

**Agenda Item 9**

**Enclosure 4**

**Paper ETC28/02**

## **Education and Training Committee**

**REPORT OF A MEETING WITH EDUCATION AND TRAINING  
SECRETARIES AND PROCEDURES FOR THE OPERATION OF  
SECTIONS 4 AND 5 OF THE PROFESSIONS SUPPLEMENTARY  
TO MEDICINE ACT, 1960, DURING THE FIRST  
TRANSITIONAL PERIOD**

**From the Executive**

**FOR DISCUSSION AND AGREEMENT**

## **Executive Summary**

The HPC Executive convened a meeting with all the secretaries (both within HPC and part funded by HPC and located in Professional Bodies) involved with education and training bodies associated with HPC.

The meeting was designed to make recommendations on how to operate Sections 4 and 5 of the Professions Supplementary to Medicine Act, 1960 during the First Transitional Period. It was also designed to start to bring the ethos of a more collaborative, streamlined and coherent approach to professional self-regulation into this activity.

A supporting paper was circulated for this meeting and is appended to the notes of the meeting.

The main recommendations for the Committee are as follows :-

### **Approval (for the first time) of Courses, Examinations and Qualifications under Section 4(1)(a) and (b)**

By the Privy Council, forwarded from the Council, on the recommendation of ETC acting on the advice of a subordinate body.

### **Approval (for the first time) of Further and Higher Education Institutions (FHEI) Institutions under Section 4(1)(c)**

By ETC on the advice of a subordinate body.

### **Approval (for the first time) of Clinical Practice Placements and Laboratories under Section 4(1)(c)**

By Chairman's Action of ETC on the advice of a subordinate body provided that it meets the criteria of being routine, minor, and non-controversial. (In other cases such approvals would come to the full ETC).

### **Major Changes to Provision Approved under Section 4**

For consideration by ETC on the advice of a subordinate body.

### **Minor Changes to Provision Approved under Section 4**

By Chairman's Action (of ETC) on the advice of a subordinate that they are appropriate for this procedure.

### **Continued Approval of Courses, Examinations and Qualifications and Institutions under Section 5**

For consideration by ETC on the advice of a subordinate body.

### **Continued Approval of Clinical Practice Placements and Laboratories under Section 5**

By Chairman's Action (of ETC) on the same terms as above.

Changes to provision enjoying continued approval under Section 5 to be treated in the same way as changes to approval under Section 4.

**Notes of a Meeting of Education and Training Secretaries held at Park House**  
**19 June 2002**

**Present :** Dr. Peter Burley (Chairing, Secretary of HPC ETC)  
Mr. David Ashcroft (Society of Chiropodists and Podiatrists, Secretary of the Chiropodists JQAC)  
Mrs Joanna Brayton (Chartered Society of Physiotherapy, Secretary of the Physiotherapists JVC)  
Ms Mary Embleton (College of Radiographers, Secretary of the Radiographers JVC)  
Mr. Gerald Milch (HPC, lead for AsTs, Dietetics and Chiropody)  
Ms Niamh O'Sullivan (HPC, lead for Physiotherapy)  
Ms Lucinda Pilgrim (HPC, lead for OT, Orthoptics, and SLT)  
Ms Remy Reyes (College of Occupational Therapists, Secretary OT JVC)  
Mr. Paul Shenton (Health & Care Professions Education Forum (H&CPEF) )

**1. Introductions, Welcomes, Apologies for Absence and Scene – Setting**

1.1 Those present were welcomed to the meeting noting that this was the first occasion on which this particular secretariat group had met in this form. The meeting reflected the ethos of the Health Professions Order (HPO) of more streamlined and consistent working across the professions. H&CPEF had been invited as the umbrella body for the professional body (PB) education functions and as a body specifically and separately to be consulted by HPC (on 31 July – see below).

1.2 Apologies for absence : Mr. Thomas Berrie (HPC), Ms Jenny Carey (Chartered Society of Physiotherapy), Ms Cathy Savage (HPC), Ms Rosemarie Simpson (British Dietetic Association), Ms Sylvia Stirling (RCSLT), and Ms Denise Thompson ((HPC, HR Director).

(NB. It was noted that the human resources issues from the discussions would be remitted to Ms Thompson after the meeting):

1.3 Dr. Burley reported that a meeting had been held on 25 April 2002 between HPC and the Chief Executives (or their representatives) of the PBs involved in joint staffing arrangements to discharge Sections 4 and 5 of the Professions Supplementary to Medicine Act, 1960. This meeting had set part of the scene for this current meeting and had agreed that :

- the current JVC etc. arrangements should continue for the first transitional period (notionally to 31 March 2003) on the same basis as before,
- the arrangements after 1 April 2003 would be reviewed in the light of the outcome of the HPC consultation exercise in the autumn,
- any human resources issues would be discussed then in that context, and
- all those HPC staff working on matters to do with SS 4 and 5 of the Act should continue to discharge this responsibility until specifically directed otherwise.

