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## Education and Training committee – 2 December 2008

### Open ended approval

### Executive summary and recommendations

The approval process has been running for four academic years and the purpose of this paper is to refine aspects of the process. The paper and appendices outline the existing approval process and proposed developments based on the findings from running the operational process, feedback from visitors and education providers and the advice of the HPC's solicitor. The Education and Training Committee is asked to agree a number of enhancements to the approval process.

### **Introduction**

This section of the paper outlines the rationale and detail of the specific enhancements to the approval process that the Committee is asked to agree.

### **Processes**

The HPC's approval and monitoring processes are based on the principle of open ended approval. This means that once a programme is approved, the only mechanism for removal of this approval is via the Education and Training Committee. As HPC approval is not granted for a specific time period or for a number of cohorts, a programme retains its open ended approval until the Education and Training Committee makes the decision to withdraw approval.

A programme is initially approved following the successful completion of our approval process (which involves the approval visit)\*. This approval is granted on an open ended basis subject to satisfactory monitoring. There are two monitoring processes, annual monitoring and major change. Both of these processes are documentary and may trigger an approval visit. The purpose of this type of approval visit is to gather evidence to show how the approved programme continues to meet our standards of education and training and, if required, place conditions on ongoing approval.

(\* When new professions join our register, the Education and Training Committee normally approve the programmes accredited by either the predecessor body or linked to a voluntary register from the day of the register opening and then arranges approval visits within an agreed time period to confirm ongoing approval.)

## **Operational trends**

During the last academic year (2007-08), 65% of our approval visits were to currently approved programmes as a result of major changes. In the current academic year (2008-09), nearly 70% of our approval visits are to currently approved programmes as a result of either annual monitoring or major changes. This signifies a significant shift from the earlier period of running the approval process, when the majority of approval visits were to either new programmes, or new professions.

Academic year	Reason for visit				
	New profession	New programme	Annual monitoring	Major change	Approval against QAA subject benchmarks
2005-06	1%	58%	-	25%	11%
2006-07	16%	42%	2%	28%	12%
2007-08	-	35%	-	65%	-
2008-09*	-	29%	8%	63%	-

(\* - approval visits for the current academic year are not yet finalised)

During the last academic year (2007-08), a third of all approval visits were to education providers outside of the higher education sector. This represents a significant increase from the earlier period of running the approval process, when almost all visits were to education providers within the higher education sector. This emerging trend appears to be continuing in the current academic year (2008-09) with over a quarter of visits to education providers outside of the higher education sector.

Academic year	Percentage of approval visits to education providers within the higher education sector	Percentage of approval visits to education providers outside the higher education sector
2005-06	95%	5%
2006-07	96%	4%
2007-08	67%	33%
2008-09*	73%	27%

(\* - approval visits for the current academic year are not yet finalised)

The increase in the number of visits to currently approved programmes together with the increase in the number of visits to education providers outside of the higher education sector has tested our model of open ended approval and highlighted areas for development in our approval process.

For example, we have had education providers cancel visits with 6 weeks notice, we have had requests for a longer time period to meet conditions and we have had to re-negotiate dates for an approval visit on several occasions. The flexibility and underlying principles within our approval process have allowed the Education and Training Panels to satisfactorily consider individual requests, with legal advice sought and made available to appropriate Education and Training Panels.

This paper recommends a number of changes to the approval process, as a result of the experiences of both the Education and Training Panels and the executive over the last year. These modifications aim to strengthen the effective decision-making and communication at an operational level between the executive and education providers as well as to support the effective decision-making of Education and Training Panels. The modifications provide a consistent framework to use going forward and are in line with our risk based approach to regulation.

### **Summary of the changes to the approval process**

#### **Changing the time lines of arranging the date of a visit, for those approval visits triggered by one of the monitoring processes**

The approval process currently requires education providers seeking approval of a new programme to give the HPC at least six months' notice of a proposed visit date and we insist that this date cannot be any later than three months before the programme is expected to start. In contrast, if the HPC currently has a specific reason for needing to visit an approved programme then there is flexibility to set the notice period that is given to education providers depending on the circumstances of the visit.

However, operationally, the executive has always applied the 'six month plus three month' rule to visits which have been triggered by the annual monitoring or major change processes. In some cases, where either a full set of documentation is already available or a full set of documentation is not required this has created a period of non activity. This in turn has reduced the time available for the post visit part of the process and delayed the overall outcome of the approval process. Where visits have arisen from annual monitoring, the issues have also invariably been outdated or superseded by the time of the visit, due to the retrospective nature of annual monitoring and the delay in scheduling the visit.

