

Education and Training Committee

10 June 2021

Education operational decision making governance

Executive Summary

This paper presents a proposal about operational level governance for the new education quality assurance model, for the Committee to discuss and agree

With a move to a new model of education QA, interactions with governance for operational decision-making needs to be reviewed to ensure they remain fit for purpose for the new model.

Through this review the executive has focused on governance occurring at the right level, that it is consistent with legislative requirements, and adds value to providing effective education quality assurance.

Previous consideration	Workshop with ETC members – 21 May 2021
Decision	The Committee is asked to discuss the proposals, and agree their input into operational decision-making for the Education function
Next steps	<ul style="list-style-type: none">• Work up Committee decisions into changes to rules and the scheme of delegation• At appropriate points through the development process, secure legal advice to ensure intentions are congruent with the Order• For September 2021, updates made to allow Committee engagement along the new principles from the model go-live point (subject to Committee agreement)
Strategic priority	<ul style="list-style-type: none">• Promote high quality professional practice• Develop insight and exert influence• Be visible, engaged and informed
Financial and resource implications	<ul style="list-style-type: none">• Development and legal scrutiny of the rule changes – financial and resource
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1. Aims and objectives of the review

1.1. Aim: To position the Committee to effectively test executive and visitor conclusions, and add value through their Education operational decision making

1.2. Objectives to achieve this aim are to:

1.2.1. Position the Education and Training Committee's decision-making at the most appropriate level, allowing them to take assurance from granular reporting or via other means

1.2.2. Assist the Committee to provide governance for thematic operational focus, using their insight and knowledge as Committee members

2. Current picture

2.1. Decision making

2.1.1. Currently, every decision about approval or ongoing approval is taken by the Committee. They also formally set conditions through the approval process, and make exceptional decisions (such as whether to trigger an approval visit out of monitoring, and what action to take as a result of concerns about approved provision).

2.1.2. These decisions are usually made via the Panel of the Committee (set out in the [ETC rules 2020](#)), which in practice is established of all Committee members (although quoracy rules are different). Some 'contentious' decisions, such as non / withdrawal of approval, are made by the full Committee.

2.1.3. Within the current education QA model, many decisions are routine, but the Committee adds most value and becomes a true decision-maker for exceptional decisions (non / withdrawal of approval, when providers object to conditions, concerns, and when one process triggers another). In these situations, the Committee weighs up the views of the visitors and the education provider (and external case contacts for concerns) and exercises their decision-making function by defining a required course of action.

2.2. Reporting

2.2.1. Current reporting to the Committee is case by case for the operational processes, and annual reporting of a data set with some analysis.

2.2.2. Case by case reporting comes after assessment by visitors for most processes. The Committee is asked to make a final decision based on the conclusions of the visitors, and any observations from the education provider.

2.2.3. For routine decisions (ie those to approve), invariably the Committee will sign off the recommendation of the visitors with no changes.

2.3. Reports are issues based, and are usually provided at the point where issues have been resolved. They are also numerous, with hundreds of reports presented to the Committee through the year. These reports offer no direct

insight into trends within professional education and training, or the work of the function.

3. Decision making through the new QA model

3.1. The Executive received public law advice that this proposal is congruent with the Health Professions Order on 28 May 2021

3.2. The following principles are relevant to the proposals and options presented through this paper

3.2.1. The new model focuses assurance at the institution level wherever possible, uses data and insight to inform risk-based decision making, and moves away from a focus on assessing compliance.

3.2.2. Public law advice is clear that all approval, re-approval, non-approval and withdrawal of approval decisions would need to be made by the Education and Training Committee or its Panel in some form. This means that the options presented are more limited in scope than originally intended. We anticipate we will still take less to the Committee or its Panel overall because:

- The major change process will not exist – although some of this traffic will be replaced by focused review decisions, these are more akin to the existing concerns process in scope and assessment (but not always subject)
- AEPM is focused at the institution level, where the current annual monitoring process is focused at the programme level. This means that there will be one report per institution, rather than multiple in the existing process

3.2.3. Advice also noted that the existing Panel arrangement, and / or another papers-based approval route would be appropriate in certain pre-defined circumstances

3.2.4. Reports are more quality focused, rather than being exceptions based. This means that for each decision, context and clearer reasoning for visitor recommendations will be provided through the report

3.2.5. The executive will supply Committee members with qualitative and quantitative trends data and insight which is relevant to set context for their decision making, and to give confidence for reducing operational level decision making where appropriate

3.3. Decision making points and governance level

3.3.1. In the current model, decisions are taken at either full Committee or Panel level. The types of decisions appropriate at each level are clearly defined.

