

Education and Training Committee, 6 September 2018

Education and Training Committee Rules and Scheme of Delegation
review

Executive summary and recommendations

Introduction

Though the Education and Training Committee is a statutory Committee, its rules are within the gift of Council to make.

It is proposed that the Education and Training Panel consider education provider concern investigation reports as part of their regular business.

This change would enable quicker resolution and assurance for all parties involved as the Panel meets more frequently than the Committee. As the Panel composition is the same as the Committee composition, all members will retain input into these decisions.

The Rules have been amended in draft to reflect this change. Paragraph 6(3)(e) has been inserted.

With regards to the Education and Training Committee Scheme of Delegation, following the Executive team restructure in May 2018, a minor change to the Scheme is required to reflect the job titles now in place. The Scheme is for the Committee to set.

Decision

The Committee is invited to agree the amendment to the Scheme of Delegation and recommend the revised Rules to the Council for approval.

Resource and financial implications

None.

Appendices

Appendix A - The Health and Care Professions Council (Education and Training Committee) (Constitution) Rules 2018 – amended in draft

Appendix B – Education and Training Committee Scheme of Delegation – amended in draft

Date of paper

28 August 2018

The Health and Care Professions Council (Education and Training Committee) (Constitution) Rules 2018

Made	19th September 2018.
Coming into force	20th September 2018.

These Rules are made by the Health and Care Professions Council in exercise of the powers conferred upon it by paragraph 17(1) of Schedule 1 to the Health and Social Work Professions Order 2001.

Citation and commencement

- (1) These Rules may be cited as the Health and Care Professions Council (Education and Training Committee) (Constitution) Rules 2018.
- (2) These Rules come into force on 20th September 2018.

Interpretation

- In these Rules—
 - “the Committee” means the Education and Training Committee;
 - “the Chair” has the meaning given in rule 5(1) and includes a person nominated under rule 5(4) or 6(2) to serve as Chair at a meeting;
 - “the Constitution Order” means the Health and Care Professions Council (Constitution) Order 2009;
 - “member”, except in the phrase “Council member”, means a member of the Committee and includes the Chair; and
 - “the Order” means the Health and Social Work Professions Order 2001.

Revocation

- The Health and Care Professions Council (Education and Training Committee) (Constitution) Rules 2018, made on 6th December 2017, are revoked.

The Committee

- (1) The Education and Training Committee comprises six members, of whom—
 - four must be Council members;
 - one must be a person who has experience in relation to the provision or assessment of professional education and training which the Council considers will assist the Committee in performing its functions; and
 - one must be a registrant who, on appointment, has been admitted to the register for less than five years.
- (2) The Committee must include at least—
 - one lay member; and
 - one registrant member (in addition to any member appointed under paragraph (1)(c)).
- (3) The Council must determine the term of office of each member on appointment.
- (4) Subject to paragraphs (5) and (6), a member may be appointed for a term of not more than four years and is eligible for re-appointment, but no person may be a member for more than an aggregate of 8 years during any period of 20 years.

(5) A Council member may not be appointed as a member of the Committee for a term which exceeds that person's term of office as a Council member.

(6) A member may only be appointed under paragraph (1)(c) for one term of not more than three years and is not eligible for re-appointment under that paragraph.

(7) A person ceases to be a member of the Committee—

- (a) if the member resigns, which the member may do at any time by notice in writing to the Council;
- (b) in the case of a member who is a Council member—
 - (i) on ceasing for any reason to be a Council member, or
 - (ii) if the member's Council membership is suspended by the Privy Council under Article 7 of the Constitution Order;
- (c) in the case of any other member, if the member becomes a person who, in the opinion of the Council, would be liable to removal or suspension from the Council under Article 6 or 7 of the Constitution Order if that person was a Council member; or
- (d) if the Council, by majority vote, terminates the person's appointment as a member of the Committee.

Committee Chair

5. (1) The Council must appoint a member as the chair of the Committee ("the Chair").

(2) The Council must determine the term of office of the Chair on appointment, which may not exceed that person's term of office as a member of the Committee.

(3) A person serving as Chair ceases to do so—

- (a) if the member resigns as Chair, which the member may do at any time by notice in writing to the Council;
- (b) on ceasing for any reason to be a member of the Committee or (where applicable) a Council member;
- (c) if the Council, by majority vote, terminates the person's appointment as Chair.

(4) If, for any reason, the Chair is absent from or unable to act as Chair at a meeting or the office of Chair is vacant, the members who are present at a meeting of the Committee must nominate one of their number to serve as Chair at that meeting.

Quorum

6. (1) Subject to paragraph (2), the quorum of the Committee is half of the total number of members of the Committee, plus one.

(2) At a panel meeting of the Committee the quorum is any three members (who must nominate one of their number to act as Chair at that meeting).

(3) A "panel meeting" means a meeting of the Committee which has been convened only to conduct one or more of the following items of business (and at which no other business is conducted)—

- (a) considering Visitors' reports which are submitted to the Committee in accordance with Article 16(7) of the Order and any observations upon those reports received by the Committee under Article 16(9) of that Order and, if thought fit, approving the course of education or training, qualification or institution to which a report and observations (if any) relate;
- (b) considering and, if thought fit, approving any proposed change to an approved programme;
- (c) considering and, if thought fit, approving any matter arising from the monitoring of an approved programme;

- (d) considering and, if thought fit, withdrawing approval from an approved programme which the Committee is satisfied no longer admits or recruits students; or
 - (e) where a concern is raised with the Committee under any arrangements it may establish for that purpose—
 - (i) considering and determining whether an approved programme continues to meet the Standards of Education and Training; and
 - (ii) subject to paragraph (4), deciding what steps (if any) must be taken to address a concern which it determines is well founded.
- (4) The steps that may be taken at a panel meeting under paragraph (3)(e)(ii) do not include withdrawal of approval from an approved programme.
- (5) In paragraph (3) an “approved programme” means a course, qualification or institution which is approved by the Committee under Part IV of the Order.

Sealed with the common seal of the Health and Care Professions Council on 19th September 2018.



Stephen Cohen
Deputy Chair

Marc Seale
Registrar

Explanatory Note

These Rules prescribe the composition of the Health and Care Professions Council’s Education and Training Committee, provide for the chairing of that Committee and specify its quorum for transacting business.

The Rules revoke and replace the Health and Care Professions Council (Education and Training Committee) (Constitution) Rules 2018, which were made on 6th December 2017.

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 Director-Head of Education and any officer nominated by the Director-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.

6th September 2018