Education and Training Committee
7 June 2023

ETP Education operational decision making

Executive Summary

The Education and Training Committee (ETC) makes all decisions on provider and programme approval, and on provider monitoring outcomes, to comply with legislation and governance best practice.

ETC members have asked the executive to consider the level of review needed for low-risk decisions. This paper presents background and options for development, for consideration and decision by ETC.

Previous consideration	ELT 16 May 2023 – approved for ETC consideration
Decision	The Committee is asked to consider options for development, and decide which option to take
Next steps	• Depending on ETC decision, public law advice • Further paper to ETC with final option (September 2023) • Operational implementation
Strategic priority	Continuously improve and innovate
Financial and resource implications	• Use of existing resource within the Education and Governance teams to integrate into our operating model • Use of existing internal resource within the Education team on an ongoing basis to deliver additional process controls • Reduction in ask of ETC members in operational decision making
EDI impact	None
Author	Jamie Hunt, Acting Head of Education Jamie.Hunt@hcpc-uk.org
Sponsor	Laura Coffey, Interim Executive Director of Regulation Laura.Coffey@hcpc-uk.org

Current state

1. The [Health Professions Order (2001)](#) is clear that the Education and Training Committee (ETC) is required to make decisions on programme approval (part IV). The Committee has also traditionally made decisions on monitoring providers and programmes, and good governance practice indicates that this should continue, although is not required by our legislation. This power to make decisions is delegated within the [ETC rules](#) to a Panel of the Committee (ETP).

2. Partner visitors, who are professional experts appointed for their knowledge and experience in education and / or practice, are appointed to assessments, and make recommendations to the ETP about programme and provider approval, and monitoring outcomes. This also complies with requirements of the Order.

3. When developing our current quality assurance model, our aim was to deliver a right touch governance model for regulatory decision making, which complies with the Order. This was achieved by streamlining the number of decisions that required full consideration by a meeting of ETP and introducing a mechanism by which appropriate decisions could be made electronically on the papers[1]. Importantly, responsibility for making decisions of any type remains with the ETC.

4. In the current decision-making process[2]:
   - Decisions are categorised into three 'tiers', to allow us to identify those decisions that can be made on the papers and those which require an ETP to be convened
   - Categorisation is based on whether recommended outcomes are challenged by providers, and / or whether there is a significant negative impact for the provider and / or learners (ie non / withdrawal of approval)
   - Meetings of the ETP are reserved for items which require discussion before a decision can be made
   - All other approval decisions are made on the papers, which enables two Committee members to confirm recommendations via email, or escalate decisions to a meeting of the ETP if required

5. If ETC panel members want to discuss areas of reports, and / or the recommendations made, and therefore are unable to approve a report on the papers, they can 'escalate' to a higher decision-making tier, which would be considered at a full meeting of the ETP. If required a different decision to the recommended outcome can be made by ETP at a meeting.

6. In the last 12 months all Tier 1 decisions have been approved on the papers. There have been no escalated Tier 1 decisions and no changes to the recommendation have been made by the ETP. This provides some assurance that the recommendations coming to ETP members are appropriate.

7. Through tier 1 decision making, members will sometimes provide written comments. Generally, these have focused on the consistency in the use of data, and consistency in review periods recommended. These comments have not affected

---

[1] ETC paper - [Education operational decision making governance](#) – 10 June 2021 (also referenced on the cover page)
[2] See [Appendix A](#) for further details of decision making levels

decisions and therefore have not required escalation. They have, however, formed feedback on the process which has been picked up by the executive in our continuous improvement work (see the <u>improving consistency</u> section of this paper for further information).

Background for proposals

8. ETC members have asked the executive to consider the level of review needed for papers based (tier 1) decisions. These decisions are by nature low risk. Decisions are made at this tier in a specific set of limited circumstances, most importantly when education providers have not provided any comments on the outcome through 'observations' and therefore this is no disagreement about the recommendation put forward by visitors.

9. The Committee is keen to ensure they add value in the work they are doing, whilst delivering on their decision-making role as defined within the legislation. They consider there is a high level of input required to make tier 1 decisions, which may be disproportionate to the complexity of the decision-making required for these types of decisions.

10. Through this paper, we will set out the current position, how it was reached, and a series of options to develop governance arrangements for tier 1 education decisions.

