

## **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 and Social Work Professions Order 2001 (the **Order**) and the Executive 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 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'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 over-arching 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 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;
  - 4.2.4 giving advice to the Council under Article 14 of the Order in relation to the establishment of Standards of Proficiency, Standards of Education and Training and Standards of Continuing Professional Development;
  - 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 relevant 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 receiving any report submitted to the Committee by a Visitor under Article 16(7) of the Order;
  - 4.2.10 imposing reporting requirements on Visitors under Article 16(7)(b) of the Order;
  - 4.2.11 withdrawing or refusing approval of an institution for failure to provide information and assistance under Article 17(3) of the Order;
  - 4.2.12 withdrawing or refusing approval of a course of education and training, qualification or institution under Article 18 of the Order;
  - 4.2.13 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 Chief Executive and any officer nominated by the Chief Executive**

- 5.1. determining applications for admission to the register, including determining whether the applicant holds an approved qualification and meets the health and character requirements for safe and effective practice;
- 5.2. 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;
- 5.3. determining applications for admission to the register made under Article 13 of the Order;
- 5.4. 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;
- 5.5. requiring a person to submit evidence of the continuing professional development (CPD) activity they have undertaken in compliance with standards made under Article 19(1) of the Order;

- 5.6. removing a person from the register under Article 19(3) of the Order for failing to comply with CPD standards.

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

- 6.1. Inviting (but not selecting) the Visitors who are to visit any place or institution for any purpose under Part IV of the Order;
- 6.2. 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 in accordance with Article 16(9) of the Order;
- 6.3. 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 discharge of the Committee's functions);
- 6.4. Giving notice to the institution concerned and notifying that institution of its right to make observations in relation to any proposal by the Committee to refuse or withdraw approval in accordance with Article 18 of the Order.

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