Education and Training Committee
6 September 2023

hcpc health & care professions council

ETC education operational decision making development– proposal for change

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 asked the Executive to consider the level of review needed for low-risk decisions, and decided we should progress with a changed approach in June 2023. This paper presents a worked up proposal for change, which is being presented to ETC for consideration and decision.

Previous consideration	- Paper to ETC – June 2021 – this paper established the current governance arrangements - Paper to ELT and ETC in May and June 2023 - Paper to ELT in August 2023 – where proposals were agreed for presentation to ETC
Decision	The Committee is asked to decide whether the proposal should be implemented
Next steps	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
EDI impact	None
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ETC education operational decision making development– proposal for change

Current state

1. A full overview of the current state can be found within the ETC paper from June 2023. Key points are:

    1.1. Our legislation (the Order) requires ETC to make decisions on programme approval. ETC also makes decisions on operational education matters, due to good governance practice.

    1.2. This power to make decisions is delegated within the ETC rules to a Panel of the Committee (ETP).

    1.3. Professional experts (partner visitors) make recommendations about programme and provider approval, and monitoring outcomes, to the ETP.

    1.4. Partner visitors are recruited to a competency framework, complete mandatory learning and development activities, and are supported with written guidance and frameworks, and advice from members of the team.

    1.5. The current governance model was designed to be right touch whilst complying with the Order, reducing the number of ETP meetings required when compared to the legacy model.

    1.6. In the current decision-making process[1]

        1.6.1 Decisions are categorised into three 'tiers. This allows us to identify decisions that can be made on the papers and those which require an ETP to be convened.

        1.6.2 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).

        1.6.3 Meetings of the ETP are reserved for items which require discussion before a decision can be made.

        1.6.4 All other 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.

        1.6.5 Tier 1 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.

        1.6.6 In the last 12 months all Tier 1 decisions have been approved on the papers, with no changes to recommendations made by ETP.

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[1] See Appendix 1 for further detail

Background for proposal

2. ETC members asked the Executive to consider the level of review needed for papers based (tier 1) decisions.

3. In June 2023, the Executive presented the following options to the ETC

   3.1. Option 1, do nothing – decision making for tier 1 remains as it currently is.

   3.2. Option 2, replace the current full report required through tier 1 with assessment-level summary reports to inform ETP decision making. In this option, decision making and escalation would remain the same (ie would remain with ETP to make decisions and escalate to higher tiers)

4. ETC decided that we should fully explore the second option and bring back a fully worked up proposal to the September 2023 ETC meeting.

Developments to implement proposal

5. When discussing the proposal, several areas were discussed which needed addressing before any proposal could work. These areas are explored in the table below.

6. The internal quality assurance function has undertaken a sense check review of the proposal and areas discussed. Although this is not a formal audit, this was undertaken to improve and provide confidence on the proposal.

7. The following areas should not be seen as the only ways we ensure quality through our work. We are currently producing an assurance framework document which will cover all mechanisms used to assure quality, within which the proposals would function, if adopted. This framework will be available for submission of the paper to ETC in September.

Area	Risks mitigated	How this will be addressed
Ability to draw together summary reporting to be presented via tier 1	• The Order is clear that a '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)) • Legal advice was clear that "it would be compliant to provide the ETP with a truncated report from the visitors covering the matters set out in the legislation" and "care would need to be taken to ensure that the truncated report accurately and adequately captures to essential parts of the full report, on the matters required by the legislation, and that the truncated report comes from the visitors"	• Addition of summary report appendix^2 into our report templates, which covers the areas defined in the legislation. • This report is drawn together from lead visitor comments (as current reports are), and formally and specifically signed off by the visitors • Creation of template and method of drawing summary reports together to be presented to ETP in papers via tier 1

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^{2} Template included as Appendix 3