3.3.2. For the new model, the executive proposes:

- That decisions are made at different governance levels based on the routineness and impact of the decision
- Reserving meetings for items which require discussion only
- Post pandemic, preferring virtual meetings (where meetings are required)

- Adding a monthly papers-based approval route, meaning that meetings of the Committee or its Panel are not required for certain pre-defined decisions, and instead two members confirm or reject these decisions by correspondence.

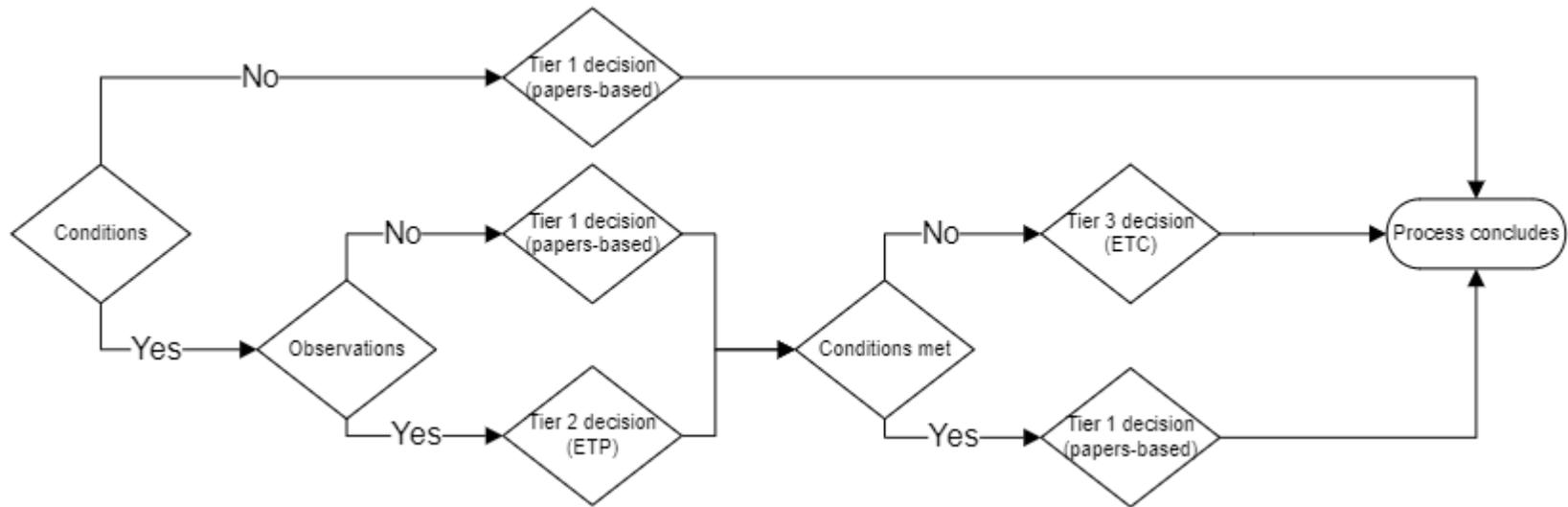
3.3.3. The following table illustrates the situations in which the levels of decision making are proposed to apply, and how the levels would function:

