



## Age limits on access to medical, healthcare and social work professions

For Admissions and Student Services professionals

This briefing has been prepared by **Equality Challenge Unit** and **Eversheds LLP**, and supplements the **General Guidance on Age and Student Issues**, published by Equality Challenge Unit in October 2006. The briefing seeks to address widespread concern in the sector about the impact of the Age Regulations (2006) on age limits in courses relating to the caring professions.

Equality Challenge Unit has undertaken research into the position of some of the main health and social care professions. Please note that the examples provided are not exhaustive and the position is open to change in the future, in particular as a result of the Department of Health's consultation on the future regulation of health and adult social care provision. Institutions should therefore check with the Department of Health and with the relevant regulatory or accrediting body to ensure they are aware of any changes to entry and training requirements.

Equality Challenge Unit encourages institutions to be proactive in ensuring that their approach to managing student issues is not affected by ageist assumptions and practices. Taking such a positive approach is likely to reduce the chance of claims being made under the Regulations.


While the information below is believed to be correct, it is not a substitute for legal advice. Neither Eversheds LLP nor Equality Challenge Unit can take responsibility for acts taken based on the information contained in this Briefing or the General Guidance Note.

Contents	Page
Doctors	2
Nursing and midwifery	3
Dentists	5
Dental nurses, hygienists and technicians	5
Veterinary surgeons	5
Veterinary nurses	6
Social work and independent healthcare professionals	7
Contact details Shelly Smith shelly.smith@ecu.ac.uk	



## Doctors

1. Under Section 3 of the **Medical Act 1983**, any person who holds one or more primary UK or European qualifications and satisfies the Act's experience requirements is entitled to be registered as a medical practitioner with the General Medical Council. The Act lists the universities and other bodies entitled to hold qualifying examinations. The practical effect of these requirements is that no-one is likely to be registered as a doctor under the age of 23 or 24 at the very least, but there is no statutory requirement that a person attain a particular age before registration. However, the General Medical Council does not control admissions to medical schools, nor does it give any guidance to medical schools in relation to admissions policy. Neither does the NHS, which provides Department of Health-funded means-tested bursaries for those in years 5 and 6 of standard medical degrees and years 2–4 of the four-year graduate entry courses available at some medical schools.
2. The Medical Schools Council publishes **Guiding Principles For The Admission Of Medical Students**. The current version of this guidance was published in November 2006 and states (at principle 7) that the selection process should be transparent and involve procedures that should respect obligations under relevant diversity and equality legislation. It notes that medical schools welcome diversity among their applicants, and should make available details of their admissions policy and an explanation of the admissions process. Medical schools will be proactive, in accordance with legislative requirements, in reaching out to all sections of the community.
3. Despite this, in the past some medical schools have displayed caution in admitting older students (in particular those aged 40 or above), and have offered a variety of reasons. Some have focused on the arduousness of the training and its length, and suggested that older students with family and other responsibilities would find it hard to complete their courses in these circumstances. Other



institutions have pointed to the fact that the NHS would not have the benefit of the services of mature entrants for very long, and questioned whether the substantial cost to the public purse of training mature entrants is a sensible use of public money. Such opinions appear to be questionable in the light of the age equality provisions. The extent to which particular applicants will cope with the rigour of their courses will vary; further, an older applicant may be more committed than a younger applicant with less experience of life and of the pros and cons of other careers.

4. Institutions with medical schools that appear to have discouraged older applicants in the past may run the risk that if such an applicant is unsuccessful in future, they may lodge a complaint of age discrimination, even though the cautious approach taken was intended to be for the applicant's benefit. Institutions are advised that a minimum age of entry would be unlawful unless institutions are able to justify this age-based approach. However, an institution's duty of care to students is likely to justify their refusing to accept students much younger than 17½ or 18.

