

Sanctions Policy

Our policy on applying sanctions

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1. Introduction

Qualifications Network is a responsible awarding organisation. We have a responsibility to maintain the integrity of Regulated qualifications and to ensure compliance with all relevant regulations and legislation. Approved Centres are required, under their legally enforceable Centre Agreement with us, to ensure that we are able to maintain this compliance and our policies and procedural documents are provided to them to ensure they are fully aware of how they should fulfil these responsibilities.

Where a Centre is failing in its responsibilities, we may be required to impose sanctions. This policy outlines how these can be undertaken in a manner that promotes:

- a transparent, fair and consistent response when specific shortcomings are found
- public confidence in the quality assurance and control arrangements underpinning regulated qualifications.

Sanctions may also be applied to individual trainers, particularly where a trainer is 'freelance' and works for a number of different Approved Centres. This policy also covers how we will apply sanctions to trainers who have been found to have committed, or been complicit in, malpractice or maladministration.

Please note: if a sanction is applied to a Trainer who is also a Head of Centre, or to a Centre where the Head of Centre also works as a Freelance Trainer, the sanction will apply to that individual across all of their roles and all Centres they deliver qualifications on behalf of. E.g. if XYZ Training Company is under sanctions where their approval to deliver a qualification has been revoked or suspended and the Head of Centre also works at ABC Training Company as a freelance trainer and/or IQA, they will be suspended from undertaking that role as well.

Finally, this policy will also document how we will deal with malpractice by Learners, such as collusion, plagiarism and other forms of cheating or otherwise trying to influence the outcome of the assessment.

2. Document Review

All Qualifications Network policies are reviewed on a regular basis, usually at least biennially. This policy will also be reviewed as required due to feedback from stakeholders or in line with changes in legislation, regulation or industry best practice. A full review will also be undertaken should any issue arise, whether internal or external, that Qualifications Network considers could impact on the way in which malpractice and maladministration is managed.

The next review date for this policy is shown on the cover page.

3. Document Audience

This policy is designed to be made publicly available to ensure transparency of our policies in such matters. This is to ensure that all Approved Centres, Trainers and any Learners who take our qualifications are fully aware of the potential consequences should they be found to have committed, or been complicit in, any form of malpractice or maladministration.

This policy will be used by Qualifications Network's External Quality Assurance Team, Compliance Team and Governance Committee as a guide to the level of sanctions that should be applied to maintain a fair and consistent approach.

4. Scope of Document

This policy should be read in conjunction with the Malpractice and Maladministration Policy. This policy covers the sanction that can be imposed on Centres or Trainers where there is evidence that they are failing to meet the requirements of providing qualifications offered by Qualifications Network, plus on Learners where they are found to be failing to adhere to the required assessment or examination criteria so that the work submitted by them cannot be verified as authentic.

It is designed to ensure that, where sanctions are applied by Qualifications Network, these are applied consistently, and to ensure that Centres, Trainers and Learners are fully aware of what the consequences may be should they fail to adhere to the relevant policies, procedures and guidance documents provided by Qualifications Network.

5. Document Availability

The Sanctions Policy is available to all Qualifications Network staff, managers and directors whose role includes any element of the application of sanctions on Centres. This is done via shared folders held within a secure portal accessed via Microsoft Sharepoint.

This Policy is also publicly available on the Qualifications Network website at <http://qualifications-network.co.uk/>

This policy is also available to all Centres and Trainers via the secure Log-in area accessed via the Qualifications Network website at: <https://MyQNUK.co.uk>.

6. Definition of a Sanction

A Sanction is a penalty applied by Qualifications Network to any Approved Centre, Trainer or Learner that has been found to have committed malpractice or maladministration, or otherwise has breached the terms of the Centre Agreement (where relevant) or the policies, procedures and guidance provided by Qualifications Network.

Qualifications can apply a range of sanctions based on the severity of the incident the Centre, Trainer or Learner is found to have committed. A full description of what these might be and examples of the scenarios in which they may be applied is provided later in this Policy.

7. Risk Management & Conflicts of Interest

The fact that a sanction may have been applied would usually indicate that there is an issue with a Centre, Trainer or Learner not being compliant with their Centre Agreement (where relevant) or the processes, policies, procedures and guidance issued by Qualifications Network. Any such issues may pose a risk to Qualifications Network's reputation, our ability to comply with all applicable regulations or the reputation of regulated qualifications as a whole. Such risks may also lead to a financial risk for Qualifications Network.

