

Education and Training Committee, 10 June 2010

Review of the threshold level of qualification for entry to the Register ('SET 1')

Executive summary and recommendations

Introduction

At its meeting on 25 March 2010 the Education and Training Committee considered a paper reviewing the threshold level of qualification for entry to the Register.

The Committee requested more information before it could reach a decision. The attached paper included further information and analysis and appends the paper considered at the last meeting.

Decision

The Committee is invited to discuss the attached paper and appendices particularly the questions outlined in section 7 to determine the next steps for the review of SET 1.

Background information

Please see paper and appendices.

Resource implications

The resource implications will be dependent upon the outcome of the Committee's discussion but might include:

- Writing further papers, consultation documents, position statements or guidance.
- Arranging and running stakeholder meetings with education providers, visitors and others.
- Arranging the printing and mailing of a consultation document.
- Arranging the printing and mailing of new standards or guidance.

These resource implications are accounted for in the draft Policy and Standards Department and Education Department workplans for 2010/2011.

Financial implications

The financial implications will be dependent upon the outcome of the Committee's discussion but might include:

- Stakeholder meetings with education providers including venue hire and associated costs.
- Printing and mailing of a consultation document.
- Printing and mailing of new standards or guidance.

These financial implications are accounted for in the draft Policy and Standards Department budget for 2010/2011.

Appendices

- Appendix 1: Paper and appendices considered by the Education and Training Committee on 10 June 2010.
- Appendix 2: Legal advice Jonathan Bracken, Bircham Dyson Bell, Solicitor to the HPC

Date of paper

27 May 2010

Review of the threshold level of qualification for entry to the Register ('SET 1') – Education and Training Committee 10 June 2010

1. Introduction

- 1.1 At its meeting on 25 March 2010 the Education and Training Committee considered a paper reviewing the threshold level of qualification for entry to the Register.
- 1.2 At the meeting, the Committee did not reach a final decision in relation to the options and recommendations included in the paper and requested further information from the Executive at a future meeting which would inform further decision in this area.
- 1.3 Three main areas were identified for further information and exploration:
 - The interaction between the review of the threshold level of qualification for entry to the Register and the ongoing review of the generic standards of proficiency. In particular, whether SET 1 would be necessary if the profession-specific standards of proficiency were rewritten to reflect the 'markers of cognition' required at different levels of qualification.
 - The implications for the standards of education and training if SET 1 was to be removed in its entirety.
 - Whether any learning could be drawn from the experience of the Nursing and Midwifery Council which had relatively recently announced its intention to move to a degree threshold entry requirement for entry to the nursing profession.
- 1.4 This paper summarises the main points from the previous paper considered by the Committee, outlining the salient points from the Committee's discussion and includes the additional information and analysis requested by the Committee. Section 7 additionally updates the Committee on potential developments in education and training for operating department practitioners. Appendix 1 is the paper considered by the Committee at its previous meeting.
- 1.5 Any decisions reached by the Committee at this meeting to consult on amending or removing the standard would be subject to ratification by the Council.

Legal advice

- 1.6 Following the Committee's last meeting the Executive has sought legal opinion from Jonathan Bracken, HPC Solicitor. The Executive sought advice on the feasibility, factors to consider and the merits or otherwise of the following:

- The suggestion that SET 1 might be removed and the standards of proficiency rewritten to include cognitive markers to the required level.
- The suggestion that the existing standards might be written to use levels referenced to the UK qualifications frameworks.

The legal opinion received (in the form a memo received by email) is included in appendix 2.

2. Summary of previous paper

2.1 The paper considered by the Committee on 25 March 2010 outlined and discussed four 'key issues' for the review. These are reproduced below together with a summary of the options outlined in the paper:

2.2 **The purpose of the existing standard and its role in delivering safe and effective practice and public protection. In particular, how meaningful the standard is given its normative status.**

- The 'normative' status of the standard raises questions about how meaningful the standard is and whether it is necessary for public protection. The HPC could not lawfully refuse to approve a programme which met the remaining standards of education and training and the standards of proficiency but which did not result in the form of award outlined in SET 1.
- The standard is often misunderstood and misinterpreted.
- There is a view that the threshold performs a useful role and that removing it would leave a 'vacuum' and detrimentally affect the level of public protection. The standard is a useful benchmark in assessing the standards of proficiency and is an important way of governing both the length and depth of pre-registration education and training.
- The standard has a wider role and significance beyond its role in the HPC approval process and levels of entry are often considered to be linked to the status and identity of a profession. Removing the standard may not be well received, particularly amongst professions that have had a consistent level of education and training over a long period of time.

2.3 **The factors to be taken into account in setting the threshold level for a new profession. In particular, whether it is possible to read across from the standards of proficiency to establish the level necessary to successfully deliver those standards.**

- A number of common arguments are often made when the threshold level is established for a new profession. They include that a proposed level is too high or too low than necessary; that levels will impact upon the cost of training and supply into the 'market place'; and that the level set should reflect existing provision.
- There is difficulty in reading across from standards of proficiency to qualification levels. The standards of proficiency do not include 'markers of cognition' in the same way as standards used in education for other purposes. The existing threshold levels vary from level 4 up to level 8 on the National Qualifications Framework (NQF) and the standards of proficiency may not provide an objective basis for that difference.

- Setting the threshold level has not been problematic or contentious where a profession already has a consistently delivered level of education and training but has proven more problematic where there is variation in the awards and/or levels of existing education and training. It might be observed that to some extent the existing levels set are more a reflection of existing provision rather than an objective assessment of what is necessary to deliver the standards of proficiency.

2.4 **The question of whether the standards should be expressed in terms of levels linked to qualifications frameworks rather than the names of academic awards.**

- A move to a standard expressed in terms of levels rather than awards might overcome problems of a lack of clarity; the difficulty of interpreting the 'equivalence' statements in the existing standard; and any perception of higher education bias.
- A levels-based approach might fail to ensure the appropriate length and depth of training in the same way as an awards-based approach. In some professions a levels-based approach might be interpreted as lowering the existing level because some levels on the qualifications frameworks encompass more than one form of award.

2.5 **The factors to be taken into account in considering whether the threshold level for an existing profession should be raised.**

- The threshold level has not to date been increased for an existing HPC registered profession.
- The paramedic profession argues that the profession's threshold level should now be increased in recognition that a significant proportion of programmes are now delivered above the existing threshold.
- The position adopted to date is that we might consider whether the threshold level should be increased if we had evidence that the existing standards of proficiency needed to be changed in order to protect the public and if the majority of entrants to the profession were qualified above the existing threshold level.

2.6 **Options**

The paper included four options for the outcomes of the review (outlined in section four and discussed in section five of that paper):

- Option 1: No change to SET 1.
- Option 2: Revise the standard to change from awards to levels.
- Option 3: Remove the standard.
- Option 4: Produce policy statements for the Executive, visitors, education providers and others.

The paper recommended that the Committee adopt options 2 and 4 together.

3. SET 1 and the standards of proficiency

- 3.1 In the paper, the legislative context of SET 1 was set out. The standards of education and training are the standards necessary to deliver the standards of proficiency. In turn, the standards of proficiency must be those threshold standards which are absolutely necessary for safe and effective practice. In other words, the standards must describe what it is necessary to know about, understand or do in order to practise safely and effectively at first entry to the Register.
- 3.2 The paper set out that one difficulty with the existing arrangements is the link between the threshold level and the standards of proficiency. This has proved challenging in previous decisions about setting the threshold level for new professions joining the Register, particularly where there has not been complete uniformity in the entry-level qualifications and awards for a given profession.
- 3.3 Standards used in higher education for other purposes, such as learning outcomes and level descriptors, often include 'markers of cognition' (such as 'critically evaluate') in order to delineate between the standard / level required for different forms of award (for example, between that required for an undergraduate degree compared to a masters programme). A few small isolated examples aside, the existing standards of proficiency do not consistently incorporate such terms.
- 3.4 There is a continuing difficulty in making decisions about the threshold levels on a purely objective basis – i.e. on the basis that that level is necessary to successfully deliver the standards of proficiency – rather than other factors such as the prevailing level / awards of existing provision.
- 3.5 At the Committee's meeting, it was suggested that the standards of proficiency were central to mitigating or solving the key issues identified about the existing arrangements. In particular, it was suggested that SET 1 could be removed if the standards of proficiency were rewritten to more accurately reflect the levels the professions consider necessary – i.e. that the standards should be written to include the markers of cognition appropriate to the level of programmes in that profession (e.g. the standards of proficiency for dietitians might be rewritten with such markers to reflect a bachelors degree with honours).
- 3.6 Article 5 (2) (a) of the Health Professions Order 2001 says: 'The Council shall from time to time— establish the standards of proficiency necessary to be admitted to the different parts of the register being the standards it considers necessary for safe and effective practice under that part of the register'. The standards of proficiency therefore have to be objectively necessary for safe and effective practice and cannot include content which is extraneous or which is in excess of this requirement.

- 3.7 The legal opinion appended sets out some of the challenges in adopting a 'cognitive markers' or 'learning outcomes' approach. These include:
- In order to set cognitive markers for each standard of proficiency it would be necessary to identify the level of the knowledge and skills which must be met by a newly qualified practitioner at point of entry to the Register.
 - In such an exercise a distinction would need to be made between essential knowledge and skills (sometimes referred to in previous discussions as 'first post competencies') from those of broader benefit.
 - This may not be a simple exercise. Approved programmes delivered at the level specified in the existing SET 1 are likely to include content which exceeds the threshold required by the standards of proficiency – SET 1 and the standards of proficiency are threshold standards which do not prescribe content. A cognitive markers approach would mean that visitors would need to assess each component of a programme against its own specific attainment level, which might vary considerably between components of the same programme.
- 3.8 In addition, although such an approach might overcome some of the difficulties of the present standard (for example, its expression in terms of awards rather than levels) it would not overcome the difficulties of making decisions about levels which are capable of objective evaluation. For example, this would still raise questions about why a particular cognitive marker reflecting a particular level of qualification was necessary over another level. As outlined above, the 'cognitive level' of the standards would still need to reflect what was necessary for safe and effective practice and it would still be problematic to set this level, particularly where there was no consistency in the prevailing level or awards of pre-registration education and training. Decisions may still continue to be heavily influenced by the prevailing level of pre-registration education and training, rather than by an objective assessment of safe and effective practice.
- 3.9 The generic standards of proficiency are currently being reviewed and a consultation is due to take place from the summer 2010 on proposals to introduce more 'overarching' generic standards which would appropriately incorporate the (increasing) difference and diversity of the regulated professions. This would in effect mean that some of the existing generic standards would become profession-specific in order to ensure that they can be expressed in terms appropriate to individual professions, with consistency across the professions retained as far as possible. The Education and Training Committee and the Council recently agreed to consult on these proposals. It is important note that if a 'markers of cognition' approach was taken to the standards of proficiency this could not be applied to the generic standards as there is a wide variation in the level of education and training required at entry to the various professions.

4. Consequences of removing SET 1 on the standards of education and Training

4.1 At the Committee's meeting, some discussion centred on the desirability of removing SET1 altogether (whether with or without other changes, such as changes to the standards of proficiency discussed in section 3 of this paper). The Committee requested more information about the potential impact of removing the standard on the remaining standards of education and training.