Proposed future approach to tier 1 decisions

11. Although tier 1 decisions are made on the papers, this currently requires Panel members to consider the same full process reports as for more complex, higher risk decisions in tiers 2 and 3. We are proposing to streamline the documentation required for tier 1 decisions to make the paper review process more efficient and proportionate, whilst still meeting the requirements under the Order that decisions are made by the ETC, and continuing to ensure the quality of decisions.

12. It is clear in legislation that some form of 'report' is needed to ETC, particularly that "visitor[s]… shall report to the Committee… nature and quality of the instruction given, or to be given, and the facilities provided or to be provided, at that place or by that institution…" (part IV, article 16(7))

Proposed arrangements

13. The executive proposes the following changes to tier 1 decision making:
    1. Providing assessment level summary reports in key areas to inform ETP decision making in place of the current full reports. These reports would contain information about the nature, quality, and facilities of provision, as required by the Order;
    2. ETP makes decisions based on those reports, in line with current tier 1 arrangements – formal decision making at tier 1 remains the responsibility of ETP;
    3. Where the panel members reviewing on the papers decide to escalate a tier 1 decision, a full report would be provided to the ETP meeting at tier 2;
    4. We would work with the Quality Assurance team to ensure the summary reports appropriately reflect the relevant information the ETP require to make an informed decision for tier 1 approvals. We would also review our current front line

assurance activity to make sure this is sufficient to provide continued assurance of the quality of tier 1 recommendations and decisions.

14. If the ETC is content for us to explore this further we will develop the approach, including a proposed draft of what the summary reports could look like and bring this back to ETC in September for approval

15. If a new approach to Tier 1 approvals is adopted, we would commit to reviewing how it was working, including the impact on the quality of decision making, after six months of operation.

Development required

16. For this proposal to work, we will need to develop additional internal controls / ways of working. The following will also help us more easily drive up and report on quality, and link to existing first line checks development work we are undertaking:
    - Ability to easily draw together summary reporting to be presented to ETP via tier 1
    - An internal cross check of monitoring periods to address any consistency issues

17. We will also seek legal advice to ensure proposals are in line with requirements of the Order.

Improving consistency

18. Linked to point in paragraph 7, about comments provided through tier 1 decisions, we recognise that there have been some consistent areas of feedback. The executive has relevant business process improvement actions in place to address themes which have been consistently raised.

19. The executive is currently developing a framework for the consistent use of data through assessment processes, including what we should focus on, and how this is reported. We will bring a paper on developing our approach to the use of data to a future meeting of the Committee.

20. There is recognition that there is judgement in setting review periods, with the exception for providers who are not included in data supplies and cannot establish an equivalent supply to the HCPC (there providers are capped at a two-year cycle). We have a framework to assist visitors in their judgements about review periods, and will review and report on the performance review process with a paper planned for a future meeting of the Committee.

Options

21. The executive considers that there are two main options to consider:
    1. Do nothing – decision making for tier 1 remains as it currently is.
    2. Make changes to the approach for tier 1 approvals to make this more efficient, in line with the proposed arrangements section – this is the executive's preferred option. If agreed, we would come back to the Committee in September with a more developed proposal
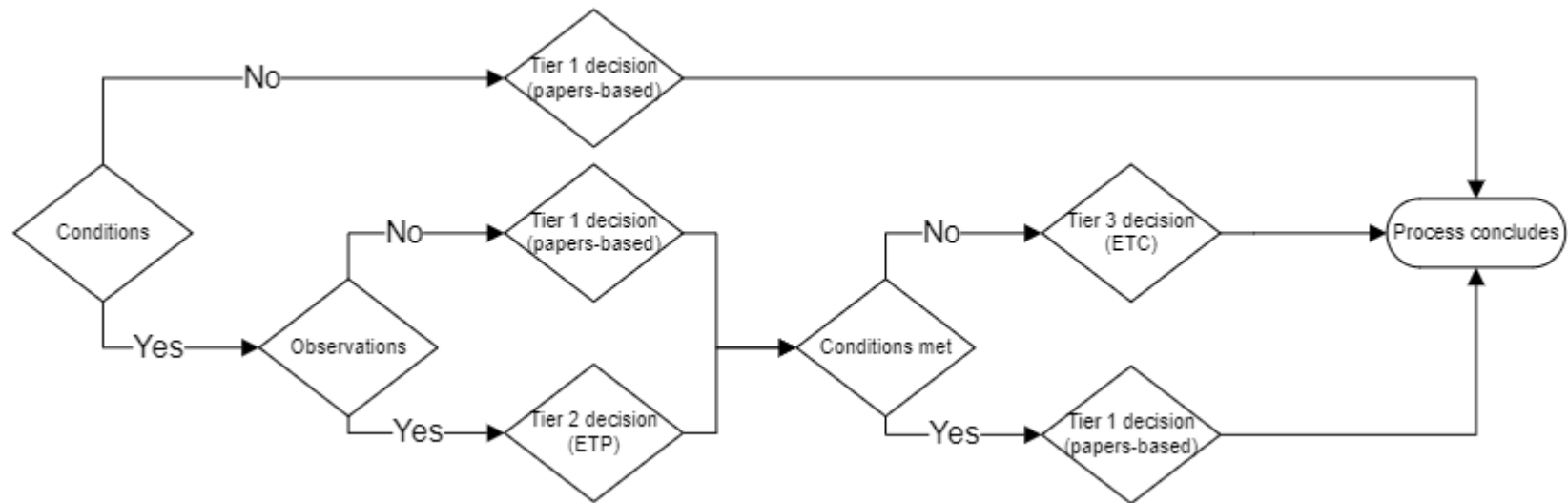
Appendix A