Tier	How the tier would function	Decisions taken through the tier	Process level decisions
1 (Papers-based)	<ul style="list-style-type: none"> • Allocations and timings agreed in advance • Electronic papers shared with two Committee members rota'd • Set period to agree / disagree with visitor recommendations for each item 	<p>Where:</p> <ul style="list-style-type: none"> • Only the visitors' view is presented to the Committee (ie there are no observations or other evidence to be considered); <p>and</p> <ul style="list-style-type: none"> • The executive judges there is no information which suggests, or realistic prospect based on past governance decision-making, that the Committee will make a decision other than the one recommended by the visitors 	<p>Decisions through the approval process:</p> <ul style="list-style-type: none"> • Approval of programmes with no conditions • Setting of conditions with no observations, and • Final approval following conditions being met <p>Decisions through AEPM:</p> <ul style="list-style-type: none"> • Education provider recommended continuing approval, and • No issues of note outstanding to be considered through focused review, and • No observations supplied by the provider
2 (Panel meeting)	<ul style="list-style-type: none"> • Meetings arranged in advance, but cancelled if no business presented • Electronic papers shared in advance • Decisions made in the meeting 	<p>Where:</p> <ul style="list-style-type: none"> • The decision is low impact but exceptional decision • A discussion is required to make a decision (ie, there is more than one viable option), • The decision does not at this time relate to non / withdrawal of approval 	<ul style="list-style-type: none"> • Consideration of visitors' recommendations where provider observations supplied (approvals and AEPM) • Recommendation for focused review out of AEPM • Focused review reports with a continue to approve recommendation

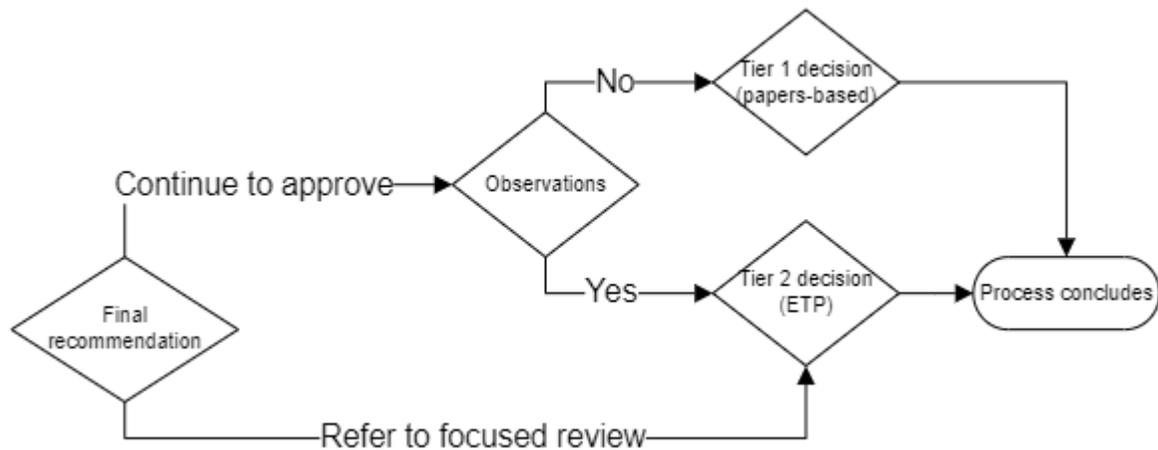
Tier	How the tier would function	Decisions taken through the tier	Process level decisions
3 (Committee meeting)	<ul style="list-style-type: none"> • Items added to existing meetings, or one item meetings arranged if decision is urgent • Electronic papers shared in advance • Decisions made in the meeting 	Where the decision relates to non / withdrawal of approval	<ul style="list-style-type: none"> • Conditions not met, non-approval decision • Withdrawal of approval recommended through focused review

3.3.4. The below decision tree diagrams draw out where the executive proposes there is Committee decision making, and at which level. Prior to the initial decision point in the figures below, visitors would have undertaken a structured review, and have come to a recommendation, which would be presented to the Committee within a report