Area	Risks mitigated	How this will be addressed
Mechanism so new provider approvals always go through tier 2	• When proposing new programmes, existing providers will usually progress through a lighter touch institution level assessment through stage 1 of the approval process • For existing institutions, stage 1 is usually Executive led, which ensures alignment of new provision withing the structures we understand are in place through previous assessments. • Within this route, there is not a full review of these approaches against the standards, as approaches were previously assessed as meeting standards • Deciding to approve a new provider to deliver approved programmes for the first time is a higher risk decision, as with this approval, providers are likely to go through Executive -led stage 1 of the approval process	• ETP presented with the full report through tier 2 of the decision-making process • This enables ETP to review all areas of the provider's approach to education, and discuss any areas required, before an approval decision • Some minor updates to process and the template report are required, so decisions are correctly routed, and reports are clear on the ask

Area	Risks mitigated	How this will be addressed
ETC member feedback / insight on education operational activities	- Panel provide insight from their close review of reports currently - We do not want to lose Panel's understanding of case level assessments, or their insight when picking up themes or challenges - Committee members feel confident they do not need to understand the detail to play this oversight role	- Level of reporting to ETP tier 1 to include information as follows: - Approvals – type and quality of the provision, and resources available - Performance review – quality of the provision, review period, reasons for reaching review period - Focused review – the whole report will continue to go to tier 1 (due to the nature of these reports a summary is not possible) - Annual report, produced around September of each year, which contains thematic analysis of provider performance against our requirements, presented to ETC for discussion (from 2023) - Process controls (discussed through this table, and within the assurance framework) provide assurance that good recommendations are made, to aid good decision making
Consistent use of data through assessment processes	ETC no longer sees all detail in reporting, meaning they cannot provide the broader view on consistency of the use of data	- Introduced framework for the use of data, including what should be explored through processes - Paper on developments in our use of data to a future meeting of the ETC (possibly also September)

Area	Risks mitigated	How this will be addressed
Ability to address any consistency issues with monitoring periods	• ETC no longer sees all detail in reporting, meaning they cannot provide the broader view on consistency of recommendations	• Framework for decision making exists within guidance, which is applied by lead visitors, and overseen by case Executive s Introduction of the following process points: • Discussion between case Executive s and line managers when reaching conclusions with lead visitors • Active check added to report production guidance to ensure monitoring period fits with the framework (checked by case Executive when producing, and manager / peer when reviewing) • Additional discussion point focused on the review period at monthly post ETP review meetings (attended by all case Executive s and managers)
Quality assurance review of tier 1 decisions	• In the June Committee discussion, we discussed whether the QA function could undertake a retrospective review of tier 1 decisions, once the proposal is in place • This would be to review whether good decisions were made through tier 1	• We have existing and new proactive process controls to ensure good decisions are made • Through existing process level reviews, the QA function reviews decision making • Based on current resourcing, the earliest the QA team could do a specific review of this area would be in the 2024-25 financial year • Therefore, it makes sense to integrate this within existing QA process level audit work (eg reviewing tier 1 performance review decisions via the planned review of the performance review process in 2023-24 FY)

Decision

8. ETC is asked to decide whether this proposal should be adopted.
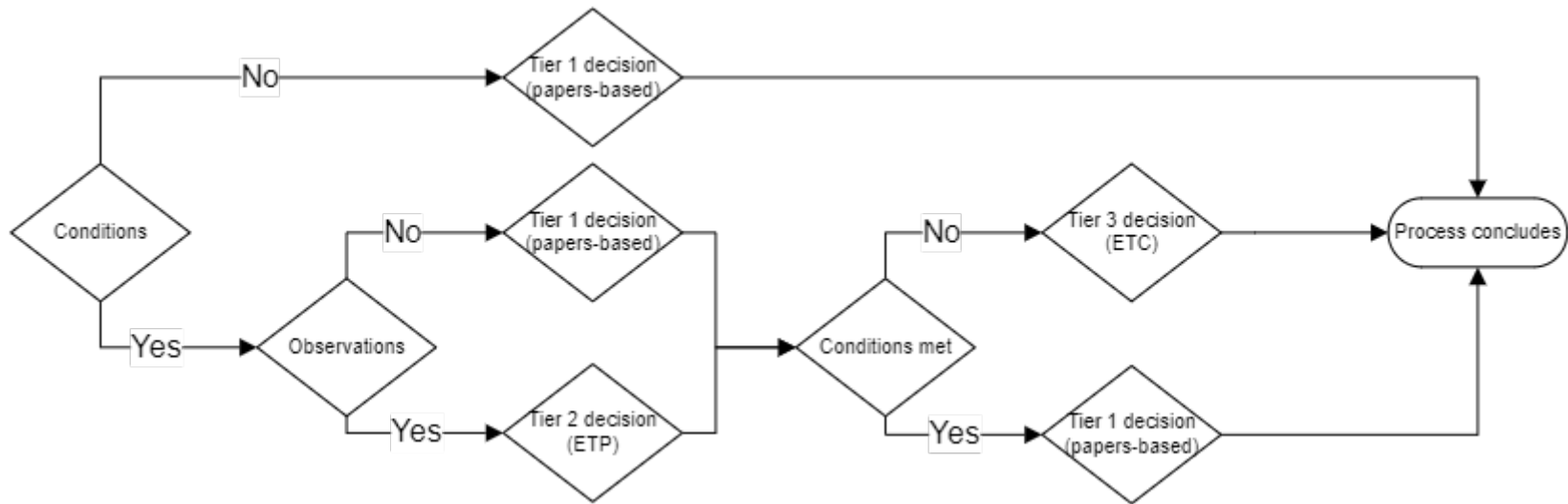
Appendix 1 – decision making tiers

