

Education and Training Committee 25 March 2009

Guidance on when to 'not approve' or 'withdraw approval' from a programme for visitors and the Education and Training Committee

Executive summary and recommendations

Introduction

This paper is in response to questions raised at approval visits and at Education and Training Committee (Committee) about when a recommendation for non approval or withdrawal of approval can be made and agreed. The Committee is asked to review the information provided and make a decision on whether or not to accept the proposed guidance in appendix one.

Processes

The purpose of HPC's approval process is to gather evidence to show how a programme meets the standards of education and training (for new programmes) or show how an already approved programme continues to meet the standards of education and training.

HPC's approval process includes a review of documentation prior to an approval visit. After the visit has been completed the visitors can make one of the following recommended outcomes to the Education and Training Committee through the visitors' report:

- approve or reconfirm ongoing approval of the programme with no conditions;
- set conditions on the programme, all of which must be met before the programme is approved or ongoing approval is reconfirmed.
- not approve the programme; or
- withdraw approval from a programme previously granted open-ended approval.

The visitors' report is sent to the education provider 14 to 28 days after the visit and the education provider has 28 days in which to make any observations they should wish. Once the 28 days has passed, the visitors' report is submitted to the Education and Training Committee who can make one of the following decisions:

- approve the report and approve or reconfirm approval of the programme if no conditions were set;
- approve the report subject to the conditions being met;
- change the report subject to the conditions being met;
- instigate the non approval or withdrawal of approval processes.

Once the visitors' report has been approved, the education provider must submit documentation to meet the conditions by the agreed due date. The visitors will review the additional documentation submitted to determine whether the education provider has met the conditions. The education provider has a maximum of two attempts following the visit to meet the conditions. After this, the visitors will make one of the following recommended outcomes to the Education and Training Committee:

- approve the programme (the conditions have been met);
- instigate non approval of the programme (the conditions have not been met);
- instigate withdrawal of approval from an already approved programme (the conditions have not been met).

If the Education and Training Committee decided to instigate the non approval or withdrawal of approval processes at the first committee, they can decide to formalise the process and not approve or withdraw approval at this opportunity.

The Education and Training Committee has not taken the decision to instigate and complete the non approval or withdrawal of approval processes. The executive has some anecdotal evidence to say that if these processes have been instigated, the education provider has taken the decision to withdraw their request for approval or close their programme.

Once a programme is approved and has moved into open-ended approval, the only mechanism for the removal of this approval is via the Education and Training Committee. As HPC approval is not granted for a specific time period or for a number of cohorts, a programme retains its open ended approval until the Education and Training Committee makes the decision to withdraw approval.

Operational trends

Over the past two academic years for which we have full information (2006-2007 and 2007-2008) there has been an increase in the number of visits which have had a 'large' number of conditions placed upon their approval or ongoing approval. Taking an arbitrary figure of 20 conditions, programmes from the following professions have been affected:

- Operating Department Practice;
- Occupational Therapy;
- Paramedic;
- Biomedical Science;
- Speech and Language Therapy; and
- Prosthetics and Orthotics.

To ensure that all the evidence is taken into consideration before a recommendation is reached, the executive and visitors' will always continue with the visit. The education provider is then given an opportunity to meet the conditions within the post visit process. Occasionally, the visitors' report recommends that the best way in which to assess whether the conditions have been met is through a follow up visit. While this is not a standard part of the

Date	Ver.	Dept/Cmte	Doc Type	Title	Status	Int. Aud.
2009-03-13	a	EDU	APV	Guidance on when to not approve or withdraw approval	Draft DD: None	Public RD: None

approval process it is a decision which the Education and Training Committee can and has reached.

Any guidance based solely on a 'large' number of conditions would be difficult to implement as it is not based on objective criteria. The nature and extent of the condition must be taken into consideration as well. For example, a visitors' report may recommend multiple conditions which relate to amendments to course documentation. The risk posed to the public by this can be low in comparison to a single condition which requires a complete revision of the learning outcomes.