4.2 The potential advantages and disadvantages of removing the standards were set out in option 3 outlined in the paper considered at the meeting. In summary the advantages outlined were:

- Removing the standard might help resolve a number of challenges faced with the existing arrangements including:
 - a lack of clarity, understanding and possible lack of meaningfulness associated with the 'normative' nature of the standard;
 - the difficulty of assessing equivalence to formal academic awards;
 - the difficulty of using the standards of proficiency as a basis to determine the level; and
 - the challenges associated with setting the level for a new group or raising the level for an existing profession.
- Removing the standard might better reflect the 'legislative intent' of the Health Professions Order which includes no express power to set the qualifications required for entry. It might be argued that removing the standard would be more consistent with the overall 'outcomes based' approach of the standards of proficiency and the approach taken by the HPC in its regulatory activity more generally.
- The removal of the standard might empower education providers, commissioners and other funders of education by allowing the development of programmes without the actual or perceived 'barrier' created by the standard.

4.3 In summary, the disadvantages include:

- Removing the standards might be perceived as lowering standards and adversely affecting public protection. This may create some challenges, particularly where the level of entry has been stable and widely agreed for a number of years.
- Removing the standard would open flexibility for commissioners and education providers to develop shorter or 'lower level' awards which may not be welcomed by some stakeholders. The shorter or lower level awards may arguably not be commensurate with public protection.

- There might be a perception of lack of leadership from the regulator on a topic which many stakeholders consider to be directly linked to public protection.
- 4.4 In the feedback sought from visitors, the majority of visitors considered that SET 1 performed a useful function and that public protection might be harmed by its removal. These arguments included that SET 1 was central to producing autonomous professionals; provided a useful benchmark for assessing the standards of proficiency and that it was a way of governing both the length of depth of education and training. Some spoke of a 'vacuum' should the standards be removed.
- 4.5 The 'length' and 'depth' argument seems to be the most common argument put forward to date against removing the standard in its entirety. The standards of education and training likely to be impacted by removal would be those standards most clearly linked, influencing or influenced by the length and depth of the programme, including those standards related to admissions, assessment, delivery and, potentially, resources. Some specific standards might include:
- SET 4.2 (curriculum guidance). There is an argument that in the absence of a standard which carries with it expectations of length and depth this might leave a 'vacuum' in the area of curriculum guidance.
 - Standard 4.6 (autonomous and reflective thinking). There is an argument that the assessment of this standard might prove difficult if there are no 'level' expectations elsewhere in the standards which, arguably, implicitly guide the required levels of autonomy and reflection.
 - SET 6.2 (external reference frameworks). The guidance to this standard explains that as the threshold level for different professions varies, the expectations of the standards will be different. For example, the expectations of meeting the standards of proficiency related to research would be different where the threshold is set at masters degree level, compared to bachelors degree level. The assessment of this standard might be more difficult if SET 1 was removed.
- 4.6 If the Committee was minded to remove the standard, the consultation and stakeholder engagement process would provide further opportunities to explore the extent of the actual and/or perceived impact of removal of the standard and would help to establish whether any changes to the standards of education and training were necessary as a result.
- 4.7 In the paper considered by the Committee at its last meeting, the Executive argued against removal of SET 1 on the basis that visitors argue that the standard does provide a useful benchmark of the depth of learning and/or length of programmes. In addition, the Executive was concerned about the perception that removing the standard would fail to protect the public and therefore that such a move might be poorly received

by stakeholders. In particular, there is a risk that such a move might be particularly poorly received by those professions who argue that the existing terms of SET 1 are inadequate to ensure public protection. For example, as outlined in more detail in the previous paper, the paramedic profession argue that the existing SET 1 threshold for paramedics is inadequate and should be raised; removing the standard might exacerbate rather than assuage this concern.

- 4.8 The legal opinion sought by the Executive outlines that there is an argument for removing the standard on the grounds of 'superfluity' given its normative status – 'a standard which can be met without strict compliance is not really a standard'. However, the legal opinion offers the point of view that removing the standard might mean the loss of a 'valuable indicator' of the nature and level of threshold programmes which is beneficial for education providers, visitors and the Committee itself.
- 4.9 However, the legal opinion is clear that in strict legal terms there is nothing to prevent the Committee removing the standard (following public consultation) if it considers it would more appropriate to do so.

5. A levels-based approach

5.1 At the Committee's meeting there was some debate regarding whether changing the standard to levels would help provide clarity or whether removal was more appropriate. The legal opinion sought by the Executive has suggested a further factor that the Committee would wish to take into account in any decision it reaches.

5.2 The existing standard is expressed in the form of the names of academic awards. For example, the threshold level for many professions is a bachelors degree with honours. The paper considered by the Committee debated the advantages and disadvantages of moving to a levels-based approach whereby the requirement for each profession would be expressed in the form a level linked the qualifications frameworks. For example, the award of a Masters degree is a level 7 qualification on the National Qualifications Framework (NQF) and Framework for Higher Education Qualifications (FHEQ), and a level 11 qualification on the Scottish Credit and Qualifications Framework.

5.3 The advantages include:

- This would ensure the use of 'or equivalent', identified by some visitors as problematic, and might help ensure that the entry level does not quickly become out of date for developing professions (i.e. because the levels often encompass more than one form of award).
- The qualification frameworks are referenced against each other and apply across different sectors, avoiding a model which might appear to be overly higher education or theoretical in its focus.
- A levels-based approach might provide more clarity – providing a common language and framework for consistency despite different award systems in different parts of the UK and between education providers.

5.4 The disadvantages include:

- The use of levels rather than the names of awards might be interpreted as lowering standards in some professions where the level encompasses more than one form of award. For example, the threshold level of arts therapists is a masters degree but a level 7 award on the NQF and FHEQ also includes 'lower level' postgraduate certificates and postgraduate diplomas.
- A level only expresses depth of learning but does not carry the same expectations about the length of a programme as an awards-based approach.
- There would still be challenges around equivalence where qualifications are not linked to a qualifications framework and around the link between the standards of proficiency and the level that should be set. This might be particularly challenging, for example, in some of

the domains of psychology registered within the practitioner psychologists part of the HPC Register. In domains such as occupational psychology entrants undertake a masters programme delivered by a HEI (not approved by HPC) followed by a professional body delivered qualification which confers eligibility to apply for registration (and is therefore HPC approved). However, this component is not formally linked to the qualifications framework via HEI validation or accreditation by an awarding body. There are challenges, therefore, in determining the overall 'level' which should be set.

- 5.5 In the paper considered by the Committee, the Executive argued that on balance an awards-based approach would help achieve more clarity in the standard for all via the use of external benchmarks which are well understood in the education field and which are UK-wide. However, it was acknowledged that this approach would not resolve all the challenges identified and that additional guidance and information would need to be produced.
- 5.6 The legal opinion sought by the Executive concludes that amending SET 1 to a levels-based approach would be a 'viable proposition'. The qualifications frameworks are outcomes-focussed, 'providing broad and generic indications of the abilities that the typical student should have developed and should be able to demonstrate at each specified level'.
- 5.7 The 'normative' status of the existing standard is often poorly understood or lacking in clarity. Historically, the 'normative' nature of the standards has not proven popular in discussion by the Committee and by the Professional Liaison Group (PLG) which was charged with reviewing the standards of education and training.
- 5.8 A levels-based approach would be outcomes focussed, avoiding the difficulties of names and descriptions of awards. As such, legal opinion supports that a levels-based approach would mean that the standards would no longer need to be expressed in normative terms – 'If the new SET 1 was based upon outcomes then a programme either would or would not meet them and the standards would not longer need to be expressed in normative terms'.

6. Pre-registration nursing education and training

- 6.1 At the meeting it was suggested that the HPC might be able to learn from the experience of the Nursing and Midwifery Council which had announced that the threshold level of entry to the nursing register would be raised from a diploma of higher education to an honours degree.
- 6.2 The Executive contacted the NMC to discuss the drivers and rationale for this change, including whether the required levels sat within the NMC's legislation or within its standards.
- 6.3 The NMC's predecessor, the United Kingdom Council for Nursing, Midwifery and Health Visiting (UKCC) set the requirement for pre-registration nursing education and training at a diploma of higher education and the NMC inherited this requirement at its inception. The diploma replaced the previous occupational-based training route for nurses and brought their education and training within the higher education sector. We understand that this requirement sits in the NMC's standards and guidance rather than specifically in its legislation.
- 6.4 Overall, the NMC's approach to approval of education and training is different from the HPC's. The NMC sets standards of proficiency for pre-registration education and training but these include both outcome-based competencies similar to the HPC's standards of proficiency, as well as standards related to the structures of education and training – this includes requirements related to the balance of theory and practice in programmes; the amount of AP(E)L which would be permissible; and progression points in programmes.
- 6.5 The work which led to the NMC's decision to in October 2008 to move to a degree entry to nursing was taken forward as part of the project Modernising Nursing Careers undertaken by the Department of Health. In addition, 'A High Quality Workforce' published in June 2008 as part of Lord Darzi's 'Next Stage Review' of the NHS, said that a move to a degree entry profession might help improve quality. The first stage of the NMC's review of pre-registration education and training was informed by research undertaken by the University of Glamorgan into the future of nursing. This research looked at the influence that workforce and demographic factors might have on the nursing profession and therefore nursing education and training in the future. The NMC also conducted focus groups and held a formal public consultation.
- 6.6 The different arguments for and against the move towards a degree entry standard are similar to the arguments made in response to HPC consultations on setting the threshold level for new professions. The arguments for the degree entry for nursing included that a degree entry would be more attractive to recruits; would enhance the status of nursing; and would deliver new skills such as critical analysis and higher level problem solving skills. The arguments against included that the diversity of entry to the profession would be lost, deterring some who might otherwise be able to train; and that a degree was simply not necessary for the vocation of nursing. In the consultation process, the majority of

organisations that responded agreed with the move to degree level whereas the majority of individuals who responded did not.

6.7 The NMC's subsequent decision to raise the threshold was taken with the support of the four UK health departments and other key stakeholders such as the Royal College of Nursing and NHS Employers. A significant number of degree programmes already exist and from September 2013 only degree programmes will run. The NMC says that a degree entry will allow nurses to:

- be more independent and innovative and able to use higher levels of professional judgement and decision-making in an increasingly complex care environment;
- assess and apply effective, evidence-based care safely and with confidence, managing resources and working across service boundaries;
- be members, and often leaders, of multi-disciplinary teams where colleagues are already educated to at least graduate level; and
- provide leadership in promoting and sustaining change and developing clinical services.

6.8 The NMC's decision here was made in partnership with commissioners and funders of education and training, employers and the leadership of the profession itself. It might be observed that this approach was possible because pre-registration education and training is commissioned and funded by the departments of health in the four countries who are also responsible for workforce planning and service delivery; education and training is already delivered in the higher education sector; and because the majority of nurses, particularly in the period following registration, will work in publicly funded services. This is not the case with respect to the entry-level qualifications for all the professions regulated by the HPC and demonstrates that regulation is only one factor which would influence whether the threshold entry requirement might change.

