

Council meeting 5 & 6 December 2006

PUBLIC BUSINESS

Post-S60 Order education function: agreeing structures and processes

Purpose

To agree structures and processes to manage the education work of the Society, post-Section 60 Order.

Strategic objective domain

An organisation that consistently performs as a regulator, professional representative leader and publisher

Recommendation

To agree structures and processes to manage the education work of the Society, post-Section 60 Order. Namely,

- i. the function of an Education advisory group (section 5a)
- ii. composition of an Education advisory group (section 5b)
- iii. the method of appointment of an Education advisory group (section 5c)
- iv. the function of a statutory Education committee (section 6a)
- v. composition of a statutory Education committee (section 6b)
- vi. the method of appointment of a statutory Education Committee (section 6c)

1. Background

In October 2005 Council agreed the broad principles of membership and appointment for a post-S60 Order statutory Education Committee. Broadly speaking, the Committee would have had two principal functions: first, to generate education policy for approval by Council and, second, to take accreditation decisions delegated to it by Council. This dual role, embracing generating professional education standards and checking those standards were being maintained through accreditation, was a reflection of the Society's constitution as a professional leadership organisation and a regulator.

Since that original decision was taken, two reports into the regulation of medical and other healthcare professionals have been published.¹ One has a considerable amount to say about medical education and the interlinking – apparent or real – of standards setting and standards checking. If these two reports are to guide thinking in government and the healthcare sector, logically the Society's proposals for managing its education function should take heed of them and build their principal recommendations into its structures and

¹ *Good doctors, safer patients, Proposals to strengthen the system to assure and improve the performance of doctors and to protect the safety of patients, A report by the Chief Medical Officer* (Department of Health, July 2006) and *The regulation of non-medical healthcare professions, a review by the Department of Health* (Department of Health, July 2006)

procedures while retaining appropriate distinctiveness. Among other things, this paper seeks to do that.

Setting the two reports to one side for a moment, this paper also addresses other issues which have not yet been resolved, namely the agreement of appeals procedures for education decisions and the writing of education rules, which cannot be completed until a workable structure for the education function has been agreed.

In addressing all of the points above, this paper seeks to offer the basis for a single, holistic solution.

A previous version of this paper was discussed by Council in October 2006: points made then have been incorporated into this revision. In addition it will be discussed at Education Committee on 22 November 2006.

2. The education function

The Society's education function is complex. As an organisation it is responsible for:

1. defining the standards for pharmacist and pharmacy technician education and training, including the MPharm indicative syllabus, the pharmacist preregistration year and the Registration Examination;
2. defining the standards for entry to both registers for GB, NI and overseas applicants;
3. approving and accrediting courses of education and training for pharmacists and pharmacy technicians;
4. approving CPD requirements for members and registrants;
5. in collaboration with Registration colleagues and on behalf of the Registrar, approving entry to registers for GB, NI and overseas applicants, including annotations;
6. planning for revalidation.

In short, virtually all aspects of education and training prior to registration and post-registration as either a pharmacist or pharmacy technician are determined by the Society in some way. For some other similar professions the overarching functions of defining and then checking standards are separated: this paper proposes some separation but in a way that the Council retains control of standards setting and, thence, the trajectory of the profession. It would be inaccurate to interpret this paper as a simple bifurcation of the education function into its professional leadership and regulatory aspects - it does not do that. What it does do is distinguish between educational standards setting – the means by which the education of the profession is defined and regulated – and decisions made about particular cases.

The essence of the proposal is to create two education bodies. First, one which is advisory and generates education policy for Council. This group will make proposals on:

1. initial education and training for pharmacists and pharmacy technicians;
2. preregistration training for pharmacists;
3. continuing professional development; and
4. advanced and specialist practice.

The current Education Committee does this. Revalidation will be added to the remit of the new body in time. It will have an advisory role in relation to the accreditation of courses, including MPharms, OSPAPs and courses of education and training for pharmacy support staff.

