent overall score of 7.5 in the academic version of the International English Language Testing System (IELTS). Applicants must achieve no less than 7 in each of the four areas of reading, writing, listening and speaking. The scores must be achieved in one sitting of the test.**

24. IELTS is an objective method of demonstrating proficiency in English and is widely accepted by many employers, regulators and professional bodies.

25. The Registrar may accept IELTS test scores that are more than two years old if the applicant can provide evidence to demonstrate that their language skills have not deteriorated in that time, for example by having subsequently undertaken a postgraduate course of study which has been taught and examined in or evidence that they have subsequently worked in a country where English is the first and native language.

**Evidence type 2:**

**A recent relevant qualification that has been taught and examined in English.**

26. UKPHR requires the relevant qualification to be taught and examined in English so as to give the Registrar sufficient assurance that the applicant has experience in an English speaking public health environment. Communication and interaction are key components of safe public health practice in the UK. To assure the Registrar that applicants have experience in these essential areas, a majority of the applicant's professional interaction, including personal contact with individuals, communities and healthcare professionals must have been conducted in English.
27. Where a qualification meets the above criteria but is not recent, the Registrar will ask for evidence that demonstrates the applicant's experience of practising for the preceding two years in a country where English is the first and native language.
28. The Registrar will ask all employers over the preceding two years to provide original references detailing the applicant's practice in English. This provides assurance that the applicant's experience of practising in an English speaking medical environment is recent and their language skills are up to date.
29. The following are examples of what is meant by practice:
- Assessing, diagnosing, treating, reporting or giving advice in a professional public health capacity (for example as a member of a panel or committee or as an expert witness; and/or
  - Public health teaching, research, medical or healthcare management in hospitals, clinics, general practice and community and institutional contexts (for example in a university, Royal College or company) whether paid or voluntary; and/or
  - Signing any certificate required for statutory purposes, such as death and cremation certificates; and/or
  - In all cases, using the knowledge, skills, attitudes and competences initially obtained for the relevant qualification, degree (or equivalent and built upon in postgraduate and continuing professional education.

**Evidence type 3:**

**A recent pass in a language test for registration with a relevant regulatory authority in a country where the first and native language is English<sup>19</sup>.**

30. The Registrar will contact the regulatory authority to find out which language test was used and its requirements before accepting this evidence.
31. Where the pass in another regulator's language test is older than two years the Registrar may ask for evidence that demonstrates the applicant's experience of practising for the preceding two years in a country where English is the first and native language.
32. The Registrar will ask all employers over the preceding two years to provide original references detailing the applicant's practice in English.

#### **Evidence type 4:**

#### **An offer of employment from a UK public health organisation.**

33. The Registrar will require written confirmation from the UK public health organisation that an offer of employment has been made.
34. The Registrar will require the appointing employer to complete a structured English language reference form detailing the applicant's skills in all four language domains of reading, writing, listening and speaking, and how these were assessed during the recruitment process.
35. The Registrar will seek confirmation from the appointing employer that it endorses the recruitment process the employer has in place to ensure that the applicant has the necessary knowledge of English to practise safely in the UK.

#### **Restoration to the register**

36. A UKPHR registrant who leaves the register for whatever reason, including failure to pay the Annual Renewal Fee, must satisfy the Registrar that the applicant for restoration has the necessary knowledge of English before the Registrar can restore the applicant's name to the register. In these circumstances the Registrar will apply the criteria for determining whether the applicant has the necessary knowledge of English which is set out in this guidance.
37. A UK applicant returning to the register may not need to provide additional evidence or information if the Registrar is satisfied about the applicant's knowledge of English from the application process.

#### **ADDITIONAL INFORMATION**

In keeping with UKPHR's commitment to continuous improvement, the Registrar will have in place a process for regularly reviewing the language policy for its effectiveness and to ensure that it remains relevant to the best of public health practice and thereby ensuring public protection.

Many registrants are also registered with other health and social care regulators, including dentists, doctors, environmental health practitioners, nurses and pharmacists. Where an applicant for dual registration is able to produce evidence that another health and social care regulator has already been satisfied about the applicant's knowledge of English UKPHR will accept that other regulator's decision.

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