

Liora Wren
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1 April 2025

Dear Liora

Response to your complaint NMC-32641-J4V5R0

Thank you for your email of 28 February, sharing your and the Transiness perspective on the experiences of trans professionals and patients in the health and care sector. It is important to us to hear about people's experiences.

We are committed to upholding equality, diversity and inclusion for trans people, as we are for all professionals on our register, people using health and care services and the customers and people interacting with us. We are clear on our stance that there is no room for discrimination, bullying or harassment of any kind towards anyone in the health and care sector.

Our expectations on professionals to be non-discriminatory

We take our role in ensuring professionals are non-discriminatory very seriously, and we set this out for professionals in our Code. [The Code](#) sets out how we expect the professionals on our register to treat people with kindness, fairness and without discrimination, bullying or harassment, and to challenge any discriminatory attitudes and behaviours towards those receiving care. These principles are also how we expect those on our register to be treated by others.

Other parts of our Code ensure nurses and midwives provide safe, respectful, empowering and equitable care. It emphasises the need to respect and uphold people's human rights, to work in partnership with those receiving care, to protect people who are vulnerable or at risk of harm and to treat people in a way that does not take advantage of a person's vulnerability. In 2020 we also released an animation as part of our Caring with confidence: the Code in action campaign that specifically addresses [being inclusive and challenging discrimination](#).

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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 that improves everyone's health and wellbeing.

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

Our role in responding to concerns on the potential discriminatory views of professionals

We recognise professionals will hold a range of views on the topics of gender, sex and trans inclusion, which is reflective of wider society. Our Code makes clear that professionals must not express their personal beliefs, including political, religious or moral beliefs, to people in an inappropriate way.

Our [Freedom of Expression](#) guidance states that we may need to take regulatory action if a professional expresses a personal belief in a way that constitutes discrimination, harassment, bullying or victimisation of others, if it means they are not delivering the fundamentals of care effectively, or if their comments conflict with our Code requirements. This guidance also clarifies where we would take action when comments are made outside of work.

We have included case studies and examples in our Freedom of Expression guidance to help clarify our position on these issues, and we include the below relevant examples:

Example 1

A nursing associate, knowing a colleague is transgender, persistently makes comments to them to “accept the body they are in” and recommends they should undertake therapy to deal with “their issue”. They raise the subject persistently and make jokes about trans rights and transphobic slurs whenever there is the opportunity.

We are likely to take action against this professional. They have targeted their colleague in a discriminatory and harassing manner. Their conduct could undermine confidence in the profession as well as raise public protection concerns. Even if the nursing associate could demonstrate that the underlying beliefs that motivated their conduct are themselves protected, that protection does not give them licence to harass others or to discriminate against them.

Example 2

A registered nurse deliberately misgenders a transgender person attending a diabetes clinic, despite that person repeatedly asking them to refer to them using the correct gender. The transgender person makes a formal complaint to the nurse’s employer. When challenged about her behaviour, the nurse says that she was acting in accordance with her belief that human beings cannot change their sex or gender.

We are likely to take action against this nurse. Persistently and deliberately misgendering a trans person is contrary to the requirements of the Code to treat people with kindness and respect. The nurse’s beliefs do not justify a clear departure from the provisions of the Code. Although gender-critical beliefs are protected under the Equality Act, this does not mean that those with gender-critical beliefs can ‘misgender’ trans persons with impunity.

Supporting people to raise relevant concerns with us

If someone is considering raising a concern about a nurse, midwife or nursing associate, they can use our [referrals helpline](#). The helpline can help explain more about who we are, how we can help those who wish to raise a concern about anyone on our register who has been engaging in discriminatory behaviour and what support we can offer to those who may be worried about raising any such concerns.

Education and training of nursing and midwifery professionals

We are committed to ensuring education courses are inclusive, comprehensive and enable people to graduate ready to provide non-discriminatory, first-class care to everyone accessing services. We work with education providers to assure ourselves of the effectiveness of their course delivery. This often involves asking for information about how they deliver course materials inclusively, and in a way that upholds equality and diversity.

Our [education and training standards](#) are clear that approved education institutions and their practice placement partners must ensure that the learning culture prioritises the safety of people, including carers, students and educators, and enables the values of the Code to be upheld. For example, in these standards, we state:

“We will only approve programmes that ensure the learning culture is ethical, open and honest, is conducive to safe and effective learning that respects the principles of equality and diversity, and where innovation, inter-professional learning and team working are embedded.”

These standards also require that programmes are designed, developed, delivered, evaluated and co-produced with people who use services and other stakeholders (1.12) and that students have opportunities throughout their programme to work with and learn from a range of people in a variety of practice placements, preparing them to provide care to people with diverse needs (3.3). This applies to all NMC awards, including the 2022 post-registration standards.

As part of our [quality assurance \(QA\)](#) process, all approved education institutions (AEIs) must submit an annual self-report (ASR) to show how they, along with their practice learning partners, continue to meet our standards and requirements. In their ASRs, AEIs report on the equality, diversity and inclusion activities they carry out to ensure that people who use services and carers from diverse backgrounds are represented in programmes.

Thank you

We appreciate you raising concerns with us, and we hope this helps to clarify our role in ensuring non-discriminatory and equitable nursing and midwifery care for everyone, and our processes to take regulatory action on issues relating to discrimination.

Please let us know if you have any further questions on any of the above.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'NBarnfield', written in a cursive style.

Nicola Barnfield
Lead Investigator - Customer Enquiries and Complaints Team