



Sanctions Policy

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Introduction and Policy Statement

EduQual performs and maintains comprehensive quality assurance processes and procedures which are designed to:

- Safeguard EduQual's integrity as a business and as an awarding organisation
- Ensure the validity and integrity of EduQual-approved qualifications and relevant assessment methodology.

In particular, EduQual maintains up-to-date policies for staff and centres in order to meet any requirements stipulated by the regulatory authorities.¹

Aims and Purpose

This Sanctions Policy will:

- Define and summarise the actions available to EduQual when issues of **non-compliance** and/or suspected/proven instances of malpractice occur in an EduQual-approved centre
- Stipulate the type and length of penalty levied against a centre, dependent on the circumstances and context of an issue of non-compliance/malpractice
- Help to ensure the validity and integrity of EduQual-approved qualifications and relevant assessment methodology.

About Sanctions

A *sanction* is a form of injunction or penalty that can be levied against a centre by EduQual. A sanction will vary in severity dependent upon the circumstances under which it was levied. EduQual categorises its sanctions in terms of *level* (see below on p.7).

EduQual Responsibilities

- EduQual will apply a sanction against a centre only in circumstances where that sanction is appropriate/merited
- EduQual will not apply a sanction without adequate evidence/cause/reason to do so
- EduQual will issue a formal notification to a centre when a sanction is levied against that centre

¹ 'Regulatory authorities' includes national regulators such as SQA (Scottish Qualifications Authority) and Ofqual (Office for Qualifications and Examination Regulation).

EduQual Officer Responsibilities (QAM and / or DCQQ)

- **The EduQual officer with responsibility for imposing and/or lifting sanction(s) against centres is the Quality Assurance Manager (QAM).**
- **The QAM must in all circumstances communicate any decisions made on sanctions to the Director of Compliance, Quality and Qualifications (DCQQ) and the CEO prior to imposing/lifting sanction(s).**
- **Any implementation of the Sanctions policy will be reported to the QMRG (Quality and Malpractice Review Group).**

Definition of ‘non-compliance’

Non-compliance may refer to any breach by a centre or its staff of the conditions stipulated in the Centre Agreement between the centre and EduQual.

An issue of non-compliance may be defined in a number of ways, including (but not necessarily limited to) the following:

- Alleged/suspected incidences of malpractice/maladministration (including plagiarism, and/or fraudulent requests for certification)
- Centre failure to adhere to one or more condition(s) of approval as stipulated in their Centre Agreement with EduQual, and/or failure to cooperate with EduQual monitoring/investigation procedures
- Centre failure to respond to new quality assurance requirements as stipulated and communicated by EduQual on its own behalf, or on behalf of its governors (the Standards Committee), or on behalf of its regulators (e.g. SQA)
- Centre failure/refusal to pay agreed fees in a timely fashion
- Centre failure to support its learners in accordance with agreed policies and procedures (e.g. appeals policy, equality policy)
- Any persistent or wilful attempt to discredit or damage EduQual, its staff, its associates, and/or its reputation as a business and as an awarding organisation.

Alerting EduQual officers to potential issues of non-compliance

EduQual may be alerted to an issue of non-compliance in a number of ways, including (but not necessarily limited to) the following:

- Issues identified in a Centre Quality Assurance Report (CQAR) carried out by an External Examiner (EE)/External Quality Assurer (EQA), and/or the QAM
- Fraudulent certification claims
- Non-payment of (or overdue) fees, as highlighted by monitoring undertaken by the Finance Executive and communicated to the QAM
- Issues identified in EQA activities (including sampling of learner work), where instances of (for example) plagiarism are found
- 'Whistleblowing' by a member of a centre's staff, or by one of a centre's learners.

Levels of Sanction

EduQual can levy up to five levels of sanction against a centre, ranging in seriousness from Level 1 (sanction that can be resolved quite readily given attention to recommendations) to Level 5 (critical sanction that requires EduQual to withdraw approval from a centre, perhaps indefinitely).

At all levels of sanction, a centre will be informed of any actions required by EduQual before any penalties imposed may be lifted.