The executive recommend modifying the current process so that when the HPC has a specific reason for needing to visit an approved programme there is the scope to set the notice period for as little as two or three months. The executive recognise that individual circumstances must still be taken into consideration and recommend applying the broad guidelines outlined in the appendix. Where possible, an Education and Training Panel will confirm the decision. In incidences where the decision is taken by the executive , education providers will be allow to lodge an appeal to an Education and Training Panel.

#### **Changing the arrangements for dealing with visits cancelled by education providers and visits cancelled by the HPC due to non submissions of documentation**

The approval process currently states that if the HPC does not have the full documentation set at least six weeks before the date of the visit, then the HPC will cancel the visit and discuss its rescheduling. Operationally, if an education provider requests to cancel the visit ahead of the standard documentation deadline, then the executive agrees to this and similar discussions begin over the rescheduling of the visit. There is currently no 'cut off' date for cancelling a visit and the rescheduling normally takes account of the HPC's operational workload, the start date of the programme as well as the education provider's preference

for dates. The process and operational practice for cancelling and rescheduling visits is currently the same for programme seeking approval or programmes which are already approved.

This means that there is currently no safeguard in the process to prevent an education provider cancelling a visit to an approved programme and entering into standard negotiations about the rearranged date. Cancelling a visit to an approved programme can extend the period of non activity, which in turn can reduce the time available for the post visit part of the process and delay the overall outcome of the approval process. In incidences where a monitoring process has identified the need for an approval visit, there is a risk that the previously identified areas remain unresolved for a longer period of time. In addition, there are resource costs related to the rescheduling of the visit.

The executive recommends modifying the current process for accepting visit cancellations and arranging rescheduled dates. When the HPC has a specific reason for visiting an approved programme and an education provider wishes to cancel within 4 months of the confirmed visit date, then requests should normally be considered an Education and Training Panel. In these incidences, an Education and Training Panel will either agree to a cancellation and determine the timescales for a rearranged visit (using the guidelines in appendix 1) or recommend that the Education and Training Committee consider withdrawal of approval. An Education and Training Panel will need to consider the individual circumstances for the cancellation, alongside the reason for the visit and previous attempts to schedule the visit.

The executive will advise all education providers that any cancellation requests from will need to include clear reasons and proposed rearrangements. Whilst the request is pending consideration by an Education and Training Panel, the executive will advise the education provider of the possible outcomes and discuss potential dates (based on the guidelines in appendix 1).

The executive recommends modifying the current process for dealing with non submissions of documentation prior to a visit. When the HPC has a specific reason for visiting an approved programme and the visit is cancelled because no documentation has been received six weeks before the visit, it is proposed that an Education and Training Panel consider any available evidence from the education provider. In these incidences, an Education and Training Panel will either determine the timescales for a rearranged visit (using the guidelines in appendix) or recommend that the Education and Training Committee consider withdrawal of approval. The executive will advise education providers of the process and ensure that they have the opportunity to provide evidence for an Education and Training Panel.

### **Changing the arrangements and time lines for agreeing the due date for conditions, from approval visits to already approved programmes**

The approval process currently requires the executive to negotiate a due date for conditions with the education providers. This negotiation usually takes place after the visit and during the 28 day period that the education provider has to provide observations on a visitors' report. This negotiation considers issues such as how long the education provider needs to meet conditions, the start dates of the programme and the time needed for the HPC's committee procedures.

In practice, the executive has always sought to negotiate a due date for conditions ahead of the start date of the programme. In the case of approved programmes, the executive has always sought to negotiate a due date for conditions ahead of the start date of the next new cohort. For programmes within the higher education sector, this has normally integrated well with their own quality assurance processes and the academic year model. For programmes outside of the higher education sector this has created some difficulties as they have different processes and timescales and a deadline ahead of the start date of the next new cohort is not always practical. For some programmes (both within and outside the higher education sector) the nature of conditions has led to education providers requesting a longer period to meet conditions and in some cases, this time period has been beyond the start date of the next new cohort.