This advisory group will be complemented by a smaller Education Committee, the statutory committee, which will act as an appeal body for a wide range of Education decisions (described below).

The proposal addresses concerns about perceived blurring of functions but it does not dismantle the dual role in respect of education and the paper should not be viewed as a proxy for, or microcosm of, the wider debate about the Society's future direction. It does recognise there are potential conflicts of interest in current systems, which would be there whether the reports had been written or not: that we have not been challenged about this in the past does not mean we will not be in the future. To illustrate the dilemma, consider the current process for accrediting MPharms. There is no doubt that the process is robust, fair, proportionate and led by professional experts from all sectors of pharmacy. Accreditation panels visit universities and write full, evidence-based reports, which are then considered by the current Education Committee. A potential conflict of interest is that members of accreditation panels sit on Education Committee and judge their own reports; others sit on Council, which has the power to withdraw accreditation; some sit on both. Customarily they have been invited to introduce discussions of the reports they have participated in writing: it is inevitable this flavours debates. The conduct of panel members has never been questioned and the author is confident that if challenged the Society could mount a robust defence, nevertheless, *Foster* and *Donaldson* are clear that even the perception of a conflict of interest indicates that action should be considered.

3. Comparing the current Education Committee with the proposed alternative

To gauge the impact of the proposed change it is useful to map some of the key decisions made by the current Education Committee and where they would be taken in the proposed new structure. It is hoped this will illustrate the continued cohesion of the integrated role for education.

Table 1

2005-2006 principal education decisions: current structure	2005-2006 principal education decisions taken in the proposed structure	
<i>Education Committee → Council</i>	<i>Advisory group → Council</i>	<i>Education Committee</i>
Fit for the Future (Council policy but oversight by Education Committee)	Fit for the Future (Council policy but oversight by ETPG) Major policy initiative/setting standards	
Overseas delivery of MPharms	Overseas delivery of MPharms Policy initiative/setting standards	
External education consultation responses	External education consultation responses Hearing the professional voice of pharmacy externally	
Post-reciprocity education strategy	Post-reciprocity education strategy Policy initiative/setting standards	
Accreditation of MPharms	Advice to Registrar on accreditation Setting and checking standards	Accreditation of individual MPharms Hearing cases [against standards defined by Council]

ACT Framework for Multiples	ACT Framework for Multiples Policy initiative/setting standards	
Responses to education Branch Motions	Responses to education Branch Motions Engaging with the membership	
Principles of Pharmacy Education Consultation (discussion at Ed Com)	Principles of Pharmacy Education Consultation (discussion at ETPG) Major policy initiative/setting standards	
Accuracy Checking Framework for Dispensary Assistants	Accuracy Checking Framework for Dispensary Assistants Policy initiative/setting standards	
Final procedures for approving new MPharms	Final procedures for approving new MPharms Policy initiative/setting standards	
4 th attempts at the Registration Examination		4 th attempts at the Registration Examination Hearing cases [against standards defined by Council]
Post-transitional work experience for technicians	Post-transitional work experience for technicians Setting standards	
Independent prescribing curriculum	Independent prescribing curriculum Policy initiative/setting standards	
Procedures for accreditation of technician education and training courses	Procedures for accreditation of technician education and training courses Policy initiative/Setting standards	

4. The education function in similar bodies

An obvious issue when comparing the current position and future proposals with other professional or regulatory bodies is that no others in healthcare have a dual function and are either purely regulatory or representational; their models do not translate well into the Society's context for this reason alone. This section summarises the education function of similar health and social care bodies and describes how accreditation is managed, as an illustration of a process.