## **Nursing and midwifery**

5. The education and registration of nurses and midwives are governed by the Nursing and Midwifery Council. Under the **Nursing and Midwifery Order 2001** Part IV, paragraph 15(1)(b) 'The Council shall from time to time establish... the requirements to be satisfied for admission to, and continued participation in, such education and training which may include requirements as to good health and good character.' The current requirements are contained within the Nursing and Midwifery Council's **Standards of Proficiency for Pre-registration Nursing Education** and the **Standards of Proficiency for Pre-registration Midwifery Education**. The current minimum requirements for age of entry are 17 in Scotland and 17½ in the rest of the UK. The Council may agree to an earlier age of entry in exceptional circumstances, but this may not be less than 17 years of age.



6. The Nursing and Midwifery Council is also required to adhere to EC Directive 77/453/EC, whereby the minimum requirement for nursing programme entry is 'a general school education of 10 years duration'. The European Midwives Directive 80/155/EC makes similar provision in relation to midwives. These Directives will be repealed and replaced by **Directive 2005/36/EC** on 20 October 2007, from which date article 31(1) will require that 'admission to training for nurses responsible for general care shall be contingent upon completion of general education of 10 years'; a similar provision for midwifery training is under article 40(2)(a)/(b).

7. Nursing education programmes are required to last for three years or 4600 hours, or the part-time equivalent thereof. Midwifery education programmes must last for 18 months or the part-time equivalent thereof. As nursing and midwifery are now graduate professions, it is unlikely that any nurse or midwife will qualify and register under the age of 21 or thereabouts.

8. The Nursing and Midwifery Council has published a **Disability Equality Scheme**, which will form one strand of an overarching equality and diversity strategy. Age equality will form another strand of this strategy and will include a review of the current minimum ages of entry. Even in the absence of specific statute-based minimum age requirements for entry to nursing and midwifery, an institution would need to be aware of the school's duty of care to student nurses, particularly for students much younger than 17½ or 18. This seems to be a good justification for insisting on a minimum age of 16 or 17, and in reality it is highly unlikely that any applicant for a nursing course would come forward at a younger age, particularly given the requirement to have A levels or equivalent before starting such a course.

9. There is no statutory requirement that a student over a particular age cannot train or work as a nurse or midwife. In the absence of a statutory upper age limit, institutions will need to assess the circumstances of each applicant, regardless of their age, as to their suitability for the course.



## Dentists


10. Under the **Dentists Act 1984**, any medical authority (university or other body with the power to appoint members of the General Medical Council and to grant surgical degrees) may be a dental authority, hold exams in dentistry and grant licences to practise dentistry. Each dental school therefore has the power to make its own regulations regarding dental education, with the exception that dental authorities cannot grant a degree or licence in dentistry to a person who has not attained the age of 21 (section 6(2)). Given that dental schools require A levels or equivalent in the relevant sciences, followed by a four- or five-year course, virtually no-one is going to qualify as a dentist under the age of 22 or 23. However, we cannot find any specific requirement in the Act or the requirements of the General Dental Council stipulating any minimum (or maximum) age for entry to a dental school.

## Dental nurses, hygienists and technicians

11. The registration of those working in professions complementary to dentistry has recently been added to the responsibilities of the General Dental Council. Section 36D of the Dentists Act 1984, as amended, requires the General Dental Council to determine the appropriate standard of proficiency for safe practice as a member of the profession, and to specify the content and standard of the education and training required. There is no mention of any minimum (or maximum) age limit.

## Veterinary surgeons

12. The **Veterinary Surgeons Act 1966** forbids the practice of veterinary surgery by persons who are not qualified as veterinary surgeons and registered with the Royal College of Veterinary Surgeons. There is nothing in the 1966 Act that imposes any lower (or upper) age limit for the purposes of qualifying and registering with the Royal College of Veterinary Surgeons. It should be noted that there are exceptions in the Act (described below in relation



to student veterinary nurses) for the benefit of those undergoing training in animal husbandry, but these apply only to those who have reached 17 years. In practice, given the length of training and qualifications needed for admission to veterinary school, it is unlikely that anyone will be in a position to enter veterinary school under the age of 17 or to qualify as a veterinary surgeon below the age of 21.