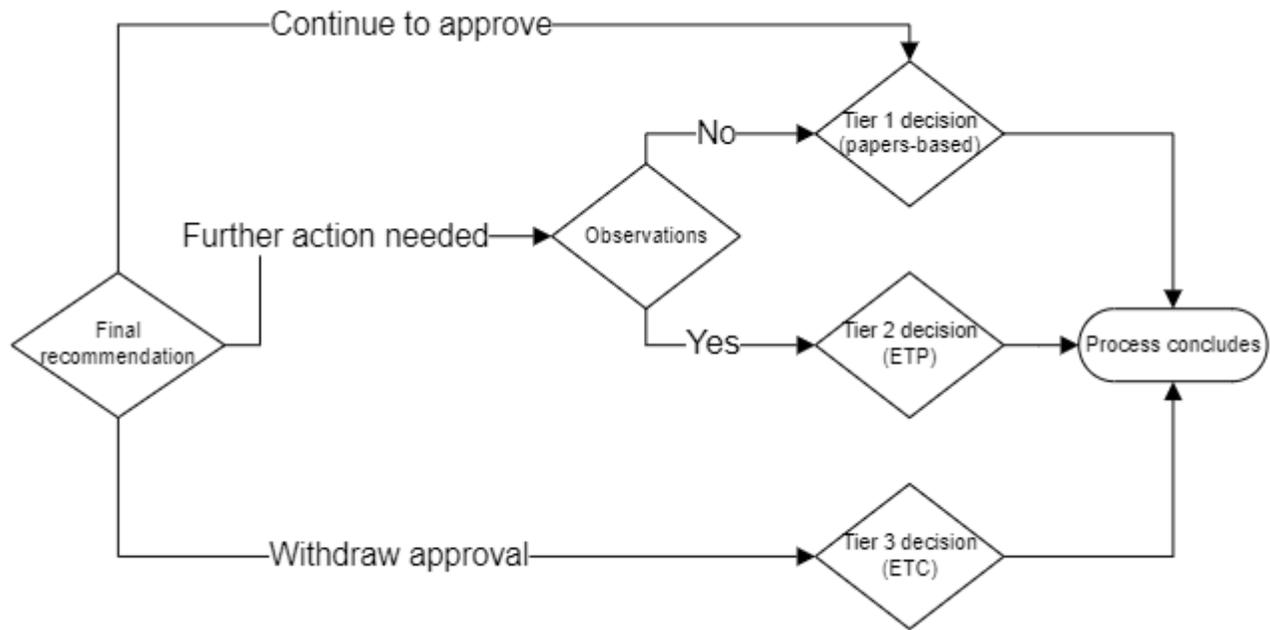
3.3.5. Approvals



3.3.6. Approved education provider monitoring



3.3.7. Focused review



4. Trends and KPI reporting

4.1. To set context for decision making, and to give confidence on decisions not reaching ETP or ETC meeting levels, the executive proposes bringing a concise and focused trends and KPI report to Committee meetings, which focuses on the following areas:

- Performance based process flow KPIs, with narrative of reasons for performance outcomes
- The trends seen through case level process interactions – for example, issues regularly faced, and types of proposals presented
- Summary and trends of provider performance against areas of thematic focus reported through the AEPM portfolio – drawing out key themes for areas such as the impact of COVID-19, Apprenticeships in England, and changing use of technology
- Summary of sector intelligence and engagement
- Analysis of consistency of standards and process application

4.2. Where required, the executive will also produce situation-specific briefing documents to inform particular or sets of decisions to be made

4.3. The Executive proposes that the design, level of detail, and specific areas of focus are developed with the Committee through the first few iterations of the report. We will use the KPI report from June 2021 as a basis for this, and include further areas as discussed in the bullets above in future iterations of the report, when data and information become available

5. Discussion

The Committee is asked to discuss and agree:

1. The tier based decision-making proposal in section 3.2.3
2. The detail from the decision tree diagrams (3.2.5, 3.2.6 and 3.2.7)
3. Section 4, in relation to regular reporting to the Committee on the performance of the Education function, and thematic view of the performance of the sector
4. The terminology used, specifically ‘tiers’ and the ‘papers based route’

6. Next steps

6.1. The executive will develop the governance proposal based on the Committee discussion, and present formal changes to the Committee Rules and Scheme of Delegation to the meeting in September 2021

6.2. The Executive will seek further legal advice as needed to deliver these changes