

## Sanctions Policy

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## Introduction

This policy is aimed at centres delivering LanguageCert approved 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 is also for use by our staff to ensure they apply any sanctions in a consistent manner.

## Centre's responsibility

It is important that your staff involved in the delivery of our qualifications are fully aware of the contents of the 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 the regulators).

## Review arrangements

We will review the policy annually as part of our self-evaluation arrangements 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, please contact us via the details provided at the end of this policy.

## 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 and units in accordance with relevant national standards.

## 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 the integrity of the qualifications and units.

Nonetheless, LanguageCert aims to ensure that the application of sanctions is a last resort. Through our approach to centre support and management, and the creation of appropriate action plans, 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:

- Outstanding actions.
- 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 the staff of LanguageCert or the regulatory authorities.
- Breached any requirement contained in the 'Application for Centre and Qualification Approval' and/or the 'Partner Agreement' submitted by the centre and accepted by LanguageCert.
- Repeatedly breached requirements contained in the 'Application for Centre and Qualification Approval' and/or the 'Partner 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 outlined.

It is important to note that the following are not classified as sanctions, but standard good awarding organisation or business practice and they may be applied instead of a formal sanction and/or alongside a sanction:

- When a centre is initially approved by us to offer one or more of our qualifications, and/or if they have subsequently applied and been approved to offer another qualification in a sector or qualification type that is significantly different from previous qualifications they offer, we will approve the centre to offer the qualification(s) and not process any certificate claims for the qualification(s) until the centre has received a satisfactory audit visit. This approach is normal practice amongst awarding organisations and is generally seen as good practice and intended to help ensure the centre is delivering this 'new' qualification effectively before certificates are issued.
- Should a centre refuse to pay outstanding fees after repeated contact from our Finance team, then 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 an 'action' following a centre engagement visit. It is important to note that we reserve 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. Such actions will be discussed with the centre during or after a centre engagement visit.
- 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.

## Sanctions that may be imposed

Sanctions that may be imposed as part of a centre /qualification approval decision, 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.
- Certain qualifications (sector, type).
- 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, then the sanction will be imposed on the centre and will 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.
- Intelligence received from other sources such as regulators, other awarding organisations, law enforcement bodies, funding bodies, etc.

In applying a sanction, the Quality Officer will consider the impact on learners and ensure that they are not unfairly impacted, and any suspension or certifications will not prevent legitimate claims for certification from being processed. If a centre loses its approval status and there are some learners who have not yet been 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 support 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 at a new venue).

In all instances, the nature of the sanction and the 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 actions the centre would need to take and by when).

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

Only in exceptional circumstances of extremely serious non-compliance or the persistent failure of the centre to address outstanding actions, and/or the failure of previous sanctions to address the issue, would LanguageCert impose, via the Responsible Officer & Manager, the ultimate sanction of **withdrawal of qualification approval** in relation to:

- A single qualification.
- Certain qualifications (sector, type).
- All qualifications and in turn the centre’s ‘approval’ by LanguageCert.

LanguageCert will never 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 and units.

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.

In addition, 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 centre approved by LanguageCert and shall immediately cease to describe, promote, market or advertise itself as a centre approved by and/or offering the relevant qualification(s).

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

Should a candidate, or group of candidates, be found to have committed malpractice, then 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.
- Placing a ban from taking any further qualifications with us (e.g. for a set period of time).

## **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 will be 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.

## **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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