

Health Professions Council
Education and Training Committee Meeting, 12th June 2007

Process for complaints made about educational programmes

Executive Summary and Recommendations

Introduction

There is currently no public process for complaints made about educational courses. Any information received about an approved programme which may call into question whether it should be approved is currently investigated from the outset by the Education and Training Committee.

Ensuring that a programme which has been approved by HPC continues to meet our standards is a vital part of our role in protecting the public, since approving programmes is how the HPC ensures that those who are admitted to the Register via the UK-approved course route (the majority of our applicants) have the professional knowledge and skills required in order to practise safely and effectively.

The primary way by which HPC ensures these programmes continue to meet the Standards of Education and Training, and that those completing the programme meet the Standards of Proficiency, is via the Annual Monitoring process, and the Major / Minor change process. However, it is also recognised that additional information about an approved programme may be received via other means. This information may come from a variety of sources, from students, to practice placement educators, to others.

This paper recommends that the Committee discuss establishing a clear and transparent process to consider information received which balances the need to disregard information which is not related to how a programme meets the Standards of Education and Training, or information which is not relevant to the regulator, with the need to take action if it appears that a programme which appears on the Register of Approved Courses does not meet HPC's standards.

Decision

The Committee is invited to agree the attached process and to ask the Executive to undertake the further work necessary in order to plan for its implementation, and to bring back this work to the meeting of the Committee in September 2007.

Background information

None

Resource implications

The project to establish this process, and to do further work on the detailed operational requirements forms part of the workplan for the Policy and Standards and Education teams for this financial year.

Financial implications

None

Background papers

None

Appendices

None

Date of paper

31st May 2007

Education complaints procedure

Present situation

Approving, and ensuring the ongoing approval of educational programmes is a vital part of HPC's role to protect the public: ensuring that students who have completed an approved programme will meet the Standards of Proficiency for their profession. An up-to-date list of all approved courses is available online and any change to an educational course is normally picked up either through the annual monitoring process or the major/minor change process as appropriate.

There are currently no formal procedures for making a complaint about an educational course. If information about a programme is received it is examined and assessed by the Education and Training Committee who then recommend the course of action that the Education – Approvals and Monitoring department should take.

The executive believes that any complaints about educational courses should be subject to a clear and transparent process balancing the need to disregard any information not related to the programme's approval with the need to take action in other cases in order to protect the public.

Using the fitness to practise (FTP) assessment process

Following legal advice, it is established that an important consideration for any process developed by the Education and Training Committee is the need not to compromise any fitness to practise case that might be necessary against an individual registrant involved in delivering the programme.

Specifically, any complaint we receive about an individual registrant must comply with the due process requirements of the Health Professions Order and the Human Rights Act 1998. When a complaint is received it is necessary to establish at the outset whether it is a complaint about an individual or a programme because any course of action is dependent on this distinction.

If the complaint is about an individual any investigation would be conducted by the Fitness to Practise team. These complaints must be investigated in accordance with the registrant's right against self-incrimination. Importantly, any evidence obtained by voluntary admission through this type of investigation *would* be admissible if it was later found that this was in fact a complaint relating to an educational programme.

However, if a complaint was investigated as a complaint about a programme and was subsequently found to be about an individual, any evidence obtained effectively under the compulsion powers of Part IV of the Order may be inadmissible to any subsequent FTP proceedings.

It is evidently therefore important that information is not mistakenly treated as a complaint about an educational programme, since this may compromise the information available to a subsequent fitness to practise hearing.

The Executive therefore propose a system whereby information received by HPC about an educational programme is dealt with in the first instance by the Fitness to Practise team. There are two main advantages to this: the first is the ability to use the FTP team's well-established processes and experience in dealing with complaints, the second is that FTP then assume responsibility for ensuring that the complaint is not in fact about an individual. This ensures that information can be acted on appropriately.

Similarly, the process below also proposes adopting certain other processes that are not only well-established within FTP, but which also represent good practice in terms of complaints handling, including setting up a case file, and allowing the education provider the opportunity to respond to the complaint.

If a complaint is identified against an approved programme, the outline proposed process below has three potential outcomes:

- a) 'no case to answer' : The information received does not relate to the Standards of Education and Training, or concerns a matter which is otherwise not relevant to the approval of the programme by the regulator. Or, the information does relate to the Standards of Education and Training, but is considered not to substantively alter how they are met, or to call into question the fact that they are met. The outcome is effectively that the programme's approval is unchanged.
- b) 'Annual Monitoring' : This outcome is suggested for where there is information which relates to the Standards of Education and Training, but where the nature of the information is not such that immediate action is required.
- c) 'Directed Visit' : This third outcome is anticipated to only occur in a very small number of cases, where the information received is of such a nature that it necessitates immediate action by the regulator, to ensure that the programme continues to meet the required standards. A 'directed visit' is one which involves a focussed consideration of the programme based upon the particular information received and the issues raised.

Outline proposed procedure (also see process diagram below)

- 1) A complaint would be received in writing and logged by FTP;
- 2) The complaint would be considered by FTP and a case file set up;
- 3) Request for further information to assist FTP to determine nature of complaint (i.e. whether the information relates to the fitness to practise of an individual, or whether it suggests a programme does not meet the Standards of Education and Training);
- 4) If a decision is made by FTP that case is about a programme and not an individual and is passed on to the Education department;
- 5) Education department carries out further investigations as required; including obtaining permission from complainant to disclose complaint to education provider and submitting complaint to education provider for comments;
- 6) The education department recommends a course of action to the Education and Training Committee:
 - a. no case to answer;

- b. information received should be fed into the next Annual Monitoring cycle;
or
- c. directed visit.

Further work required

If the top-level outline for this process is agreed by the Education and Training committee, the Executive will undertake further detailed work on elements of this process, including:

- The criteria for determining the suitable outcome from the complaint;
- More information on how a directed Visit would be undertaken, including guidance for Visitors, any necessary Visitor training, and information for education providers about this process.
- Procedures for dealing with urgent cases.
- The Council's legal responsibilities under the Order if programme approval may be withdrawn.

Process diagram

