

Education and Training Committee, 23 November 2017

Remit of the Education and Training Committee

Executive summary and recommendations

### **Introduction**

At the Education and Training Committee held on 12 June 2017, consideration was given to the composition and the remit of the Education and Training Committee.

At the meeting in June, the Education and Training Committee requested the Executive to consider the reporting mechanisms for the Education and Training Committee and report back to a future meeting of the Committee setting out the proposals. A further workshop was held in July of this year and a paper submitted to the September meeting of Council setting out the proposals in terms of the composition of the Committee.

This paper seeks to identify the full range of responsibilities of the Committee and identify how the Committee can assure itself that it is fulfilling its oversight role.

### **Decision**

This paper is for discussion and approval.

The Committee is asked to:-

- (i) note the contents of the paper;
- (ii) agree how the registration function should report to Committee;
- (iii) Consider whether any further reporting is required in order that the Committee can assure itself of the actions being taken in its name;
- (iv) agree the revised approval route for consultation documents; and
- (v) agree the Committee's revised Scheme of Delegation.

### **Background information**

The Health and Social Work Professions Order 2001

The Education and Training Committee Scheme of Delegation

### **Resource implications**

Additional resources will be required in collating information for presentation to the Committee should the Committee agree that it wishes to consider performance data relating to the Education and Registration department.

### **Financial implications**

None

### **Appendices**

See paper

### **Date of paper**

13 November 2017

## **Remit of the Education and Training Committee**

### **1. Introduction**

- 1.1 At the Education and Training Committee held on 12 June 2017, consideration was given to the composition and the remit of the Education and Training Committee. At that meeting, the Education and Training Committee requested the Executive to consider the reporting mechanisms for the Education and Training Committee and report back to a future meeting of the Committee setting out the proposals. A further workshop was held in July of this year and a paper submitted to the September meeting of Council setting out the proposals in terms of the composition of the Committee.
- 1.2 The Executive, working with the Solicitor to Council, examined the Health and Social Work Professions Order 2001 ('the Order') and related statutory rules together with the Committee's Scheme of Delegation in order to fully establish and clarify the Committee's remit and responsibilities. In doing so, a table has been drafted which sets down all those references to the Committee within the Order and what that means in terms of the Committee's responsibilities and how the Committee can assure itself of those actions being taken in its name.
- 1.3 The table is set out overleaf:-

Reference	Detail	Reporting mechanism
<b>PART IV: EDUCATION AND TRAINING</b>		
<b>Education and Training Committee</b>		
14.	The Education and Training Committee shall advise the Council on the performance of the Council's function in relation to:-	
14 (a)	the establishing of standards of proficiency under article 5 and its other functions under that article;	<ul style="list-style-type: none"> <li>- The ETC has a right to advise the Council on any of those matters;</li> <li>- ETC can input into the development of what is being consulted upon;</li> <li>- ETC, as a consultee, should not be asked to approve the draft of the consultation or the draft outcome of the consultation;</li> <li>- However, ETC can offer its opinion as a consultee.</li> </ul>
14 (b)	the establishing of standards and requirements in respect of education and training or continuing professional development, as the case may be, under articles 15(1) and 19(4) and (6);	
14 (ba)	the setting of criteria under Article 15B	
14 (c)	the giving of guidance under Article 21(2)	
15 (4)	The Education and Training shall:-	The model used is programme approval on an open ended basis and this framework was established when the organisation was established and includes the major change and annual monitoring processes.
15 (4) (a)	ensure that universities and other bodies in the UK concerned with such education and training are notified of the standards and requirements established under paragraph (1); and	

15 (4) (b)	take appropriate steps to satisfy itself that those standards and requirements are met.	We take an exception reporting approach to this framework and any major changes to the framework are submitted to ETC for approval.  The Education Annual report sets out statistics and trends in relation to this framework.
15 (5)	In performing the function mentioned in paragraph (4)(b), the Committee may in particular, approve, or arrange with others to approve:-	
15 (5) (a)	a course of education or training which the Committee is satisfied confers or would confer on persons completing it successfully the standards of proficiency mentioned in paragraph (1);	
15 (5) (b)	qualifications which are granted following success in an examination, or some other appropriate assessment, taken as part of an approved course of education and training;	
15 (5) (c)	institutions which the committee considers to be properly organised and equipped for conducting the whole or part of an approved course of education and training;	
15 (5) (d)	such tests of competence or knowledge of English as it may require.	
15 (6)	In connection with paragraph (5), the Committee may approve or arrange with others to approve a course of education or training run outside the UK by an institution to which paragraph 5(c) applies.	
15 (7)	The Council shall from time to time publish a statement of the criteria which will be taken into account in deciding whether to give approval under paragraph (5).	Forms part of the Standards of Education and Training and is a matter for Council.
15 (8)	The Council shall maintain and publish a list of the courses of education and training, qualifications and institutions -	