The following table illustrates the situations in which the levels of decision making apply, and how the levels function. There have been no changes to this as part of the proposed change.

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

ETC 6 September 2023 -
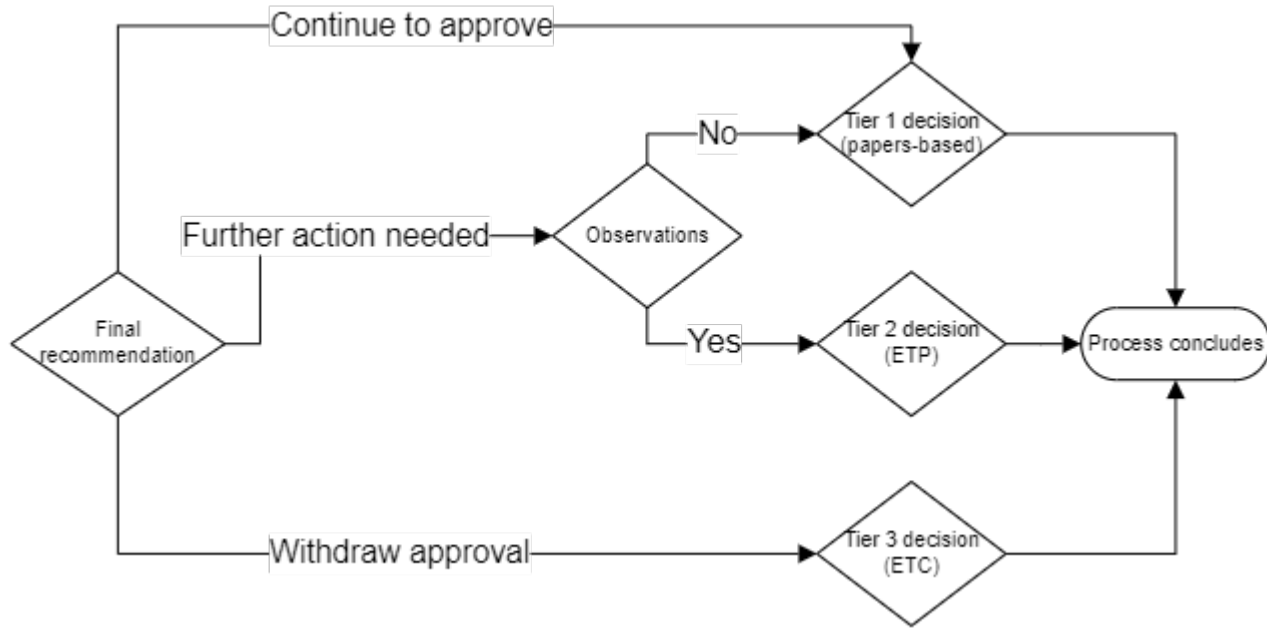ETC operational decision making development - proposal for change
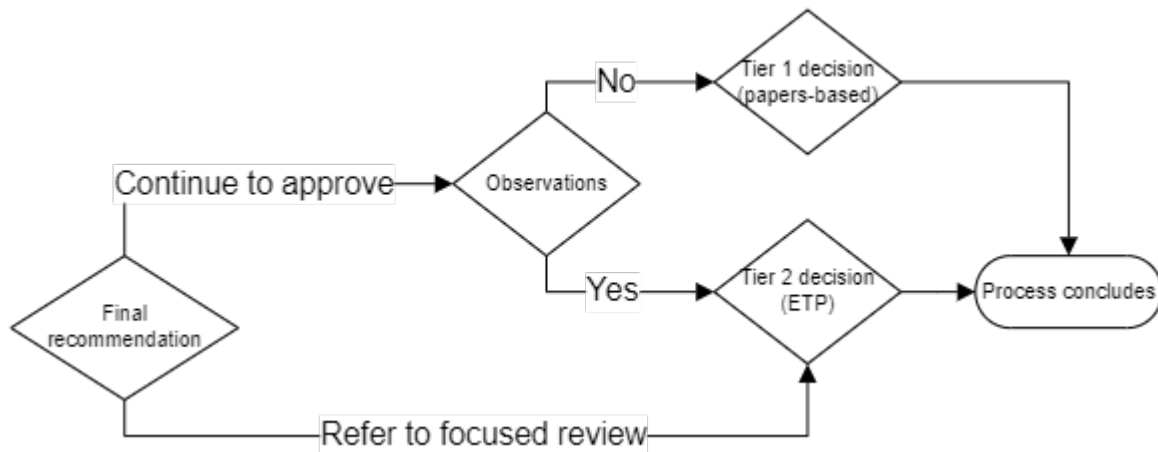
Appendix 2 – summary report templates (mocked up)

