



NHS Employers

Part of the NHS Confederation

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**LANGUAGE
COMPETENCY:
GOOD PRACTICE
FOR EMPLOYERS**

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INTRODUCTION

Importance of right to work checks

Employers are responsible for ensuring that everyone involved in the delivery of NHS services has the required level of English language competence to enable them to effectively carry out their role and deliver high quality, safe patient care.

This document outlines the factors employers will need to consider in terms of assessing the language competency of applicants, where appropriate. It also provides information about the associated statutory duties that regulatory bodies already have in place as part of their registration requirements, which will support them to enhance their existing local protocols to effectively assess language competency.

Identifying English language competency prior to offering an appointment helps to assure protection for patients, employing organisations and employees. While English language competence testing does not establish an individual's aptitude for effective communication, it can help to provide a useful baseline to build on.

This guidance does not deal with the handling of concerns about an employee's communication skills in English. If, once appointed, it becomes apparent that an individual's communication skills are not at an appropriate level, it is the responsibility of the employer to implement measures to support that individual. Where a problem persists or an incident has occurred and a significant risk has been identified, it may be appropriate to initiate an investigation in accordance with local capability or disciplinary procedures.

KEY CONSIDERATIONS FOR EMPLOYERS

When appointing individuals who are registered with a professional regulatory body, employers can, in most cases, be assured that they will have acquired the minimum standards set by that body, including the required level of English competency for their profession, where this is appropriate. This assurance should be obtained by undertaking the necessary checks with the relevant professional regulatory body as outlined in the NHS Employment Check Standards. The types of assurances sought by regulatory bodies when considering placing EEA nationals and international graduates on their registers can be found under the section on "How regulatory bodies assess language competency" and in Appendix 2.

While this gives a certain level of assurance for registered healthcare workers from outside the UK, employers still have a duty to assure themselves that all individuals have the appropriate level of English competency to carry out the specific role they are being appointed to do. This duty is further reinforced by Part 7 of the Immigration Act which stipulates that employers must ensure that everyone involved in the delivery of NHS services has the required level of English language competency to deliver safe patient care.

Under normal circumstances, any measure of language competency should be assessed through the individual's application or as part of the interview process. Where seeking assurance as part of an individual's application, any assessment will need to consider any evidence provided by the applicant to demonstrate that they:

- have passed an English language competency test – see examples listed in the section on English language competency on page six
- hold a degree or relevant qualification that was taught in English by a recognised institution abroad
- have lived in a multi-lingual household where a relative or carer used English as their primary form of communication
- are a national from a majority English speaking country – see list of countries in Appendix 1
- have worked in an organisation/institution where English was their primary language
- have pursued part of their education in the UK.

It is important to note, that there is no legal requirement for employers to start systematically re-testing EEA nationals and international graduates to assess their language competency. This document outlines a number of different processes employers can apply where any such assurances about an applicant's language competency cannot be guaranteed or where, on employment, concerns are raised about an individual's ability to clearly and effectively communicate with patients and colleagues.

Employers may find it useful to read the government's [Code of Practice on the English language requirements for public sector workers](#) in conjunction with this guidance document, to ensure they can appropriately and proportionately assess an individual's language competency, where appropriate.

The steps described in this guidance document and the Code referenced above, are consistent with ethnicity and disability discrimination laws.

Setting the level of competency to be achieved

Employers may find it helpful to refer to the Knowledge and Skills Framework (KSF) when assessing what level of competence might be required for individual roles. The KSF is a tool designed to identify the knowledge, skills and development that all workers need to enable them to do their job effectively under Agenda for Change. It focuses on six core dimensions covering key areas that apply to every job, including communication. It spans across four levels and includes simple behaviours to check against.

Further information about the KSF can be found on the [NHS Employers website](#). For medical, dental and very senior manager posts that do not have a KSF outline, employers will need to specify the appropriate level of language proficiency required. This should be determined in accordance with the duties and responsibilities of the role. Under normal circumstances, any such positions are normally assessed at the highest level of language competency.

