

## **Education and Training Committee Scheme of Delegation**

### **1 Introduction**

- 1.1 The Education and Training Committee (the **Committee**) is responsible for discharging the statutory functions conferred upon it by the Health Professions Order 2001 (the **Order**) and executive management is responsible for the operational implementation of the Committee's decisions.
- 1.2 This scheme of delegation (the **Scheme**) is intended to facilitate the efficient and effective discharge of the Committee's functions in a manner which reflects that division of responsibilities.
- 1.3 The Scheme sets out the decisions which the Committee:
  - 1.3.1 has reserved or must reserve to itself;
  - 1.3.2 has delegated to the Education and Training Panel
  - 1.3.2 has delegated to the Chief Executive and Registrar (the **Chief Executive**) or persons nominated by the Chief Executive;
  - 1.3.3 has delegated to nominated directors and persons nominated by them.
- 1.4 The Scheme does not affect:
  - 1.4.1 decisions of an administrative nature, which form part of the executive management's responsibilities for the day to day administration of the HCPC's affairs under the direction of the Chief Executive; or
  - 1.4.2 any statutory function conferred upon the Registrar by or under the Order, the discharge or delegation of which is a matter for the Chief Executive (as Registrar).

### **2 Withdrawal of delegated power**

- 2.1 The Scheme remains in force until it is amended or revoked by the Committee.
- 2.2 The Scheme does not apply to any matter in respect of which the Committee has resolved that delegated authority is not to be exercised.

### **3 Exercise of delegated power**

- 3.1 Any power delegated under the Scheme must be exercised in a manner which is consistent with the requirements of the Order, any rules made under it, any policies or procedures established by the Committee and the Committee's obligations under the general law.

- 3.2 In particular, the decision-maker must have regard to article 3(4) of the Order, which provides that the overarching objective of the HCPC in exercising its functions is the protection of the public.
- 3.3 The decision-maker must also recognise that lawful exercise of a statutory power requires not only formal compliance with the conditions laid down for its performance but also compliance with the principle that all statutory powers must be exercised in good faith and for their proper purpose.
- 3.4 Delegation does not impliedly authorise sub-delegation. Consequently, a person to whom the Committee has delegated any power may not permit another person to exercise that power unless the Committee has expressly authorised them to do so.

#### **4 Matters reserved to the Committee**

- 4.1 The Committee retains ultimate responsibility for all policy matters, including agreeing the overall strategy and procedure for the performance of its functions.
- 4.2 The Committee retains responsibility for the following decisions which, to the extent that it is lawful to do so, may only be delegated by means of a specific resolution of the Committee:
  - 4.2.1 responding to any consultation by the Council under article 7 of the Order on the making of rules or the determining or varying of fees;
  - 4.2.2 approving, for the purpose of article 12(1) of the Order, qualifications awarded in the United Kingdom which attest to the standard of proficiency required for admission. (This is a function which has been delegated to the Committee by the Council without authority to sub-delegate);
  - 4.2.3 establishing procedures under article 12(2) of the Order for the assessment of qualifications obtained, and training and experience acquired, outside of the United Kingdom and requirements as to knowledge or English;
  - 4.2.4 giving advice to the Council under article 14 of the Order in relation to the establishment of standards of proficiency, standards and requirements in respect of education and training and standards and requirements in respect of continuing professional development (**CPD**) and guidance in respect of the standards of education and training, supervision and performance of persons who provide services in connection with those provided by registrants;
  - 4.2.5 responding to any consultation by the Council under article 15 of the Order on the establishment of standards of education and training and requirements for admission to and participation in education and training;
  - 4.2.6 approving courses of education and training, qualifications, institutions and tests of competence under article 15(5) of the

Order;

- 4.2.7 ensuring that universities and other bodies in the United Kingdom are notified of the standards of education and training and the Council's requirements for admission to and participation in such education and training and taking appropriate steps to satisfy the Committee that these standards and requirements are being met;
  - 4.2.8 approving education and training provided outside of the United Kingdom under article 15(6) of the Order;
  - 4.2.9 requesting the Council (or the Registrar or Deputy Registrar to which the Council has delegated this matter for the time being) to appoint visitors (as defined in the Order) under article 16 of the Order;
  - 4.2.10 receiving any report submitted to the Committee by a visitor under article 16(7) of the Order;
  - 4.2.11 imposing reporting requirements on visitors under article 16(7)(b) of the Order;
  - 4.2.12 withdrawing or refusing approval of an institution for failure to provide information and assistance under article 17(3) of the Order, with the approval of the Council;
  - 4.2.13 withdrawing or refusing approval of a course of education or training, qualification or institution under article 18 of the Order; and
  - 4.2.14 responding to any consultation by the Council under article 21(3) of the Order on the giving of guidance in relation to the standards of conduct, performance and ethics or the standards of education and training, supervision and performance of persons who provide services in connection with those provided by registrants.
- 4.3 The Committee is also responsible for making decisions in relation to any matter for which it has granted delegated authority but where:
- 4.3.1 the person who would otherwise have delegated authority to act has an actual or potential interest; or
  - 4.3.2 in the opinion of the Chief Executive, it would be more appropriate for the Committee to make the decision.