The regulatory General Medical Council [GMC] has an Education Committee, comprising members of its Council, representatives of education providers and other interested bodies; the GMC is separate from the representational British Medical Association. In addition to the Education Committee there is an Undergraduate Board which considers medical school accreditation reports prior to Education Committee. The power to accredit medical schools does not rest with the GMC, as one might assume: that is reserved to the Privy Council, which lists approved providers in a schedule of the 1983 Medical Act. The GMC cannot not de-list an education provider but its Education Committee and Undergraduate Board can recommend that course of action to the Privy Council. They have done so in the past and the Privy Council declined to accept the advice it was given.

The regulatory General Dental Council [GDC] has an Education Committee comprising six members of its Council (four professional, two lay), the Council's President and a Chief Dental Officer; the GDC is separate from the representational British Dental Association. The GDC accredit schools through inspectors, who write reports for an Education Committee. Accreditation is granted in perpetuity, with quinquennial visitations (which have become 'inspections' recently) of 'sufficiency'; the process for withdrawal of accreditation for 'insufficiency' is unclear and untested but would originate, probably, at Education Committee.

The regulatory General Optical Council [GOC] has an Education Committee, comprising members of its Council plus four appointed advisers; the GOC is separate from the representational Association of Dispensing Opticians and College of Optometrists. The Council of the GOC appoint visitors to accredit courses and visits are chaired by a lay member of Education Committee. Visitors cannot be members of Council or Education Committee. A report is written collectively and is discussed by Education Committee which makes a recommendation to Council. Only Council can grant or remove accreditation. It is not clear where or how appeals would be heard.

The regulatory General Social Care Council [GSCC] has an Education and Training Committee, comprising the Chair of the GSCC's Council, four lay members of Council, the Director of Regulation (also a member of Council) and the Head of the Social Work Education Group; there is no representational body for either social workers or social carers and, currently, only social workers are regulated. Social work courses are accredited on the basis of reports written by an inspector and each course is subject to a paper-based annual review; universities are approved as course providers separately. The GSCC's Council accredits and de-accredits providers and/or courses on the advice of investigating panels.

While all these non-integrated regulators do have an Education Committee, functions vary and not all have the right to accredit courses (and one body, the GMC, does not have the power to accredit at all). Although there is not the space here to describe the role of committees in relation to other education functions, there is similar variation. That this paper proposes a different solution, does not set the Society apart in such a way it is different from a single, uniform model.

5.a The function of an advisory group

With the exception of hearing cases (see Table 2 below), the function of the advisory group would be the same as the current Education Committee. The Group would act as initial education policy generation body for the Society and would advise Council on education matters. As is the case currently, papers would be generated for consideration by Council, which would retain its current role as the policy decision making body. As well as generating policy proposals the Group would be the forum for discussing professional education and training matters more generally to ensure the Society was kept abreast of relevant issues in pharmacy, the wider healthcare sector, further and higher education and also other national and international contexts. The advisory group would retain oversight of pharmacy education and training in its broadest sense on behalf of the Society.

The Group would meet five times per year, as does the current Education Committee.

5.b The structure of an advisory group

To discharge its advisory duties effectively, the membership should include:

1. Experts in undergraduate/initial education and training for pharmacists and pharmacy technicians;
2. Experts in preregistration training for pharmacists;
3. Experts in postregistration education and training for pharmacists and pharmacy technicians, including CPD.
4. Experts with leadership roles in the primary, secondary and community sectors;
5. Expert representation from the three National Boards.

Ideally and for breadth and externality, it should also include:

6. Non-pharmacy education and training experts;
7. Lay representation, preferably with educational expertise.

Input from members of Council would provide general professional advice but should include, specifically:

8. The pharmacist member of Council elected by UK universities offering accredited MPharms (who will have educational expertise); and
9. A pharmacy technician member, to ensure the voice of that constituency is heard.