15 (8) (a)	which are for the time being approved under this Order; or	Delegated to the Director of Education
15 (8) (b)	which have been approved under this Order but which are no longer so approved, together with a record of the periods in respect of which they are approved;	
<b>Exercise of function for approving courses for approved mental health professionals</b>		
<b>Criteria for approving courses for approved mental health professionals</b>		
15 A and 15 B	Mental Health Professionals	Similar to articles 14 and 15 but apply to AMHP programmes.
<b>Visitors</b>		
16 (1)	The Council may, at the request of the ETC or otherwise, appoint persons (“visitors”) to visit any place at which or institution by which or under whose direction –	Should ETC wish to change the way in which visitors are appointed, for example, the inclusion of lay visitors on panels, ETC needs to make a request to Council.  These types of reports would be on an ad hoc basis.
16 (1) (a)	any relevant course of education or training is, or is proposed to be, given;	
16 (1) (b)	any examination or other assessment is, or is proposed to be, held in connection with any such course;	
16 (1) (c)	any test of competence is, or is proposed to be, conducted in connection with any such course or for any other purposes connected with this Order.	
(7)	Where a visitor visits any place or institution in the exercise of his functions under this article, he shall report to the the Committee:-	

(a)	on the 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; and	Carried out within existing framework and visitors recommendation submitted to the Committee and/or Panel.
(b)	on such matters (if any) as it requires.	
(8)	Requirements of the kind mentioned in paragraph (7), the Committee shall on receipt of the report –	Refers to directed visits or thematic review. At Committee's request on an ad hoc basis. Committee agree scope in advance.
(8) (a)	generally in relation to all visits made to a specified kind of place or institution or in respect of a specified type of course; or	
(b)	specifically in relation to a particular visit.	
(9)	Where a visitor reports to the Committee in accordance with paragraph (7), the Committee shall on receipt of the report –	Delegated to Director of Education from ETC. (The Committee cannot consider a report until the EP has had an opportunity to comment). Would be considered within normal framework.
(a)	send a copy of it to the institution concerned; and	
(b)	notify that institution of the period within which it may make observations on the report.	
(10)	The period specified by the Committee in a notice given under sub-paragraph (b) of paragraph (9) shall not be less than one month beginning with the date on which a copy of the report is sent to the institution concerned under sub paragraph (a) of paragraph (9).	
(11)	The Committee shall not take any steps in the light of any report made under paragraph (7) before the end of the specified period mentioned in paragraph (10).	

(12)	The Council shall publish such reports together with, on the request of the institution concerned, the response of that institution to the report.	Delegated to the Director of Education by Council.
<b>Information to be given by institutions</b>		
17		This article relates to information used in the programme approval framework and the ability to demand information as the need arises. No reporting required.
<b>Refusal or withdrawal of approval of courses, qualifications and institutions</b>		
18 (1)	Where as a result of any visitor's report or other information acquired by the Education and Training Committee or the Council and taking account of the observations received from the institution under article 16(9), the Committee is of the opinion that the standards established under article 15(1) are not, or will not be, met by particular education or training or than an institution is not observing the requirements referred to in article 15(1) it may refuse to approve, or withdraw approval from, as the case may be, any education, training, qualification or institution to which that opinion relates.	Should refusal or withdrawal of approval of courses be required, this would be a matter for the ETC not ETP.  This can arise either through a visitors' report or if some information is drawn to the committee's attention.  Reported to ETC on an ad hoc basis.
<b>Post registration training</b>		
19 (1)	The Council may make rules requiring registrants to undertake such continuing professional development as it shall specify in standards.	ETC is responsible for the oversight of the administration of CPD but not for setting policy or standards. So, for example, it is not a decision for ETC to change the sample size. However, ETC could make a decision to make an amendment to arrangements so that an

		<p>individual cannot be chosen for CPD in consecutive years.</p> <p>ETC assures itself of arrangements through the biennial CPD report.</p> <p>(c/f Registration and Fees Rules)</p> <p>(Registration and Fees Rules 2003: Sets out detailed requirements for registration and these make reference to the Committee requiring certain things in individual cases. This is the detail pertaining Articles 9 and 10 within the Order.)</p>
19 (6)	In respect of additional qualifications which may be recorded on the register the Council may establish standards of education and training and article 15(3) to (8) and articles 16 to 18 shall apply in respect of those standards as if they were standards established under article 15(1)(a).	<p>The full education approvals process can be applied to post registration qualifications in appropriate cases.</p> <p>These would be reported to you in the normal framework described above.</p>
<b>PART III: REGISTRATION</b>		
<b>Establishment and maintenance of the register</b>		
Part III article 5 – 8 inclusive.	With exception of below 5 (2) (b) and 7 (3):-	Responsibility of Council