The Compliance Manager will look at each incident of sanctions being applied and decide on the level of risk attached and how this will be managed, where necessary ensuring that this is included on the Risk Register.

Where a sanction is being applied it is important to ensure that there are no conflicts of interest that may, from the perspective of a reasonable outside observer, indicate any form of bias. This could be, for instance, where a freelance External Quality Assurer (EQA) is applying a sanction, that they do not also work for a rival Centre, etc. All potential Conflicts of Interest will be managed under the provisions of the Qualifications Network Conflicts of Interest Policy.

8. Resource Requirements

Qualification Network is committed to ensuring that it maintains adequate resources to ensure that it is able to meet all of its Conditions of Recognition and other Regulatory Requirements, including when dealing with the application of Sanctions. The Responsible Officer is responsible for identifying any additional resource requirements during the application or review of Sanctions. These may include (but are not limited to):

- Consultants
- Independent investigators or reviewers
- Escalation to the Quality Assurance Governance Committee
- Venues, invigilators, assessors or other resources necessary to undertake independent re-examination of learners as part of the applied sanctions and relevant action plans.
- Additional External Quality Assurance professionals
- Additional administrative support

Should any weaknesses or gaps be found in our policies, procedures or resources available for application or review of Sanctions, these will be reported to, and managed by, the Qualifications Network Senior Management Team.

As the Qualifications Network pricing system, has been based around reducing costs on active and compliant Centres, budgets do not allow for additional resources to be assigned to Centres that have failed to understand or comply with our requirements. Centres and Trainers that fall into sanctions may be required to cover costs associated with the sanctions to be applied. Examples of fees that may be applied are outlined later in this policy.

Learners who have been subject to sanctions, but who have not been disqualified from re-taking a qualification, will be required to pay for a resit qualification and will not be allowed access to any 'free Re-sit' offers that may be available to other Learners.

9. Responsibilities

The Compliance Manager is responsible for ensuring:

- Sanctions are clearly outlined to the Head of Centre and Trainers
- Conflicts of interest are identified, recorded and managed as appropriate
- The Quality Assurance Manager is kept informed so that they can assign External Quality Assurers to monitor the sanctions (where appropriate)
- The relevant Regulator(s) is informed, plus any required notifications to other third parties (such as other Awarding Organisations in the same sector) are issued in a timely manner.

The Quality Assurance Manager is responsible for ensuring:

- That there are sufficient External Quality Assurers (EQAs) available to monitor the sanctions in addition to business as usual monitoring activity
- That the EQAs are fully trained and competent in the processes required to monitor sanctions
- That there are no conflicts of interest between the assigned EQAs and the Centre they are assigned to
- That a full record is kept of all monitoring activity, including any monitoring of sanctions
- That the reports compiled by the EQAs are submitted in a timely manner and portray a balanced view of the Centre's progression to compliance

- That the Compliance Manager is kept informed of the progress of the Centres and outcome of the monitoring activity undertaken

The External Quality Assurers are responsible for ensuring:

- That the Head of Centre understands the sanctions and the actions to be taken
- That they verify and monitor sanctions in a fair and consistent manner in order to support relevant Centres in becoming compliant
- That the EQA Co-ordinator is provided with a full report of the monitoring activity undertaken, including a balanced view of the Centre's progression to compliance

Qualifications Network staff are responsible for ensuring:

- Conflicts of interest are avoided
- Centres are directed to EQAs, the EQA Co-ordinator or the Compliance Manager for relevant support
- That any restrictions on

Centres are responsible for:

- Ensuring Qualifications Network sanctions are adhered to
- Settling invoices promptly
- Reviewing work processes in order to reduce the risk of reoccurrence
- Ensuring Centre staff are aware of issues raised and have suitable training or information to reduce the risk of a re-occurrence

Trainers are responsible for:

- Undertaking any actions, including training, at their own expense as required by sanctions imposed
- Ensuring that actions are completed within the timescales set
- Ensuring that the Centres they work with/for are informed of any sanctions put in place against them
- Ensuring that they cooperate with EQAs who are tasked with carrying out checks on their performance and, where necessary, settling any invoices promptly that may be payable for the EQA time

Learners are responsible for:

- Ensure they follow the instructions of the invigilators of any examination and read all Qualifications Network instructions on the conduct during an examination
- That all work submitted is verifiable as authentic
- That they complete all relevant parts of any examination or assessment papers, including all dates and signatures
- That they conduct themselves honestly during any investigation and make themselves available for interview by Qualifications Network Staff where necessary

10. Informing our approach

To ensure continual improvement we are always looking for ways to improve our products and services. This includes reducing the burden on staff and our resources through efficient working.