These templates will be included in all visitors reports, and completed and signed off by the visitors as an accurate summary of their recommendation. For the ETC Meeting, we will produce mocked up versions of these so members can more easily understand the difference in the look and feel of decision making.

Approval process

If the education provider does not provide observations, only this summary report (rather than the whole report) will be provided to the Education and Training Committee (Panel) to enable their decision on approval. The lead visitors confirm this is an accurate summary of their recommendation, and the nature, quality and facilities of the provision.

Education provider	Case reference	Lead visitors	Quality of provision	Facilities provided
Canterbury Christ Church University	CAS-01280-N7T5H6	Lucy Myers Jennifer Caldwell	Through this assessment, we have noted the programme meets all the relevant HCPC education standards and therefore should be approved.	Education and training delivered by this institution is underpinned by the provision of the following key facilities: • Teaching space and resources appropriate to the delivery of the programme • This includes specialist teaching facilities and equipment

Programmes		
Programme name	**Mode of study**	**Nature of provision**
MSc Speech and Language Therapy	FT (Full time)	Taught (HEI)

Performance review process

If the education provider does not provide observations, only this summary report (rather than the whole report) will be provided to the Education and Training Committee (Panel) to enable their decision on the next steps for the provider. The lead visitors confirm this is an accurate summary of their recommendation (including their reasons) and any referrals.

