

Education and Training Committee - 26 March 2008

Approval of overseas qualifications

Executive summary and recommendations

Introduction

The Education – Approvals and Monitoring department has received correspondence from education providers asking if it is possible for the HPC to approve programmes delivered outside the UK, which in terms of curriculum and learning outcomes could be considered to be the same as an HPC approved programme.

Some of these requests refer to franchise arrangements (where the programme is validated and delivered by a UK education provider in the UK and an equivalent programme is delivered, supported and assessed through an arrangement with an overseas partner); whilst some requests refer to collaborative arrangements (where the UK education provider acts as the awarding/validating body and the programme is delivered, supported and assessed through an arrangement with an overseas partner. In these cases, there is no equivalent programme delivered in the UK.)

Article 15(6) of the Health Professions Order reads as follows;

“In connection with paragraph (5), the Committee may approve or arrange with others to approve a course of education or training run outside the United Kingdom by an institution to which paragraph 5(c) applies”

The Education - Approvals and Monitoring department sought advice from the HPC solicitor. The guidance received indicated that Article 15(6) can only be used to approve programmes delivered outside of the United Kingdom, where all or part of the programme which is actually run by an approved UK institution. In effect this means that the application of Article 15(6) is limited to situations where a UK education provider is delivering all or part of an approved programme outside of the UK. For example, when a practice placement is delivered outside of the UK, this would be the deemed ‘part of the programme’ and as such permissible under Article 15(6). Article 15(6) cannot be used to approve programmes delivered outside of the UK by a non-UK provider.

Date	Ver.	Dept/Cmte	Doc Type	Title	Status	Int. Aud.
2008-03-12	a	EDU	PPR	Overseas programme approval paper (final)	Final DD: None	Public RD: None

Neither can article 15(6) be used to approve franchised and collaborative programmes between UK and overseas education providers. This is because it is not possible to approve programmes which are essentially delivered by an overseas education provider.

Decision

The Committee is asked to agree the following:

- That under the Health Professions Order 2001 Article 15(6) the Education and Training Committee is not permitted to approve overseas programmes or franchised programmes of any nature for the purposes of registration with the HPC.

Background information

In its 2007-2008 work plan the Education – Approvals and Monitoring department outlined their intentions to investigate the possibility of UK education providers delivering both entire programmes overseas (through collaborative provision or partnership agreements) and placement components and the potential impact of this on the current approval process. The department had received indications that some UK education providers were looking to deliver programmes or placements outside the UK. The department's work plan aim was to proactively consider the legal and financial implications of approving programmes delivered outside the UK.

The department, on investigating the legal implications of approving overseas qualification (either as collaborative provision, franchised provision or solely overseas provision) discovered that the Health Professions Order does not allow the Education and Training Committee the authority to approve such programmes.

Resource implications

None

Financial implications

None

Appendices

Legal advice from Jonathan Bracken, HPC Solicitor.

Date of paper

4 March 2008

Memorandum

Date: 18th January 2008

To: Osama Ammar
Abigail Creighton

From: Jonathan Bracken

Approval of Overseas Programmes

You asked for my advice on the extent to which the power in Article 15(6) of the Health Professions Order 2001 enables HPC to approve education programmes which are provided outside of the United Kingdom.

Article 15(6) provides as follows:

“(6) In connection with paragraph (5), the Committee may approve or arrange with others to approve a course of education or training run outside the United Kingdom by an institution to which paragraph 5(c) applies.”

Whilst, at first glance, Article 15(6) appears to provide a broad power, closer analysis of its meaning - in particular, the limitations that it only applies *“In connection with paragraph (5)”* and may only be used to approve a programme run by a provider *“to which paragraph (5)(c) applies”* - establishes that it is, in fact, a narrow and limited power.

Paragraph (5) and (5)(c), when taken together, provide that:

“In performing the function mentioned in paragraph (4)(b) the Committee may in particular, approve,.. institutions which the Committee considers to be properly organised and equipped for conducting the whole or part of an approved course of education or training;”

As you will note, this is in turn qualified by a cross-reference to paragraph (4)(b), and that qualification is critical as it requires the Education and Training Committee to take appropriate steps to satisfy itself that its standards and requirements are being met by universities and other bodies in the United Kingdom.

Thus, Article 15(6) can only be used to approve all or part of a programme which is run by an approved UK institution. Consequently, its application is limited to situations where a UK education provider is delivering all or part of an approved programme outside of the UK (for example, where practice placements are provided in Republic of Ireland) and cannot be used to approve programmes provided by a non-UK provider.

JKB