6.9 The NMC is now consulting on new standards of proficiency for pre-registration education and training in preparation for this change.¹

¹ For more information, please see:

Nursing and Midwifery Council:

www.nmc-uk.org/Get-involved/Consultations/Past-consultations/By-year/Pre-registration-nursing-education-Phase-2/

Department of Health, A High Quality Workforce, June 2008

www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyandGuidance/DH_085840

7. Operating department practitioners (ODPs)

- 7.1 The previous paper explained that proposals were being developed in the profession of operating department practice to move to an honours degree entry qualification.
- 7.2 The existing threshold level for ODPs is set at a diploma of higher education. There are currently 33 approved programmes, 31 of which are delivered at this level, 1 programme is delivered at foundation degree level and 1 programme is delivered at honours degree level.
- 7.3 The professional body the College of Operating Department Practitioners (CODP) has recently published a discussion paper 'Framing the future role and function of operating department practitioners' which sets out the CODP's views of changes to pre-registration education and training for ODPs. The CODP is also consulting on a BSc in Operating Department Practice curriculum.
- 7.4 The document makes the CODP's case for changes to the pre-registration education and training of ODPs. In summary it is argued that:
- Changes to education and training are necessary to ensure a high quality workforce with high quality outcomes for service delivery and for patients.
 - It is difficult to maintain the currency of the ODP curriculum in order to prepare students for the evolving role of an ODP within current arrangements.
 - ODPs are now taking on a variety of different tasks within the workplace which were previously carried out by medical trainees and other staff and which are not included in the pre-registration curriculum.
 - Changes to the curriculum are necessary to reflect this context including incorporating clinical knowledge related to urinary catheterisation and increased life support skills, and non-clinical knowledge and skills such as higher level research and critical analysis skills, reflection and preparation for leadership.
- 7.5 The document says that ODP education should be graduate level and three years in duration. In summary the following rationale is given:
- Education providers struggle to include the essential elements of ODP education within a programme which is normally two years in duration and with the changing roles of ODPs this difficulty will continue; three years would provide sufficient time to cover the material.
 - A degree level entry would allow ODPs to meet the 'increasingly complex knowledge and skills requirements' being placed upon them. A degree level entry is commensurate with effective practice including the skills and knowledge for good clinical decisions and evidence based care, underpinned by critical thinking.

- A degree level entry would ensure parity with other HPC regulated professions. The move to degree has happened in other HPC regulated professions in the past, is happening in nursing and a similar rationale is put forward for ODPs.

7.6 The Executive will monitor the outcomes of the CODPs work in this area. Whilst it is unlikely that ODP programmes will begin to change to degree programmes in the very near future (funding would be a key issue in determining the pace of any change in this area), it does perhaps reinforce the need for clarity about the role that the HPC plays in determining the threshold level required for entry, in particular, the circumstances in which the HPC would consider raising the threshold level for an existing profession and/or amending the standards of proficiency to reflect shifts in practice.

8. Conclusions, recommendations, key questions

- 8.1 The Committee is invited to consider and discuss this paper and the paper considered by the Committee at its meeting on 25 March 2010 and to determine the next steps for this review.
- 8.2 The Committee is reminded that any changes to the standards of education and training would be subject to the outcomes of a public consultation.

Conclusions and recommendations

- 8.3 This paper does not make any substantive recommendations to the Committee in addition to those made in the previous paper. The arguments for and against each of the options are finely balanced and it appears that no single option would resolve all the challenges discussed in this paper and in the paper previously considered by the Committee.
- 8.4 The Executive continues to be concerned that no change (i.e. making no changes to the standard, the standards of education and training guidance and not producing policy statements) would fail to take account of some of the continuing issues outlined in this paper. There would continue to be potential stakeholder management difficulties around establishing the threshold for new professions and changing it for developing professions, and difficulties for the Committee in making such decisions in the future.
- 8.5 The legal opinion sought by the Executive has contributed two main points that the Committee may wish to particularly consider in its discussion – that there is no legal reason as to why SET 1 could not be removed if the Committee determined that it was appropriate to do so; and that if a levels-based approach was adopted the standard would no longer need to be set in normative terms.
- 8.6 The issue likely to be most pressing in the near future is around the raising of the threshold level for existing professions, particularly the paramedic profession where 82% of programmes are now delivered in higher education, almost all of which are delivered in excess of the current threshold requirement. The profession itself argues strongly that the HPC should now begin work to raise the threshold level for this profession for the protection of the public.
- 8.7 The Executive suggests that even if the Committee is not minded to adopt option 2 (to revise the standard to use levels rather than awards), it would still be helpful to undertake option 4 – to produce additional guidance / policy statements which could ensure improved clarity for those involved, including the Committee in making future decisions.

Consultation and engagement

- 8.8 The Executive anticipates that, dependent on the Committee's decision, focus group style events might be held with education providers, visitors and other stakeholders as part of any consultation on changes to the standard or guidance and potentially as part of developing any policy statements. This is accounted for in departmental budgeting and planning for 2010/2011.

Operational implementation

- 8.9 The decisions reached by the Committee about SET 1 will have consequences for operational implementation. The Executive has already begun to discuss the potential milestones and timescales of any further work required (i.e. consultation, stakeholder engagement, communication with education providers and potential changes to the approval process).
- 8.10 Dependent on the decisions reached, the Executive will produce a further paper for consideration of the Committee at its following meeting on 16 September 2010, setting out clear plans for the delivery of any further work.

9. Key questions

9.1 As this is a complex area with many overlapping considerations and arguments, the following questions are suggested as one possible way of structuring the Committee's discussion. They are based around the four options in paragraph 2.6 but are not intended to be exhaustive.

Decision

1. Does the Committee have sufficient information on which to make an initial decision (bearing in mind that any changes to standards or guidance require public consultation)? If not, what further additional information is required?

Options

2. On the basis of the information provided, should SET 1 be changed at all? What are benefits, risks and consequences of making no changes?

3. What are the relative benefits, risks and consequences of amending the standard to a levels-based approach; removing the standard; producing policy statements? In particular:

- What is or should be the purpose of SET 1?
- Would HPC be achieving its purpose of protecting the public and meeting the expectations of stakeholders if the standard was removed completely?
- On what basis should the HPC make decisions about the threshold level for new professions? What factors are relevant and which are not?
- What approach should the HPC adopt in deciding whether the threshold should be increased for existing professions? Should the HPC lead, or should it follow changes driven by others (e.g. funders, commissioners, professional bodies)?

Consultation and stakeholder engagement

4. How should stakeholders be engaged on these issues?

Education and Training Committee, 25 March 2010

Review of the threshold level of qualification for entry to the Register

Executive summary and recommendations

Introduction

Standard one of the standards of education and training ('SET 1') sets out the normal threshold level of qualification for entry to the Register for each of the parts of the Register.

In discussion at previous meetings, the Committee has agreed that it should review the existing standard to consider its role in the approval of education and training programmes and in ensuring safe and effective practice.

The attached paper reviews the existing standard and makes recommendations for further work.

Decision

The Committee is invited to discuss and agree the points outlined in section 6 of the attached paper.

Background information

Please see paper.

Resource implications

The resource implications will be dependent upon the outcome of the Committee's discussion but might include:

- Writing further papers, consultation documents, position statements or guidance.
- Arranging and running stakeholder meetings with education providers.
- Arranging the printing and mailing of a consultation document.
- Arranging the printing and mailing of new standards or guidance.

These resource implications are accounted for in the draft Policy and Standards Department and Education Department workplans for 2010/2011.

Financial implications

The financial implications will be dependent upon the outcome of the Committee's discussion but might include:

- Stakeholder meetings with education providers including venue hire and associated costs.
- Printing and mailing of a consultation document.
- Printing and mailing of new standards or guidance.

These financial implications are accounted for in the draft Policy and Standards Department budget for 2010/2011.

Appendices

- Feedback from Visitors on SET 1
- National Qualifications Framework
- Quality Assurance Agency Framework for Higher Education Qualifications - qualification descriptors
- Scottish Credit and Qualifications Framework

Date of paper

26 February 2010

Review of the threshold level of qualification for entry to the Register ('SET 1')

1. Introduction

- 1.1 The standards of education and training were published in 2004 following public consultation. Standard one ('SET 1') of those standards sets out the threshold level of qualification for entry to the Register (referred to in this paper as 'threshold levels').
- 1.2 The threshold levels set for the first 12 professions regulated by the HPC have largely remained the same since that date. Following separate consultations, the threshold levels for entry for operating department practitioners and practitioner psychologists have been added to the standards.
- 1.3 The standards of education and training were reviewed by a Professional Liaison Group (PLG) which met in 2007 and 2008 and a consultation held on revised standards of education and training and standards of education and training guidance between August and November 2008. Following the consultation, minor changes were agreed to SET 1 in terms of wording and layout but no changes were made to the levels required for the professions. Minor changes were also made to the supporting guidance.
- 1.4 The Education and Training Committee has discussed SET 1 on a number of occasions, particularly over the last two years and has indicated that it wishes to review the existing standard, in light of the HPC's experience of using and making decisions about the standard. The Committee's previous discussion has focused on the purpose of the standard and the factors which should be taken into account in amending the threshold level for a profession or in establishing the level for a new profession. In particular, the Committee has indicated that it wishes to consider whether the standard performs a meaningful function given the terms of the Health Professions Order 2001 and therefore whether the standard should be amended in some way or removed.
- 1.5 This discussion paper aims to provide information and analysis in order to assist in informing and structuring the Committee's discussion. The Executive intends that this paper should be the first stage of the Committee's review of the standard and further papers may be prepared for the Committee dependent on the outcome of its discussion.

1.6 This paper is structured into five further sections:

- Section two sets out the role and meaning of the existing standard including the HPC's legislative powers.
- Section three discusses some of the key issues for this review.
- Section four sets out some broad options for the next steps of this review.
- Section five discusses recommendations from the Executive.
- Section six outlines the key decisions the Committee is being invited to make at this meeting.

2. About the threshold level of qualification for entry to the Register

HPC's legislative powers

2.1 The Health Professions Order 2001 ('the Order') does not provide the HPC with the power to set the qualifications required for entry, but enables it to approve qualifications which meet the standards it has set for entry to the register.

2.2 Article 12(1)(a) of the Order provides that:

"For the purposes of this Order a person is to be regarded as having an approved qualification if he has a qualification... which has been approved by the Council as attesting to the standard of proficiency it requires for admission to the... register ..."

2.3 The power to determine that standard of proficiency is set out in Article 5(2)(a), which requires the HPC to:

"... establish the standards of proficiency necessary to be admitted to the different parts of the register being the standards it considers necessary for safe and effective practice under that part of the register..."

2.4 This is supplemented by Article 15(1)(a), which requires it to:

"... establish... the standards of education and training necessary to achieve the standards of proficiency it has established..."