2. **HPC's Position as at 19 June 2002**

- 2.1 Dr. Burley explained that although HPC had come into effect on 1 April 2002 it was still operating under the Professions Supplementary to Medicine (PSM) Act, 1960, for the " first transitional period ", notionally until 31 March 2003.
- 2.2 Part IV of the HPO dealt with education and training (and CPD) and its prospective operation would be consulted on over July – September. HPC was on track to publish its consultation proposals on 1 July 2002. A major topic in the consultation would be the issue of alignment – or not – of procedures between the professions. Questions would be posed, for example, on the relationship between, and integration of, courses and practice placements in the light of the very different approaches currently being taken by different professions.
- 2.3 In parallel with this development, HPC was mindful that the Department of Health (DoH) and the Quality Assurance Agency (QAA) were working on a range of other initiatives to modernise education and training and its Quality Assurance (QA). The HPC consultation would take cognisance of the initiatives and their implications would need to be reviewed alongside the outcome of HPC's consultation exercise.
- 2.4 On expenses and fees, HPC had taken a view that the CPSM regime should persist for the time being for all except the 37 HPC Council members. The level of expenses and fees to be paid to all the categories of people described as " partners " had been remitted to the consultation exercise. It was unlikely in the long term to be less generous than CPSM's. It was agreed that focused comments on using the expenses regime to retain an adequate cadre of Visitors, assessors and advisory (sub-)committee members would be very useful to HPC.
- 2.5 Alignment of practices and procedures between what were now Parts of the Register for operating SS 4 and 5 of the PSM Act were almost certainly unrealistic in the first transitional period, but some greater commonality could still be developed in this interim phase. Proper alignment would be for post-April 2003, subject to the views expressed in consultation.
- 2.6 The (statutory) Education and Training Committee (ETC) was constituted and had started its work. (The three Practice Committees could not statutorily be constituted in the First Transitional Period). Contrary to DoH's expectations, HPC had not (yet) appointed any non-Council members to ETC.
- 2.7 Dr. Burley confirmed that the Council at HPC could not take any decisions on matters directly related to education and training without at the least being statutorily " advised " by ETC. Because ETC and Council membership were currently co-terminous, the risk of the two bodies taking separate and conflicting decisions was that much less.

3. Position of each Pre – Registration Education and Training Working Group (including JVCs etc.) as at 19 June 2002

3.1 General

- 3.1.1 Dr. Burley reminded the meeting that HPC (and ETC) had decided to create an interim advisory body on SS 4 and 5 for each Part of the Register for the duration of the First Transitional Period.
- 3.1.2 These bodies had been constituted as (advisory) sub-committees of the HPC Council for technical reasons. This meant that they did not have to be chaired by HPC Council members. It had meant, however, that HPC Council lay members had been invited to participate in their work (and could be seen as a type of ex-officio member for simplicity). It had also meant that each group should contain representation from all four Home Countries and that ex-Board members who no longer enjoyed the capacity in which they had been appointed at CPSM could not be carried over into HPC.
- 3.1.3 On cycles of meetings, Dr. Burley pointed out that because ETC would meet more frequently than had the CPSM Boards, there might not be an urgent need to seek to align dates in the same way. HPC dates in 2003 had not yet been fixed.

3.2 Arts Therapists

Mr. Milch reported that a JQAC meeting would be convened to deal with a Section 4 approval unless it can be dealt with by post.

3.3 Chiropodists

- 3.3.1 The JQAC had met and had established a cycle of meetings to align with ETC in 2002.
- 3.3.2 There was a growing volume of work caused by a coincidence of difficulties in a number of HEIs simultaneously. There might be a need for a budget increase. **JVC / JQAC clerks generally needed to liaise with the HPC Director of Finance on procedures for this if it arose. \***
- 3.3.3 This led into a discussion of the long-term financial arrangements for the interaction with HE which now dated back to the 1980s. **It was agreed to revisit this topic after the consultation exercise.**
- 3.3.4 There were also a number of re-approvals and restructuring of existing provisions to be dealt with.

\* text in bold indicates matters for action or referring on for HPC/AHPs as a whole.

3.3.5 The renegotiation of funding of pre-registration education in England by Workforce Development Confederations (WDC) needed to be managed carefully to avoid any risk of withdrawal of funding as an unforeseen by-product of other decisions elsewhere at the WDCs. It was agreed to raise this at the Educationalists Forum on 16 October 2002.