When sanctions are applied, we take consideration of the factors involved and take the opportunity to identify ways in which our systems and processes can be improved. Once sanctions have been withdrawn, the Centre Support Team will contact the relevant Centre or Trainer to discuss their experience.

11. Training/Competence

Effective and continuous training and development is key to ensuring that Centres and Trainers remain compliant and that Qualifications Network staff are able to undertake all roles efficiently and competently. To this end, Qualifications Network hosts a range of events related to quality assurance and have produced a range of 'how to...' videos for Centres and Trainers.

Qualifications Network External Quality Assurers (EQAs) undergo comprehensive induction training plus additional standardisation exercises and training throughout their tenure with us. All Centre Support Team members and other staff also receive comprehensive training, particularly on the identification and management of maladministration, malpractice and conflicts of interest, etc.

All staff and management with the authority to apply sanctions are trained to ensure they are competent to do so consistently and fairly, in accordance with this policy.

12. Fees

In order to reduce the financial burden on Centres, Trainers and Learners, Qualifications Network's pricing is based on Centres being active and compliant with our Centre agreement and all related terms, conditions, regulations and legislation. Where Centres have been deemed to not be compliant, Qualifications Network will assign resources to support the Centre and/or investigate the matter fully. Unless the suspicions of non-compliance are confirmed to be unfounded, the cost of these resources will be passed to the Centre.

Each cost is calculated on an individual basis, dependant on the level of additional support or verification required. Examples include, but are not limited to:

- Verification of learner work – 50% of the learner registration fee
- Site visit to check policies/procedures or other documentation or undertake observations of training courses - £350 per day
- 1 Day training, delivered at Centre - £450
- ½ Day training, delivered at Centre - £300
- Remote consultation via phone or Skype - £50 per hour (or part thereof)
- Remove verification activities, e.g. desk-based checking of policies and documents submitted electronically - £50 per hour

In respect of scenarios where the Freelance Trainer has been found to be source of the malpractice, the Centre may decide to recoup some of these costs from the Trainer, providing their Trainer Agreement with that individual includes indemnifying them against such costs. Where a freelance trainers has an action plan that necessitates their undergoing training at a Centre, they will be responsible for the cost of that training.

13. Applying Sanctions

Sanctions can be applied at any stage during the relationship between Qualifications Network and the Centre. This includes during the Centre approval process.

Sanctions Can be imposed by:

- External Quality Assurers (EQA)
- Lead External Quality Assurers (LEQA)
- Appeals Panels

- Compliance Manager
- Quality Assurance Manager
- CEO
- Our Governance Committee

Anyone or any group imposing sanctions shall do so in a manner that does not create a conflict of interest or increase in our exposure to risk. Sanctions shall always be imposed in accordance with the guidance contained in this policy.

Where an individual is recommending sanctions, their decision should be confirmed by another party. For example, an EQA should have their decision confirmed by the LEQA or the Compliance Manager.

14. Levels of Sanctions Applied

The table below sets out the levels of sanction that can be applied by Qualifications Network, including the rationale for what sort of transgression might warrant such a sanction.

Level of Sanction	Sanction Applied	Rationale
1	Trainer / Centre – <ul style="list-style-type: none"> • Entry in action plan • Additional EQA reviews/visits as necessary Learner – <ul style="list-style-type: none"> • reminder issued regarding policy and procedure and monitoring over remainder of course or qualification 	<ul style="list-style-type: none"> • Non-compliance with Centre approval criteria but no threat to the integrity of assessment decisions or adverse effect • Maladministration by Centre, Trainer or Learner
2	Centre – <ul style="list-style-type: none"> • Removal of direct claims status Trainer / Centre – <ul style="list-style-type: none"> • Additional EQA reviews/visits as necessary • All claims to be checked by EQA Learner – <ul style="list-style-type: none"> • Potential withholding results pending investigation or requiring re-sit using a different assessment / examination paper 	<ul style="list-style-type: none"> • Some maladministration in respect of claims for results and certificates, no adverse effect to validity of certificates or qualification, or to the learners, etc. • Unable to authenticate part of the work submitted by a Learner
3	Trainer / Centre – <ul style="list-style-type: none"> • Suspension of registration to one or all qualifications approved for • Suspension of certification for one or all qualifications approved for • Additional EQA reviews/visits as necessary • Potential reporting to Regulator(s) Learner – <ul style="list-style-type: none"> • Results withheld pending Resit using a different assessment / examination paper • Potential re-evaluation of any examinations or assessments undertaken by the Learner 	<ul style="list-style-type: none"> • Threat of adverse effect to learners • Loss of the integrity of assessment decisions – risk of invalid claims for certification • Potential Learner collusion or more obvious plagiarism, etc. • Potential adverse effect to the ability to maintain compliance with relevant regulation • Potential adverse effect to the reputation of the qualification or Qualifications Network

