

Consultation: withdrawal of accreditation of a qualification pathway

Introduction

1. This consultation concerns a high-level procedure for withdrawal of IPReg accreditation of a qualification pathway or litigation skills course. The procedure would be triggered only in extenuating circumstances and when all other remedies have been exhausted or are insufficient.
2. IPReg-accredited attorney qualification pathways are currently offered by the universities of Bournemouth, Brunel, Nottingham, Queen Mary London and the examination agency of the Patent Examination Board. IPReg-accredited litigation skills courses are currently offered by CPD Training and the universities of Nottingham and Sheffield.
3. **This consultation closes on Friday 12 June 2020 at 5pm.**

The current accreditation process

Attorney qualification pathways

4. The [IPReg Accreditation Handbook](#) sets out the standards expected of courses and/or examinations accredited by IPReg as elements of the attorney qualification pathways.
5. The accreditation process includes an application setting out how the qualification would meet the Handbook's specified standards, syllabus, credit weighting and learning outcome requirements. The application is assessed by independent specialist assessors who together compile a report which makes recommendation to accredit, or not, the qualification offer, likely along with a number of recommendations to ensure the pathway meets all expected standards.

Litigation Courses

6. The [Rights to Conduct Litigation and Rights of Audience Certification Rules](#) set out the standards expected of short courses accredited by IPReg as litigation skills courses.
7. The accreditation process includes an application setting out how the course would deliver the learning outcomes and meet the accreditation guidelines as specified in Schedules 1 and 2 of the Rules.

Accreditation assessment

8. The assessment of the application is undertaken by independent specialist consultants who submit a report to IPReg recommending whether the course or examination should be accredited. IPReg Board considers the report's findings and recommendations and

makes a decision to approve, or not, accreditation of the application, likely subject to a number of recommendations to be implemented.

9. Typically the period for which accredited status applies is five years. Upon approaching the expiration timeframe of the accreditation there will need to be an application for reaccreditation (presuming the qualification pathway wishes to remain accredited).

Quality Concerns

10. During an accreditation period (during the five years between assessments), should there be concern that expected standards are not being met, action must be taken. Indications of possible quality issues may be provided through a range of routes, including, but not limited to, stakeholder feedback and/or the accredited provider self-reporting a quality or financial (or other) issue.
11. The IPReg office and the Board Education Group will review and determine the appropriate first response. IPReg will seek to work with the accredited provider to address the issues and help the provider meet the accreditation standards. Where there is significant concern, a programme of support and intervention remedies will likely apply in order that necessary improvements are made in an appropriate timeframe.

Accreditation withdrawal

12. Only where the support and remedies package do not address the issues, when all other avenues have been considered and/or pursued, and/or the severity of the issue is so pronounced that remedies would be insufficient to address the failing, would withdrawal of accreditation be considered. A decision to withdraw accreditation would require approval of both the IPReg Education Group and the IPReg Board as a whole.
13. Where a withdrawal decision is made during a live course or examination period, students are entitled to complete the course/examination to which they are enrolled and except in extenuating circumstances, the course/examination will run to its natural end of the cohort. Except in extenuating circumstances, students/candidates who have successfully completed the course/examination will be entitled to the IPReg-accredited intellectual property qualification.
14. Should the qualification provider wish for the decision to be reviewed they may do so. The decision will be reviewed by the IPReg Chair in discussion with the IPReg Executive Team.
15. For the avoidance of doubt, this procedure is distinct from that applied when an application for accreditation is not successful; it applies when quality concerns regarding an accredited live qualification provision are sufficiently significant that it is not appropriate to wait for the accreditation period of (typically) five years to expire.

Question 1: What are your views on the circumstances in which accreditation would be withdrawn?

Question 2: Do you have any comments on the proposed procedure?

Question 3: Is five working days an appropriate timeframe for an attorney qualification provider to put together a (different) case for consideration on appeal?

Please email your consultation response by 5.00pm Friday 12 June 2020 to: info@ipreg.org.uk

Annex – Accreditation Withdrawal Procedure

1. IPReg accreditation of attorney qualification providers

1.1 IPReg has the statutory power¹ to accredit courses and examinations which together form the qualifying attorney pathway(s).