3.4 **Clinical Scientists**

A meeting was being arranged to reappraise modalities.

3.5 **Dietitians**

Mr. Milch reported that there was a considerable volume of work pending, particularly on the separate approval of new clinical placements. Work was also in hand to set up a JQAC. (Other PBs were helping BDA here).

3.6 **MLSOs**

A meeting was being set up.

3.7 **Occupational Therapists**

Ms Reyes reported that the JVC had met on 5 June 2002. There were two new programmes for approval and two for re-approval. There were some difficulties arising with some HEIs which might need to be reported to ETC for discussion there.

3.8 **Orthoptists**

3.8.1 Ms Pilgrim reported that the British Orthoptic Society was pressing for a JQAC, but the issues of funding and administration for small professions would arise.

3.8.2 There were a large number of new placement approvals in the pipeline.

3.8.3 A meeting was likely after August.

3.9 **Paramedics**

A meeting was being arranged for 3 July 2002.

3.10 **Physiotherapists**

3.10.1 Mrs Brayton reported that the JVC had met on 14 May and the next meeting would be on 18 July. The main business was increases in student numbers. As for the chiroprodists, there was a growing volume of work linked to DoH modernisation initiatives.

3.10.2 It was noted that when the statutory authority changed from the PSM Act to the HPO, then not only could all assessment regimes be considered on their merits, but also ETC could prescribe staff student ratios and numbers of intakes / cohorts if it chose.

3.10.3 It was agreed to seek to revisit the issue of implementation of the NHS Plan, and proposed increases in student numbers, at the Educationalists Forum in October.

3.11 **Prosthetists & Orthotists**

No meeting was yet needed, but the PB (BAPO) was interested in a JQAC.

3.12 **Radiographers**

Ms Embleton reported that the JVC had met in April 2002 and would meet again on 16 September. There were a number of outstanding approvals. The DoH's modernising programme was creating a spike in new approvals, both of courses and clinical placements.

3.13 **Speech & Language Therapists**

Ms Pilgrim reported that the JVC had met on 8 and 23 May 2002. There were some problems with relations with some HEIs also for ETC to discuss on 3 July 2002. This was in addition to a volume of routine work in the pipeline.

4. **Outstanding Approvals for the Privy Council from before 1 April 2002**

4.1 Dr. Burley reported that there were a number of outstanding course submissions awaiting submission to the Privy Council for the AsTs, SLT, and possibly Dietitians. There might be some Radiography course changes of title, and the JVC would check up on that.

4.2 It was agreed to seek to expedite this outstanding work.

[Secretary's note : for technical reasons, the change of the title of course, even if no other change is made, requires full Privy Council approval ].

5. **Issues Arising from the Background Paper**

5.1 **Dealing with the different Categories of Approval and Continued Approval under Sections 4 and 5**

This item was the main business of the meeting and the main recommendations for ETC were to categorise and deal with SS 4 and 5 business as follows :-

**5.1.1 Approval (for the first time) of Courses, Examinations and Qualifications under Section 4(1)(a) and (b)**

By the Privy Council, forwarded from the Council, on the recommendation of ETC acting on the advice of a subordinate body.

**5.1.2 Approval (for the first time) of Further and Higher Education Institutions (FHEI) Institutions under Section 4(1)(c)**

By ETC on the advice of a subordinate body.

**5.1.3 Approval (for the first time) of Clinical Practice Placements and Laboratories under Section 4(1)(c)**

By Chairman's Action of ETC on the advice of a subordinate body provided that it meets the criteria of being routine, minor, and non-controversial. (In other cases such approvals would come to the full ETC).

**5.1.4 Major Changes to Provision Approved under Section 4**

For consideration by ETC on the advice of a subordinate body.

**5.1.5 Minor Changes to Provision Approved under Section 4**

By Chairman's Action (of ETC) on the advice of a subordinate that they are appropriate for this procedure.

**5.1.6 Continued Approval of Courses, Examinations and Qualifications and Institutions under Section 5**

For consideration by ETC on the advice of a subordinate body.

**5.1.7 Continued Approval of Clinical Practice Placements and Laboratories under Section 5**

By Chairman's Action (of ETC) on the same terms as above.

**5.1.8 Changes to provision enjoying continued approval under Section 5**

To be treated in the same way as changes to approval under Section 4.

**5.1.9 The judgements to be made on the categorisation of business had to be the same as had been made previously before 31 March 2002.**



**5.1.10** It was agreed that the issue of how HPC dealt with " conditions " and " requirements " at validation needed to be addressed in the light of some sometimes difficult experiences under the PSM Act. The PBs would consider making some comment on this in the consultation exercise with a view to initiating an open-ended debate on it.