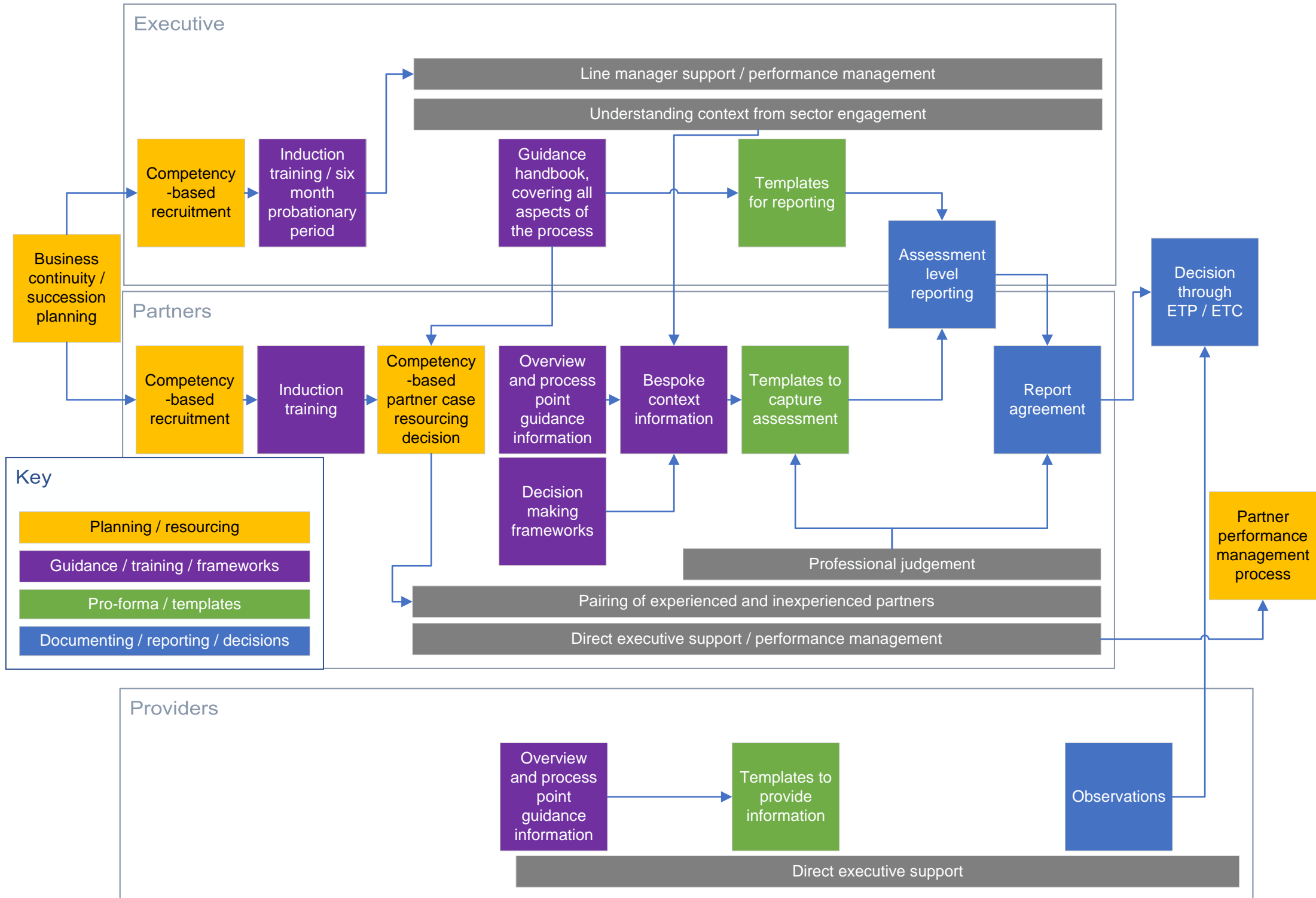| Education provider	Case reference	Lead visitors	Review period	Reason for recommendation	Referrals
Regent's University London	CAS-01244-X7F8S5	• Garrett Kennedy • Jennifer Caldwell	3 years	The education provider discussed the closure of their only approved programme which will impact on their provision. We will need to review how these progresses and ensure learners are being supported in three years time.	None
Sheffield Hallam University	CAS-01247-B2R1V8	• Jane Day • John Crossfield	3 years	To provide the education provider with sufficient time to introduce the key new initiatives around new practice-based learning and a reinvigoration of the service user strategy. As outlined earlier in the report, these have been referred to the next performance review. This timeframe would allow the education provider time to be able to introduce, monitor, review and evaluated the proposed / recently introduced initiatives.	The following areas were referred to the next performance review process: • Reflection on the rollout of new types of practice-based learning. • Reflection on the reconvened service user steering group and the recruitment of a dedication person to lead patient and public involvement.