5 (2) (b)	Prescribe the requirements to be met as to the evidence of good health and character in order to satisfy the ETC that an applicant is capable of safe and effective practice under that part of the register.	Council sets (by rules) the evidence required of good health and character which ETC considers in dealing with individual applications which in practice are delegated to the Chief Executive or any officer nominated by the Chief Executive.
7 (3)	Before determining or varying any fees mentioned in paragraph (2) (c) the Council shall consult the Education and Training Committee and such of those persons mentioned in article 3(14) as it considers appropriate.	ETC need to be consulted before fees are set or varied. They are a statutory consultee in the normal way.
<b>Registration Renewal of registration and readmission</b>		
Article 9 and 10*		All individual registration decisions are made in the name of the Education and Training committee. Therefore, the decision to admit, to renew or readmit an applicant are all made by ETC. This also includes grandparenting under article 13 and temporary registration under European mutual recognition under Article 13 A.  In practice, all of these actions are delegated to the Chief Executive or an officer nominated by him.
<b>Approved qualifications</b>		
12 (2)	The ETC shall determine procedures to:-	

12 (2) (a)	Assess whether a qualification awarded outside the UK is of a comparable standard to a qualification mentioned in paragraph (1) (a) and it shall, where it sees fit, keep a list of qualifications which are of a comparable standard which it shall publish and keep under review;	ETC is responsible for the comparable qualification processes. This is reported to ETC on an ad hoc basis. A recent example is ETC considering the process for approving comparable qualifications and agreeing the qualifications to be added to that list.
12 (2) (b)	assess other training or professional experience acquired outside the UK and to compare it, together with qualifications mentioned in sub-paragraph (a) where appropriate, with the standards of proficiency required for admission to any part of the register; and	
12 (2) (c)	assess training or professional experience acquired in Wales, Scotland or NI in social work and to compare it, together with qualifications mentioned in sub-paragraph (a) where appropriate, with the standard of proficiency required for admission to the part of the register relating to the social work profession in England.	

## **2. Remit of the Education and Training Committee**

- 2.1 The table above clearly sets out the responsibilities of the Committee and how Committee is currently assuring itself of its oversight role. However, it does identify an area where a greater level of reporting is required, namely the registration function (articles 9 and 10). This is so that the Committee can assure itself as to the registration decisions being taken in its name. The Committee should give consideration to how best this can be done.

## **3. Consultation role of the Education and Training Committee**

- 3.1 The role of the Committee in consultations is set out under article 14. Currently, when Council consult on, for example, revised standards, the draft consultation document is considered by ETC before Council and then once the consultation has concluded, the outcomes are considered by ETC and then Council.

- 3.2 However, the following advice has been received:

“The setting of standards is a Council responsibility and, in doing so, it may seek advice from the ETC, engage in dialogue with that committee or indeed act upon a proposal which the ETC has initiated. In that regard the ETC may advise the Council on such matters even when its advice is not sought.

However, at the point the Council has settled upon a proposed course of action and goes out to consultation, the ETC's involvement should be limited to being invited to respond to that consultation. The ETC must not be given any form of preferential treatment as a consultee and, in particular, should not be asked to review or approve a consultation document when it will be among those being consulted. If that occurs, the scope for allegations of bias or of the consultation being tainted should be readily apparent.”

- 3.3 Committee's approval is sought to changing the approach to consultations as set out in paragraph 3.2.

## **4. Education and Training Committee Scheme of Delegation**

- 4.1 The Committee has delegated a number of actions to the Chief Executive and the Director of Education and this is intended to facilitate the efficient and effective functioning of the Committee. Council, in agreeing the revisions to the 'Code of Governance' at their meeting in September 2017 have given consideration to this document. However, formal approval from the Committee is required. Therefore, approval is sought to the Education and Training Committee Scheme of Delegation as set out in Appendix 1.

## **5. Decision**

5.1 The Committee is invited to:-

- (i) Agree how the registration function should report to Committee;
- (ii) consider whether any further reporting is required in order that the Committee can assure itself of the actions being taken in its name;
- (iii) agree the revised approval route for consultation documents; and
- (iv) agree the Committee's revised Scheme of Delegation.