2.5 Thus HPC's obligation is to set threshold standards of entry to its register - that is the minimum standards of proficiency which a newly qualified applicant needs to meet in order to be able to practise safely and effectively. The HPC may then approve a qualification which delivers those standards, but it cannot insist that **only** a specified form of academic award will do so. Setting the standards of proficiency is an outcomes-based process and there is no power in the Order to enable the HPC to specify that the standards can only be met by a particular level of academic award.

The existing standard

2.6 SET 1 provides the threshold levels of qualification "normally" expected to meet the remainder of the standards of education and training (and thus the standards of proficiency). The term "normally" is included in SET 1 as a safeguard against the unlawful fettering of the HPC's discretion. Given the terms of the Order, it would be an improper exercise of its powers for the HPC to refuse to approve a programme which delivered the standards of proficiency and the remainder of the standards of education and training solely on the basis that it did not lead to the award of a qualification specified in SET 1.

- 2.7 Every time we open a new part of the Register, we consult on the threshold level of qualification for entry to that profession and add this to the standards.
- 2.8 The existing standard is reproduced on the following page.
- 2.9 We need to set the threshold level at the level necessary for people who successfully complete a pre-registration education and training programme to meet all of the standards of proficiency.
- 2.10 In setting the threshold level of qualification for entry, the HPC is setting the threshold academic level of qualification which it would normally accept for the purposes of an approved programme which leads to registration. As the threshold is the 'minimum', programmes above the threshold level may be approved.
- 2.11 The threshold level might change over time to reflect changes in the delivery of education and training. This has happened in a number of the existing professions we regulate – as professions have developed the threshold level has increased.
- 2.12 Our primary consideration in approving a programme, whether at or substantially above the threshold, is that the programme meets the standards of education and training and will allow students to meet the standards of proficiency on completion.
- 2.13 The threshold level of qualification for entry to the Register applies to pre-registration education and training programmes seeking approval rather than to individuals. Therefore, it would not affect individuals who might have followed education and training programmes in the past, delivered at levels below the contemporary threshold.

SET 1: Level of qualification for entry to the Register

1.1 The Council normally expects that the threshold entry routes to the Register will be the following:

Bachelor degree with honours for:

- biomedical scientists (with the Certificate of Competence awarded by the Institute of Biomedical Science, or equivalent);
- chiropractors / podiatrists;
- dietitians;
- occupational therapists;
- orthoptists;
- physiotherapists;
- prosthetists / orthotists;
- radiographers; and
- speech and language therapists

Masters degree for arts therapists.

Masters degree for clinical scientists (with the Certificate of Attainment awarded by the Association of Clinical Scientists, or equivalent).

Diploma of Higher Education for operating department practitioners.

Equivalent to Certificate of Higher Education for paramedics.

Professional doctorate for clinical psychologists.

Professional doctorate for counselling psychologists, or equivalent.

Professional doctorate for educational psychologists, or equivalent.

Masters degree for forensic psychologists (with the award of the British Psychological Society qualification in forensic psychology, or equivalent).

Masters degree for health psychologists (with the award of the British Psychological Society qualification in health psychology, or equivalent).

Masters degree for occupational psychologists (with the award of the British Psychological Society qualification in occupational psychology, or equivalent).

Masters degree for sport and exercise psychologists (with the award of the British Psychological Society qualification in sport and exercise psychology, or equivalent).

Setting the threshold level

- 2.14 As the standards of education and training specify the standards necessary to deliver the standards of proficiency, the starting point for setting the threshold level is the standards of proficiency. The standards of proficiency are the threshold standards for safe and effective practice necessary for entry to the Register.
- 2.15 Typically, a programme provided at the level specified by SET 1 will deliver education and training which exceeds the threshold required by the standards of proficiency. This is because SET 1 is concerned with the level of students' outcomes and typical abilities and does not prescribe content. Programmes which are delivered at the appropriate level will often include content which may not be strictly necessary for the purpose of meeting the standards.
- 2.16 In recommending the threshold level of qualification for entry to the Register to the Council, the Committee is normally also invited to have regard to:
- The level and awards of existing pre-registration education and training which leads to entry to the profession.
 - Any relevant qualifications frameworks (and related descriptors) such as the National Qualifications Framework (NQF), the Quality assurance Agency Framework (QAA) for Higher Education Qualifications in England, Wales and Northern Ireland (FHEQ) and the Scottish Credit and Qualifications Framework (SCQF).¹
- 2.17 However, in reaching any recommendation to the HPC Council, the Committee has to be satisfied that the threshold level it establishes in SET 1 is not more than is necessary to achieve the standards of proficiency.

¹ National Qualifications Framework (NQF): www.qcda.gov.uk
Framework for High Education Qualifications (FHEQ): www.qaa.ac.uk/academicinfrastructure
Scottish Credit and Qualifications Framework (SCQF): www.scqf.org.uk

Illustrations of the threshold level of qualification for entry to the Register

2.18 The following examples illustrate how the current threshold level functions for some of the existing professions regulated by the HPC.

- **Speech and Language Therapists**

2.19 The threshold level of qualification for the profession is set at a bachelors degree with honours in speech and language therapy.

2.20 We also approve pre-registration post-graduate diplomas and masters degrees in speech and language therapy, above the threshold.

- **Biomedical Scientists**

2.21 The threshold level of qualification for the profession is set at a bachelors degree with honours in biomedical science (with the Certificate of Competence awarded by the Institute of Biomedical Science (IBMS), or equivalent).

2.22 In biomedical science, some entrants to the profession undertake a first degree, followed by the Certificate of Competence awarded by the IBMS. The Certificate of Competence is an approved qualification which leads directly to eligibility to apply for registration.

2.23 However, 'or equivalent' allows the flexibility for the HPC to approve pre-registration programmes that meet the standards of education and training and successfully deliver the standards of proficiency, but do not result in an award of the IBMS. We approve a number of programmes delivered at honours degree level or above which do this and therefore lead directly to eligibility to apply for registration.

2.24 The HPC does not approve undergraduate bachelor degrees in biomedical science unless they meet all the requisite standards and therefore lead directly to the eligibility to apply for registration.

- **Paramedics**

2.25 The threshold level of entry for the profession is set at equivalent to a Certificate of Higher Education.

2.26 In the past, all pre-registration education and training was via the IHCD paramedic award qualification delivered by ambulance training centres. The IHCD is part of the examining body, Edexcel. The IHCD paramedic award is an approved qualification leading to eligibility to apply for registration. The outcome of an IHCD paramedic award is, however, not the formal award of a Certificate of Higher Education, but an IHCD award.

2.27 There has been a move to develop paramedic pre-registration education and training delivered by Higher Education Institutions (HEIs), and the Council approves a number of HEI delivered programmes at academic levels up to honours degree level.

- **Practitioner psychologists**

- 2.28 The threshold level of entry for the practitioner psychologists part of the Register is set differently for different domains. This is possible because the standards of proficiency for practitioner psychologists include standards applicable to all practitioner psychologists as well as standards that are specific to each individual domain. There are seven domains of psychology practice covered by HPC regulation, each with its own protected title.
- 2.29 The threshold entry level for clinical psychologists is a professional doctorate. A professional doctorate delivered by a HEI is the only award that confers entry to the practitioner psychologists part of the Register as a clinical psychologist.
- 2.30 For counselling psychologists entrants either complete a professional doctorate or the British Psychological Society (BPS) qualification in counselling psychology. For educational psychologists, a professional doctorate is the only entry route in England, Wales and Northern Ireland but in Scotland entrants undertake a masters programme followed by the BPS Qualification in Educational Psychology (Scotland). For these domains the wording 'or equivalent' is included in recognition that some entrants in both these domains will not undertake a programme leading to the formal award of a professional doctorate.
- 2.31 For forensic psychologists, health psychologists, occupational psychologists and sport and exercise psychologists the threshold level set is articulated in similar terms to the clinical scientists part of the Register – a masters degree with the award of a professional body qualification. In forensic and health psychology professional doctorates do exist but most entrants qualify via this route. In sport and exercise psychology and occupational psychology (at the time of the opening of the Register) no formal professional doctorate programmes existed.

3. Discussion

- 3.1 There are a number of key issues which have been identified by the Executive and by the Committee which are discussed in this section. In summary the areas are:
- The purpose of the existing standard and its role in delivering safe and effective practice and public protection. In particular, how meaningful the standard is given its normative status.
 - The factors to be taken into account in setting the threshold level for a new profession. In particular, whether it is possible to read across from the standards of proficiency to establish the level necessary to successfully deliver those standards.
 - The question of whether the standards should be expressed in terms of levels linked to qualifications frameworks rather than the names of academic awards.
 - The factors to be taken into account in considering whether the threshold level for an existing profession should be raised.
- 3.2 In discussing each of these areas, this section provides information and analysis about how the standard currently functions, and the key considerations to take into account in considering the relative merits of possible changes to the standard. Section four outlines four potential options for the outcome of this review based on this analysis, outlining the advantages and disadvantages of each approach.
- 3.3 As part of its refresher training with visitors in October and November 2009, the Education Department ran workshops on the threshold level of qualification in order to seek the views of visitors on the existing standard and whether any changes were necessary. The summary of visitor feedback is included in appendix four to this paper and the comments made are referenced in the discussion and analysis that follows.

Purpose of the standard

- 3.4 The 'normative' status of the standard raises questions about how meaningful the standard is and whether it is necessary as part of the standards of education and training to successfully deliver the standards of proficiency and therefore protect the public. As outlined in section 2 of the paper, the Health Professions Order 2001 does not prescribe the qualifications required for entry to the Register but allows the HPC to set standards of proficiency and approve programmes that successfully deliver those standards.
- 3.5 The HPC could not lawfully refuse to approve a programme which met the remaining standards of education and training and successfully delivered the standards of proficiency solely on the basis that it did not result in the form of award outlined in SET 1. Although, to date, the HPC has not approved a programme which failed to meet the level specified in SET 1,

this does pose challenges for the Executive in clearly communicating the purpose of the standard to external stakeholders, in particular to education providers and to visitors.

- 3.6 In general, the normative nature of the standard is not well understood. At the visitor refresher training attendees commented that they did not consider that the supporting guidance to SET 1 explained sufficiently the use of the term 'normally' and as a result this was not clear to visitors or to education providers. Some attendees considered that the standard was generally 'non contentious' because the majority of programmes were already being delivered at or above the threshold level anyway and said that they focused on the other standards rather than SET 1.
- 3.7 Amongst groups coming into or aspiring to statutory regulation, particularly amongst individual practitioners, the standard is often misinterpreted as applying to individuals rather than to programmes. There is often the concern that the threshold level set will require existing practitioners to retrain or exclude them from practice.
- 3.8 There is also an argument that, as the standards of proficiency articulate the threshold knowledge, skills and understanding necessary for entry to the Register, and the remainder of the standards of education and training set out the arrangements of education providers to successfully deliver those standards, the formal award or level of the qualification is to some extent irrelevant. If the standards of proficiency are met, the public are protected.
- 3.9 At the visitor workshops, however, the majority of visitors considered that the threshold level performed a useful role and concluded that public protection might be detrimentally affected if the standard was removed entirely. With reference to the purpose of SET 1, the points made included that SET 1 was central to producing autonomous and ethical professionals; that the standard was a useful benchmark in assessing the standards of proficiency; and that it was an important way of governing both the length and depth of learning of pre-registration education and training. There were accordingly concerns about a 'vacuum' which would be created if the standard was to be removed.
- 3.10 We might also observe that the threshold level has a wider role and significance beyond its use in the approvals process. The entry level into a profession is often viewed by stakeholders, particularly the profession itself as represented by any professional bodies, as intimately linked with that profession's identity and status in society. In particular, this engages issues around parity with other regulated professions and the development of the profession itself in terms of 'access' to different areas of professional practice. The response to recent consultations on setting the threshold levels for new professions indicates that this is often a politically sensitive topic.