**5.1.11** The meeting was reminded that all the minutiae of the PSM Act approval procedures still applied in the categorisation of business in the First Transitional Period. Thus, for example, an HEI's decision to deliver an approved course in approved accommodation, but part-time as well as full-time, created a completely new course for the purposes of Privy Council approval.

**5.1.12** It was agreed to treat refusal or withdrawal of approval on a case by case basis (as had been done at CPSM).

## **5.2 Reporting and Documentation Requirements**

**5.2.1** Dr. Burley clarified the following reporting requirements :

- all notes/minutes of subordinate advisory bodies to be submitted to HPC by or via the HPC lead officer,
- that lead officer to format or interpret notes/minutes as needed for the combination of PSM Act and HPC requirements, and
- the different categories of action required under 5.1 above to be identified in covering schedules.

**5.2.2** Dr. Burley reported that ETC had already indicated that it did not wish to deal with course documents as agenda items other than in exceptional circumstances. It was agreed, however, that where courses were being considered for approval or continued approval, then the course document needed to be available for inspection at the meeting. The lead secretariat officer for the professions concerned would be responsible for ensuring that the documents were present at the meeting.

**5.2.3** Where an advisory body wished to raise concerns with ETC specific to a course or institution, then an expert member of the body must be able to present the item at ETC. (The existing expenses regime already made provision for this eventuality). ETC could not itself be expert on the individual professions and institutions.

**5.2.4** It was agreed that only one definitive set of course documents needed to be retained by those secretariats where it was needed – and not a second duplicatory set at HPC if the secretariat was external.

5.2.5 Noting that each profession and each advisory body at CPSM had enjoyed a different annual reporting regime, it was agreed to ask the Council at HPC at the appropriate time for guidance on how Section 44 ("Annual Reports") was to be interpreted for education and training work in the First Transitional Period. (NB. for the Second Transitional Period and subsequently guidance might emerge from the consultation exercise).

6. Register of Approved Courses

- 6.1 The meeting received the background paper.
- 6.2 It was agreed that the PBs would be happy to work with the Learning and Teaching Support Network for Health and Scientific Practice and with HPC to explore this proposal to produce a register collaboratively and to explore an IT approach linking it to HEIs' web-sites and programme specifications..

7. Other Relevant Meetings and Events (and Attendance at them)

7.1 The following events were relevant to secretariat officers' work and open to them to attend, subject to management agreement :-

3 July 2002	ETC (Park House)
31 July 2002	H&CPEF meeting as also an HPC consultation event (NB rescheduled from 23 July) (COT)
3 September 2002	Interprofessional Education Seminar Organisation event on "The Balance between shared awareness and proper uni-professional provision" (COT)
4 September 2002	ETC (Park House)
19 – 20 September 2002	LTSN Festival of Learning in Bristol
16 October 2002	ETC, and as Educationalists Forum (RCSLT)
27 November 2002	ETC (Park House)

7.2 It was clarified in this context that it would be beneficial for all lead secretariat officers to attend at ETC, subject to management approval, both in principle to further the HPC ethos of consistent and collaborative working, and specifically if they were submitting relevant business to the Committee. This level of attendance was already allowed for in the JVC/JQAC budgets.

## **8. Grandparenting**

- 8.1 Dr. Burley reported on the position as he understood it that :
- the detail of the process had been remitted to (a non-statutory) Registration Committee at HPC,
  - applications could not be invited until both the professional titles to be protected and the Standards of Proficiency were approved (and that would not be until sometime in 2003),
  - ETC's role would be to approve " top-up courses " and such provision in due course if asked, and
  - the volume of applications could be very much dependent on the political decisions Ministers would take on the titles to be protected.
- 8.2 In discussion it was agreed that neither DoH nor the unregulated Chiroprody associations seemed fully to have grasped the implications of registration by top-up course. These implications included that the applicants ceased to be grandparents but became holders of an approved qualification, that the currently unregulated sector's education and training turned into an APEL route to approved provision, and that if HPC approved a qualification for registration which could not meet the definition of a " diploma " in the two relevant EC Directives then there was a risk HPC could inadvertently de-regulate all its professions for the purposes of European Law. (This last point had been checked with the two National Co-Ordinators and confirmed as a risk, but as no other European state had yet done this, there was no case law).
- 8.3 Dr. Burley confirmed that titles could be changed under the HPO, probably by the " negative resolution " procedure of an Order of Council. HPC, PCO, and Ministers were likely to resist too frequent changes of title. Also, it might be that any change of title would initiate a new right to grandparenting with new operative dates for " safe and effective practice " as an entry route to registration.
- 8.4 The General Chiropractic Council's experience and expertise on grandparenting, as presented to the Pennington's regulatory seminar on 13 June 2002, was commended to secretariat staff.

