



## Sanctions policy

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### Document Revision History

Version	Date	Description of Change
3.0	12/06/2024	Update of 2024
1.0-2.4	-	Previous versions

## 1 Introduction

This policy is aimed at LanguageCert approved centres delivering LanguageCert qualifications who have failed to meet aspects of our delivery requirements and/or the standards laid down by the regulatory authorities in respect of regulated qualifications. It sets out the sanctions LanguageCert may impose on centres in such situations. It also sets out the sanctions LanguageCert may impose on candidates if a candidate, or group of candidates, is found to have committed malpractice. This policy is also for use by our staff to ensure they apply any sanctions in a consistent manner.

## 2 Centre's responsibility

It is important that your staff involved in the delivery of our qualifications are fully aware of the contents of this policy and its possible implications on your centre should you fail to comply with requirements specified by LanguageCert in relation to the delivery of our qualifications (some of which are required of us by our regulators).

## 3 Review arrangements

We will review the policy annually and revise it when necessary in response to customer feedback, trends from our internal monitoring arrangements, changes in our practices, actions from the regulatory authorities or external agencies, or changes in legislation.

If you would like to feed back any views on this policy, you can contact us via the details provided at the end of this document.

## 4 Ensuring the standards of our qualifications and units

LanguageCert has a responsibility to the candidates taking our qualifications and the regulatory authorities to ensure that centres deliver our qualifications in accordance with LanguageCert and the relevant regulatory authorities' standards.

## 5 Our approach to sanctions

LanguageCert has a range of sanctions that can be imposed on a centre depending on the seriousness of the situation, the level and track record of the centre's non-compliance, and the risk to the interests of candidates and stakeholders and the integrity of our qualifications.

LanguageCert aims to ensure that the application of sanctions is a last resort. Through our approach to centre support and management, and the setting of appropriate corrective actions and remediation measures, we will work with centres to prevent situations arising that would warrant a sanction being imposed.

The sanction(s) being applied depend on the nature of the situation. For example, if the centre has:

- Failed to complete corrective actions in the timeframes set by LanguageCert.
- Suspected or proven cases of maladministration/malpractice at the centre and/or the services provided by the centre and/or its satellite centres or third parties.
- An increased likelihood of an adverse effect occurring (e.g. something that is likely to have an adverse effect on the standards of the qualifications being delivered or public confidence in qualifications).
- Refused access to premises and/or records to LanguageCert's staff or the regulatory authorities.
- Breached any requirement contained in LanguageCert's 'Partner Application form & Agreement' submitted by the centre and accepted by LanguageCert.

- Repeatedly breached requirements contained in the 'Partner Application form & Agreement' submitted by the centre and accepted by LanguageCert in such a manner as to reasonably justify doubts about its ability or intention to deliver our qualifications and services in accordance with the terms and conditions outlined.

The following are not classified as sanctions, but are standard good awarding organisation or business practices that may be applied instead of a formal sanction and/or alongside a sanction. For example:

- Should a centre refuse to pay outstanding fees after repeated contact from our Finance team, we may:
  - Suspend the centre until outstanding fees have been paid.
  - Remove centre approval with immediate effect. Such a decision would not be considered a sanction but a commercial decision.
- Undertaking additional visits to a centre to provide them with a greater level of support and/or monitoring, depending on their needs and performance.
- Requiring specific centre staff to undergo additional training and/or scrutiny by the centre if there are concerns about their ability to undertake their role in the delivery of our qualifications effectively. Such decisions would normally be communicated to the centre via a 'corrective action' following a monitoring and assurance activity. LanguageCert reserves the right to impose a number of restrictions against individuals at any time. Ordinarily restrictions would be imposed against individuals either during or prior to conducting an investigation into maladministration or malpractice connected to a centre with whom the individual(s) is/are connected. Restrictions against individuals may include not permitting specific staff to be involved in the delivery of our qualifications for a specified period of time.
- Altering the way, and the period in which, centres receive examination materials from LanguageCert if there are concerns around their ability to maintain the security and confidentiality of such materials.
- Appointing our staff to observe an exam at the centre if there are concerns around the centre's arrangements and/or the centre is unable to resource specific exams.
- Applying a £3,000 penalty fee on the centre if they have breached our exam paper procedures and this has led to us having to fully withdraw an exam paper from circulation.