Operationalising this, a membership could be:

- 16 members in total, including 5 members of Council
- A Chair and Deputy Chair drawn from the professional pharmacist members of Council
- Pharmacy technician member of Council
- Pharmacist member of Council nominated by UK universities offering accredited MPharms
- Lay member of Council, preferably with recent or current experience of UK higher education
- Three expert nominees with leadership roles in primary, secondary and community sectors, one nominated by each of the National Boards²
- Nominee of the Academic Pharmacy Group
- Three pharmacy academics, to include a member/members with expertise in the structures and resourcing of UK higher education
- Two experts in vocational pharmacy training
- An expert in pharmacy technician education and training
- BPSA President

The Secretariat would remain in the Accreditation Division, Education & Registration Directorate.

5.c Appointing members of an advisory group

The appointments process for members of the group would remain the same as it is for the current Education Committee: members would be appointed by the Appointments Panel (under delegated authority from Council). Experts in education and training would be co-opted by the Appointments Panel or nominated by national Pharmacy Boards and the Academic Pharmacy Group at the invitation of the Appointments Panel.

² To cover all three sectors there would need to be coordination of nominations between the Boards.

6.a The function of a statutory Education Committee

Turning to the other education body, the function of a statutory Education Committee would be to hear appeals against the following:

1. Decisions of the Board of Examiners [an existing power];
2. Decisions about the adjudication of overseas applicants and their route of entry to a register [an existing power];
3. Decisions about the accreditation or approval of courses of education and training for pharmacists or pharmacy technicians [an existing power];
4. Decisions about the accreditation of training courses for preregistration Tutors [a new power];
5. Decisions about the approval of preregistration tutors, including their training as tutors [a new power];
6. Decisions about the approval of preregistration training premises [an existing power].

A key feature of the proposal is that each initial decision is made by an expert group with routes to appeal to an independent statutory committee with a legally-qualified chair. In most cases the Registrar will take initial decisions on advice from experts; the exceptions are the Registration examination - initial decisions about which are reserved to the Board of Examiners and accreditation decisions, which will include advice from the advisory group.

Table 2

Routes to appeal for decisions in 6.a above			
Appealable decision	Gathering evidence	Decision-making body or person	Appellate body
Failure of Registration examination (or any alternative assessment method)	Registration examination result (or results of other assessment methods) and supporting documentation. Managed by the Preregistration Division	Board of Examiners	Education Committee
Declination to register overseas applicant	Assessment by expert external evaluators. Managed by the Overseas Registration Division	Registrar	Education Committee
Declination to accredit or approve a course of education or training (including imposing probationary status)	Report by expert accreditation panel (based on visit or other means of gathering evidence) and advice from the advisory body Managed by the Accreditation Division	Registrar	Education Committee
Declination to approve a preregistration tutor (including training)	Assessment by expert external evaluators Managed by Preregistration Division	Registrar	Education Committee
Declination to approve a premises	Assessment by expert external evaluators. Managed by Preregistration Division	Registrar	Education Committee

Appendix 1 elaborates on the link between the current position regarding appeals and the proposals in this paper, which include additional decisions not currently taken because the Society does not have the power to do so.

6.b The structure of a statutory Education Committee

The structure of the Education Committee would be similar to that for other statutory committees:

- Chairman [legally qualified]
- Two Deputy Chairmen [legally qualified]
- Six Pharmacists [some with academic experience]
- Three Pharmacy Technicians
- Six Lay members [some with academic or regulatory experience]

Panels would be convened from the Committee to hear specific cases. A typical panel would be: a chairman or deputy chairman plus one pharmacist or pharmacy technician plus two lay members. It is important to note that the panel would be constituted according to the cases being heard. For example, appeals against decisions of the Board of Examiners would be heard by a panel including pharmacists and lay members (some with academic experience); a pharmacy technician might not be needed. The constitution of the panels would be managed by the Committee's Secretariat in consultation with chairs.

The Education Committee would draw on external expert advice when necessary. For example, if an MPharm was being considered for de-accreditation the Committee might seek expert advice from pharmacy academics or higher education specialists before reaching a decision.

