

IPReg Accreditation Withdrawal - Policy Statement

The IPReg Board hopes it would never be in a situation where we would have to withdraw accreditation from an attorney qualification provider. A decision to do so would not be taken lightly, would be made by the Board, and would be reached only when all other remedies had been considered and/or pursued, and the significance of the risk(s) to the accreditation standards¹ were so pronounced that remedies were insufficient to address it.

An application which meets the accreditation standards is typically accredited for five years². If, during that time, there is a verified significant risk to the accreditation standards, we would need to take action. By significant³ risk we mean a serious, sustained and systemic issue, such as one reported by an entire student cohort or a professional membership body. Examples of a serious, sustained, systemic issue might be: not covering the IPReg syllabus, wholly and consistently inaccurate or out-of-date course materials, or inadequate assessment arrangements. Conceivably, it could even include wider-reaching significant risks, such as the broader institution's action/ inaction (e.g. losing accreditation status with another agency, or a financial issue which threatens the viability of the course or examination).

Where a significant risk is raised during a live course or examination period, it is particularly important for immediate discussion and mitigation with the aim of ensuring that accreditation withdrawal, should it need to take place, takes place at the end of the period. This would be to enable the students/candidates who have successfully completed the course or examination to be entitled to the corresponding IPReg-accredited attorney qualification.

IPReg Accreditation Withdrawal - Procedure

1. Where a significant risk to the accreditation standards is indicated, IPReg would seek to verify this through evidence gathering (as appropriate). Where found to be both legitimate and significant, IPReg would inform the qualification provider of the identified risks, the specific areas of review and/or where appropriate, the specific actions which need to be taken and by when, and what improvements need to be seen. The qualification provider would be afforded the opportunity to respond should they consider the risk was not legitimate and/or was not as significant as perceived. Wherever possible IPReg would work with the qualification provider to help it meet the accreditation standards.
2. In the circumstances of significant risk, a programme of support and intervention remedies would apply in order that necessary improvements were made in a timeframe appropriate to the risk and how and when it could be addressed. Remedy options include (but are not limited to): requiring formal

¹ IPReg has the statutory power to accredit courses and examinations for attorney qualifications, pursuant to the legislation cited at the outset of the [Patent Attorney and Trade Mark Attorney Qualification and Registration Regulations \[2009\]](#). The accreditation standards for attorney qualifying pathways are set out in the [IPReg Accreditation Handbook](#), the accreditation standards for litigation skills courses are set out in the [Rights to Conduct Litigation and Rights of Audience Certification Rules](#).

²This is underpinned by an annual reporting requirement on accreditation standards within that timeframe.

³ By contrast, for example, an issue reported by a single student or exam candidate would be considered a minor risk, and accordingly would be referred to the relevant qualification provider's complaint process.

commitments and progress updates from the qualification provider, IPReg meetings with the qualification provider, bringing forward the dedicated independent accreditation exercise assessment ahead of its typical 5 years schedule, issue of notice of concerns of significant risk on the IPReg website. The qualification provider would be given clearly defined and time-framed objectives and there would be ongoing liaison between them and IPReg with a view to meeting those objectives and thereby potentially avoiding accreditation withdrawal.

3. Progress review timeframes would depend upon the details of the significant risk and related remedies. Upon review, IPReg would determine whether there have been sufficient improvements made to the quality of provision. Where this review takes the form of assessment by independent specialist assessors, the costs to IPReg of those assessors and the IPReg office would be re-charged to the qualification provider.

4. Should it reach a point where there were insufficient improvements and the risk remains significant, accreditation withdrawal would need to be considered and tabled for discussion at the IPReg Board. The Board would consider a reasoned statement regarding the possibility of accreditation withdrawal. The qualification provider would be given notice of at least 21 days of the Board meeting and invited to provide written submissions and to attend and be heard at that meeting.

5. Having fully considered all evidence, the IPReg Board would make a decision⁴ whether or not to withdraw accreditation. A Board decision to withdraw accreditation would be notified in writing to the affected qualification provider within two working days of the decision. This decision notice would set out the exact and full grounds for the withdrawal of accreditation.

6. The decision notice would be clear on the date from which accreditation is withdrawn. It would be explicit regarding what needed to be done by the qualification provider and by when. The qualification provider would be required to submit withdrawal plans which confirm these requirements to be actioned in the expected timeframe and/or raise any items to consider relating to those expected timeframes.

7. The decision notice would state the date by which an appeal of the accreditation withdrawal decision must be filed, this will be within 28 days of the accreditation withdrawal decision notice. An appeal shall not be deemed to be filed until IPReg has received a notice of appeal and the fee for appeal has been paid.

8. A notice of appeal under this procedure shall contain: a) the name and address of the appellant; b) an indication of the decision impugned; and c) a statement of grounds indicating the reasons for setting aside the decision impugned, or the extent to which it is to be amended, and the facts and evidence on which the appeal is based. An appeal may be made on one of the following grounds:

- a) IPReg did not have the power to make the decision being appealed or used a power for an improper purpose;
- b) the decision was irrational;
- c) the procedure followed was unfair or biased or a substantial procedural error occurred;
- d) the decision was a breach of the law.

9. IPReg shall appoint a barrister or solicitor, of at least 10 years' qualification, independent of the IPReg Board to act as Adjudicator and the notice of appeal, IPReg's reasoned statement and decision

⁴ If the Board is unable to come to a conclusion the IPReg Chair would have a casting vote.

notice, and any qualified provider comments in response, shall be forwarded to the Adjudicator who shall review the documents and rule on appeal. A decision of the Adjudicator shall contain:

- a) the date when the decision was taken;
- b) the name of the Adjudicator;
- c) the name of the appellant;
- d) a summary of the facts;
- e) the reasons; and
- f) a recommendation as to whether the decision being appealed should be upheld, revoked in part or revoked.

10. An Adjudicator shall recommend a decision being appealed should be revoked, or revoked in part, to the extent that the Adjudicator determines that:

- a) IPReg did not have the power to make the decision being appealed or used a power for an improper purpose;
- b) the decision was irrational;
- c) the procedure followed was unfair or biased or a substantial procedural error occurred;
- d) the decision contravened an appellant's rights under the law.

11. If a decision being appealed is recommended to be revoked, or revoked in part, the decision of the Adjudicator may include an order that some or the entire appeal fee should be reimbursed to the appellant.

12. Copies of the decision of the Adjudicator shall be sent to IPReg and the appellant.

13. The Adjudicator's recommendation and report should be made within 28 days. However, should the Adjudicator consider more time is required they may seek Board approval to do so. Their recommendation shall be taken back to the IPReg Board for ratification. Where an Adjudicator recommends that a decision should be revoked, or revoked in part, the IPReg Board shall reconsider the decision being appealed in the light of the Adjudicator's comments and take such steps to revise the decision as are considered appropriate.

14. IPReg shall publish its accreditation withdrawal decision on its website, in accordance with the Publication Policy, and only upon the time for appeal having expired (as item 7) without receipt of any request to appeal being made by the provider, or an appeal has been made, determined and dismissed.

15. All efforts shall be made that such an announcement would provide sufficient lead-in time for potential students/candidates to make another choice of course or examination wherever possible⁵.

⁵ IPReg's education work plan programme includes expanding the qualification pathway options.