3.11 Any move to remove the standard may therefore be unpopular, particularly amongst professions that have had a consistent level of education and training over a long period of time. Any decision the Committee makes about the standard has to focus on the function of the threshold in the discharge of HPC's functions, however, it is helpful to be aware of these wider issues.

Setting the threshold level

3.12 A number of consultations have recently taken place on establishing threshold levels for professions joining the register or that may join the Register in the future. They have included:

- Practitioner psychologists. A consultation was held between November 2007 and February 2008 and the threshold levels determined at the Council's meeting in May 2009.²
- Hearing aid dispensers. A joint consultation with the Hearing Aid Council was held between May and October 2008 and the threshold levels determined at the Council's meeting on December 2008 and reconfirmed in February 2010.³
- Psychotherapists and counsellors. A consultation was held between July and October 2009 on the recommendations of the psychotherapists and counsellors Professional Liaison Group (PLG), including proposals for threshold levels.⁴

3.13 A number of common arguments can be observed in responses to these consultations, particularly those consultations about practitioner psychologists and psychotherapists and counsellors, some of which mirror those described in paragraph 3.10 on the previous page.

3.14 The Education and Training Committee's job in recommending a threshold level is often made difficult by the same or similar arguments being used in support of very different threshold levels. In responses to consultations arguments are often made in very simple terms - that a certain level is too high and in excess of that necessary for safe and effective practice, or is too low and would fail to protect the public. For example, in the practitioner psychologists consultation some respondents argued that a doctorate or doctoral level qualification was essential for safe and effective practice whilst others questioned whether such a level could ever be considered threshold or 'necessary'. The feedback from the visitor workshop indicates

² Please see:

<http://www.hpc-uk.org/aboutus/consultations/closed/index.asp?id=49>

³ Please see:

<http://www.hpc-uk.org/assets/documents/100025D56Standardsofproficiency.pdf>

⁴ Please see:

<http://www.hpc-uk.org/aboutus/consultations/closed/index.asp?id=93>

that some hold the view that only certain levels of education can ever be commensurate with autonomous and safe and effective practice.

- 3.15 Other common arguments have included the impact of the level upon the length and cost of education and training and therefore the supply of practitioners 'into the market place', and the impact the level might also have on the demographic profile of the profession. However, the most common arguments are around existing provision – that the level set should reflect existing provision with the assertion that that existing level is necessary for safe and effective practice and that lower levels would fail to protect the public.
- 3.16 The starting point for the Committee in recommending a threshold level is the standards of proficiency. However, the Committee has identified in its previous discussion that there is some difficulty in reading across from standards of proficiency to the descriptors of levels or awards in order to determine the appropriate level. In particular, the standards of proficiency do not consistently include 'markers of cognition' (e.g. 'critical understanding') in the same way as descriptors for levels, such as those outlined in the descriptors for the Framework for Higher Education Qualifications (appended to this paper).
- 3.17 There is some variety in the level of the awards expressed for different professions in SET 1 – from equivalent to a Certificate of Higher Education for paramedics (NQF level 4 / FHEQ level 4 / SCQF level 8/9) up to a Professional Doctorate for clinical psychologists (NQF level 8 / FHEQ level 8 / SCQF level 12). At the visitor workshop, some attendees questioned this variation, given that the majority of the standards of proficiency are generic. This raises questions about the objective basis for setting the level, such as, for example:
- Why is an Honours Degree rather than an Ordinary Degree necessary to deliver the standards of proficiency?
 - What in the award of a Masters programme is necessary for successful delivery of the standards of proficiency and why could the standards not be delivered instead by a Postgraduate Certificate or a Postgraduate Diploma?
 - Do the standards of proficiency provide an objective basis on which to justify a four-level difference between the thresholds for some of the professions?
- 3.18 Setting the threshold level has not been problematic or contentious where the profession already has a consistently delivered level of education and training. For example, when operating department practitioners became registered in October 2004, the level of education and training for entry to the profession was the award of a Diploma of Higher Education. For hearing aid dispensers, the historic company-based training route had been closed to new entrants in 2008 by the existing regulator, the Hearing Aid Council, and the threshold entry level already established and agreed with the field as a Foundation Degree or above. In both these cases the

decision to set the threshold level was non-contentious as this reflected the uniformity of existing provision. In many of the professions regulated by the HPC the normal level of entry was lower in the past but has now reached a stable, uniform level, a position which, arguably, has been largely driven by and achieved through the agreement of commissioners, funding bodies, professional bodies and service providers.

- 3.19 Setting the threshold level has proven more problematic where there is variation in the awards and/or levels of existing entry-level education and training and variation in the sectors in which that education and training is delivered. For example, in the recent consultation on the potential regulation of psychotherapists and counsellors there was no clear or overall consensus amongst respondents as to the threshold level(s) that should be set, in light of variation in the awards and levels of existing provision, with delivery across the further education, higher education and private sectors.
- 3.20 The threshold levels for practitioner psychologists are specified for each domain of psychology practice (see 2.28 to 2.31). This decision was made in recognition that, although in some domains the qualification which confers eligibility to apply for registration was a formal award made or validated by a HEI, in other domains the award was a professional body award which was not externally benchmarked against a qualification framework (i.e. it was not delivered or validated by a HEI or by a qualifications body linked to a qualifications framework). However, in its response to the consultation, the British Psychological Society had argued that, although the formal awards may be different, they had benchmarked the training to doctoral level on the relevant qualifications frameworks.
- 3.21 As the HPC potentially takes on further new professions it may be that situations such as these occur more frequently, where there is wide variation in education and training routes and where some or all education and training is not delivered by education providers with a link to the qualifications frameworks. This may pose future challenges and raises questions about the basis upon which, in setting the threshold level, the HPC would be in effect making a statement of 'equivalence' between qualifications delivered in different sectors, without the aid of an external reference point.
- 3.22 Overall, there is some difficulty in making decisions about the threshold level objectively, solely on the basis of the standards of proficiency. It might be observed that the current threshold levels are, to a large extent, more a reflection of the level of existing provision (which in most cases has reached a stable consensus over time) than a more objective assessment of the level necessary to deliver the standards of proficiency.

Awards or levels?

- 3.23 The existing standard is expressed in terms of the names of academic awards rather than levels linked to the qualifications frameworks. Some responses to the practitioner psychologists consultation argued that it was inappropriate to use the 'nomenclature of degree titles', rather than the 'unambiguous language' of the qualifications frameworks. Another respondent said, with reference to the qualifications frameworks: 'Such frameworks provide a common language that can unite educational providers, accrediting bodies, examining bodies and quality assurance agencies.'
- 3.24 In the recent consultation on the potential statutory regulation of psychotherapists and counsellors the proposed threshold levels for psychotherapists and for counsellors were expressed as levels referenced against the qualifications frameworks. This was for clarity and in recognition that a significant proportion of education and training in the field is not delivered within the higher education sector. The Council's recommendations for the potential statutory regulation of dance movement therapists also used the qualifications frameworks to describe the proposed level for entry.⁵
- 3.25 In the visitor workshops, some visitors said that the 'equivalence' statements in the existing standard were problematic and too open to interpretation and that more guidance was needed in assessing the equivalence of qualifications. Some suggested that using levels would make it easier to assess equivalence. The use of the names of formal academic awards in the existing standard might also be perceived to privilege the higher education sector over provision delivered in other sectors, as well as academic and theoretical education over practical training. We received comments to this effect as part of the recent psychotherapists and counsellors consultation in which many concluded that academic qualifications (and, indeed, levels) were less important than the personal qualities which make someone a good therapist.
- 3.26 A move to expressing the standard in terms of levels might provide more clarity by referencing the standard to qualifications frameworks which apply across the UK - frameworks which are mapped against each other and which carry with them descriptors which describe the expectations at each level. This approach might therefore provide a more objective basis for expressing and assessing 'equivalence'.
- 3.27 However, some visitors felt that moving to a levels approach would create different problems by failing to ensure the appropriate length and depth of training in the same way as an awards-based approach. In some professions a levels-based approach might also be interpreted as lowering the existing level because some levels on the qualifications frameworks encompass more than one form of award.

⁵ Please see:

<http://www.hpc-uk.org/aboutus/consultations/closed/index.asp?id=93>

- 3.28 For example, the threshold level for the arts therapists part of the Register is expressed in terms of the award of a masters degree and this maps across to NQF level 7 / FHEQ level 7 / SCQF level 11. However, these levels include more than one form of award, including 'lower level' postgraduate certificate and postgraduate diploma awards. Moving from a named award to a level could be interpreted as lowering standards and failing to reflect the uniform level of existing provision.
- 3.29 However, it is worth noting that a levels-based approach to the recommendations about the potential statutory regulation of psychotherapists did not prevent significant disagreement in the consultation about the levels which should be set. A levels-based approach would still pose difficulties in setting the threshold and in assessing 'equivalence' where a profession has a significant proportion of programmes which are not delivered or validated by a HEI, or delivered by a provider accredited by a qualifications awarding body, and therefore externally quality assured and linked to the qualifications framework.

Changing the threshold level

- 3.30 Since the introduction of the standards of education and training, the HPC has to date not made the decision to increase the threshold level for one of the regulated professions. Most of the regulated professions have had a stable threshold level for a number of years and although postgraduate pre-registration qualifications have been developed in some professions, there has been no move to increase the general educational level for entry to the profession.
- 3.31 At the visitor workshop, attendees believed that there should be a review of the levels in SET 1 for paramedics and operating department practitioners as the public would not expect them to be lower than those required for other professions. Some also questioned whether levels below honours degree level were commensurate with autonomous practice. The Executive has met with the professional bodies representing these professions over a number of years and both have expressed their desire, either now, or in the future, to increase the level of entry to their professions.
- 3.32 The threshold for paramedics is set at 'equivalent to a Certificate of Higher Education' (see 2.25 to 2.27). In 2005 the Department of Health published 'Taking Healthcare to the Patient' (sometimes also referred to as 'the Bradley report') which made a number of recommendations about the future of NHS ambulance services, including recommendations about education and training for paramedics. The report concluded:
- There needed to be changes to the content of pre-registration education and training in order to allow paramedics to provide more urgent care services.