Cases would be prepared, initially, by relevant sections of the Society's Education & Registration Directorate then passed over to the Committee's Secretariat, which would be independent of the Directorate.

The person specification and competencies for each category of membership will be the same as for other statutory committees. All other matters relating to membership of the proposed Education Committee can be found in document SC07 (*Statutory Committees, Role and person specification for Chairman (Legally Qualified) Deputy Chairman (Legally Qualified), Chairman (Lay), Deputy Chairman (Lay), Pharmacist, Pharmacy Technician, Lay member*).

6c. Appointing members of a statutory Education Committee

Members of the Education Committee would be appointed through the same independent process as all other statutory committee members.

7. Related groups and processes

1. *Board of Examiners*: As is currently the case, the Registration Examination (or successor assessment method) would be managed by an independent Board of Examiners. Current members of the panel, who have terms of office, will be retained and will be replaced in due course. Vacancies will be advertised in the press and all applicants will be interviewed against predetermined criteria. The interview panel will comprise representatives of the Council's Officers, the Director of Education & Registration and Head of Preregistration. The interview panel will make recommendations for both chairs and members in ordinary to Council, who will make appointments. Appointments must be approved by the Privy Council. It should be noted that the power to appoint examiners is Council's [in the Pharmacy Act, 1954] and there appears to be no power of delegation. Board members will be inducted and appraised annually. Other developmental events will be arranged as appropriate.

2. *Accreditation Panel:* As is currently the case, accreditation visits and reports would be undertaken by a team of pharmacy accreditation experts drawn from a panel. The panel would be managed by the Society's Accreditation Division. Current members of the panel, who have terms of office, will be retained and will be replaced in due course. Vacancies will be advertised in the press and all applicants will be interviewed against predetermined criteria. Should the need for additional members in existing categories of accreditors arise (team leader, academic, community, industry, hospital, lay, rapporteur, prescriber, support staff) they will be advertised, as will all vacancies in new categories. The interview panel will include the Director of Education & Registration, Head of Accreditation and a current team leader; other panel members will be co-opted as necessary. Panel members will be inducted and appraised annually. Other developmental events will be arranged as appropriate.
3. *Adjudication of overseas pharmacists and pharmacy technicians:* This would be undertaken by independent external evaluators on behalf of the Registrar. It would be managed by the Overseas Registration Division and the Support Staff Registration Division. Vacancies will be advertised in the press and all applicants will be interviewed against predetermined criteria. The interview panel will include the Director of Education & Registration, either the Head of Support Staff Registration or the Overseas Registration Manager and a current evaluator. Evaluators will be inducted and appraised annually. Other developmental events will be arranged as appropriate.
4. *Approval of preregistration tutors, premises and tutor training courses:* This would be undertaken by independent external evaluators on behalf of the Registrar. It would be managed by the Preregistration Division. The process for appointing external evaluators will be the same as that for evaluators in the previous categories, except that the current evaluator on the interviewing panel - of which there are none - will be an experienced preregistration tutor.

8. Making rules

Agreeing the loci of decision making and hearing appeals is central to making rules. Until these are agreed, education rules cannot be finalised and issued for consultation. The longer the delay, the longer it will take to implement parts of the Section 60 Order dealing with education.

9. Outstanding decisions

There are a number of outstanding decisions that will need to be made which are relevant to this paper (although some are not dependent on agreement of the paper but are necessary to implement parts of the Section 60 Order). They are:

- How to approve preregistration tutors
- How to approve preregistration training sites
- How to approve the training of preregistration tutors

The Education & Registration Directorate would like to revisit procedures for evaluation some categories of overseas applicants but this is a refinement of a current function not a new one.

10. Risk Implications

Failing to separate out the standards setting and checking Education functions of the Society may lay it open to criticism that it is blurring the boundaries of its work to an

unacceptable degree. Alternative proposals which do not separate the functions may not be accepted by the Department of Health: rejection by the Department could delay implementation of the Order still further.