Interpreting each sanction level

Note: Each sanction represents the **minimum** response that EduQual should consider when faced with a situation, circumstance, or issue that warrants that sanction.

The professional judgement of EduQual's officers will be employed when interpreting and specifying the level of sanction to be applied.

Given below are some further notes on the interpretation of sanctions for the benefit of EduQual quality assurance officers.

Combinations of non-compliance issues

Where combined instances of various issues of non-compliance occur, the QAM may feel that it is appropriate to modify sanctions and/or the way in which they are applied. This could mean for instance that a number of combined issues that alone warrant both a Level 1 and a Level 2 Sanction are combined and escalated to a Level 3 Sanction.

Persistence versus Resolution of non-compliance

As indicated on the levels of [sanction tables below](#), persistence (i.e. non-resolution) of one or more issues of non-compliance will usually result in the escalation of a given sanction to the next appropriate level. Conversely, the satisfactory resolution of a given sanction will often lift that sanction.

Recurrence of non-compliance

Where a centre has previously had a sanction levied against it which was resolved, and the same (or sufficiently similar) issue(s) warranting that sanction recurs at a later date, the QAM may decide to levy a higher level of Sanction against the centre. Recurrence of the same issues might be an example of endemic problems within the centre; this is for the QAM to judge in consultation with colleagues as appropriate.

Malpractice

Where malpractice is suspected (and especially where it is proven), EduQual may institute a temporary block on the centre's certification and registration requests. The gravity of the issue will determine the response of EduQual and the ultimate level of sanction imposed against the centre concerned.

Appealing against a Sanction (the role of the DCQQ)

Where a sanction requires that a centre be made aware that its approval status and/or right to certificate/register learners is in jeopardy, the centre has the right to appeal the decision. This right of appeal should be made clear to the centre at the time.

The procedure for appealing against a sanction follows the same broad guidelines as outlined in EduQual's Appeals Policy.

Appeals against measures imposed on a centre as a result of a sanction must be submitted to the DCQQ. Appeals should be made within a reasonable period of time (ideally within 7 (seven) working days after the centre is initially notified of threats to its status).

The DCQQ will acknowledge receipt of the appeal within 5 (five) working days and will then convene an investigation panel and inform the centre of the conclusions reached by the panel within 28 (twenty-eight) working days.

Lifting Sanctions

A sanction will be lifted when any/all of the following circumstances arise:

- The identified issue(s) of non-compliance have been addressed to the satisfaction of EduQual, as judged by the QAM and/or the DCQQ
- EduQual has completed an investigation and found no evidence that there is a threat to the integrity of EduQual's qualifications and/or EduQual's ability to effectively award certificates and/or the integrity of EduQual itself
- An appeal made on behalf of a centre under sanction has been upheld.

Note: As indicated on the levels of [sanction tables below](#), the lifting of a serious sanction may leave in place a less serious one where EduQual judges that there is still a threat to the integrity and/or status of its qualifications.

Escalating sanctions

A sanction will be escalated if:

- A centre does not address identified issue(s) of non-compliance to EduQual's satisfaction (as judged by the QAM and/or the DCQQ)
- An investigation leads to further evidence of non-compliance and/or malpractice within the centre

Examples of non-compliance leading to sanctions

The following tables are provided as a list of possible issues of non-compliance that can lead to the imposition of sanctions.

Examples are provided at each level of sanction in different categories. These tables can be used as a guide but should not be relied upon without the application of professional judgement and common sense. Examples listed are not designed to be exhaustive.

The tables are arranged in three columns: non-compliance example; category/type of non-compliance (e.g. assessment-related, quality-assurance related, administration-related, etc.); and the level of sanction that may be warranted.

Non-compliance examples (table): Level 1 Sanction

The following table provides a list of non-compliance issues from centres that will warrant EduQual's imposition of a Level 1 Sanction.

