**CEORB**

Collaboration in the Education regulatory function

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| **Meeting:** 26 February 2021 | **Status:** For discussion |
| **Paper Authors:** Education IRG Group | |

**[This paper has been updated in the Analysis and Next Steps sections to capture the feedback from the CEORB group on 26 Feb 2021]**

**Purpose**

1. To present the Chief Executives of Regulators’ Board with a summary of current collaboration within Education, and opportunities to improve how we collaborate across our respective Education regulatory functions.

**Recommendations**

1. The CEO Board is invited to:
   * **note** the Education Inter-Regulatory group (IRG)’s assessment of opportunities for development of joint approaches to regulation; and
   * **endorse** the proposed direction of travel for opportunities regarding regulatory cooperation that are least likely to be affected by legislative/regulatory reform.

**Strategic objective**

1. This work contributes towards the long-term strategic aim of all regulators and is in line with the PSA’s ambition to improve regulatory processes, ensure regulatory approaches are evidenced base, and assess the impact of our work, in order to better protect the public.
2. It is relevant to the Government’s agenda for greater alignment through regulatory reform; whereby it will prioritise regulation to strengthen governance and give greater flexibility in relation to fitness to practise proceedings, but is also planning to go further and consider registration and education functions.

**Background**

1. This paper has been prepared by members of the Education Inter-Regulatory Group (IRG)[[1]](#footnote-1).
2. Essentially, the group is a forum to exchange information and identify good practice in the regulation of professional education and training across the health and social care sectors.
3. The IRG has provided an effective interface between regulators that have collaborated on a number of developments over the last six years, such as:
   * new NMC standards for education and training (Realising professionalism: Education framework – worked with GMC through a secondment);
   * joint statements for the professional duty of candour 2014 and reflective practice 2019;
   * COVID action group; and
   * working together review (annex one).
4. While regulatory autonomy is maintained, the emphasis has always been on consistency, alignment and sharing good practice. The IRG believe there are further opportunities to strengthen cooperation and drive improvement and innovation collectively.

**Analysis**

1. The Education regulatory function consists of the following core areas:
   * Education and Training Standards
   * Outcomes for students / threshold requirements
   * Approval and Quality assurance processes: (annual monitoring, visits, desk-based quality assurance activity, enhanced monitoring/serious concerns, notification of changes and events)
   * Guidance
2. Within this function, each regulator has its own identity, training pathways, legislation and regulatory powers and therefore operates slightly differently in order to regulate effectively within its nuanced context (for example: setting standards through principles or prescription, producing its own guidance or signposting, operating and working with devolved nations and professional bodies).
3. That said, having collectively completed a review of each regulator’s approach to its education function, we have found that each has a similar strategy and underpinning suite of policies and processes, and we are faced by many common challenges. There are also a significant number of common stakeholders (for example, Office for Students, OFQUAL, HEIW, NES, PSNI, QAA, Higher Education Funding Council for Wales, Scottish Funding Council, HEE, NIPEC, NIMDTA etc).
4. In addition, we have a common challenge in our internal workforce. Employee movement between regulators is commonplace however recruitment to both education policy and operational posts is often challenging and expensive. There are opportunities to upskill our regulatory workforce and provide other low-cost development opportunities to improve retention in our own organisations.
5. The different regulators’ education functions currently collaborate by sharing expertise, advice, networks on process and policy issues.

**Landscape**

1. We are acutely aware that Brexit and legislative and regulatory reform may significantly impact what we do and how we do it, however the IRG is committed to further developing our approaches to collaboration – particularly in areas which are not so directly affected by these reforms – and we have now reached a stage where we wish to set out these opportunities more clearly so that, when the time is right, we are able to continue to explore the possibilities for maximising collaboration and achieve our ambitions.

**Opportunities for collaboration**

1. The below tables outline key opportunities for better collaboration within each of these Education areas. They are presented in two tables: priority opportunities, and additional opportunities. Some of these are aspirational however many present rich areas for exploration that could bring significant benefit with minimum cost.