- There should be a move to higher education for ambulance clinicians but this should be managed carefully including taking account of funding implications.
 - The entry level qualification was anticipated to be either at diploma or degree level but: 'The academic level of award at initial registration should be based on the competences needed for safe and effective practice as a paramedic.'⁶
- 3.33 There has been a move to develop more education and training delivery in higher education for the paramedic profession and the HPC approves a significant number of programmes above the threshold at Diploma of Higher Education, Foundation Degree and Honours Degree level. Of 57 approved programmes, 47 are delivered by a HEI and 10 are delivered by ambulance service trusts. (NB. These figures are inclusive of different modes of study.)
- 3.34 The profession has a QAA subject benchmark statement which includes descriptors from diploma level and upwards.⁷ The professional body, the British Paramedic Association has produced a curriculum guidance document which uses diploma level and above as its starting point for entry level paramedic education and training. The professional body views 'raising the bar' of education and training as an important step in the development of the profession.⁸
- 3.35 The leadership of the profession has argued that a Certificate of Higher Education is now inadequate to produce a safe autonomous paramedic and would like to see the threshold in SET 1 raised to reflect the developing higher education provision in the paramedic profession and the vision set out in the Department of Health report.
- 3.36 The threshold for operating department practitioners is set at a Diploma of Higher Education. There are 33 approved programmes for entry to the operating department practitioners part of the Register all of which are delivered or validated by HEIs – 31 of which are delivered at the threshold level. Only 2 programmes are currently delivered above the threshold level – at Foundation Degree and Honours Degree level.

⁶ Department of Health, 'Taking Healthcare to the Patient – Transforming NHS Ambulance Services', June 2005. In particular, please see pages 42 to 48, E1 to E18.
www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4114269

⁷ Quality Assurance Agency, Subject Benchmark Statement for Paramedic Science, 2004
<http://www.qaa.ac.uk/academicinfrastructure/benchmark/health/Paramedicscience.pdf>

⁸ Please see: www.britishparamedic.org

- 3.37 We understand that the main professional body for ODPs, the College of Operating Department practitioners, has begun to develop proposals to encourage all pre-registration education and training programmes to move from a Diploma of Higher Education to an Honours Degree. We have received a small number of queries from strategic health authorities and others enquiring about whether we would require an Honours Degree programme for entry to the Register.
- 3.38 The starting point for any decision to change the threshold level for a profession is the standards of proficiency. As the threshold level is the level necessary to deliver those standards of proficiency, an increase in the threshold level would need to be justified on the basis that that level was necessary to deliver the standards of proficiency, having regard to the level at which the majority of education and training is delivered. Therefore our policy to date has been that we might consider whether the threshold level should be increased if we had evidence that the existing standards of proficiency needed to be changed in order to protect the public and if the majority of entrants to the profession were qualifying above the existing threshold level.
- 3.39 The standards of proficiency for operating department practitioners were republished in November 2008 after consultation with stakeholders and only minor changes made. The standards of proficiency for paramedics were published in November 2007 with new generic standards but with only relatively minor changes made to the profession-specific standards. The standards are periodically reviewed approximately every 5 years and kept under ongoing review in accordance with the Council's policy.⁹ We can consider revising standards between periodic reviews if there was clear, objective evidence that those standards were inadequate, for example, if there was sufficient evidence that registrants were not able to practise safely and effectively despite meeting the standards of proficiency. We might then consider raising the threshold level of both the standards of proficiency and the level of qualification for entry to the Register.
- 3.40 The standards of proficiency are the minimum standards that we consider necessary to protect members of the public. They should therefore be the proficiencies that it is necessary for all entrants to a profession and to the Register to meet. They will not therefore include proficiencies in new or emergent areas of practice that may begin to be reflected in the content of programmes delivered above the threshold. Over time this may 'filter down' to become the 'standard' or 'typical' content of pre-registration education and training and into the normal expectations of new registrants. It is at that time that we might consider 'raising the bar' by revising the standards of proficiency and considering whether those standards now require a different level of qualification to be successfully delivered.

⁹ Standards workplan

<http://www.hpc-uk.org/assets/documents/1000274E20090326-Council-enclosure17-policy&standardsworkplan.pdf>

3.41 Paragraphs 3.38 to 3.40 describe the current policy position adopted in considering arguments for raising the threshold level of existing professions. At the visitor workshops some attendees believed that this was a 'reactive position' that did not properly protect the public.

4. Options for the next stages of the review

- 4.1 The Executive suggests that there are four broad options for the outcomes of this review, outlined below. However, this may not be exhaustive, and the Committee is invited to consider any other approaches in its discussion.
- 4.2 The options are not mutually exclusive of each other. For example, options 1 or 2 could be adopted alongside option 4.

Option 1: No change to SET 1

- 4.3 The advantages of making no changes to SET 1 include:
- This would recognise that for the majority of the professions regulated there has been stability in the minimum levels of qualifications for a number of years and no move to increase the entry level to the profession.
 - The threshold level is likely to be considered by the professions as important in terms of the status and identity of the profession and in terms of safe practice and public protection.
 - The threshold level can provide a useful benchmark of the length and depth of learning of a programme and can assist visitors in interpreting and applying the standards of proficiency in programme approval. The benchmark is helpful for education providers, commissioners, funders, professional bodies and others.
- 4.4 The disadvantages include:
- This would fail to take account of the issues and challenges discussed in this paper.
 - There would continue to be problems and potential stakeholder dissatisfaction, particularly regarding establishing the level for new professions.

Option 2: Revise the standard to change from awards to levels

- 4.5 The advantages of revising the standard to use levels referenced to the qualifications frameworks include:
- This would avoid the problematic use of 'or equivalent' and might help ensure that the entry level does not quickly become out of date for developing professions.
 - The qualifications frameworks describe clear expectations of each level and apply across different sectors, avoiding a model which might appear to be overly higher education or theoretical / academic in its focus.

- The use of levels would provide clarity for all – there are different award systems in parts of the UK and in different institutions and levels would provide a common language and framework for consistency.
- A levels approach might provide commissioners, funders and education providers with more flexibility in programme development and design.

4.6 The disadvantages include:

- The use of levels rather than the names of awards could be interpreted as lowering standards in professions where the levels encompass more than one form of award.
- A level only expresses the depth of learning but does not carry the same expectations about the length of a programme as an awards-based approach.
- There would still be challenges around equivalence where qualifications are not linked to a qualifications framework.
- There would still be continuing challenges around the link between the standards of proficiency and the level which should be set.

Option 3: Remove the standard

4.7 The advantages of removing the standard include:

- Removing the standard might resolve many of the challenges outlined in this paper including the normative nature of the standard, the issues of equivalence, the relationship with the standards of proficiency and the issues around setting or raising the level.
- The removal of SET 1 might better reflect the legislative intent of the Health Professions Order 2001 which provides no express power to set the qualifications required for entry.
- The removal of the standard might be empowering for education providers, commissioners and other funders of education by allowing development without (the perception of) fettering by the standards.

4.8 The disadvantages include:

- Removing the standards might be perceived as lowering standards and adversely affecting public protection.
- Removing the standard would open the flexibility for commissioners and education providers to develop shorter or lower level awards which are unlikely to be welcomed some stakeholders. The shorter or lower level awards may arguably not be commensurate with public protection.

- Removing the standard might create relationship management challenges with some stakeholders, particularly where the level of entry to the profession has been stable and widely agreed for a number of years.
- There might be a perception of a lack of leadership from the regulator on a topic which many stakeholders consider to be directly linked to public protection.
- Removing the standard might create a number of problems in other areas of the standards, for example:
 - SET 4.2: ‘The programme must reflect the philosophy, core values, skills and knowledge base as articulated in any relevant curriculum guidance’.

There is an argument that, in the absence of a standard which carries expectations as to length of programme and depth of learning, this would leave a ‘vacuum’ in the area of curriculum which would need to be filled.

- SET 6.2: ‘All assessments must provide a rigorous and effective process by which compliance with external reference frameworks can be measured.’

The guidance to this standard explains that as the threshold level for different professions varies, the expectations of the standards will be different. For example, in meeting the standards related to research, expectations would be different where the threshold is the award of a masters degree compared to the award of a bachelors degree. In the absence of SET 1, the existing standards of proficiency on their own might therefore be inadequate and might need to be changed in order to more adequately reflect the depth of learning required.

Option 4: Produce policy statements for the Executive, visitors and the Committee to use in applying, setting or changing the threshold levels

- 4.9 This option is not directly alluded to in the section 3. However, there are a number of issues on which it might be helpful to produce some very clear guidance which could inform decision making by visitors and by the Education and Training Committee.
- 4.10 This might be similar to the practice notes approved by the Council for use by the fitness to practise practice committees. For example, one practice note might explain the factors that the Committee should consider when setting the threshold level for a new group including the factors to which it should give weight and those which it would normally disregard.

- 4.11 This might help to provide some clarity on the issues discussed in this paper, whilst recognising that for most of the existing HPC professions the existing standard is non-contentious and functions well.

5. Recommendations

- 5.1 This section sets out recommendations from the Executive for next steps in light of the options outlined in section 4.
- 5.2 In considering each of the options outlined in section 4, the Committee is reminded that any changes to the standards of education and training or standards of education and training guidance require public consultation.¹⁰ Any changes to the threshold level would need to be managed carefully in order to ensure buy-in and understanding amongst key stakeholders, including education providers, visitors and the professional bodies.
- 5.3 The draft Policy and Standards Department budget for 2010/2011 and draft Policy and Standards Department and Education Department workplans include provision for holding events with education providers as part of any consultation on changes to the standard or guidance and, potentially, as part of developing any policy statements (see option 4). The Executive will develop firmer plans for stakeholder engagement and consultation dependent upon the outcome of the Committee's discussion.

Option 1: No change to SET 1

- 5.4 The Executive recommends that, given the issues and challenges described in this paper, and raised in the feedback from visitors, it would not be appropriate to fail to make any changes to the standard or supporting guidance. There is a need for clarity for the Executive, Committee, visitors and external stakeholders about the purpose and function of the standard.

Option 2: Revise the standard to change from awards to levels

- 5.5 The Executive recommends that the Committee agrees to consult on a proposal to revise SET 1 so that the threshold levels are articulated as levels against the qualifications frameworks rather than the names of academic awards. This would help to achieve more clarity in the standard for all by referencing the standard against external benchmarks which are well understood in the education field and which are UK-wide. This helps to resolve most, though not all, of the issues around 'equivalence' and around variation in award systems across the UK.
- 5.6 If this approach was to be adopted, the Committee and the Executive would need to consider further (prior to and as part of any consultation) on whether the change would necessitate any changes to other areas of the standards of education and training or the supporting guidance. In this regard it is important to note that the standards of education and training do not prescribe the length of the programme directly. However, the

¹⁰ Article 3 (14) of the Health Professions 2001 sets out the general requirement to consult before establishing standards or guidance under the order. Article 15 (3) sets out that before establishing standards of education and training the Council must consult those persons referred to in Article 3 (14) and the Education and Training Committee.

existing terms of SET 1 appears to be interpreted to provide a benchmark of this and such expectations may also be included in any curriculum guidance for the profession (SET 4.2). Expectations of the length of programmes may also be dictated by the education providers own regulations and quality assurance processes.

- 5.7 On its own, this option would not address some of other challenges discussed in this paper, including the link of the threshold to the standards of proficiency and setting the threshold level for new professions where the entry level qualifications are not linked to the qualifications frameworks.