## **9. Health Professions Wales**

- 9.1 Dr. Burley reported on HPC giving evidence to a pre-legislative enquiry into the NHS (Wales) Bill to the House of Commons Welsh Affairs Committee in Cardiff on 17 June 2002. (A report is attached).
- 9.2 Those present confirmed that the devolved authorities in Scotland and Northern Ireland were aware of the equivalent discretion in the Scotland and Northern Ireland Acts.
- 9.3 It was noted that standards setting remained a UK-wide function and that – ideally – the procedures for assurance of those standards should also be comparable between the UK countries.

9.4 It was agreed that it would be useful if these issues could be raised at the HPC consultation events in Scotland and Northern Ireland.

10. **Standards of Proficiency**

10.1 Dr. Burley tabled details of the progress made to date by the Quality Assurance Agency in setting up groups to develop the standards.

10.2 The meeting was reminded that this was meant to replicate the Subject Benchmarking exercise wherever and however possible.

11. **H.R. Issues**

11.1 Staff were anxious that work, roles, levels of staffing etc. were to be properly appraised in the autumn.

11.2 It was agreed that the more multi-professional approach HPC could take might have significant implications for the staff and secretariat support work, at least at HPC in the first instance. It was noted that HPC's problem was still likely to be keeping pace with expanding demands.

11.3 In the longer term it was agreed that if outsourced staff remained involved in this work, then HPC and AHPF might usefully liaise on relevant training provision to ensure that the relevant staff were all appropriately – and consistently – prepared for their tasks. (An example from discussion was to understand the legal requirements of Chair's Action).

12. **Any Other Business**

None.

13. **Future Meetings**

It was agreed to meet again in this format at an appropriate date after 16 October 2002.

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**POSITION STATEMENT ON THE CONTINUATION OF APPROVALS AND  
CONTINUED APPROVALS UNDER SS. 4 & 5 OF THE P.S.M. ACT DURING  
THE FIRST TRANSITIONAL PERIOD**

**1. Introduction**

The Health Professions Council (HPC) is obliged to continue to use Sections 4 and 5 of the Professions Supplementary to Medicine (PSM) Act, 1960, for the approval and continued approval of education and training provision for the duration of the "first transitional period" up to 31 March 2003.

HPC has set up specific arrangements to transact this work and to advise the Education and Training Committee (ETC) and Council for this period.

This paper describes the position as at the end of May 2002 and as many of the procedures as are established.

**2. (First Transitional Period) Pre-Registration Education and Training Working Groups (PRETWG)**

As background, HPC is the successor in title to both the Council and to all the Boards at the Council for Professions Supplementary to Medicine (CPSM) and has a statutory (multi-professional) Education and Training Committee.

For each "Part" of the HPC Register (ie. for each profession) the Council has set up and appointed members to PRETWGs. The groups have been given this title to avoid any confusion with "Professional Advisory Committees" or "Panels of Professional Advisors" as mentioned in the text of the Health Professions Order (HPO). Those two types of body will be the subject of specific consultation for the longer term (ie. into the second transitional period and thereafter).

The bodies have been constituted as advisory Sub-Committees of the Council reporting via the ETC. This mechanism allows the maximum flexibility for them and has no other significance.

Their constitution is tailored to the circumstances of each profession, but some broad principles run through them. These include continuity of expert membership from the Boards at CPSM, members

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from each of the UK countries, and involving the HPC Council member and alternate and one lay member in them.

Their constitution as sub-committees of Council allows the PRETWGs to elect their own chairs, who need not be a Council member or alternate. JABs, of course, often elected co-chairs in the past, and this, too could continue.

There are inevitably loose ends with memberships of PRETWGs. The view taken at ETC on 22 May was that they should meet and make recommendations on their own membership to HPC where President's action can be taken as appropriate.

### 3. "Transitional Work Forms"

This is the title given to the exercise at HPC to re-engage the former Board members, assessors, visitors, and others in HPC work for at least the first transitional period. All these members etc. were contacted and almost all have written back to confirm their continued willingness to serve. Those not re-included are those whose cease to fulfil the capacity in which they were originally appointed. This is a specific new consequence of the HPO, which makes continuing to fulfil a capacity a requirement of continued appointment.

### 4. Former JVCs etc. as against former Boards

Around half the professions regulated at CPSM enjoyed collaborative working arrangements with the relevant professional body (PB). These joint bodies had a number of different names, but most commonly Joint Validation Committees (JVC). As a more inclusive title they can be described as "Joint Advisory Bodies" (JAB).