The executive recommends modifying the current process for agreeing the due date for conditions so that it has a degree of flexibility for programmes which are already approved. It is proposed that the executive continue to aim to negotiate a due date for conditions ahead of the start date of the next new cohort, but highlight to education providers that they can include, within their representations, a case for negotiating a later, or staged response to conditions. It is envisaged that this will only happen in exceptional circumstances and will not be the default position for agreeing the due date for conditions. An Education and Training Panel will then consider their representations and agree the due date(s) for conditions when accepting the visitors' report. An Education and Training Panel will need to consider the individual circumstances for the delayed or staged response, alongside the nature of the conditions, any evidence that individuals who have completed the programme to date are unfit to practice and the overall risk to the protection of the public.

### **Decision**

The Committee is asked to agree the following:

- To approve the operational enhancements to the approval process and their incorporation into the supplementary information document for education providers.

As part of agreeing to these operational enhancements to the approval process the Committee will be agreeing:

- To allow the executive and Education and Training Panels to vary the notice periods given to education providers for approval visits to approved programmes, which are triggered as a result of the monitoring processes;
- That requests to cancel some approval visits to approved programmes must be agreed by an Education and Training Panel;
- That the implications of non submission of documentation prior to an approval visit to approved programmes should be agreed by an Education and Training Panel;
- the broad guidelines to be used by the executive and Education and Training Panels when deciding to arrange, or rearrange an approval visit to an approved programme;
- To allow Education and Training Panels to vary the due date for conditions from approval visits to approved programmes, which are triggered as a result of the monitoring processes, in exceptional circumstances; and

- To update the information given to education providers (e.g. HPC approval process - supplementary information for education providers, website, protocol for HPC approval visits, visitors' reports).
- To approve the operational enhancements to the approval process taking effective from the date of this meeting.

### **Background information**

Key decisions from our consultation on standards of education and training and the approvals process.

HPC approval process - supplementary information for education providers.

HPC annual monitoring - supplementary information for education providers.

Major change - supplementary information for education providers.

### **Resource implications**

Redraft and reprint of the 'HPC approval process - supplementary information for education providers'.

Redraft of the protocol for HPC approval visits.

Redraft of the visitors' reports.

Updates to the website.

### **Financial implications**

2007-08 budget includes provisions for redrafting and reprinting the 'HPC approval process - supplementary information for education providers'.

### **Appendices**

Guidelines

### **Date of paper**

20 November 2008

## Appendix 1

<b>Reason for visit</b>	<b>2 – 3 month notification period</b>	<b>4 – 5 month notification period</b>	<b>6 month + notification period</b>
<b>New programme</b>	<ul style="list-style-type: none"> <li>• Should not apply</li> </ul>	<ul style="list-style-type: none"> <li>• Should not apply</li> </ul>	<ul style="list-style-type: none"> <li>• Always applies</li> </ul>
<b>New profession</b>	<ul style="list-style-type: none"> <li>• Should not apply</li> </ul>	<ul style="list-style-type: none"> <li>• Should only apply if a periodic review or re-validation meeting has been scheduled by an education provider</li> </ul>	<ul style="list-style-type: none"> <li>• Always applies</li> </ul>
<b>Annual monitoring</b>	<ul style="list-style-type: none"> <li>• Should apply if all documentation is currently available</li> <li>• Should apply if minimal documentation has to be requested from the education provider</li> </ul>	<ul style="list-style-type: none"> <li>• May apply if all documentation is currently available</li> <li>• May apply if minimal documentation has to be requested from the education provider</li> </ul>	<ul style="list-style-type: none"> <li>• Should only apply if a large volume of documentation has to be requested from the education provider</li> <li>• Should only apply if a periodic review or re-validation meeting has been scheduled by an education provider</li> </ul>
<b>Major change</b>	<ul style="list-style-type: none"> <li>• Should apply if the change is retrospective</li> <li>• Should apply if all documentation is currently available</li> <li>• Should apply if minimal documentation has to be requested from the education provider</li> </ul>	<ul style="list-style-type: none"> <li>• May apply if the change is retrospective or prospective</li> <li>• May apply if all documentation is currently available</li> <li>• May apply if minimal documentation has to be requested from the education provider</li> </ul>	<ul style="list-style-type: none"> <li>• Should only apply if the change is prospective</li> <li>• Should apply if standard documentation has to be requested from the education provider</li> <li>• Should apply if a periodic review or re-validation meeting has been scheduled by an education provider</li> </ul>

Date	Ver.	Dept/Cmte	Doc Type	Title	Status	Int. Aud.
2008-11-21	a	EDU	AGD	Appendix 1	Draft	Public

DD: None RD: None