Employers will need to determine with the agency or contractor what an appropriate level of proficiency would be. Proficiency requirements should be proportionate to the duties and

responsibilities being undertaken in any given role and integrated into any contract or service level agreements with that provider.

Employers may wish to use the language competency requirements outlined by the professional regulatory bodies as a guide. See Appendix 3 for further details.

The person specification and selection process

Under the NHS Employment Check Standards employers are required to seek the necessary assurance of any qualifications that are relevant to the role being appointed to.

In accordance with good recruitment practice, the inclusion of any language competency requirements should be made clear in the person specification for the role being appointed to. As outlined earlier in this document, individuals can demonstrate their level of language competency in a variety of ways, therefore the person specification should reflect what equivalent assessment can be accepted where individuals have not carried out an appropriate test.

If requiring individuals to undergo a language competency assessment (eg Europass) as part of the recruitment process, employers must ensure that all job applicants are treated in the same way at each stage of the recruitment process, to ensure they remain compliant with anti-discrimination laws.

Training

Employers should consider introducing language competency requirements in existing statutory training programmes. All staff (existing or new) should be made aware of their employers' responsibilities to seek relevant assurances of language competency. It is also important that they understand the possible actions that could be taken if their language competency in spoken English (or Welsh) is lacking and their rights.

Challenges against recruitment decisions

All individuals have a right to seek feedback on any decisions made by a prospective employer not to recruit them. It is therefore strongly recommended that employers work in partnership with unions and their human resource department to develop a fair and consistent process to manage any such feedback. All applicants should be informed of these rights in writing as part of the recruitment process.



Seeking assurance of compliance

Employers may wish to consider the following steps to ensure their recruitment and ongoing practices to seek assurance of a person's language competency is fully compliant with employment check requirements, immigration, equality and human rights law:

- assigning a nominated HR officer to look at recruitment systems, job descriptions and person specifications to ensure requirements are clear, fair and consistently applied
- setting up a small group of recruiting managers, HR and staff side to look at selecting the evaluation methods required for certain roles and to determine appropriate test levels
- looking at this systematically working with staff side to ensure requirements remain fair and justifiable
- considering working with overseas recruitment agencies to explore scope to pre-assess a candidate's English language capabilities
- exploring options to offer new starter a programme of social adaptation to enhance English language levels – particularly on areas such as typical ward dialect (e.g. nil by mouth)
- incorporating information about language competency assessment in the recruitment and selection training programme, including the rights of individuals under European law (ie the Mutual Recognition of Professional Qualifications or any UK equivalent once we have left the EU)
- reviewing language competency levels and evaluation methods annually to ensure they meet legal requirements and the relevant minimum competency frameworks.

HOW REGULATORS ASSESS LANGUAGE COMPETENCY

Regulatory bodies set professional standards to which all registrants must comply. As part of their registration process, they undertake a range of checks to assure themselves that healthcare practitioners are suitable to practise in their chosen profession. This includes an assessment of their ability to communicate effectively with patients and colleagues. Where tests are required, the regulatory body sets the minimum score that must be achieved under each element of the test (for example, listening, speaking and written) and the average score that must be attained for registration purposes.

Requirements for registration with a professional regulatory body may differ depending on whether applicants are UK nationals, EEA nationals (including Swiss nationals and individuals with European Community rights) and international graduates. These variations are explained in more detail below.

UK nationals

UK nationals are not required by their regulatory body to demonstrate evidence of English language knowledge at the point of registration. Employers should consider assessing their level of language

competency during normal recruitment processes including evidence presented as part of their application and as part of the interview.

EEA nationals (including Swiss nationals and individuals with European Community rights)

UK EEA/Swiss nationals and those with European Community (EC) rights are eligible to have their qualifications accepted under the EU Directive on the Mutual Recognition of Professional Qualifications. This means that, providing they meet the required minimum standards for their profession, they are exempt from any routine assessment for language competency before registration and the regulator will base their decision about fitness to practise on evidence they provide as part of their application.

This exemption does not stand where the regulatory body is not satisfied that they meet the minimum standards. This also does not apply where concerns have been raised about an individual's language competency and the regulatory body needs to make a decision about their fitness to practise. In such cases, the regulatory body may take additional steps to assess the individual's practical ability to communicate effectively and safely in their chosen profession.

