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UKPHR's Rule and guidance for language control

About this document

This document sets out our approach to satisfying ourselves that applicants for registration have the necessary knowledge of the English language (and refers to the situation in Wales regarding knowledge of the Welsh language).

RULE

1. The Registrar may refuse to grant an application for registration, including an application for restoration of registration, in any case where the applicant has not demonstrated the necessary knowledge of English.
2. Legislation in Wales applies specifically to the knowledge of Welsh which may be required for specific posts.¹ The Registrar would expect questions relating to knowledge of Welsh to be dealt with under that legislation. In the unlikely event that the Registrar were required to make a ruling with regard to knowledge of Welsh, the Registrar will follow this rule as far as practicably possible, substituting “Welsh” for “English” in the text as necessary.
3. In determining whether an applicant has demonstrated the necessary knowledge of English the Registrar must take account of any guidance published by UKPHR and such evidence as an applicant provides of her or his knowledge of English in accordance with that guidance.
4. Where in the Registrar's opinion it is reasonable to do so for the purpose of determining whether an applicant has the necessary knowledge of English, the Registrar may:
 - (a) By notice to the applicant, request that the applicant—
 - (i) provide further evidence or information,
 - (ii) undertake, at the applicant's own cost, an assessment designed to evaluate the applicant's knowledge of English;
 - (b) Carry out other investigations.

¹ See Welsh Language Act 1993 and Welsh Language Schemes and see The Welsh Language Measure 2011 and Welsh Language Standards

5. The Registrar may refuse to grant an application for registration if the Registrar considers that—
- (a) Without reasonable excuse, the applicant has:
 - (i) failed to satisfy the requirement of paragraph 1
 - (ii) failed to provide any evidence or information requested by the Registrar under paragraph 1.3(a)(i),
 - (iii) failed to undertake an assessment requested by the Registrar under paragraph 1.3(a)(ii), or
 - (b) Having taken account of any evidence as to the applicant's knowledge of English, an applicant has failed to demonstrate the necessary knowledge of English.

GUIDANCE

Introduction

1. UKPHR's Registrar has powers to seek evidence or information about an applicant's knowledge of English and/or Welsh and to refuse to grant an application for registration where this is not provided.
2. This guidance describes the factors the Registrar will take into account to determine whether an applicant has demonstrated the necessary knowledge of English.
3. It is not expected that the Registrar will be required to investigate an applicant's knowledge of Welsh because separate legislation applies in Wales which appears to the Registrar to be sufficiently robust to cover this issue. In the unlikely event that the Registrar were required to make a ruling in relation to knowledge of Welsh, the Registrar would apply UKPHR's rule as it applies in relation to knowledge of English as closely as possible with all references to "English" replaced by references to "Welsh". Further guidance on the legal requirement and compliance arrangements relating to knowledge of Welsh can be obtained from the Welsh Language Commissioner.
4. The Registrar must take account of this guidance when determining whether an applicant has demonstrated the necessary knowledge of English or Welsh.

Background

4. To practise safely in the UK registrants must have sufficient knowledge of English and, in some defined jobs, Welsh.
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 or Welsh, there is a risk that s/he may not be able to fulfil these requirements.

What evidence the Registrar will request

6. The Registrar will consider evidence of knowledge of English which meets one or more of these criteria:
 - It is recent (less than two years old at the point of application).
 - It clearly shows that the applicant can read, write and interact with health and social care professionals and the public in English.
 - It can be verified by us through contact with recognised health and social care institutions, regulators and other official bodies.
7. One appropriate way to provide acceptable evidence is to take the academic version of the IELTS test and meet UKPHR's required our minimum scores.

When the Registrar will request evidence

8. 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.
9. 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

10. 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.
11. 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.

12. 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.
13. 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

14. 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.
15. 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 health and social care professionals in English?
 - c) Is it reasonable to expect UKPHR to be able to verify the evidence?
16. 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.
17. 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

18. 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.
19. 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.

20. 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.
21. Compensation measures are considered as part of the recognition process therefore, if necessary, any language controls will be carried out after the compensation measures.
22. 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

23. 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.
24. 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 an applicant's English language capability.
25. 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 in the academic version of the International English Language Testing System (IELTS). This can be achieved over two sittings of the tests. Both tests must be within six months of each other and no single score must be below 6.5 in any of the areas across both tests.

26. IELTS is an objective method of demonstrating proficiency in English and is widely accepted by many employers, regulators and professional bodies.
27. 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.**

28. 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.
29. 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.
30. 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 health and social care practice environment is recent and their language skills are up to date.
31. The following are examples of what is meant by practice:
 - a) Assessing, researching, 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
 - b) Public health teaching, research, health and social care 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
 - c) Signing any certificate required for statutory purposes, such as death certificates; and/or
 - d) 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.**

32. The Registrar will contact the regulatory authority to find out which language test was used and its requirements before accepting this evidence.
33. 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.
34. 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.**

35. The Registrar will require written confirmation from the UK public health organisation that an offer of employment has been made.
36. 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.
37. 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

38. 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.
39. 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.
40. A relevant consideration will be whether the registrant first registered with UKPHR before or after the introduction of the English language rule, since those registering after the rule was introduced will have satisfied the rule at that time and the Registrar will take this factor into account.