

**TERMS OF REFERENCE FOR THE EDUCATION AND TRAINING
COMMITTEE AS SET OUT IN H.P.C. ORDER IN COUNCIL
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For information at item 4 and for discussion of prioritisation of tasks at item 6.

BRIEFING PAPER FOR THE (SHADOW) EDUCATION AND TRAINING COMMITTEE

1. Introduction

- 1.1 This paper sets out the provisions made in the body of the OIC for the interaction between the Council at HPC (as the supervising and appointing body) and its statutory committees as named and described in the OIC. The matters set out here can only be altered by legislation external to HPC.
- 1.2 There are four statutory committees listed in Part II, Section 3(9) of the OIC : Education and Training (ETC), Investigating, Conduct and Competence, and Health. The three latter are known collectively as the "Fitness for Practice" committees (FFPC).

2. Appointment Process

- 2.1 All members of all the statutory committees are appointed by the Council. The Council may invite nominations from other bodies to assist in this appointment process, but no one can be a member without a conscious appointment process by the Council.
- 2.2 Any member who ceases to hold the capacity in which they were appointed will thereby cease to be a member of the committee(s) concerned. There would be no bar to reappointment in another capacity, but see 2.3 below.
- 2.3 The OIC bars re-election / re-appointment after two terms of office (8 years). By extension this principle must apply to Committees. The Council will need to consider, however, whether a member of a statutory committee retiring in one capacity could be re-nominated in another for up to a further 8 years.
- 2.4 Council alternates may be full members of Statutory Committees in their own right (by decision of SHPC on 5 November 2001). This means that the automatic member / alternate arrangement on Council cannot operate on Statutory Committees.
- 2.5 So far as possible SHPC has appointed members from each Home Country to each Statutory Committee.
- 2.6 The OIC requires that only one (full) member of Council (either registrant or lay) be a member of each statutory committee. The SHPC has taken a view that all members and alternates should be members of Statutory Committees and that only Council members and alternates should constitute the Shadow Statutory Committees for the time being. This will be subject to automatic review (and confirmation if desired) after 1 April 2002.

3. Standing Orders (SO)

- 3.1 In Schedule I, Part II Sections 17 and 18, the Council is required to set " SOs " for the Education and Training Committee (ETC) and make " rules " for the FFPCs.
- 3.2 Elsewhere in the OIC, it is clarified that " rules " must be confirmed by the Privy Council after HPC has carried out the required consultations (Part VIII S 41 – 42, Part II S 3 (14)).
- 3.3 The SOs and rules would need to be consistent with the Council's except where reflecting any necessary differences (eg. competent quora).

4. ETC

The point of departure for constitution and SOs as set out in Schedule 1, Pt II S. 17 is :

" **Education and Training Committee**

17. – (1) The Council shall by standing orders provide in respect of the Education and Training Committee for –

- (a) its composition;
 - (b) the appointment of members;
 - (c) its procedure;
 - (d) standards for the attendance and performance of its members; and
 - (e) the performance of its functions.
- (2) The standing orders shall, in particular, provide for –
- (a) the Chairman of the Committee to be a member of the Council;
 - (b) the majority of members of the Committee to have such qualifications and experience in relation to the provision, funding or assessment of professional education and training as the Council considers will be of value to the Committee in the performance of its functions;
 - (c) The Council, subject to other provisions in this Order, to have regard where appropriate when selecting non-Council members for the Committee to the guidance issued by the Commissioner for Public Appointments;
 - (d) the Committee to comprise fewer members than the Council;
 - (e) the members, who may but need not be members of the Council, to include at least –

- (i) one registrant from each part of the register;
 - (ii) one person appointed from each country of the United Kingdom and that member shall live or work (wholly or mainly) in the country concerned, and
 - (iii) one lay person who appears to the Council to represent the interests of the patients or clients of registrants or their carers,
- (f) the number of registrants from each part of the register to be equal.

(3) No person who is a member of the Council or Committee by virtue of his membership of any profession may take part in any proceedings of the Committee in any period during which he is the subject of any investigations, proceedings or a determination against him concerning his fitness to practise his profession.

(4) The powers of the Education and Training Committee may be exercised even though there is a vacancy among its members.

(5) No proceedings of the Education and Training Committee shall be invalidated by any defect in the appointment of a member. "

5. Appeal and Default Powers

5.1 Part VI of the OIC sets out appeals functions and procedures.

5.2 Schedule I, Part I S 16 (4) – (5) gives the Council at HPC default powers over ETC.

5.3 Part VIII S 43 gives the Privy Council default powers in turn over the Council.

5.4 In Part VIII S 47 the Privy Council may cause an inquiry to be held on any matter connected with HPC and the exercise of its functions.

5.5 Further powers are vested with the Council for the Regulation of Health Care Professionals but in very broad terms.

6. Interaction between the ETC and the Council and other Statutory Committees

ETC must carry out the tasks below to assist the Council (and other Committees) in their start-up work to open the first HPC Register. They are listed in order of priority of urgency (NB. which may not correlate to their importance) :-

- establish standards of proficiency for registration (Part IV S. 14 (a),
- " grandfathering " procedures (Part III, S. 13),
- the form and nature of the Register (Part III, S.7).

The first is the most urgent, and grandfathering cannot start until it has been completed.

The Committee's work on prospective arrangements for validation and review of (approved) courses is not a set-up issue for HPC and must be less urgent. The Committee's work on Continuing Professional Development will be its most innovative and challenging task, but is neither a set-up nor a transitional issue for HPC.

7. **The Committee's Work**

The Shadow Committee is asked to prioritise its work with a view to maximising the speed with which HPC can transact its set-up and transitional work.

8. **Membership**

Christine Farrell (convenor)
Graham Beastall
Shaheen Chaudhry
Sylvia Cliffe
Michael Collins
Helen Davis
Paul Frowen
John Harper
Anthony Hazell
Laurence Hughes
Robert Jones
Rosemary Klem
Jeff Lucas
Jacki Pearce
Gill Pearson
Pam Sabine
Gordon Sutehall
Eileen Thornton
Anna Van Der Gaag
Diane Waller

Ex Officio : Norma Brook
Colin Lea

Secretary : Peter Burley