International graduates

Individuals who have trained and qualified outside the EEA may provide evidence confirming their English language competence in a variety of ways. There have been some recent developments where regulatory bodies such as the NMC and others, have extended the scope for international graduates to demonstrate their language competency.

A full list of regulatory bodies and their English language competency requirements can be found in Appendix 2.

ENGLISH LANGUAGE TESTS

There are a range of assessment tools available to determine English language competency. Some of the main ones are included below. This list is intended as a guide only and is not exhaustive.

Assessment tool	Accredited body
City and Guilds International (IESOL) Diploma	City and Guilds
EIKEN test in practical English Proficiency	EIKEN
Europass – self assessment language passport	Europass

International English Language Testing System (IELTS)	Cambridge English Language Assessment
Occupational English Test (OET)	Cambridge English Assessment Testing
Test of English as a Foreign Language (TOEFL) electronic test	Educational Testing Service TOEFL
Test of English for International Communication (TOEIC)	Educational Testing Service TOEIC

¹The EU Directive 2005/36/EC Mutual Recognition of Professional Qualifications enables the recognition of professional qualifications obtained in another member state and the free movement of professionals across the EU. Further guidance can be found on the [European Commission website](#).

Europass

Employers may wish to consider using Europass as a framework to help them assess an applicant's language competency as part of their recruitment process.

Europass is an online tool that enables individuals to self-assess their proficiency in any European language across three key elements - understanding, speaking and writing skills. Employers can pre-determine the minimum level of proficiency required for each of the three elements.

Promoting this early in the recruitment process means that individuals can use this to determine whether they meet the required proficiencies before they submit a job application. Alternatively, it may be included as one of the assessment tasks as part of the interview process.

Further information can be found on the [Europass website](#).

International English language testing system (IELTS)

IELTS measures an individual's ability to communicate in English across four language skills – listening, reading, writing and speaking. It has been specifically developed for people who intend to study or work where English is the main language of communication and is available in 1,100 test centres in over 140 countries around the world.

Employers can specify the minimum academic and/or general scores required for a specific role. This enables prospective candidates to make informed decisions on whether to apply after completion of the IELTS test or based on a previous IELTS test result.

Individuals will need to provide the prospective employer with documentary evidence of the test result. The certificate will show the applicant's name, the qualification obtained and the date of the award.

Further information about [IELTS website](#).

Occupational English Test (OET)

OET is an international English language test for the healthcare sector. Established in Australia, it is now used worldwide. OET assesses the language communication skills of healthcare professionals

who seek to register and practise in an English-speaking environment. OET covers all four language skills with an emphasis on communication in a healthcare environment.

Further information about OET can be found on the [Cambridge Assessment website](#).

Common European Framework of Reference (CEFR)

The Common European Framework of Reference for Languages (CEFR) is an international standard for describing English language competency on a six-point scale (for example, from A1 for beginners, up to C2 for those who have mastered the language). It provides a consistent and robust framework to help employers easily identify and compare the level of different qualifications.

The table at Appendix 4 provides a useful cross-mapping reference tool identifying language level equivalents for Europass, IELTS, and OET.

Sign language

This document does not specifically address the assessment of a person's competence in relation to British Sign Language (BSL) or other sign languages.

We acknowledge that this is a recognised language in some communities. Employers must ensure equal opportunity when recruiting people who use sign language and ensure that reasonable adjustments are made.

Further guidance about making reasonable adjustments can be found on the [Equality and Human Rights Commission website](#).

HOW TO VERIFY OVERSEAS QUALIFICATIONS

The UK National Academic Recognition Information Centre (NARIC) is the national agency which provides information and advice on how qualifications and skills compare with the UK's national qualification frameworks.

NARIC can provide individuals with a letter of comparability to accompany any qualification certificates so that they can present this to an employer when applying for work in the UK.

If the individual's qualification has been obtained in one of the majority English speaking countries listed at Appendix 1, employers can ask the individual to present an original copy of their qualification certificate and/or a UK NARIC confirmation letter as evidence of their qualification being taught in English.