**The following tables have been updated to reflect the discussion that occurred with the CEORB on 26 February 2021.**

**Priority opportunities (least likely to be impacted by Brexit and legislative and regulatory reform):**

| **Opportunity for collaboration** | **Purpose** | **Status** |
| --- | --- | --- |
| **Regulatory reform** – to rethink how we regulate education and training | | |
| Future consultation response | Opportunity to rethink how we regulate education and training and work through the (anticipated) consultation together to consider our best model. | Ongoing |
| **Approval and Quality assurance processes** | | |
| Sharing risk information & cross-regulator case management for education issues | To establish an approach to information sharing and cross-regulatory action for regulated healthcare education.  The group are currently exploring if and how we could adapt the Emerging Concerns Protocol to our function, enabling us to work more effectively with the appropriate stakeholders (Office for Students, OFQUAL, CQC etc). | **Progressing well – CEOs supported us to continue this work** |
| Advanced practice | When registrants’ scope of practice develops into ‘advanced practice’, a joint regulatory approach would enable clarity and support this work to progress safely.  There have been many discussions about this and regulators are generally aligned with the challenges, but we could work on solutions to regulating this together. This is particularly topical now.  This workstream could improve workforce retention, upskill and develop the professions to improve care. | **Various regulators have started to scope this work** |
| **Our internal workforce -** To explore how we upskill our regulatory workforce, share good practice and innovation, and provide other low-cost development opportunities to improve retention in our own organisations. | | |
| Education Manager development programme | To provide an opportunity for Education Managers (and aspiring managers) to develop their knowledge of other regulators’ approaches to Education (including policies, processes and systems).  Intended skills and knowledge development:   * Regulatory knowledge * Networking * Presentation skills * Induction and training skills * Report writing skills * Analytical skills | **Progressing well - first ‘cohort’ launched April 2020.** |
| Shared training sessions | To create a shared ‘hop on, hop off’ training programme to upskill our visitors/panels and employees on a range of topics. | **Informal arrangements** |
| Shared lessons learnt re policies and process | To develop a collaborative approach to identify lessons learnt in our polices and processes to contribute to our own organisation’s continuous improvement. | Could incorporate in the IRG meetings on ad-hoc basis |
| **General advice and collaborative problem-solving** | | |
| Advice and collaborative problem-solving | To share advice and undertake collaborative problem-solving.  This covers our whole functions, including COVID, education governance structures, degree apprenticeships, accelerated degrees, etc. | Ongoing |

**Additional opportunities** (all ‘not started’)**:**

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| --- | --- |
| **Opportunity for collaboration** | **Purpose** |
| **Approval and Quality assurance processes** | |
| Common risk assurance framework | To establish a risk assurance framework which uses shared definitions of risk, which can be allocated to programmes, changes or events, and used to support risk-based information-sharing. |
| Common shared data sets | To establish a ‘big data’ set amongst health and social care regulators which can be used for our Annual Monitoring activities. |
| Cross-regulator learning reviews | To share learning and trends in the sector, identified by our respective QA functions. |
| Accreditation of IP programmes | Is there opportunity to streamline and have a greater degree of consistency with these programmes? |
| **Education Standards and Outcomes/threshold requirements** | |
| Impact evaluation | When we change our regulatory approach or regulatory standards, how do we measure impact? How do we know if the changes are achieving what they should be?  Many regulators are currently considering this but are there opportunities to work on this together? For example, developing and agreeing measures of success. |
| Proportionality of assessment | Is there over-assessment or huge volumes of exams/too many high-stakes assessments? This may also be relevant to the Advanced Practice topic as well. |
| Interprofessional education | To agree a standard or approach whereby we actively promote and encourage interprofessional education and collaborative practice that supports multi-disciplinary working.  (NB: potential to collaborate with CAIPE – Centre for the Advancement of Interprofessional Education) |
| **Guidance -** To explore opportunities for generic outcomes in professional skills areas. | |
| Professional skills | To establish a shared understanding and expectation regarding any/all of the following: professionalism, safety, clinical leadership, communication skills, collaborative practice within all health and social care professions, and other shared topics.  To explore the scope for a generic outcomes framework applicable to all regulators? |
| Use of simulation | To explore appropriate and effectives levels of simulation use. |
| **Our internal workforce -** To explore how we upskill our regulatory workforce, share good practice and innovation, and provide other low-cost development opportunities to improve retention in our own organisations. | |
| Education International development programme for Director/Head of | To provide an opportunity for senior regulatory staff to develop their knowledge of international regulatory approaches to Education (including policies and systems). |
| Secondments | To provide an opportunity for employees to develop their knowledge of other regulators’ approaches to Education (including policies, processes and systems) and share their skills / fresh ideas. |

**Next steps**

1. The IRG seeks the CEOs’ steer on progressing:
   * collaboration in the anticipated regulatory reform consultation (if it materialises)
   * the ‘priority opportunities’ – including the adaptation and adoption of the Emerging Concerns Protocol, and continuation of the internal workforce capability, and exploring the opportunities regarding interprofessional learning and collaborative practice.
2. If we are to progress the aforementioned collaborative opportunities, we recognise that each organisation is structured differently and some of these opportunities, whilst related to Education, may extend beyond the Education teams. In designing the workplan, we would seek the appropriate stakeholders from within our respective organisations, to ensure this work involves the right people/teams at the right time. We would also seek to agree nominated leads for the work within the IRG so that we can balance workload amongst the regulators.
3. We recommend **not** pursuing the non-priority activities at this stage whilst the reform is looming and numerous regulators are responding to the impact of Brexit.
4. We would welcome a CEO champion to be our sounding board and support to take this forward.

**Finance**

1. This work has not yet been planned/costed at this stage, though some activities could be progressed with minimal impact on resources in comparison to the expected benefits.
2. We recognise that each organisation has numerous strategic priorities and seek that this is included within each organisation’s plan so that it can be appropriately resourced. Delivery timescales would be staggered to relieve pressure on teams.