The following table illustrates the situations in which the levels of decision making apply, and how the levels function:

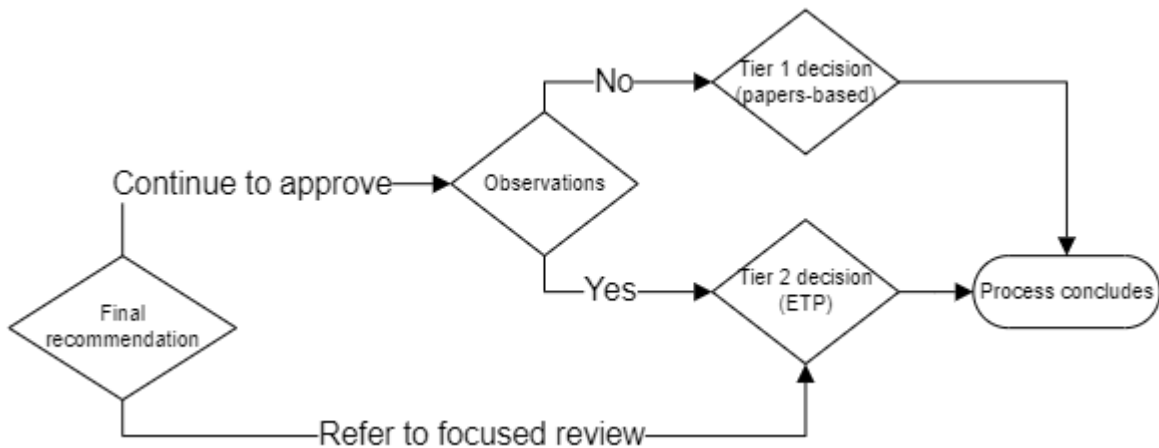| Tier	How the tier functions	Decisions taken through the tier	Process level decisions
1 (Papers-based)	• Allocations and timings agreed in advance • Electronic papers shared with three Committee members rota'd • Set period to agree / disagree with visitor recommendations for each item	Where: • Only the visitors' view is presented to the Committee (ie there are no observations or other evidence to be considered); **and** • 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	Decisions through the approval process: • Approval of programmes with no conditions • Setting of conditions with no observations, and • Final approval following conditions being met Decisions through the performance review process: • 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)	• Meetings arranged in advance, but cancelled if no business presented • Electronic papers shared in advance • Decisions made in the meeting	Where: • 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	• Consideration of visitors' recommendations where provider observations supplied (approvals and performance review) • Recommendation for focused review out of performance review • Focused review reports with a continue to approve recommendation

Tier	How the tier functions	Decisions taken through the tier	Process level decisions
3 (Committee meeting)	• 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	• Conditions not met, non-approval decision • Withdrawal of approval recommended through focused review

The below decision tree diagrams draw out where 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.

Approvals

Performance review

Focused review