Level 1 Sanction	
Rationale: Non-compliance but no present threat to the integrity of assessment decisions.	
EduQual response:	
<ul style="list-style-type: none"> • Entry in action plan • Agreement with centre to rectify. 	
Non-compliance issue(s):	
1.1	Centre's aims, policies and/or assessment practices (including the duties/responsibilities of key personnel) are not clear and/or not properly understood by the assessment team
1.2	Internal quality assurance procedures and activities are not adequately recorded, documented and/or understood by the centre's assessment and administrative personnel
1.3	Communication within centre's assessment team and/or between centre's staff and EduQual is ineffective
1.4	Centre facilities do not comply with health and safety standards
1.5	Insufficient number of qualified assessors, or assessors are not adequately qualified
1.6	IQAs/IVs do not have adequate development and/or standardisation plans
1.7	Learners are not aware of their rights/responsibilities, and/or have inadequate access to centre policies that affect them
1.8	There is inadequate assessment planning with learners and/or learners are unaware of timetables, submission times, and/or the availability guided learning tutorials
1.9	Learner queries (or queries from EduQual) are not adequately recorded and/or resolved, and/or answers to queries are not adequately communicated
1.10	Access arrangements at the centre are inadequate and/or there are an insufficient number of assessment methods and tools to adequately meet learner requirements
1.11	Centre personnel changes are not reported to EduQual
1.12	Evidence of inadequate monitoring/review of centre policies and procedures

Note: A Level 1 Sanction does not adversely affect a centre or otherwise impact upon its status, pending resolution of any identified issue(s) of non-compliance. Failure to resolve

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any identified issue(s) within the timescale agreed by EduQual and the centre will result in escalation to a Level 2 Sanction (see 2.5 below).

Non-compliance examples (table): Level 2 Sanction

The following table provides a list of non-compliance issues from centres that will warrant EduQual's imposition of a Level 2 Sanction.

Level 2 Sanction	
Rationale: Non-compliance in appropriate rigour of assessment procedures.	
EduQual response:	
<ul style="list-style-type: none"> • Removal of centre's direct claims status • All certification claims must be verified by External Examiners (100% sampling of materials required for a time period set by QAM and / or DCQQ) • Centre visit may be required by QAM and/or EduQual EEs/EQAs. • Note: <i>Any excess cost in additional EQA activity will need to be met by the Centre as part of their response to this Sanction.</i> 	
Non-compliance issue(s):	
2.1	Assessors lack time to adequately perform their role, and/or centre resources are insufficient to ensure quality of assessment, and/or assessors have inadequate authority to perform their role
2.2	The assessment decisions of unqualified assessors have not been checked and countersigned by qualified assessor(s) and/or IQA/IV
2.3	Assessment decisions are inconsistent, possibly pointing to problems with IQA/IV procedures and/or lack of standardisation exercises
2.4	Insufficient records to allow EduQual and/or regulator audit of centre assessment procedures
2.5	Escalation from Level 1 Sanction: Previously agreed actions have not been completed to EduQual's satisfaction and/or to agreed timescales. The Level 1 Sanction is escalated to a Level 2 Sanction as a result

Non-compliance examples (table): Level 3 Sanction

The following table provides a list of non-compliance issues from centres that will warrant EduQual's imposition of a Level 3 Sanction.

Level 3 Sanction	
Rationale: Non-compliance results in possible threat to learners and/or integrity of EduQual qualifications.	
EduQual response:	
<ul style="list-style-type: none"> • Suspension of learner registrations/certifications • Centre visit, where applicable, may be required. 	
Non-compliance issue(s):	
3.1	Assessment processes and procedures disadvantage learners
3.2	Assessment decisions are suspected of being/proven to be unfair and/or biased
3.3	The centre lacks a qualified IQA/IV
3.4	Assessment does not meet the required standards specified for the qualification
3.5	The centre fails to provide EduQual with access to requested records/information, and/or fails to comply with EduQual request to meet/interview learners and/or staff
3.6	Learner work is not authentic and/or there is significant or widespread evidence of plagiarism
3.7	Major anomalies/inconsistencies found in centre's assessment records (e.g. data has been 'invented' or lacks an audit trail)
3.8	The centre has made spurious certification claims without first ensuring that all the requirements of a given assessment have been satisfied
3.9	The centre is unable/unwilling to pay fees within agreed timelines as outlined in their Centre Agreement with EduQual
3.10	Escalation from Level 2 Sanction: Previously agreed actions at Level 2 have not been completed to EduQual's satisfaction and/or to agreed timescales. The Level 2 Sanction is escalated to Level 3 as a result

Non-compliance examples (table): Level 4 Sanction

The following table provides a list of non-compliance issues from centres that will warrant EduQual's imposition of a Level 4 Sanction.