The Council and ETC took a strategic decision for the first transitional period that all such collaborative working should continue. This means that the JABs have been reconstituted and rolled forward - as a technicality - as PRETWGs for the HPC half of the arrangements. In practice this means that the same members with the same secretariat (see below) transact the same business in 2002/3 as they did in 2001/2. The one difference necessitated by the change of statute is to include HPC Council members in some way, although most of those identified in this way were in fact already involved in the work under CPSM.

For the former Boards which did not enjoy collaborative working, the former Board members who wished to serve again under HPC are reconstituted as a PRETWG with the three Council members included.

Please note that there is now only one education and training advisory body for each profession. Where a JAB has been reconstituted it now reports direct to ETC, and there is no separate duplicatory body of HPC members.

### 4. Secretariats

HPC took the view after 1 April 2002 that those former CPSM staff working on SS 4 and 5 of the PSM Act should continue to do so under HPC - and for the same professions - for the first transitional period.

A meeting was held on 25 April 2002 with the Chief Executives and other representatives of the PBs concerned with JABs to confirm the continuation of HPC's financial support for JAB secretariat costs where based in the PBs.

Inevitably all these arrangements will need to be reviewed for 2003/4 onwards, but in a managed process agreed on 25 April 2002 interacting with the HPC consultation process and the development of new Rules and procedures over the winter and spring.

As a follow up from that meeting on 25 April, the HPC Executive is arranging a meeting of all the education secretariat staff to discuss and review the arrangements for the first transitional period.

In broad terms the reporting lines remain as they were before 31 March 2002. The notes of each meeting are passed to the Secretary of ETC, with matters requiring non-routine decision highlighted.

#### 5. Approvals under Section 4 (1) (a-b) of the PSM Act (and 4 (1) (c) where tied in with 4 (1) (a-b))

DoH has advised that these still need to be submitted to the Privy Council. The advice to HPC (and to the PBs) will operate as before. ETC will need to receive the report of the validation event (or whatever local title is used for it) together with expert advice from a PRETWG. ETC will report this on to Council which will then forward it to the Privy Council. So far as possible all the staff involved in this work prior to 1 April 2002 should continue to be involved in it. The formal letter to the Privy Council for HPC purposes will be signed by Marc Seale.

#### 6. (Separate) Approvals under Section 4(1) (c) and Continued Approval under Section 5

There is much greater discretion here, and the presumption is that these can be dealt with at ETC level at the highest. New approval of a new institution must be reported to ETC for its endorsement. The Section 5 business varies between routine re-approval of provision such as laboratories and Orthoptic placements and full continued approval of large degree courses. Detailed protocols have still to be worked out, but there is a presumption in favour of using Chairman's Action at ETC on a coherent basis to transact business which can be demonstrated to be minor, routine, and urgent. Larger scale continued approvals will probably require formal submission of reports with course documents being available for inspection – very much as before.

#### 7. Documentation

Except where there are serious concerns or disputes, neither the Council nor ETC would expect to receive course documentation as circulated papers for discussion. Under Section 4(1)(a-b) and continued approval of a whole course under Section 5 the course document, however, should be available for inspection at the meeting concerned should any member wish to see it.

#### 8. Expenses

The 25 HPC members have their own expenses regime which will operate for them separately from any other arrangements. The regime for members of PRETWGs appointed by HPC is still being devised, but will be at least as generous as the former CPSM regime. This work rests with HPCs Finance and General Resources Committee. In JABs the PBs are responsible for their appointees' expenses, and it was agreed on 25 April 2002 that HPC should take the issue of equity into account.

#### 9. Educationalists Forum

This body has also been reconstituted under HPC and it is intended that the following categories, *inter alia*, should receive invitations (see Shadow ETC minutes of 13 February 2002):

- chairs (and co-chairs) of PRETWGs,

- secretaries of PRETWGs, and
- the former CPSM Board educationalists where re-appointed under the "transitional work forms" exercise,
- all ETC members, and
- chair and secretary of the Health & Care Professions Forum.

It is hoped that this quarterly forum can allow a useful interchange and co-ordination where needed.

#### 10. Present Position of PRETWGs

The AsTs, Chiropodists, OT, Physiotherapists, Radiographers, and SLT JABs are continuing with scheduled meetings.

The Dietitians, Orthoptists, and P&Os have expressed a desire to explore JABs. In the meantime PR,ETWGs have been constituted and meetings convened as needed (with an Orthoptists meeting being set up).

The Paramedics will be convening a meeting shortly.