All delays will have an impact on the timetable for making rules and implementing the Section 60 Order.

11. Resource Implications

The Education & Training Group could be funded from the current Education Committee budget, maintained by the Accreditation Division. The Board of Examiners' funding will be covered by the existing budget for that body, maintained by the Preregistration Division. Additional funding will be required for the new Education Committee: the approximate costs of attendance and prior work is £30k pa (this excludes staff time for existing work reconfigured by the proposal, which is covered by salaries). This is the cost for paper-based appeals: should individuals wish to appear before the Committee with legal representation, the cost would rise. The appointment and training process would cost £50k and would have to be scheduled in the 2008 budget, given the financial constraints in 2007. All other Education functions discussed in this paper will be funded through existing processes and budgets.

10. Recommendation

To agree structures and processes to manage the education work of the Society, post-Section 60 Order.

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Secretary, Education Committee

Appendix 1

Appealable decisions: a comparison of the current position and proposals for the future						
Decision	Initial Decision		Appeal			Other regulators
	By whom now	By whom post-S60	Appealable now	Appealable post-S60	To whom	
Approval of MPharm	Ed Com, withdrawal by Council	Registrar	Y	Y	Education Committee	GDC – Ed Com with appeal to Registrar/GMC – Privy Council/GOC – Council/GSCC - Council
Approval of underpinning knowledge/qualifications for pharmacy technicians	Ed Com	Registrar	Y	Y	Education Committee	n/a for most regulators
Approval of tutors	Registrar	Registrar	N	Y	Education Committee	Equivalent (eg. Optometry) OR organised on a contractual basis by an HEI and all approval matters dealt with by HEI (eg Dentistry and Social Work)
Approval of training sites	Registrar	Registrar	N	Y	Education Committee	Equivalent (eg. Optometry) OR organised on a contractual basis by an HEI and all approval matters dealt with by HEI (eg Dentistry and Social Work)
Approval of training programmes for (preregistration) tutors	Registrar	Registrar	N	Y	Education Committee	n/a or dealt with by an HEI where degree is registerable qualification or professional body (Optometry (online course))
Approval of entry to preregistration year	Registrar	Registrar	N	N	n/a	Equivalent for all relevant professions (Medicine) OR dealt with by an HEI where degree is registerable qualification (Dentistry and Social Work) OR certificate of competence and qualification issued by HEI (Optometry)
Signing off of preregistration training reports (staged and final)	Tutor	Tutor	Y	Y	Registrar	HEI or prof. body also directly involved under contractual agreements for other relevant professions. (Optometry trainees appeal to the President of the College/Dentistry to Registrar/Social Work training signed off by registered social worker)

Appendix 1

Approval of applications for registration in the technicians' Register following scrutiny	Registrar	Registrar	Y	Y	RAC, with a referral to Education Committee if necessary	S60 article 42 (p)/GDC – accredited degree with appeal to Registrar for 'Auxiliaries' registration (currently not differentiated)/GSCC – developing register for Social Care workers (as distinct from Social Workers)
Overseas applicant following interview to complete 4 yr MPharm as opposed to OSPAP	Adj Com	Ed Com	N	Y	Education Committee	Appeal not usually allowable, except on grounds of a procedural irregularity, because the grounds otherwise would be a challenge to the RPSGB's definition of pharmacy and the necessary education and training for registration/GOC has alternative routes to Registration for overseas applicants/GSCC assessors can recommend additional education and training before entry to register
Determination of adaptation period or aptitude test for non-compliant EEA applicant	n/a	Registrar	n/a	Y	Education Committee	Appeal routes tend to be to the Registrar, after another body has made an initial determination
Overseas applicant with conviction relating to submission of fraudulent docs/strong suspicion thereof	Registrar	Registrar	N	Y	RAC	Equivalent appeal procedure to RAC or Registrar