**Risks**

1. **Workplan susceptible to political changes and project creep** – there is a critical need to focus on completing the workstreams in short-medium bursts. After being well-planned, design and delivery should not take longer than 18 months to complete. Each workstream should be followed by a retrospective evaluation.
2. **Participation readiness** – some regulators may be willing to be involved but not able to, others may not agree with the outputs and not wish to participate. Whilst the opportunity to collaborate is open to everyone, it is not mandatory; regulators can choose to join in with some parts of the workplan but not others.
3. **Regulatory and legislative reform and Brexit –** these are likely to impact each regulator differently, we would seek to organise the collaboration work together, and accommodate the workload of those involved with these complex pieces.

**Equality Impacts**

1. This work has not yet been planned or reviewed in terms of equality impact yet.

**Devolved nations**

1. This work needs to incorporate the differences within the four nations, and there are particular nuances regarding education within the nations that must also be considered.

**Communications**

1. Whilst this work is in its early stages, if there is appetite to continue to explore these collaborative opportunities for synergy and efficiency, we would create a communications plan to support the draft workplan.

**Next steps**

1. Further to the CEO steer, the Education IRG will pursue the priority collaboration opportunities in this paper.

**CEO feedback from 26 February:**

* ***Great work*** *- great to see all of the collaboration going on*
* ***Make it deliverable –*** *They were very conscious of all of our workloads and were keen not to overburden us by setting any tasks. They agreed that the* ***group is best placed to identify priorities -*** *they were very supportive for us to continue to identify and work through the priorities which will be most effective.*
* *I was asked for 1 key priority and said the ‘quick win’ operationally would be adapting the emerging concerns protocol to include the education regulators – which they supported and thought sounded sensible (more on this below).*
* *In terms of collective strategic priority, I said this was likely to be Advanced Practice as many of us are already considering this knotty topic to help workforce issues and as it is such a complex area it may benefit from a collaborative approach. I added in my personal view that it is important that either we have clarity on whether we regulate titles or activities – or alternatively we identify those tasks which cannot be substituted by non-medical practitioners), to enable this work to spring forward – and we may need their help with this later down the line.*

*We could consider:*

* *Proportionality of assessment – is there over-assessment or huge volumes of exams/too many high-stakes assessments? (I think this may also be relevant to the Advanced Practice topic as well.*
* *Private education providers – perhaps the group could discuss how we manage private education providers (I mentioned that GOC have recently strengthened our standards to address this, but would be a good agony aunt topic to understand the matter further).*
* *Accreditation of IP programmes – is there opportunity to streamline and have a greater degree of consistency with these programmes?*

**Attachments**

Annex one: working together overview – briefing note

**Annex one: Briefing note: Working Together - Inter-regulatory group – Education**

**Purpose and rationale**

There are a number of regulators in health and social care professional higher education and lack of clarity about how we work together to deliver our respective statutory responsibilities which may lead to duplication or information not being shared appropriately.

The GOC offered to run a programme of workshops to bring together education leads across the health and social care regulators (and education regulators such as the OfS) to:

* understand what the health and social care and education regulators do and how they do it;
* explore the appetite and feasibility of establishing an approach to information sharing and cross-regulatory action within our approval and quality assurance (A&QA) functions; and
* support the delivery of respective and different statutory responsibilities efficiently and effectively by working with each other, providers and stakeholders.

**Methodology**

1. Understand the perspectives of others. Identify and explore appetite for risk, and issues associated with sharing A&QA information with health and social care professional regulators and OfS and explore current examples of regulators working together to manage A&QA and also other frameworks such as Alerts system and Emerging Concerns protocol to inform thinking.
2. Develop briefing paper to Chief Executives’ meeting.
3. Design a shared risk management protocol and a mechanism for information/alerts sharing
4. Pilot (if needed) then evaluate and decide next steps.

**Opportunities and risks**

* The key opportunity is to improve our information so that we can improve how we regulate, ensure that major education risks do not fall through the gaps and that regulators are effective in cross-regulatory case management.
* The main risk is the tension between the exercise of similar but different statutory responsibilities and regulatory approaches. Part 1 of the workshop seeks to establish whether there is genuine commitment across regulators to accept issues that arise through this type of activity and to work together to overcome these for the key purpose of improving regulation for all involved.

**Summary: November 2019 – Part 1: Understand and explore workshop**

* We discussed others’ regulatory approaches and risk appetite and found they were generally aligned in many areas.
* We explored opportunities and issues associated with sharing A&QA information with regulators – and identified potential solutions to some of the key issues.
* We considered current examples of regulators working together to manage A&QA of education and other frameworks (e.g. Emerging Concerns Protocol)

**Summary: March 2020 – Part 2:**

* We agreed that the Emerging Concerns Protocol was a pragmatic approach and it was likely this could be adapted for our needs.
* We agreed to draft a paper for the CEOs so that we could explore a workplan for the numerous collaborative opportunities that we wish to progress.

**Summary: October 2020:**

* We considered the impact of the pandemic as well as the various reforms and Brexit and revised the draft paper.

1. Authors include: GCC, GDC, GOC, GOsC, HCPC, GPHC, GMC, NMC, and OFS (Office for Students). Membership of the IRG also includes SWE, CAIPE and the PSA. [↑](#footnote-ref-1)