Appendix 3 – assurance framework

Education assurance framework

This document provides a high-level overview of the mechanisms in place to ensure quality in education quality assurance decisions. It is not an exhaustive list, but is rather intended to give the reader a sense of how quality mechanisms function to provide an environment conducive to good decision making, in line with our regulatory remit.
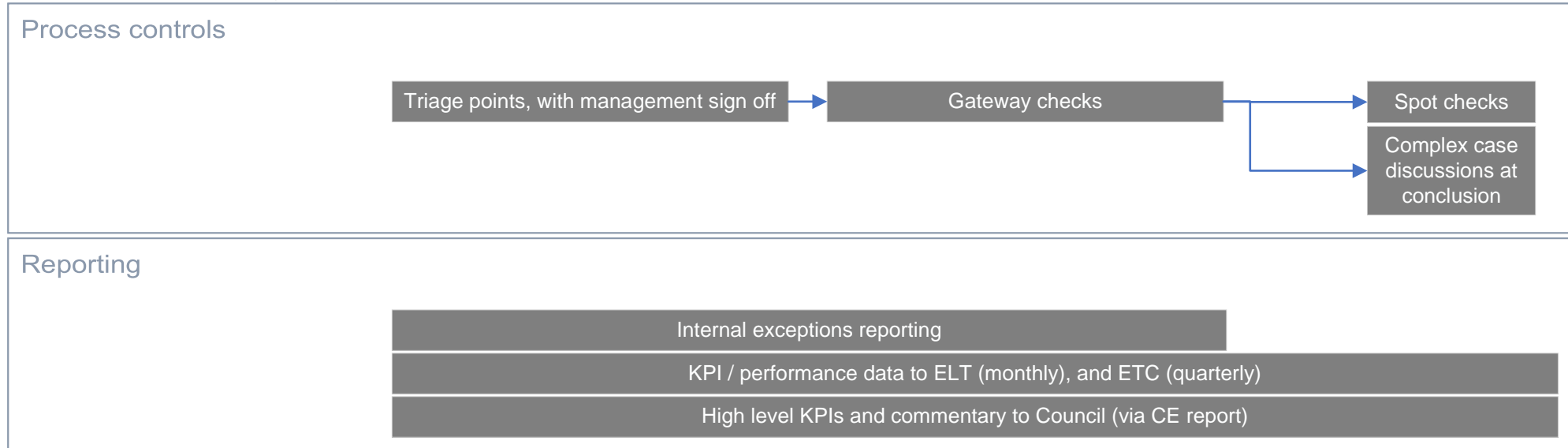
Processes resourcing, support and decision making

This section is presented as a time-based narrative, setting out assurance mechanisms in place through normal process interactions with the key groups responsible for process progression and decision making.

Executive

- Line manager support / performance management
- Understanding context from sector engagement
- Competency-based recruitment
- Induction training / six month probationary period
- Guidance handbook, covering all aspects of the process
- Templates for reporting
- Assessment level reporting

Business continuity / succession planning

Partners

- Competency-based recruitment
- Induction training
- Competency-based partner case resourcing decision
- Overview and process point guidance information
- Bespoke context information
- Templates to capture assessment
- Report agreement
- Decision making frameworks
- Professional judgement
- Pairing of experienced and inexperienced partners
- Direct executive support / performance management

Decision through ETP / ETC

Partner performance management process

Key

- Planning / resourcing
- Guidance / training / frameworks
- Pro-forma / templates
- Documenting / reporting / decisions

Providers

- Overview and process point guidance information
- Templates to provide information
- Observations
- Direct executive support

Process controls and reporting

This section gives an overview of process controls. For simplicity, process controls are grouped into two categories, as there are multiple check-points through each process where challenge is given and assurance taken.

Process controls

- Triage points, with management sign off
- Gateway checks
- Spot checks
- Complex case discussions at conclusion

Reporting

- Internal exceptions reporting
- KPI / performance data to ELT (monthly), and ETC (quarterly)
- High level KPIs and commentary to Council (via CE report)

Continuous improvement mechanisms

This section gives an overview of continuous improvement mechanisms and internal audit activity.

Continuous improvement

- Open feedback log (monthly review)
- Guidance reviews (yearly / ad hoc)
- Quarterly review of continuous improvement priorities

QA team

- Process audits
- Advice
- Organisation risk and assurance process