Option 3: Remove the standard

- 5.8 The Executive does not recommend that the standard should be removed, in light of the issues discussed in this paper. In particular, the views of visitors that the standard, in some form, does provide a useful benchmark, both for education providers and for visitors themselves, of the depth of learning and/or length of programmes. There is also a strong view from stakeholders that removing the standard would fail to protect the public and any proposal to remove the standard might therefore be poorly received by some stakeholders.

- 5.9 Although the removal of the standard would resolve some of the challenges outlined in this paper, this may create other challenges which would need to be resolved. It would certainly necessitate more guidance to education providers and to visitors. If the Committee was to be minded to remove the standard, the Executive would need to undertake further work to consider the other changes to the standards of education and supporting guidance (and, possibly, the standards of proficiency), which might be necessary, before consulting on any proposal.

Option 4: Produce policy statements for the Executive, visitors and the Committee to use in applying, setting or changing the threshold levels

- 5.10 The Executive has recommended that the Committee might consider moving to a levels-based approach.
- 5.11 However, there would still be a number of issues explained and discussed in this paper for which, the Executive suggests, it would be helpful to have a clearly articulated and published position. This might be set out in a position statement(s) or in guidance to the standards of education and training. For example, some questions this might address are:
- What is the purpose and function of SET 1?
 - What is the meaning of the 'normally' clause?
 - What is the relationship of SET 1 to the other standards of education and training?
 - How does the HPC view SET 1 and its role in the approval process?

- What are the stages or factors in the decision making process to establish the threshold for new professions joining the Register?
 - How do the standards of proficiency read across to qualifications levels?
 - How much consideration should the Committee give to the existing level or awards of education and training?
 - What factors should the Committee have regard to where qualifications are not linked to the qualifications frameworks?
 - What are the stages or factors in the decision making process to raise the threshold level for an existing profession?
 - In what circumstances can or could the threshold be raised for an existing regulated profession?
- 5.12 The Executive suggests that if the Committee agrees that the proposal should be to change SET 1 to levels rather than the names of awards, work to produce these documents should be undertaken in advance to allow clarity for stakeholders as part of the consultation. This work might also help the Committee to consider why, when or whether it might be appropriate to consult on raising the threshold for an existing profession - any consultation on changes to SET 1 is likely to lead to such issues being raised by stakeholders.
- 5.13 The Executive would need to work closely with the HPC solicitor to deliver the work above.

6. Decision

6.1 The Committee is invited to discuss this paper. In particular the Committee is invited to:

- discuss the purpose of the threshold level of qualification as part of the standards of education and training;
- discuss the stages or factors which should feature in the decision making process for establishing the threshold level for a new profession;
- discuss the stages or factors which should feature in the decision making process for raising the threshold level for an existing profession; and
- discuss the relative merits of the options outlined in section 4 of this paper.

6.2 Subject to the Committee's discussion, the Committee is invited to agree and recommend to the Council (in line with the recommendations outlined in section 5):

- to instruct the Executive to begin work to produce policy statements / guidance for use by the Executive, visitors and the Committee to use in applying, setting or changing the threshold levels in order to clarify some of the issues discussed in this paper; and
- that, following the step above, a consultation should be held to seek views on the policy statements / guidance and on a proposal that SET 1 should be revised to use levels from the qualifications frameworks rather than the names of academic awards.

6.3 Dependent upon the Committee's discussion and decision, the Executive will seek the ratification of the Council for this approach at its May 2010 meeting and bring a paper back to the following Committee meeting in June 2010 with a more detailed workplan for the delivery of the next steps.

Feedback on SET 1 (Level of qualification for entry to the Register) from visitors

During the visitor refresher training sessions in October and December 2009, the Executive ran facilitated sessions on SET 1 of the standards of education and training. Discussion was focused around the following four questions:

- How is SET 1 understood and interpreted by visitors and education providers?
- What are the challenges that this standard creates for visitors and education providers?
- Are there useful changes that could be made to this standard?
- What are the implications of removing this standard entirely?

This document is a summary of the combined feedback from all visitor training sessions.

Purpose of SET 1

- The attendees felt that a key role of SET 1 was in producing autonomous and ethical professionals.
- The attendees felt that SET 1 was a useful benchmark in assessing the standards of proficiency.
- The attendees admitted that although the entry level qualifications listed under SET 1 include the caveat 'normally', they did not feel that the wording's presence and importance was explicit. The guidance did not explain the legal rationale for the inclusion of the word 'normally' sufficiently. They felt the word 'normally' was not seen or understood by both visitors and education providers and felt that most would expect this standard to be met.
- The attendees felt that SET 1 was an important way of governing both, the length and depth of training. Without it there, they felt there would be an increased need for scrutiny into these areas, by both visitors and the Education and Training Committee.
- A number of attendees also pointed out SET 1's usefulness in assessing international applications.
- Attendees felt that SET 1 would be helpful for new education providers to determine what funding model to use when setting up programmes.

- A number of attendees believed that SET 1 was a non-contentious area and that it did not need to be considered by most visitors because the majority of programmes were already being delivered at or above the threshold academic award. The attendees felt that the focus of their decision-making was on the other standards of education and training and the standards of proficiency rather than SET 1.

Challenges involved with the implementation of SET 1

- Attendees were unclear about how to invoke the 'normally' clause, as they found it difficult to distinguish when anything less than a 'normal' qualification would be acceptable. They were also unclear of what they should do in situations when SET 1 was only met when the 'normally' clause was invoked (e.g. did a recommendation need to be made to the Education and Training Committee).
- Attendees felt that SET 1 was confusing for education providers as the normative and threshold status was not immediately obvious.
- A number of attendees felt that SET 1 was inconsistent in its assessment of what constitutes an acceptable entry level qualification. For example, the attendees believed that the level of qualification for entry onto the register as a paramedic and an operating department practitioner was too low when compared to other professions. Subsequently, these attendees argued that SET 1 was mistaken in its assertion that a Certificate of Higher Education could produce an autonomous practitioner. The learning outcomes of this academic award, in line with the national qualifications framework, do not ensure autonomy.
- The attendees were initially surprised at the variation between the qualifications and the professions, from Certificate of Higher Education to Professional doctorate.
- The attendees questioned why there was so much variation between the qualifications and the professions when the majority of the standards of proficiency were generic across all of the professions.
- The attendees felt that SET 1 was inconsistent around equivalence of qualifications. In some cases the wording read 'or equivalent' and in other cases it read 'equivalence to'. This difference in wording implied a difference in emphasis and permitted permutations of academic awards.
- The attendees felt that more guidance was needed in assessing equivalence of qualifications, as it was currently too open to interpretation.
- A number of attendees pointed out that the lack of equivalence between professional qualifications made it difficult to accurately assess applications made through the international registrations route.

- Some attendees were concerned that professional behaviour could not be taught in one year. They felt SET 1 needed to be realistic in terms of developing conduct as well as competence. They felt that SET 1 should also take into account issues of professionalism, conduct, and ethics.
- Attendees felt that members of the public were confused by the term 'entry level qualification'. This is a particular concern in instances where applicants are required to have obtained more than one qualification to ensure eligibility, e.g. clinical scientists and practitioner psychologists.
- Some attendees were unclear of the position of unclassified degrees where SET 1 stipulated an honours degree, as it was felt that some education providers could, where their regulations allowed, award an unclassified degree that did ensure that the standards of proficiency had been met.

Useful changes

- Attendees believed that there should be a review of the paramedic and operating department practitioner entry level qualifications urgently, as the public would not expect these to be substantially lower than those required for other professions. The paramedic entry level qualification is clearly at a lower level than other professional guidance (e.g. QAA subject benchmarks, Department of Health funding arrangements, Bradley report).
- A number of attendees were unconvinced by the need for change. They were unclear whether the problems and misunderstandings were universal or specific to particular professions.
- The attendees emphasised that any changes made to SET 1 should not compromise its ability to encourage autonomy and professionalism.
- Some attendees suggested that there might be a potential link between fitness to practice data and the level of qualification required to enter the register.
- A number of attendees suggested that BSc/BA honours level awards should be set as the minimum entry level qualification for all professions. However, others believed that as different professions presented different levels of risk the variable nature of SET 1 was one of its biggest strengths.
- Some attendees were concerned that changes were only being made to SET 1 once the majority of approved programmes were already delivering above the threshold level. They felt that this reactive position did not promote public protection.
- Some attendees believed that academic levels, not academic awards should be used in SET 1 as this would make it easier to assess equivalence.

- Other attendees were concerned that a shift to academic levels would create different problems. They were not convinced that a move to academic levels would ensure the appropriate length and depth of training. They were also concerned that a move to academic levels would allow education providers to develop awards that provided eligibility for dual registration in more than one profession and that there would not be sufficient safeguards to protect the individual professions.
- The attendees felt that as the number of regulated professions increased, SET 1 would need to remain clear. They felt the current list was beginning to become unwieldy and confusing to readers.
- The attendees recognised the need to review SET 1 as professional and service requirements had changed since the inception of the HPC and SET 1. A number of attendees supported a consultation on SET 1 similar to the one that agreed SET1 back in 2004.
- The attendees felt that the outcome of any review of SET 1 should both take into account and not impede future developments around 'silo drift' and 'assistant/professional boundary drift'.
- Some attendees emphasised the importance of getting a lay opinion of SET 1 and stressed the need to assure the public that all registrants must have the appropriate qualification, in order to enter onto the register.

Implications for the removal of SET 1

- Most attendees felt that public protection would be directly affected if SET 1 was removed.
- In contrast, a number of attendees argued that public protection would not be affected if SET 1 was removed, as it was the other standards of education and training and standards of proficiency that ensured public protection.
- A number of attendees argued that SET 1 was primarily used by education providers, funders/commissioners and employers. Consequently, they felt the implications of removing SET 1 would affect the NHS and profession bodies (in terms of funding/commissioning arrangements for programmes and career development post-registration) more than the public.
- One of the attendees' biggest concerns was that that removal of SET 1 would encourage 'threshold' delivery by education providers, as a method of reducing costs. They recognised that all education providers and funders/commissioners are under pressure to reduce training costs.

- Most attendees were concerned that the removal of SET 1 would create a vacuum that would need to be filled by something else and they were unclear how other pieces of curriculum guidance (QAA subject benchmarks, professional body guidance) could be used by the HPC.
- The attendees were keen to emphasize that the removal of SET 1 would increase pressure on visitors to assess threshold levels and without guidance this could lead to differing interpretations.
- The attendees were anxious about the potential conflicts between the regulatory and professional bodies if SET 1 were removed.
- A number of attendees argued that removing SET 1 would affect the way in which education providers attempted to meet a number of the other SETs, specifically SET 4 (curriculum) and SET 6 (assessment). Consequently, they felt a review should not look exclusively at SET 1.
- The attendees felt that if SET 1 was removed it would be essential that additional guidance was produced so that visitors and education providers were clear what evidence base should be referred to. Some attendees argued that SET 4.2 could provide the basis for new guidance, but were unclear of how prescriptive the HPC could be in this area.



