
Education and Training Committee, 17 November 2011

Proposed amendments to the Education and Training Committee's Scheme of Delegation and Committee Standing Orders

Executive summary and recommendations

Introduction

The Education and Training Committee's Scheme of Delegation is designed to facilitate the efficient and effective functioning of the Committee. The Scheme seeks to ensure that the Committee retains responsibility for policy and strategy, while the Executive implements policy and strategy decisions and is responsible for all operational matters. In addition, Panel meetings of the Committee deal with approval of operational decisions, including visitors' reports, annual monitoring reports and major changes to programmes.

The clear intention is that the Committee should focus on policy and strategic matters. However, currently, a number of matters are brought for agreement to the Committee, or the Panel, which are not directly concerned with policy or strategy. In addition, some matters are not handled in a consistent manner.

The Executive has produced the attached paper, which sets out some possible changes to current arrangements relating to amending the list of approved programmes to ensure that it is accurate and up to date.

Legal advice has been sought and received on the proposed changes and way forward. The proposals are intended to reduce the number of decisions brought to the Committee and to ensure greater consistency in decision making processes, while retaining sound governance arrangements. The proposed changes would allow the Committee to devote more time to policy and strategic matters. They would also allow the Executive to manage operational processes more efficiently resulting in more timely updating of the list of approved programmes.

In relation to amending the list of approved programmes the paper proposes an amendment and clarification of the Committee's Scheme of Delegation. It also proposes an amendment to the Committee Standing Orders, which is a matter for Council.

Decision

The Committee is invited to:

- discuss the issues and proposals set out in the attached paper;
- agree that the proposed amendment to paragraph 4.2(m) of the Committee's Scheme of Delegation is made; and
- agree that the proposed amendment to paragraph 9(2) of the Committee Standing Orders is recommended to the Council.

Background information

Scheme of Delegation

Committee Standing Orders

<http://www.hpc-uk.org/aboutus/council/codeofcorporategovernance/>

Resource implications

None

Financial implications

None

Appendices

- Proposed changes to the Education and Training Committee's Scheme of Delegation and Committee Standing Orders

Date of paper

7 November 2011

Proposed changes to the Education and Training Committee's Scheme of Delegation and Committee standing orders

Background

1. The Committee's governance arrangements are set out in the Education and Training Committee Scheme of Delegation, which identifies powers reserved to the Committee and those delegated to the Chief Executive or Director of Education. The Committee Standing Orders set out basic procedural rules for all committees and specify the business that may be conducted by the Education and Training Committee when sitting as a Panel.
2. The Education and Training Committee should primarily be concerned with policy and strategic matters. The Committee, sitting as a Panel, deals with the approval of operational matters relating to programme approval, annual monitoring and major change processes. The Education Department implements the Committee's decisions and is responsible for all operational matters.
3. Consideration has been given to the current arrangements in the areas set out below. The aim was to identify changes that could be made to clarify and standardise arrangements and reduce the number of routine decisions required of the Committee, or Panel, while retaining sound governance arrangements and ensuring the efficient and effective management of operational matters. The proposals would reduce time delays in taking action, caused by waiting for a Committee or Panel meeting, allow the Executive to deal more swiftly with a number of operational matters as well as responding in a more timely way to requests from education providers.
4. However, none of the proposed changes would impact on the Committee's responsibility, under Article 18 of the Health Professions Order 2001, for making decisions to approve a programme, or withdraw approval from a programme, depending on whether or not the SETS are met, or continue to be met. This responsibility is clearly set out in the Committee's Scheme of Delegation, paragraph 4.2(o).
5. The proposals focus on:
 - a. amending the Committee's Scheme of Delegation to clarify that the Director of Education may update the list of approved programmes solely for the purpose of ensuring its factual accuracy; and
 - b. amending the Committee standing orders to allow the Committee, sitting as the Education and Training Panel, to withdraw approval from a programme which no longer has, or is no longer admitting, students.

Proposed amendments

6. There are a number of reasons why the list of approved programmes needs to be updated regularly to ensure factual accuracy. These are as follows:
 - a. to remove ongoing approval from a programme that has no students or is no longer admitting students (closure of a programme);
 - b. to address factual errors in the list of approved programmes for new professions; and
 - c. to reflect changes to a programme record that we have been notified of by an education provider (these are changes which do not impact on the programme's ability to continue to meet the SETs, for example the title has changed from BA (Hons) Biomedical Science to BA(Hons) Biomedical Sciences).