4	<p>Trainer / Centre –</p> <ul style="list-style-type: none"> • Withdrawal of approval for one or more qualifications • Additional EQA reviews/visits for other approved qualifications as necessary • Reporting to the Regulator(s) • Reporting to all other relevant Awarding Organisations & other third parties with a legitimate interest <p>Learner –</p> <ul style="list-style-type: none"> • Withdrawal of results and disqualification from resitting examination / assessment • Potential reporting to all other Awarding Organisations & other third parties with a legitimate interest 	<ul style="list-style-type: none"> • Irretrievable breakdown in management and quality assurance of specific Qualifications offered by the Centre / Trainer • Clear plagiarism / collusion by Learner so that the work submitted cannot be authenticated
5	<p>Centre / Trainer –</p> <ul style="list-style-type: none"> • Withdrawal of Approved status • Reporting to Regulators • Reporting to all other relevant Awarding Organisations & other third parties with a legitimate interest <p>Learner –</p> <ul style="list-style-type: none"> • Withdrawal of results and disqualification from resitting examination / assessment • Reporting to all other Awarding Organisations & other third parties with a legitimate interest 	<ul style="list-style-type: none"> • Irretrievable breakdown in management and quality assurance of all Qualifications offered by the Centre and/or Head of Centre/Senior Management found to not be fit and proper to run an approved Centre offering regulated qualifications • Trainer continuing to fail to adhere to the required standards for delivery of Qualifications Network qualifications • Trainer / Centre found to be complicit in the malpractice of Learners, including taking bribes, allowing personation, etc. • Learner found to be offering bribes to trainers/assessors to influence the outcome of an assessment • Learner found to be guilty of personation or arranging personation

15. Reviewing and removing sanctions

A sanction will remain in place until:

- The issue is addressed appropriately and to the satisfaction of the Quality Assurance Manager and/or the Compliance Manager
- An Appeals Panel or independent reviewer has upheld an appeal against a sanction

Qualifications Network may increase the level of sanction where further concerns are identified through investigations. These can include investigations undertaken in accordance with our appeals procedures.

Where a Level 5 Sanction has been applied, it will remain in place and the Centre or Trainer will not be allowed to re-apply as a Centre of Qualifications Network. A Learner will not be able to take any future Qualifications Network qualifications.

16. Notifying other Awarding Organisations and Regulators

It is a regulatory requirement that we inform the Regulator(s) where an issue has been identified which could have a potential adverse effect. This notification may be issued prior to a sanction being imposed. The Regulator(s) will then be updated regularly on the outcome of the investigations and the final sanction imposed.

It is also a regulatory requirement that we inform other interested third parties who have a legitimate interest in such information, such as other Awarding Organisations or regulatory bodies. All notifications will be made by the Compliance Manager.

17. Examples of Sanctions

The following tables include examples of the level of sanction to be imposed in relation to the issue identified. This list is not exhaustive and is for illustrative purposes only. This is meant as a guide for EQAs and others involved in the imposition of sanctions. Centres may also use this so that they may gain a better understanding of why a level of sanction has been imposed.