## **5 Matters delegated to the Education and Training Panel**

- 5.1 The Committee has established a panel of the Committee, the Education and Training Panel, to conduct one or more of the items of business of the Committee specified in rule 6(3) of The Health and Care Professions Council (Education and Training Committee) (Constitution) Rules 2023.
- 5.2 These items of business are:
  - 5.2.1 considering visitors' reports and, if thought fit, approving the course of education or training, qualification or institution to which a report and observations (if any) relate;

- 5.2.2 considering and, if thought fit, approving a recommendation for a focused review arising from the monitoring of an approved programme; and
  - 5.2.3 considering focused review reports, and if thought fit, providing a continue to approve recommendation.
- 5.3 The Panel may also:
  - 5.3.1 set conditions for approval or continued approval of a course of education or training, qualification or institution to which a report and observations (if any) relate when considering any reports;
  - 5.3.2 make referrals for further assessment following an approval, performance or focused review assessment; and
  - 5.3.3 consider, and if thought fit, approve administrative changes to institution or programme records.
- 5.4 No other business can be conducted by the Education and Training Panel, including the non-approval or withdrawal of approval from an approved programme. Any other business will be undertaken by the Committee.

## **6 Matters delegated to the Chief Executive and any officer nominated by the Chief Executive**

- 6.1 determining applications for admission to the register, including determining whether the applicant holds an approved qualification or has passed an aptitude test or successfully completed an adaptation period and meets the health and character requirements for safe and effective practice;
- 6.2. dealing with and determining applications for registration from a specified state professional (as defined in the Order), based on the UK-Norway, Iceland and Liechtenstein Free Trade Agreement;
- 6.3 receiving and determining applications for renewal of registration and readmission to the register, including determining whether the applicant needs to meet or has met any additional requirements required by article 10 of the Order and sending renewal notices and other communications to persons about their renewal and any right to appeal a decision to remove a person's name from the register under article 37 of the Order;
- 6.4 determining applications for admission to the Register made under article 13 of the Order;
- 6.5 requiring a person to submit further evidence, documents or information in respect of any application for admission or readmission to the Register or renewal of registration;
- 6.6 requiring a person to submit their CPD record and evidence of the CPD activity they have undertaken in compliance with standards made under article 19(1) of the Order and specifying the period in which they should

do so and sending notices and other communications about compliance with the request;

- 6.7 removing a person from the Register under article 11A(8) of the Order for failing to have appropriate indemnity arrangements in place or article 19(3) of the Order for failing to comply with CPD standards;
- 6.8 directing the removal of a person from the Register where both the person's application for the renewal of their registration and the renewal fee are not received within the period specified under rule 11(5) of The Health and Care Professions Council (Registration and Fees) Rules 2003;
- 6.9 making written representations to the panel appointed to consider an appeal under article 37 of the Order in the case of an appeal to be determined without an oral hearing or nominating a person to appear on behalf of the Committee at any hearing of such a panel if not the Chair of the Committee; and
- 6.10 disposing of any case remitted to the Committee by the Council in accordance with the Council's directions under article 37 of the Order following an appeal of any decision made by the Committee.

**7 Matters delegated to the Head of Education and any officer nominated by the Head of Education**

- 7.1 inviting the visitors who are to visit any place or institution for any purpose under Part IV of the Order;
- 7.2 sending a copy of any report received by the Committee from a visitor under article 16(7) of the Order to the institution concerned and notifying that institution of its right to make observations on the report and the period in which to do so in accordance with article 16(9)(b) of the Order;
- 7.3 requiring a relevant institution to provide information and assistance under article 17(3) of the Order (information and assistance reasonably required in connection with the exercise of the Committee's functions);
- 7.4 giving notice to the institution concerned and notifying that institution of its right to make observations, and the period in which to do so, in relation to any proposal by the Committee to refuse or withdraw approval in accordance with article 18 of the Order setting out its reasons; and
- 7.5 endeavouring to secure the opportunity to follow approved education or training or to study for an approved qualification or at an approved institution for persons when approval of a course of education or study, qualification or institution is withdrawn.

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