1.2 The [IPReg Accreditation Handbook](#) sets out the quality standards required of those courses/ examinations seeking this accreditation (or re-accreditation).

1.3 An application is assessed by two independent specialists appointed by IPReg. The assessment seeks to determine any risks to the accreditation standards. Accordingly, the applicant body will be required to submit, and deliver against, an implementation plan to remedy these risks.

1.4 Where the assessment identifies significant risks to the quality standards which IPReg considers cannot be readily addressed, the application for accreditation will not be approved. In such cases, the IPReg Board will determine how long before the applicant could make another application.

1.5 Typically, an accredited provider of a qualifying pathway is subject to a 5 years reaccreditation assessment cycle. However, the IPReg Board has the discretion to determine at the time of accreditation, whether to require reaccreditation sooner than that. In the meantime, IPReg will require annual reports from all accredited pathway providers.

2. Concerns raised in between accreditation exercises

2.1 The accreditation assessment seeks to identify any risks a qualification pathway presents to the accreditation standards. Additionally, concerns might be raised in between accreditation assessment exercises. Indications of possible quality issues may be provided through feedback from professional bodies, practitioner firms or students, or via self-reporting such as the accredited body advising IPReg it has a financial issue which threatens the viability of the course or examination.

2.2 The concern(s) will be assessed by the IPReg office and reported to the IPReg Education Group which in turn will review and determine the appropriate first response. IPReg will inform the provider of the identified concerns, 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. Wherever possible IPReg will work with the accredited qualification provider to help it meet the accreditation standards.

2.3 In the circumstances of a significant concern, a programme of support and intervention remedies will likely apply in order that necessary improvements are made in an appropriate timeframe. Remedy options include (but are not limited to): formal commitments and

¹ Pursuant to the at the legislation cited at the outset of the [Patent Attorney and Trade Mark Attorney Qualification and Registration Regulations \[2009\]](#)

progress updates from the qualification provider, Education Group meetings with the qualification provider, dedicated accreditation exercise assessment, issue of notice of significant concerns or significant failings on IPReg website.

2.4 Progress review timeframes will depend upon the details of the concern(s) and any related remedies. Upon review, the Education Group will determine whether there have been improvements made to the quality of provision. Where this review takes the form of assessment by independent specialist assessors, the costs to IPReg of this will be re-charged to the qualification provider.

3. Withdrawal of IPReg accreditation of a qualifying attorney course or examination

3.1 A decision to withdraw accreditation would not be taken lightly. It would need the approval of both the IPReg Education Group and the IPReg Board as a whole. The attorney qualification provider would be given advance notice of the Board discussion and asked to provide a written response.

3.2 The decision to withdraw accreditation would only be reached when all other avenues have been considered and/or pursued, and the severity of the issue is so pronounced that remedies would be insufficient to address the failing.

3.3 The IPReg Board decision to withdraw accreditation to the affected attorney qualification provider within two working days of the Board decision. IPReg would publish its accreditation withdrawal decision on its website within five working days of the Board decision.

3.4 The decision and announcement of accreditation withdrawal will, wherever possible, be made in time for potential applicants to make another choice of course or examination.

3.5 Where the decision and announcement of accreditation withdrawal is made during a live course or examination period, students are entitled to complete the course/examination to which they are enrolled and except in extenuating circumstances, the course/examination will run to its natural end of the cohort. Except in extenuating circumstances, students/candidates who have successfully completed the course/examination will be entitled to the IPReg-accredited intellectual property qualification.

3.6 The decision and announcement will be clear the date from which accreditation is withdrawn (as above, except in extenuating circumstances, the provision will run to the natural end of the current cohort).

3.7 The decision and announcement will be clear on the expectations and timeframes. The attorney qualification provider is likely to be required to submit withdrawal plans which confirm these expectations and timeframes will be met.

3.8 Should an attorney qualification provider wish to appeal an IPReg decision to withdraw accreditation, they may request this within five working days, and will need to provide a case different and additional to that provided at item 3.1. This will be reviewed by the IPReg

Chair in discussion with the IPReg Executive Team. A formal decision will be given within 28 days.