## 6 Sanctions that may be imposed

Sanctions that may be imposed as part of a centre monitoring activity or investigation into a complaint, appeal or allegation of malpractice and/or maladministration include withholding certificates (e.g. suspending certification status) and preventing further candidate registrations by the centre (e.g. suspending registration status) for:

- A single qualification.
- Specific qualifications.
- All qualifications.

Recommendations in relation to the above types of sanctions will be reviewed by the Quality Officer, and if there is clear evidence of non-compliance by the centre and/or a sufficient rationale, the sanction will be imposed on the centre and take account of the:

- Seriousness of the incident.

- Actual or potential impact on learners and/or the validity of an awarding decision.
- Centre's track record.
- Actions taken by the centre.
- Risk of the situation reoccurring and/or spreading.
- Reputational impact on the qualification, certificates that have/would be awarded and on LanguageCert and other key stakeholders.
- Intelligence received from other sources such as regulators, other awarding organisations, law enforcement bodies, etc.

In applying a sanction, the Quality Officer will consider the impact on learners and ensure they are not unfairly impacted, and that any suspension of certification will not prevent legitimate claims for certification from being processed. If a centre loses its approval status and there are learners not yet certified for their achievements, LanguageCert will contact them – or they can contact LanguageCert directly - and we will seek to issue appropriate certificates where there is sufficient evidence of their achievement and/or we will support the learner to complete their studies (e.g. providing them with details of alternative centres or arranging for LanguageCert to assign appropriate, independent staff to invigilate their exam).

In all instances, the nature of the sanction and rationale for its application will be communicated in writing to the centre via e-mail along with details of its implementation date, scope and how it may be removed (i.e. the corrective actions the centre needs to take and by when).

If a centre disagrees with the decision, the first point of contact is our Quality Officer, then our Head of Quality and then LanguageCert's appeals arrangements as set out in our Appeals Policy.

In cases of extremely serious non-compliance, or the persistent failure of the centre to address outstanding corrective actions, and/or the failure of previous sanctions to address the issue, LanguageCert may impose (via LanguageCert's Responsible Officer) the ultimate sanction of **withdrawal of qualification approval** in relation to:

- A single qualification.
- specific qualifications.
- All qualifications and in turn, the centre's 'approval' by LanguageCert.

If the non-compliance is so serious that LanguageCert considers it beyond remediation and there is severe threat to the interest of candidates or the integrity of our qualifications LanguageCert reserves the right to impose the immediate withdrawal of approval for a qualification or range of qualifications. Where feasible LanguageCert will not impose the immediate withdrawal of approval for a qualification or range of qualifications without:

- The centre being given an opportunity to address the area(s) of non-compliance.
- First of all, imposing one of the previous sets of sanctions.
- There being evidence that the non-compliance poses a significant threat to the interest of candidates or the integrity of the qualifications.

Should a centre have its approval for a qualification/suite of qualifications withdrawn, we will communicate the decision to the centre, outlining the rationale and evidence the decision is based upon and the date(s) by which the sanction will be imposed. In addition, we will take all reasonable steps to protect the interests of any candidates currently registered on the qualification(s) as outlined earlier in this policy.

Upon the withdrawal of approval, the centre shall:

- Immediately cease to offer LanguageCert qualifications and shall at its own expense immediately deliver to LanguageCert all relevant and specified deliverables (e.g. exam materials) and/or securely dispose of materials if instructed to do so by LanguageCert. If the centre fails to do so, we may take action to recover such materials where relevant.
- Immediately cease to operate as a LanguageCert approved centre and immediately cease to describe, promote, market or advertise itself as a centre approved by and/or offering the relevant qualification(s).

## **7 Sanctions that may be imposed on candidates**

If a candidate, or group of candidates, is found to have committed malpractice, the following sanctions may be imposed on them in accordance with the arrangements outlined in our Malpractice and Maladministration policy (which may be communicated to the candidate by LanguageCert and/or the candidate's centre):

- Issuing a written warning that if the offence is repeated further action may be taken.
- Loss of all marks for the related exam.
- Disqualification from the qualification (e.g. invalidating results and revoking certificates).
- Placing a ban from taking any further qualifications with us (e.g. disabling their candidate account/profile in our systems).

## **8 Ensuring consistency in our approach**

The length of time for which any of the above sanctions will be imposed depends on the situation that warranted their introduction.

The Quality Officer and Head of Quality are responsible for regularly reviewing the application and retention of sanctions to ensure they continue to be appropriate and proportionate to the incident(s) and risk of future incidents occurring.

## **9 Contact us**

For any queries about the contents of the policy, please contact us by using the channels described in the "Contact Us Guide".

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