Employers must always assure themselves that any documentary evidence is bona fide and relates to the individual presenting themselves, as outlined by the [NHS Employment Check Standards](#).

To verify that a confirmation letter issued by UK NARIC is legitimate, employers can email verify@naric.org.uk providing the following information:

- UK NARIC reference number (which can be found at the top of the confirmation letter)
- the full name as stated on the letter
- the title of the qualification
- year of the award
- the comparable UK qualification level
- the full name of the organisation submitting the verification request.

In most cases, NARIC will provide the necessary confirmation within five working days.

Further information about their services and verification process can be found on the [UK NARIC website](#).

SOLVIT – SUPPORT FOR BREACH OF EU RIGHTS

SOLVIT is a free online service that helps EEA nationals if they find themselves in difficulty asserting their EU rights in a member state, without the need to go through formal legal proceedings. For example, this may include employment issues relating to getting recognition of their professional qualifications, visa and residence rights or where they have suffered some form of discrimination. It can also be used by organisations where it's EU business rights have been breached in another member state.

There is a SOLVIT function in every EU member state, as well as in Norway, Iceland and Liechtenstein. They are part of the national administration in member states which is co-ordinated by the European Commission.

Where individuals are unhappy with any proposed solutions, or if the problem remains unresolved by SOLVIT, they may instigate formal proceedings, such as taking legal action through a national or community court, or by lodging a complaint with the European Commission.

Further information about its services can be found on the [SOLVIT website](#).



APPENDIX 1: GUIDANCE ON SPECIFIC FORMS OF DOCUMENTATION

UK visas and Immigration holds a list of majority English speaking countries overseas.

Antigua and Barbuda	Irish Republic
Australia	Jamaica
The Bahamas	New Zealand
Barbados	St Kitts and Nevis
Belize	St Lucia
Canada	St Vincent and the Grenadines
Dominica	Trinidad and Tobago
Grenada	United States of America
Guyana	

APPENDIX 2: REGULATORY REQUIREMENTS FOR EEA NATIONALS AND INTERNATIONAL GRADUATES

This table displays the various-ways regulatory bodies permit applicants to demonstrate language competency when registering with them. There are more stipulations and considerations on the requirements that may not be fully elaborated on in this section. Although details are correct at the time of publishing, we would recommend that employers should refer to the individual regulatory body websites to ensure they have the latest up to date information.

Non-EEA nationals must prove their English competency using the routes below, while EEA nationals can demonstrate competency via their application. If this is not sufficient, they may be asked to use one of the routes below before being added to the register.

Regulatory body	Language requirements				
	IELTS	OET	TOEFL	CEFR	Other
General Medical Council (GMC) www.gmc-uk.org gmc@gmc-uk.org	✓ Min. 7.5	Level B			Qualifications – accepted where course and activities taught in English and 75% clinical interaction. References – original references from employers over last two years where English is first and native language. Registration – a pass in a language test for registration with a medical regulator in a country where English is the first and native language.
Nursing and Midwifery Council (NMC) www.nmc-uk.org advice@nmc-uk.org	✓ Min 7.0	✓ Level C+			Practise – at least one year’s practise where English is the first and native language and English language assessment needed for registration. Qualifications – accepted where course and activities taught in English and 50% clinical interaction.

					Registration – a pass in a language test for registration with a medical regulator in a country where English is the first and native language.
General Dental Council (GDC) www.gdc-uk.org information@gdc-uk.org	✓ Min 7.0				Qualifications - dental professionals qualifying in a country where English is the first and native language do not routinely need to provide additional evidence.
General Optical Council www.optical.org goc@optical.org	✓ Min 7.0				The GOC is reviewing the assessment of non-EEA applicants and expect this to change in early 2018.
General Osteopathic Council (GOsC) www.osteopathy.org.uk info@osteopathy.org.uk	✓ Min 7.0	✓ C1 equiv.	✓ C1 equiv.	C1	
Health and Care Professions Council (HCPC) www.hcpc-uk.org registration@hcpc-uk.org	✓ Min 7.0 (8.0 for SLT)				Other tests are generally accepted but applicants must demonstrate their competence is equivalent to the IELTS standards that have been set.
General Pharmaceutical Council (GPhC) www.pharmacyregulation.org info@pharmacyregulation.org	✓ Min 7.0				Practise – at least two year’s practise in an English-speaking country. Qualifications – accepted if taught and examined in a country where English is the first and native language and 75% clinical interaction.
General Chiropractic Council (GCC) www.gcc-uk.org enquiries@gcc-uk.org	✓ Min 7.0				The GCC will seek additional evidence of English competence on a case by case basis. Practise – at least two year’s practise in an English-speaking country. Qualifications – accepted if taught and examined in a country where English is the first and native language and 75% clinical interaction.