Level 1

L1.1	Guidance on the assessment of learners with particular requirements is not followed.
L1.2	Recognition of prior learning not effectively applied.
L1.3	Centre's use of our logo, or that of the Regulator(s), does not comply with our guidance.
L1.4	Requested evidence for Centre recognition (e.g. staff CVs) not supplied.
L1.5	Learners are not aware of their rights and responsibilities e.g. lack of appeals procedure for learners.
L1.6	Centre staff not fully aware of Qualifications Network's policies and procedures.
L1.7	Centre's assessment processes are not clear or not understood by assessors.
L1.8	Internal verification procedure not correctly implemented.
L1.9	There is inadequate monitoring or review of procedures.
L1.10	Accurate records of learners, qualifications and achievements not maintained or retained.
L1.11	Course, qualification and learner registrations are not submitted in line with deadlines.
L1.12	Appropriate resources required for delivery and assessment not in place.
L1.13	We are not notified of changes to personnel (e.g. of the assessment and verification team).
L1.14	Communication within the assessment team and/or with the awarding body is not effective.
L1.15	Equipment and accommodation do not comply with health and safety legislation.
L1.16	Conflict of Interest not identified or notified to Qualifications Network (no adverse effect)
L1.17	A learner fails to submit assessment paperwork completed in line with the guidance provided to them or within any timescales set.

Level 2

L2.1	Assessment decisions are not consistent.
L2.2	Appropriate staff and policies detailed in Centre recognition still not in place.
L2.3	Approved Internal Verifier has approved Results/Certificate claim outside their designated curriculum area.
L2.4	Centre does not provide samples for standardisation when requested.

L2.5	Qualification specifications not fully understood or adhered to.
L2.6	Learner registration does not follow our requirements.
L2.7	Records are insufficient to allow audit of assessment.
L2.8	Any specialist assessor/ internal verification requirements have not been met.
L2.9	Assessors have insufficient time, resources or authority to perform their role.
L2.10	Insufficient assessors or internal verifiers.
L2.11	Specified required resources for delivery and assessment not in place.
L2.12	Standards in partner organisations are inconsistent with standards in the Centre.
L2.13	Lower level sanction has not been adequately addressed.
L2.14	Unable to authenticate some material submitted by Learner for assessment (e.g. small amount of plagiarism not indicative of deliberate malpractice)

Level 3

L3.1	Assessment decisions are unfair and/or doesn't give due regard to equality.
L3.2	Assessment does not meet national standards.
L3.3	Certification claims made before all the requirements of assessment are satisfied.
L3.4	Records of assessment show serious anomalies.
L3.5	Direct claims have been made by personnel who do not hold IQA status.
L3.6	Assessed work is not the authentic work of learners / learners not correctly identified.
L3.7	Centre fails to provide access to requested information, records, learners work, learners and staff within reasonable timeframe.
L3.8	Exam material compromised (e.g. not stored correctly).
L3.9	Non-payment of invoices.
L3.10	Lower level sanction has not been adequately addressed.
L3.11	Suspicion of serious malpractice has been raised with potential adverse effect
L3.12	Evidence of collusion and/or more extensive plagiarism found so unable to authenticate a larger proportion of the material submitted by the learner for assessment

Level 4

L4.1	On-going failure to meet the requirements for reliable, robust assessment.
L4.2	Failure to address previously identified failings in relation to one or more qualification.
L4.3	Significant malpractice/maladministration identified.
L4.4	Significant faults in the management and quality assurance of a specific programme(s).
L4.5	Insufficiently qualified/experienced trainers, assessors and/or IQA available within the Centre to effectively deliver the qualification(s) to the required standards.
L4.6	Significant concerns over storage and use of Learner information and data.
L4.7	Significant faults in the management and quality assurance of some QNUK programmes.
L4.8	Lower level sanction has not been adequately addressed.
L4.9	Significant concerns regarding the quality of the teaching delivered by the approved trainers at the Centre

- L4.10** Clear collusion or extensive plagiarism evidence a clear intent to commit deliberate malpractice by the learner

Level 5 – Withdrawal of Centre Approval Status

L5.1	Centre not assisting and/or cooperating with investigation into malpractice/maladministration.
L5.2	Significant malpractice/maladministration identified.
L5.3	Centre not following withdrawal process correctly.
L5.4	Centre does not comply with conditions of recognition.
L5.5	Lower level sanctions not acted on / actions set not adhered to / corrective measures consistently not put in place over a period of time.
L5.6	Significant faults in the management and quality assurance of all QNUK programmes.
L5.7	Head of Centre or other senior management of the Centre found to not be a fit and proper person to conduct regulated qualifications due to individual actions, inside or outside of their role in the Centre
L5.8	Trainer is found to have accepted a bribe or otherwise deliberately been complicit in Learner malpractice
L5.9	Learner is found to have offered a bribe or otherwise deliberately tried to influence the outcome of an assessment decision