The MLSOs and Clinical Scientists are both still absorbing the implications of a change to the registrable qualification necessitated by the HPO. Meetings are being arranged.

ETC meets on 3 July, 4 September, and 16 October (and also as the Forum then) 2002.

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*Professions Supplementary to  
Medicine Act, 1960*

CH. 66



## CHAPTER 66

An Act to provide for the establishment of a Council, boards and disciplinary committees for certain professions supplementary to medicine; to provide for the registration of members of those professions, for regulating their professional education and professional conduct and for cancelling registration in cases of misconduct; and for purposes connected with the matters aforesaid.

[27th October, 1960]

4.—(1) Subject to the provisions of this section, the board Approval for any profession may approve for the purposes of this Act— of courses, qualifications and institutio

(a) any course of training which the board considers is designed to confer on persons completing it sufficient knowledge and skill for the practice of that profession and which persons having such preliminary qualifications as the board considers appropriate are eligible to attend ;

(b) any qualification which, as the result of an examination taken in conjunction with a course of training approved by the board under this section, is granted to candidates reaching a standard at the examination indicating, in the opinion of the board, that they have sufficient knowledge and skill to practise that profession ;

(c) any institution which the board considers is properly organised and equipped for conducting the whole or any part of a course of training approved by the board under this section,

and may refuse its approval under this section or withdraw such an approval previously given ; and notice of the giving, refusal or withdrawal of such an approval shall be served by the board on the body or person affected.

(2) Where an application is made to a board for its approval under this section for a course of training or a qualification, the board shall send the application with its recommendations thereon to the Council, and the Council shall send the application and recommendations, together with its own recommendations thereon, to the Privy Council, and the Privy Council shall determine whether the approval is to be given or refused :

Provided that before determining that an approval is to be refused, the Privy Council shall afford the applicant an opportunity of making representations to them with respect to the application and the recommendations of the Council and the board thereon.

(3) If a board proposes to withdraw its approval under this section for a course of training or a qualification, the board shall report the matter to the Council and the Council shall send the report and its observations thereon to the Privy Council, and the Privy Council shall decide whether the proposal shall be abandoned or shall be proceeded with in accordance with the following provisions of this section.

(4) If it appears to the Council, after consulting the board by which an approval has been given under this section for a course of training or a qualification, that the approval should be withdrawn in view of any advances in medicine or allied sciences or any other changes in circumstances (including changes in the activities of the board) which have occurred since the approval was given, the Council shall make a proposal to the Privy Council that the approval be withdrawn; and the Privy Council, after affording the board an opportunity of making observations on the proposal, shall decide whether the proposal shall be abandoned or shall be proceeded with in accordance with the following provisions of this section.

(5) Where the Privy Council decide under subsection (3) or (4) of this section that a proposal shall be proceeded with, the board shall serve notice on the body or person affected stating that the withdrawal of the approval in question is being considered and inviting that body or person to send to the board in writing, within one month from the date of the notice, any representations which that body or person may wish to make to the Privy Council against the withdrawal.

(6) Where no such representations are received by the board within the month aforesaid, the Privy Council may if they think fit direct the board to withdraw the approval; and where such representations are so received—

(a) the board shall send the representations and its observations thereon to the Council, and shall serve a copy of its observations on the body or person affected; and

(b) the Council shall send the representations and the board's observations, together with its own observations thereon, to the Privy Council, and shall serve a copy of its own observations on the body or person affected; and

(c) the Privy Council, after affording the body or person affected an opportunity of making additional representations on the observations of the board and the Council, shall determine whether the approval is to be withdrawn and shall give directions to the board accordingly.

(7) The power of approval conferred on a board by subsection (1) of this section shall include power to approve—

(a) a course of training prepared by the board and conducted either under arrangements made by the board or otherwise;

(b) a qualification awarded by the board as the result of an examination held under arrangements made by the board;

and the foregoing provisions of this section shall apply in relation to an approval under this subsection, and any other approval

for a course of training or a qualification for which no application is made, as if an application for the approval were made by the board concerned and as if subsections (5) and (6), and in subsections (3) and (4) the words "in accordance with the following provisions of this section", were omitted.

(8) If a board refuses or withdraws its approval under this section for an institution, the body or person affected may, within one month from the date of service on him of notice of the refusal or withdrawal, appeal to the Privy Council; and the Privy Council, after affording the board and the said body or person an opportunity of making observations on the case and after considering any representations of the said body or person on the board's observations, shall either dismiss or allow the appeal and, where they allow an appeal against a refusal of approval, shall direct the board to give that approval.