APPENDIX 3: COMMON EUROPEAN FRAMEWORK (CEFR) LANGUAGE LEVELS

CEFR language levels		A1 (Beginner)	A2 (Elementary)	B1 (Intermediate)	B2 (Upper intermediate)	C1 (Advanced)	C2 (Proficient)
Understanding	Listening	I can understand familiar words and very basic phrases concerning myself, my family and immediate concrete surroundings when people speak slowly and clearly	I can understand phrases and the highest frequency vocabulary related to areas of most immediate personal relevance (e.g. very basic personal and family information, shopping, local areas and employment). I can catch the main point in short, clear, simple messages and announcements.	I can understand the main points of clear standard speech on familiar matters regularly encountered in work, school, leisure etc. I can understand the main point of many radio or TV programmes on current affairs or topics of personal or professional interest when the delivery is relatively clear.	I can understand extended speech and lectures and follow even complex lines of argument provided the topic is reasonably familiar. I can understand most TV news and current affairs programmes. I can understand the majority of films in standard dialect.	I can understand extended speech even when it is not clearly structured and when relationships are only implied and not signalled explicitly. I can understand television programmes and films without too much effort.	I have no difficulty in understanding any kind of spoken language, whether live or broadcast, even when delivered at fast native speed, provided I have some time to get familiar with the accent.
	Reading	I can understand familiar names, words and very simple sentences, for example on notices and posters or in catalogues.	I can read very short, simple texts. I can find specific, predictable information in simple every day material such as advertisements, prospectuses, menus and timetables and I can understand short simple personal letters.	I can understand texts that consist of mainly high frequency every day or job-related language. I can understand the description of events, feelings and wishes in personal letters.	I can read articles and reports concerned with contemporary problems in which the writers adopt attitudes or viewpoints. I can understand contemporary literary prose.	I can understand long and complex factual and literary texts, appreciating distinctions of style. I can understand specialised articles and longer technical instructions, even when they do not relate to my field.	I can read with ease virtually all forms of the written language, including abstract, structurally or linguistically complex texts such as manuals, specialised articles and literary works.

CEFR language levels		A1 (Beginner)	A2 (Elementary)	B1 (Intermediate)	B2 (Upper intermediate)	C1 (Advanced)	C2 (Proficient)
Speaking	Spoken interaction	I can interact in a straightforward way provided the other person is prepared to repeat or rephrase things at a slower rate of speech and help me formulate what I'm trying to say. I can ask and answer simple questions in areas of immediate need or on very familiar topics.	I can communicate in simple and routine tasks requiring a simple and direct exchange of information on familiar topics and activities. I can handle very short social exchanges, even though I can't usually understand enough to keep the conversation going myself.	I can deal with most situations likely to arise whilst travelling in an area where the language is spoken. I can enter unprepared into conversation on topics that are familiar, of personal interest or pertinent to everyday life (e.g. family, hobbies, work, travel and current events).	I can interact with a degree of fluency and spontaneity that makes regular interaction with native speakers quite possible. I can take an active part in discussion in familiar contexts, accounting for and sustaining my views.	I can express myself fluently and spontaneously without much obvious searching for expressions. I can use language flexibly and effectively for social and professional purposes. I can formulate ideas and opinions with precision and relate my contribution skilfully to those of other speakers.	I can take part effortlessly in any conversation or discussion and have a good familiarity with idiomatic expressions and colloquialisms. I can express myself fluently and convey finer shades of meaning precisely. If I do have a problem I can backtrack and restructure around the difficulty so smoothly that other people are hardly aware of it.
	Spoken production	I can use simple phrases and sentences to describe where I live and people I know.	I can use a series of phrases and sentences to describe in simple terms my family and other people, living conditions, my educational background and my present or most recent job.	I can connect phrases in a straightforward way to describe experiences and events, my dreams, hopes and ambitions. I can briefly give reasons and explanations for opinions and plans. I can narrate a story or relate the plot of a book or film and describe my reactions.	I can present clear, detailed descriptions on a wide range of subjects related to my field of interest. I can explain a viewpoint on a topical issue giving the advantages and disadvantages of various options.	I can present clear, detailed descriptions of complex subjects integrating sub-themes, developing particular points and rounding off with an appropriate conclusion	I can present a clear, smoothly-flowing description or argument in a style appropriate to the context and with an effective logical structure which helps the recipient to notice and remember significant points.