Currently, there is inconsistency in the way that each of these matters is handled and the level of the Committee's involvement.

a. A programme has no students or is no longer admitting students

7. In the course of undertaking operational processes the Education Department learns, from time to time, that a programme on the list of approved programmes has no students or the education provider is no longer admitting for subsequent years. Previous legal advice has been that in such cases there is a risk that an education provider may re-establish a training programme leading to eligibility and so ongoing approval should be withdrawn.
8. Currently, the Executive contact the education provider and seek consent for approval to be withdrawn, which would lead to an amendment of the list. Education providers either give consent for withdrawal of approval or, on occasion, for example where an education provider no longer exists, consent is not forthcoming. The Committee receives a list of those programmes where consent has been given and is asked to agree that approval should be withdrawn. Where consent is not forthcoming the Committee agrees that the education provider should be notified of the intention to withdraw approval and given a further period, 28 days, to give consent or make representations. The outcomes of this process are then taken back to the Committee for a decision. Because the Committee meets quarterly, this means that such cases can take a number of months to resolve.
9. The proposal is that in future, when consent has been received from the education provider, the Panel receives a list of such cases and is asked to agree to the withdrawal of approval. Where consent is not provided, such cases would also be considered by the Panel. The Panel would be able to indicate an intention to withdraw approval and ask the Executive to notify the education provider and give them a further period, 28 days, in which to give consent or make representations. Once this additional period had passed, the Panel would be asked to make a final decision, taking into account any consent or representations received. The more frequent number of Panel meetings would ensure that these new arrangements would allow decisions to

be made more swiftly, leading to a more accurate register of approved programmes.

10. In all such cases approval would continue for programmes for:

- existing registrants;
- students completing a programme that is no longer admitting further students;
- applicants who wish to return to practice and completed the programme during the approved dates.

b. Factual errors are identified in the published list for a new profession

11. Data for historic programmes for professions other than practitioner psychologists and hearing aid dispensers were not historically approved by the Committee or published until recently, because the data about such programmes was considered unreliable. (The reliability of these lists has now been addressed through projects undertaken by the Education Department.) Consequently, there has been no publicly approved list to refer to when a factual error was identified and a change had to be made. In such cases, following investigations, the Executive treats this as a programme record change and simply updates programme records and amends the list of approved programmes. The list of current programmes is handled in the same way.

12. However, the current and historic lists of approved programmes for practitioner psychologists and hearing aid dispensers were agreed publicly by the Committee. Any changes to these lists, to address factual errors, have been taken to the Committee for information and agreement in line with the decisions by the Committee in June 2009 and March 2010.

13. Going forward there is a need to ensure that such changes are handled consistently across all professions, including any new professions that may be regulated by the Council. The proposal is therefore that in future, for the lists of approved programmes (historic and current) for practitioner psychologists and hearing aid dispensers, and any newly regulated professions, the Executive should be able to amend the list without first seeking the Committee's agreement, when it is notified of the following:

A programme has never been available to students

- An education provider confirms (or there is other, equally credible, evidence) that a programme has never been available to students and thus has never conferred eligibility to apply for registration.
- The education provider confirms that approval for such a programme should be removed.

An incorrect title is being used

- An education provider confirms (or there is other, equally credible, evidence) that a programme title is incorrect and should be changed.

14. These measures would ensure that changes due to factual errors in lists of approved programmes for new professions were handled as a programme record change, in line with the practice set out below for all other professions. This would ensure a consistent approach and forestall any need for the Committee to consider every such change should a new profession, for example social workers in England, be added to the list of professions regulated by the Council.

c. A change in the programme record is required

15. The Education Department may be notified that changes are being made to a programme which will lead to a change in a programme record (eg the name of the education provider or the title of the programme may change). These are instances where there are no substantive changes to the approved programme in terms of its structure or content which should impact on the SETs. (Substantive changes would be considered via the approval or major change processes to ensure that the SETs continue to be met.)

16. In all such cases approval would continue for programmes for:

- existing registrants;
- students who had completed the programme before the change was made;
- applicants who wish to return to practice and completed the programme during the approved dates.

17. Currently, the Executive amends the programme record and, in effect, amends the approved list. Neither the Committee nor the Panel is formally notified of such changes.

18. While there is no proposal to change the current arrangements, this is highlighted to demonstrate the lack of consistency in the current arrangements for amending the lists of approved programmes. The proposed clarification of the Committee's Scheme of Delegation would ensure that factual corrections to the list are made in a consistent manner under the control of the Director of Education.

Implementing the proposed changes

19. Legal advice received is that to enable the Executive to carry out its functions consistently and in line with governance arrangements paragraph 4.2 (m) of the Committee's Scheme of Delegation should be amended to add the clarifying statement shown in italics:

"maintaining and publishing the Council's list of approved courses of education and training, qualifications and institutions. (This is a function which has been delegated to the Committee by the Council without authority to sub- delegate, [but that does not prevent the Director of Education from correcting the list to ensure that it remains factually accurate])"; (new text is italicised).

20. In addition, to allow the Committee, sitting as the Education and Training Panel, to agree to withdraw approval from a programme with no students or

that is no longer admitting students, Standing Order 9(2) of the Committee Standing Orders would need to be amended to add the additional power shown in italics:

“For the purpose of Standing Order 8(1) “Panel” means a Panel of the Education and Training Committee which has been convened to:

.... (d) consider and, if thought fit, withdraw approval from any course, qualification or institution which the Panel is satisfied no longer admits or recruits students.”

21. The advice of the HPC Solicitor is that, under Paragraph 13(1) of Schedule 1 to the Health Profession Order 2001, amendment of the Committee Standing Orders is a matter for Council. Accordingly, the Committee is asked to recommend the proposed amendment for approval by the Council at its next meeting.