(9) If before the expiration of six months from the date of an application for approval under this section for an institution the approval has not been given or refused, the applicant shall be deemed to have received notice of its refusal on the expiration of that period; and the withdrawal of such an approval shall not take effect until the expiration of the month mentioned in subsection (8) of this section and, if within that month the body or person affected gives notice to the Privy Council of an appeal under that subsection against the withdrawal, shall not take effect unless and until the appeal is dismissed or abandoned.

(10) The withdrawal of an approval under this section shall not prejudice the registration or entitlement to registration of any person who was registered or entitled to registration by virtue of that approval immediately before it was withdrawn.

(11) Any reference in this section to a body or person affected, in relation to an approval, is a reference to the body or person who applied for the approval.

5.—(1) It shall be the duty of each board to keep itself informed of the nature of—

(a) the instruction given at approved institutions to persons attending approved courses of training; and

(b) the examinations as the result of which approved qualifications are granted.

Supervision  
of approved  
institutions  
and of  
examinations  
for approved  
qualifications.

(2) For the purpose of its duty under the foregoing subsection, a board may appoint persons to visit approved institutions or to attend examinations as a result of which approved qualifications are granted.

(3) It shall be the duty of a visitor appointed under this section to report to the board as to the sufficiency of the instruction given to persons attending approved courses of

training at the institutions visited by him, or as to the sufficiency of the examinations attended by him, and as to any other matters relating to the institutions or examinations on which the board may, either generally or in a particular case, request him to report; but no visitor shall interfere with the giving of any instruction or the holding of any examination.

(4) A board may pay to visitors appointed under this section remuneration and travelling and subsistence allowances at such rates as the Council may determine with the consent of the Privy Council and after consultation with all the boards for the time being established under this Act.

(5) In this section the expression "approved", in relation to a board, means approved by the board under section four of this Act.

**Notes from the Presentation of oral Evidence on the draft NHS (Wales) Bill to a Session of the Welsh Affairs Committee of the House of Commons held in Cardiff on 17 June 2002**

1. Present from HPC : Mr. C. Lea (Vice-president)  
Prof. A. Hazell (lay member)  
Mr. N. Willis (Practitioner member)
- Dr. P. Burley (for Chief Executive)

Present from the Welsh Affairs Committee :

Martyn Jones MP ( Chairing )  
Julie Morgan MP  
Dr. Hywel Francis MP  
Martin Caton MP  
Albert Owen MP

Also present : Members of the National Assembly for  
Wales (without speaking rights),  
Officials from Health Professions Wales (HPW), and  
Officials from the Nursing and Midwifery Council (NMC)

2. The session was primarily a pre-legislative enquiry into the draft NHS (Wales) Bill and the proposals in it for HPW. It seemed that the outcome of HPC's consultation would come too late to be fed into the Bill. As expected the preponderance of questions and comments in the session was about matters wholly related to nursing and the former Welsh National Board.
3. The secondary purpose of the session was to allow the Committee to ask HPC and NMC their intentions towards HPW under Section 20 of the OICs (worded identically). (Section 20 of the HPO states :

" 20. The National Assembly for Wales may create or designate a body with which the Council may enter into any such arrangements as are referred to in article 15(5) of this Order in order to perform its function under article 15(4)(b) in respect of the standards established under article 15(1) or 19(4) or (6) ). "

For HPC the response was that we would be informed by the outcome of our consultation exercise. It was clarified, though, that the setting of standards was a UK wide function which could not be delegated and that S 20 covered only work to monitor and ensure those standards.

4. We were asked specifically what the statutory mechanism would be to change Section 20 from being discretionary to being mandatory – from which we inferred that this was on some MPs' minds. (It could only be done by an amending Order in Council under S. 60 of the Health Act, 1999, after agreement by both Houses of Parliament). We also suggested that the relationship between regulatory bodies generally and HPW might be remitted to the Council for the Regulation of Health Care Professionals.

5. In questioning it emerged that HPW set great store by regulating Health Care Support Workers (HCSW). The Committee asked HPC and NMC about this and it was explained that :
  - there was no immediate power for either body to register them,
  - both HPC and DoH would be consulting on the issue over the summer, and it was a matter reserved to the Westminster Parliament under a S. 60 Order.
6. HPW would be recruiting AHP and scientific staff to support its work whether or not HPC chose to take up the S. 20 discretion.
7. It was also clarified in discussion that the Explanatory Notes to the Bill in due course would make it explicit that HPW would cover all health and social care sectors and not just the NHS.

Note : We also received clarification from HPW that S 20 of the HPO and NMO refer only to Wales because the equivalent discretions in Scotland and Northern Ireland were written into the Scotland and Northern Ireland Acts, but omitted from the Wales Act, and hence had to be included elsewhere (ie.in our OICs).

PB 17/6/02