Level 4 Sanction	
Rationale: Breakdown in management and quality assurance of a specific EduQual programme or programmes.	
EduQual response:	
<ul style="list-style-type: none"> • Withdrawal of approval from specific affected programme(s). 	
Non-compliance issue(s):	
4.1	There are significant flaws in the management/quality assurance of an EduQual programme which result in continual failure to meet the core requirements of assessment principles and conduct.
4.2	Recommendations arising from identified maladministration and/or malpractice have not been addressed within the centre. Delivery and assessment of EduQual qualifications threatens their validity, status, integrity
4.3	Escalation from Level 3 Sanction: Previously agreed actions at Level 3 have not been completed to EduQual's satisfaction and/or to agreed timescales. The Level 3 Sanction is escalated to Level 4 as a result.

Non-compliance examples (table): Level 5 Sanction

The following table provides a list of non-compliance issues from centres that will warrant EduQual's imposition of a Level 5 Sanction.

Level 5 Sanction	
Rationale: Irrevocable breakdown in management and quality assurance of a centre, and/or breakdown in communications.	
EduQual response:	
<ul style="list-style-type: none"> Total withdrawal of centre and programme approval. 	
Non-compliance issue(s):	
5.1	Significant faults in the management and quality assurance of all EduQual programmes.
5.2	Centre malpractice has caused an adverse effect whereby the status of EduQual qualifications is under challenge, and/or there is a breakdown in communications between the centre and EduQual, and/or communications from the centre are threatening/hostile.
5.3	Escalation from Level 4 Sanction: Previously agreed actions at Level 4 have not been completed to EduQual's satisfaction and/or to agreed timescales. The Level 4 Sanction is escalated to Level 5 as a result.

Further examples of non-compliance

Given below is a table of examples of centre non-compliance which might warrant the imposition of a sanction.

Non-compliance example	Category/type of non-compliance	Level of Sanction warranted
A centre lacks one or more specific policies	Quality assurance (minor)	1
A centre lacks specific record(s) or there are mistakes in its documentation (e.g. approval documentation)	Administrative (minor)	1
EQA sampling of learner work reveals suspected plagiarism that has not been detected by the centre	Quality assurance (minor)	2
EQA sampling of learner work reveals inappropriate marking/internal assessment by centre staff	Assessment (minor)	2
Suspected maladministration (e.g. invalid or fraudulent certificate claims)	Quality assurance (serious)	3
Non-payment of fees	Administrative (serious)	3
Conflict(s) of interest identified between centre tutor/assessor and one or more learners	Assessment (serious)	3
Serious errors/fraudulent data revealed in centre's registration and/or certification requests	Quality assurance/administrative (serious)	3/4
Multiple examples of plagiarism apparently undetected and/or unreported by centre staff	Quality assurance/assessment (major)	4
Alleged/suspected and/or proven malpractice in centre	Quality assurance (major)	4/5
Major breaches in terms of Centre Agreement	Varies (major)	4/5
Refusal to cooperate with EduQual investigation	Quality assurance (major)	4/5
Refusal to pay fees	Quality assurance (major)	4/5
Critical threat to integrity of EduQual and/or EduQual qualifications	Quality assurance (critical)	5
Endemic malpractice proven	Quality assurance (critical)	5
Breakdown of communications/relationship between EduQual and centre	Quality assurance (critical)	5

This policy has been reviewed and signed on behalf of EduQual by the Responsible Officer (RO):

Print name: DAVID RUPPENTHAL

Signature: 

Signee position: Director of Compliance and Quality/Responsible Officer **Date:** 02/03/2022