Qualifications and Curriculum Authority



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Rewarding Learning

For learners, parents, teachers, tutors, trainers, careers advisers and employers

The National Qualifications Framework

Helping learners make informed decisions

The National Qualifications Framework (NQF) sets out the levels against which a qualification can be recognised in England, Wales and Northern Ireland.

It helps learners make informed decisions about the qualifications they want to pursue, by comparing the levels of different qualifications and identifying different progression routes.



The accreditation of qualifications makes sure they are of a high quality and that they meet the needs of learners and employers.

Changes to the NQF

In 2004 we started the process of revising the NQF so that it could recognise qualifications more precisely. To achieve this, we increased the number of levels in the NQF from five to nine.

The current levels 4 to 8 (previously levels 4 and 5) broadly compare to the Framework for Higher Education Qualifications (FHEQ), which covers qualifications provided by universities and other higher education institutions.

The increase in levels does not change the number of qualifications available or a qualification's content.

From January 2006 qualifications will be awarded against the new NQF levels. (Higher-level NVQs and related qualifications will continue to be awarded against the previous NQF levels.)

The NQF today

All accredited qualifications are awarded an NQF level. If a qualification shares the

same level as another qualification, they are broadly similar in terms of the demand they place on the learner. However, qualifications at the same level can still be very different in terms of content and duration.

The NQF now comprises nine levels (entry level to level 8). Entry level and levels 1 to 3 did not change. Levels 4 and 5 were divided into five levels.

The table over the page shows a selection of individual qualifications and how they appear in the current NQF. It also highlights how the current levels broadly compare to the FHEQ levels.

More information

Visit *openQUALS* – a website comprising all accredited qualifications in the NQF:
www.qca.org.uk/openquals

In 2006-8 the regulatory authorities will trial arrangements for a unit and qualifications system underpinned by credit. The outcomes of the trial will inform future developments.

See below for contact information.

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The NQF and the FHEQ

National Qualifications Framework (NQF)	
Previous levels (and examples)	Current levels (and examples)
5 Level 5 NVQ in Construction Management † Level 5 Diploma in Translation	8 Specialist awards
	7 Level 7 Diploma in Translation
4 Level 4 NVQ in Advice and Guidance † Level 4 National Diploma in Professional Production Skills Level 4 BTEC Higher National Diploma in 3D Design Level 4 Certificate in Early Years	6 Level 6 National Diploma in Professional Production Skills
	5 Level 5 BTEC Higher National Diploma in 3D Design
	4 Level 4 Certificate in Early Years
3 Level 3 Certificate in Small Animal Care Level 3 NVQ in Aeronautical Engineering A levels	
2 Level 2 Diploma for Beauty Specialists Level 2 NVQ in Agricultural Crop Production GCSEs Grades A*-C	
1 Level 1 Certificate in Motor Vehicle Studies Level 1 NVQ in Bakery GCSEs Grades D-G	
Entry Entry Level Certificate in Adult Literacy	

Framework for Higher Education Qualifications (FHEQ)
D (doctoral) Doctorates
M (masters) Masters degrees, postgraduate certificates and diplomas
H (honours) Bachelor degrees, graduate certificates and diplomas
I (intermediate) Diplomas of higher education and further education, foundation degrees and higher national diplomas
C (certificate) Certificates of higher education

† Revised levels are not currently being implemented for NVQs at levels 4 and 5

THE SCOTTISH CREDIT AND QUALIFICATIONS FRAMEWORK



scottish credit and qualifications framework

SCQF Levels	SQA Qualifications			Qualifications of Higher Education Institutions	Scottish Vocational Qualifications
12				DOCTORATES	
11				MASTERS POST GRADUATE DIPLOMA POST GRADUATE CERTIFICATE	SVQ5
10				HONOURS DEGREES GRADUATE DIPLOMA	
9			PROFESSIONAL DEVELOPMENT AWARDS	ORDINARY DEGREE GRADUATE CERTIFICATE	SVQ4
8		HIGHER NATIONAL DIPLOMA		DIPLOMA OF HIGHER EDUCATION	
7	ADVANCED HIGHER	HIGHER NATIONAL CERTIFICATE		CERTIFICATE OF HIGHER EDUCATION	SVQ3
6	HIGHER				
5	INTERMEDIATE 2 CREDIT STANDARD GRADE				SVQ2
4	INTERMEDIATE 1 GENERAL STANDARD GRADE	NATIONAL CERTIFICATES	NATIONAL PROGRESSION AWARDS		SVQ1
3	ACCESS 3 FOUNDATION STANDARD GRADE				
2	ACCESS 2				
1	ACCESS 1				

NOTES

- i. The new Skills for Work courses are National Courses available as Access, Intermediate and Higher Qualifications (SCQF levels 3 – 6).
- ii. Ongoing work to credit rate SVQs shows that SVQ units range from SCQF level 4 to level 12. SVQs at 3 and 4 can be placed at different SCQF levels.

Memorandum

Date: 24th May 2008
To: Michael Guthrie
Osama Ammar
From: Jonathan Bracken

Standard of Education and Training 1 (SET1)

Michael, Osama

We spoke recently about the scope for either removing or replacing SET1, which sets a normative standard for the threshold level of qualifications for entry to the different parts of the HPC register.

Background

This is a topic which has been considered on several occasions in the past and, as you have both heard me say *ad nauseam*, HPC has no express power to determine the specific academic award which a person must hold in order to be entered in the HPC register.

This does differ from the position of some regulators. For example, the Dentists Act 1984 (as amended) gives the General Dental Council specific roles in relation to the approval of degrees and makes specific reference to the degree of Bachelor of Dental Surgery (BDS or BChD).

In contrast, the Health Professions Order 2001 (the **Order**) does not enable the HPC to specify the academic award required for entry to the register, but only to approve on an 'outcome' basis qualifications which meet the standards it has set for entry to that register.

The relevant provisions of the Order may be summarised quite briefly, as follows:

- Article 5(2)(a), requires the Council to set the standards of proficiency necessary for safe and effective practice;
- Article 12(1)(a) provides that an approved qualification must be one which meets the requisite standards of proficiency;
- Article 15(1)(a) requires the Council to establish the standards of education and training at a level which is necessary to achieve those standards of proficiency.

Thus, in summary, the Council must set the threshold standards of proficiency which a newly qualified applicant needs to meet in order to be able to practise safely and effectively and may then approve qualifications which delivers those standards as outcomes but cannot insist that only a specified form of academic award will do so.

Amending or removing SET1

As the Order does not permit the Council to specify that its standards can only be met by a particular academic award, SET1 is written in normative terms and provides the threshold levels of qualification “normally” expected to meet the remainder of the Standards of Education and Training (and thus the Standards of Proficiency).

Given the terms of the Order, it would be an improper exercise of its powers for the Council to refuse to approve a programme which met all of the other requisite standards, solely on the basis that it did not lead to the award of a qualification specified in SET1. Consequently, a normative approach is used to avoid the unlawful fettering of the Council’s discretion. In short (and however unlikely it may be in practice), the Council would be open to legal challenge if it failed to approve a programme solely on the basis of not meeting SET1.

Given that SET1 is expressed in normative terms, there is a purist argument for its removal on the ground of superfluity. After all, a standard which can be met without strict compliance is not really a standard. In strict legal terms this is a correct analysis. However, the removal of SET1 would involve the loss of a valuable indicator of the means by which the Standards of Proficiency may be delivered by a programme of education and training.

Although SET1 cannot be used to prescribe an academic award, it does provide a clear indication of the nature and level of threshold programme outcomes and this is valuable for both education providers and also those responsible for HPC programme approvals (notably, the Visitors and the Education and Training Committee).

If removal would be such a loss – and I would argue strongly that it would – are there viable alternatives? In my view there are two options which the Council could consider:

1. expressing SET1 in terms of levels of award rather than specific academic awards; or
2. removing SET1 but including learning outcomes in the Standards of Proficiency.

1. Levels of award

A great deal of work has been undertaken in recent years but bodies such as the Quality Assurance Agency for Higher Education (QAA) to improve consistency among education providers as to the outcomes and abilities signified by a particular level of academic award. That work is very much outcome focussed, providing broad and generic indications of the abilities that the typical student should have developed and should be able to demonstrate at each specified level.

Inevitably, generic outcome statements of this kind cannot be detailed descriptions of the specific skills needed to practise a particular profession safely and effectively. Nonetheless, the replacement of SET1 (which serves a similar purpose) with a standard based upon outcome statements of this kind would be a viable proposition.

Further, provided any revised SET1 was written and applied in a manner which was based on outcomes, the term 'normally' could be omitted. It is included in the current SET1 to avoid the mischief of a programme which otherwise meets the standards being rejected based solely upon the name or description of the award given. If the new SET1 was based upon outcomes then a programme either would or would not meet them and the standard would no longer need to be expressed in normative terms.

2. Include learning outcomes in the SOP

An alternative approach would be to remove SET1 altogether but to include learning outcomes (perhaps expressed as some form of indicator of ability or other 'cognitive marker') in the Standards of Proficiency.

At first glance this is an attractive alternative as it would provide a high degree of certainty. However, there are significant drawbacks to such an approach, arising from the fact that the Order does not contain a statutory definition of the functions performed by the HPC professions (e.g. by reference to a prescribed scope of practice).

At present, the Standards of Proficiency can be applied 'in the round' but taking account of the manner in which each standard is expressed (e.g. "to be able to...", "to be aware of...", etc.). In order to set cognitive markers for each standard of proficiency it would be necessary to identify the level of the knowledge and skills which are necessary in relation to each standard in order for a newly qualified practitioner to practise safely and effectively.

For each element of the standards, a distinction would need to be made between the essential knowledge and skills which a typical novice practitioner needs in order to practise safely and effectively and those which are of broader benefit. As there is no prescribed scope of practice this would need to be done by reference to the established body of knowledge and core competencies of the profession concerned, striking a careful balance between threshold and optimum outcomes.

Doing so would be a far from simple exercise. A programme which is provided at a level currently specified by SET1 will deliver some education and training which exceeds the threshold required by the standards of proficiency by a comfortable margin. This is because SET1 is concerned with the overall level of students' outcomes and does not prescribe content. That approach could no longer be followed if the standards were more content specific and, for example, Visitors would need to assess each component of a programme against its own specific attainment level, which might vary considerably between components of the same programme.

Conclusion

Although I accept the (strict legal) argument that SET1 is not really a standard because it is expressed in normative terms, I believe it serves a valuable purpose in providing a clear indication as to the threshold level of attainment which is needed in order to meet the requisite standards of proficiency. This applies in terms of both the discrete knowledge and skills required and the more pervasive educational elements which form part of the Standards of Proficiency, such as the ethical underpinnings of professional practice.

Given that the true purpose of SET1 is to set a level of award rather than to specify awards, it seems to me that the question to be answered is whether SET1 could be replaced by a standard which can be expressed in more appropriate terms?

In my view the Council should be asked to consider replacing SET1 with a standard which is based upon levels of attainment similar to those which have been identified by bodies such as the QAA. Such levels are outcome focussed and, consequently, this would have the added benefit that a new SET1 based upon objectively justified outcomes would be a true standard which would not need to be expressed in normative terms.

JKB