13. The Royal College of Veterinary Surgeons has not historically (or currently) set any age limits or issued any guidance on this, and has confirmed that it has a number of vets who are still active over the age of 80.

## **Veterinary nurses**

14. Currently the Royal College of Veterinary Surgeons awards qualifications to veterinary nurses and maintains the list of those who have qualified. Schedule 3 to the Veterinary Surgeons Act 1966 allows listed veterinary nurses to give medical treatment and carry out minor surgery, subject to a number of conditions. There are also some procedures that may be undertaken by a person aged 17 years and over undergoing instruction in animal husbandry at a recognised further or higher education institution. These provisions may provide statutory authority for the current requirement of the Royal College that applicants for veterinary nursing courses should have reached the age of 17.

15. In practice, given that veterinary nurses' training lasts for a minimum of two years and must lead to at least a Level 3 NVQ qualification, no-one is going to qualify as a veterinary nurse under the age of 18.

16. The Royal College is proposing that the Veterinary Surgeons Act 1966 should be replaced by more up-to-date legislation to provide a new structure for regulating veterinary surgeons and veterinary nurses side by side. The Veterinary Nurses Council of the Royal College (part of the Royal College of Veterinary Surgeons) is the body that currently deals with this. The Royal College is currently



consulting the veterinary profession on a non-statutory mechanism for regulating veterinary nurses pending the passing of a new Veterinary Surgeons Act.


## **Social work and independent healthcare professionals**

17. It has not proved possible to obtain the comments of the General Social Care Council on this section.

18. The regulation of the social work profession and independent healthcare professionals such as nurses and domiciliary care assistants employed outside the National Health Service is the responsibility of the General Social Care Council under the **Care Standards Act 2000**. The term 'social worker' is protected under this legislation from April 2005. Social workers have been required to obtain degrees in social work from 2003 so, although there are no statutory age requirements for qualifying as a social worker, in practice no-one is likely to be registered as a social worker under the age of 21 or thereabouts.

19. In approving social work courses, the Council requires institutions to ensure that those completing such courses successfully meet the standard of proficiency in relevant social work, which incorporates the Quality Assurance Agency **benchmark statement, The National Occupational Standards for Social Work** published by Topss England (now Skills for Care), the **Code of Practice for Social Care Workers** published by the General Social Care Council, and the **Requirements for Social Work Training** published by the Department of Health.

20. The duties of care owed by teaching institutions under common law and under legislation intended to safeguard vulnerable people, both to social work students and to clients, are likely to justify institutions in refusing to accept applications from very young students or applicants who, for whatever reason, could present a risk to themselves or others. However, a blanket refusal for applicants of particular ages will run the risk of being in breach of anti-



discrimination law – the maturity, vulnerability etc. of each individual applicant should be taken into account.

21. At present, the National Minimum Standards allow people under 18 to be employed in care homes but do not allow them to undertake personal care tasks, and under-21s cannot be left in charge of a care home. It is possible that these standards will be removed, leaving the requirement that those undertaking personal care must have at least a Level 2 NVQ in social care. Institutions providing courses for students intending to enter these occupations should monitor the consultation process via the Department of Health website and liaise with the General Social Care Council in case its entry and training requirements change.



Equality Challenge Unit

7th floor, Queens House  
55/56 Lincoln's Inn Fields  
London WC2A 3LJ

T +44 (0)20 7438 1010 F +44 (0)20 7438 1011

E [pubs@ecu.ac.uk](mailto:pubs@ecu.ac.uk) [www.ecu.ac.uk](http://www.ecu.ac.uk)

**© Equality Challenge Unit. ECU's publications are produced free of charge to the HE sector. Information can be reproduced accurately as long as the source is clearly identified. Alternative formats are available.**

---