CEFR language levels		A1 (Beginner)	A2 (Elementary)	B1 (Intermediate)	B2 (Upper intermediate)	C1 (Advanced)	C2 (Proficient)
Written	Written	I can write a short, simple postcard, for example sending holiday greetings. I can fill in forms with personal details, for example entering my name, nationality and address on a hotel registration form.	I can write short, simple notes and messages. I can write a very simple personal letter, for example thanking someone for something.	I can write simple connected text on topics which are familiar or of personal interest. I can write personal letters describing experiences and impressions.	I can write clear, detailed text on a wide range of subjects related to my interests. I can write an essay or report, passing on information or giving reasons in support of or against a particular point of view. I can write letters highlighting the personal significance of events and experiences.	I can express myself in clear, well-structured text, expressing points of view at some length. I can write about complex subjects in a letter, an essay or a report, underlining what I consider to be the salient issues. I can select a style appropriate to the reader in mind.	I can write clear, smoothly-flowing text in an appropriate style. I can write complex letters, reports or articles which present a case with an effective logical structure which helps the recipient to notice and remember significant points. I can write summaries and reviews of professional or literary works.

APPENDIX 4: LANGUAGE TEST EQUIVALENTS

Please be aware that the below table is simply to assist employers in roughly understanding where often used qualifications fit in with others. Due to slight overlaps between grades there may be minor inaccuracies in the mapping and this is not an exhaustive resource. Other useful resources for further detail are available in the footnotes below¹²³.

CEFR Language Level	IELTS Score	OET Level	Visa Equivalent
C2 (Proficient)	IELTS 8.0/8.5+	OET A	
	IELTS 7.0/7.5	OET B	
C1 (Advanced)	IELTS 6.5/7.0		Tier 1 (General Visa)
	IELTS 6.0/6.5	OET C	
B2 Upper Intermediate	IELTS 5.0/5.5	OET D	Tier 4 (Student Visa – Degree Level)
B1 (Intermediate)	IELTS 4.0	OET E	Tier 2 (General Visa), Indefinite leave to remain
A2 (Elementary)			
A1 (Beginner)			Family Route Visa

¹ IELTS – Common European Framework <https://www.ielts.org/ielts-for-organisations/common-european-framework>

² Cambridge English – International language standards <http://www.cambridgeenglish.org/exams-and-tests/cefr/>

³ Go Study – CEFR language levels explained <http://gostudylink.net/en/support/levels>

NHS Employers

NHS Employers is the employers' organisation for the NHS in England. We help employers to develop a sustainable workforce, improve staff experience and be the best employers they can be.

Our practical resources and expert insights help make sense of current and emerging healthcare issues, to keep employers up to date with the latest thinking and ensure they are informed and equipped to support the NHS workforce.

We generate opportunities to network and share knowledge and we actively seek the views of workforce leaders to make sure their voice is front and centre of health policy and practice.

We also lead the national collective relationships with trade unions on behalf of the NHS and the Secretary of State for Health and Social Care.

For more information about the work in this report, please contact the Employment Relations team at NHS Employers.

Email: EmploymentRelationsSupport@nhsemployers.org

What helped or hindered progress?