In addition, as the standards of education and training are interconnected, there have been examples where one piece of missing documentation affects multiple standards. This results in conditions and reasons of a similar nature being placed upon the programme. In reality though, by submitting the missing piece of documentation, the education provider can meet multiple conditions.

It is therefore not appropriate to set guidance on when to not approve or withdraw approval from an already approved programme based solely on the number of conditions set or the number of standards of education and training not met. Visitors and the Education and Training Committee must make their recommendation or reach their decision based on objective criteria.

The executive has sought the advice of HPC's solicitor and this advice has provided the basis for the proposed guidance in appendix one.

Decision

The Committee is asked to agree the following:

- To accept the proposed guidance for visitors and Education and Training Committee and include it in the operational process and distribute to visitors.
- To amend the proposed guidance for visitors and Education and Training Committee include the amended guidance in the operational process and distribute to visitors.

Background information

- Health Professions Order, 2001

Financial implications

Financial implications for this work have been accounted for in the Education Department Budget 2009-2010, for example, already planned visitor training.

Resource Implications

Resource implications in terms of staff time have been accounted for in the Draft Education Department Workplan 2009-2010. Resource requirements include: updates to visitors and amendments to operational processes.

Date	Ver.	Dept/Cmte	Doc Type	Title	Status	Int. Aud.
2009-03-13	a	EDU	APV	Guidance on when to not approve or withdraw approval	Draft DD: None	Public RD: None

Appendices

Appendix one – Guidance for non approval or withdrawal of approval from programmes.

Date of paper

13 March 2009

Date	Ver.	Dept/Cmt	Doc Type	Title	Status	Int. Aud.
2009-03-13	a	EDU	APV	Guidance on when to not approve or withdraw approval	Draft DD: None	Public RD: None

Appendix 1

Guidance for non approval or withdrawal of approval from programmes

Predetermination

Approval is subject to the statutory process set out in Part IV of the Health Professions Order 2001 (HPO) and both visitors and the Education and Training Committee must not predetermine the outcome of a visit. Other than in exceptional circumstances, a visit should take place and be concluded. By doing this the visitors have the opportunity to gather all of the relevant evidence which is available before reaching a decision.

A visit should therefore continue even in the following situations (which have been experienced recently):

- poor quality (but not grossly inadequate) documentation is received before the visit; or
- the documentation received for a visit has been for one programme but when the visitors have arrived at the education provider another complete set of documentation has been received that relates to a different programme.
- the education provider falls to engage fully with the visit.

Following the visit, a visitors' report must be written and submitted.

Specific guidance for visitors

Visitors' recommendations

Visits must follow the established post-visit process. HPC policy is to give education providers the opportunity to meet any conditions which have been set.

In cases where the visitors have serious concerns, they may make a recommendation that the programme should not be approved or that approval is withdrawn. This recommendation must be reached on an objective basis. The number of standards not met or number of conditions placed on a programme are not objective criteria and therefore cannot be the sole reason why a recommendation for non approval or withdrawal of approval is made.

Objective criteria include:

- the nature or extent of the conditions suggest that there are fundamental concerns about the programme or that allowing it to be approved (or to remain approved) poses a risk to the public;

Date	Ver.	Dept/Cmte	Doc Type	Title	Status	Int. Aud.
2009-03-13	a	EDU	APV	Guidance on when to not approve or withdraw approval	Draft DD: None	Public RD: None

- the nature or extent of the conditions would require the commitment of a disproportionate level of HPC resources to conclude the post-visit process. The Director of Education's comments should be sought in cases of this kind;
- where the visitors have received direct evidence that a material condition cannot be met.

Visitors may recommend a follow up visit as part of the post visit process. This would be applicable when the only way to meet the conditions is through the normal meetings within an agenda or where the nature of the conditions mean that a further visit is the most appropriate way of verifying compliance.

Specific Guidance for Education and Training Committee

The Committee must follow the statutory procedure for non-approval laid down in the HPO. Decisions should be made on a case by case basis, on the individual merits.

Date	Ver.	Dept/Cmte	Doc Type	Title	Status	Int. Aud.
2009-03-13	a	EDU	APV	Guidance on when to not approve or withdraw approval	Draft DD: None	Public RD: None