



# Sanctions Policy External Copy

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<b>Essential Reading for:</b>	Colleagues involved in applying sanctions. This policy should be read in conjunction with JCQs Suspected Malpractice: Policies and Procedures
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## 1. Policy Principles

This policy sets out NCFE's framework when considering and applying sanctions and aims to ensure that we follow a robust and objective process for determining whether and when a sanction should be applied and outlines the steps that will be taken. This policy should be read in conjunction with and secure compliance with the Centre Agreement and NCFE's mandatory policies and all other mandatory documentation, including [JCQ's Suspected Malpractice: Policies and Procedures](#).

It does not replace any of the requirements contained within. Non-adherence to our policies may itself constitute as maladministration, malpractice and/or a breach of the Centre Agreement and may result in sanctions being applied in accordance with this policy.

## 2. Introduction

NCFE Sanctions Policy sets out and explains a range of potential enforcement actions that we may take in relation to centres, centre staff and/or learners that are suspected, or have been proven, to have not adhered to our regulations, policies and/or procedures; those outlined within the Centre Agreement and Mandatory Policies.

Sanctions are applied proportionately against the incident/event that has occurred and/or the frequency of reoccurrence and its effect. Sanctions are applied to assist us in minimising the risks of Adverse Effects and of maladministration and malpractice to ensure the validity, reliability, and integrity of our products both regulated and unregulated.

### 2.1. Purpose

The purpose of this policy is to ensure we follow a robust, consistent, and objective process for determining whether and when a sanction should be applied. It outlines the steps that will be taken in connection with the available evidence in each case, to ensure that the gravity of the sanction reflects the seriousness of the incident, event or occurrence and its effects.

### 2.2. Scope

This policy has been created in accordance with the requirements set out in Ofqual's General Conditions of Recognition, Qualifications Wales and Council for the Curriculum, Examinations & Assessment and in accordance with 'Suspected Malpractice: Policies and Procedures', published by the Joint Council for Qualifications (JCQ)

For further information regarding malpractice policies and procedures, reference should be made to the JCQ Policy and Procedure, which can be found on the JCQ website ([www.jcq.org.uk](http://www.jcq.org.uk)).

This policy applies to:

- Awarding (NCFE/CACHE)
- external stakeholders, including our customers.
- any future business units or subsidiaries

### 2.3. Responsibilities/Duties

Each party has defined responsibilities to minimise the risk to their integrity, and NCFEs reputation and/or the validity of the assessment process.

- Risk and Assurance Manager – Operational accountability for implementation of the sanctions policy.
- Provider Assurance Manager – Following investigations where malpractice has been proven the Provider Assurance Manager is responsible for ensuring that Provider Assurance Officers are applying sanctions in line with JCQ sanctions tariff. Sanctions and penalties will only be applied where an investigation has been conducted and malpractice identified. Any TQ related investigations where a sanction is applied will need to be contractually reported to IfATE. The process for this reporting is to notify the TQ programme team of any proven cases of malpractice/maladministration which will then be reported to IfATE as soon as reasonably practicable. This is normally reported viz KPI 1 reports.
- Delivery (Assessment Delivery Team) – Following information provided to the team from Examiners/Chief Examiners Delivery will have the ability to provide sanctions against learners following the JCQ Sanctions tariff.  
Appropriate sanctions to be applied:
  - Written Warning
  - Review and report Procedures/actions plans
  - Approval of specific assessments tasks
  - Additional monitoring or inspection
  - Audit Advisor actions – qualification level suspension applied by QA Manager only.
- Delivery (External Quality Assurance Team) – Following an EQA quality review a sanction will be determined:
- Additional monitoring or inspection, removal of Direct Claim Status (DCS)
- The External Quality Assurance team will be responsible for the removal of Direct Claim Status (DCS) should this be the outcome of the quality review.

NCFE staff (including under NCFE and CACHE brands) will:

- Impose sanctions on learners, centres/centre staff in accordance with the JCQ Suspected Malpractice: Policies and Procedures.
- Consider whether the issues undermined or attempted to undermine the integrity of assessments.
- Base sanctions on evidence only and the sanction will be justifiable and reasonable.
- Notify the Head of Centre when a sanction is to be imposed; the terms of the sanction and what they, their staff and / or their learners need to do to comply.
- When requested provide NCFE with guidance on corrective measures.
- Inform other relevant third parties as appropriate (Regulator(s), Education and Skills Funding Agency, Institute for Apprenticeships and Technical Education, I Police, etc.).
- Respect the confidentiality of information we handle and comply with any associated legislative requirements for data handling.
- Retain records and documentation during and after the completion of any investigation in accordance with our internal policies and procedures.

Centre staff will:

- Comply with any sanction imposed upon you, your staff and/or your learners. Failure to do so may result in NCFE temporarily or permanently withdrawing your centre approval status or withdrawing your learners from the programme.
- Unless informed otherwise by us, inform your staff and/or learners of any sanctions imposed; the implications of such sanctions and what your staff and learners must do to comply with the sanction.
- Comply with all requests for information in the timescales stated by us.
- Centre staff will retain any relevant documentation securely in line with your archiving and retention policies and procedures.
- Respect the confidentiality of information you handle and comply with any associated data protection legislation.
- If a member of staff moves to another centre while being subject to a sanction the Head of Centre must notify NCFE.
- Comply with any other requirement outlined within this policy and our other mandatory documentation and/or as determined in writing by us.
- Comply with requests from NCFE relating to monitoring activity undertaken or action plans devised to provide assurance that sanctions against staff are being appropriately applied.

Failure to comply with these requirements constitutes a breach of the Centre Agreement and/or malpractice/maladministration policy and will be dealt with accordingly.

## 2.4. Definitions

Word/Acronym	Definition
JCQ	Joint Council for Qualifications
TQ	Technical Qualification
CCEA	Council for the Curriculum Examinations and Assessments
Ofqual	The office of qualifications and Examinations Regulations
QW	Qualification Wales
Products	For the purpose of this policy products is defined as any item or service we provide to a customer

## 2.5. Location

Available on NCFE external website

### 3. Overview of Sanctions

#### 3.1. What are sanctions and why we would apply them

Sanctions are enforcement actions, which may be applied if a centre fails to comply with the Centre Agreement and NCFE's mandatory policies, procedures, or instructions and/or something you are doing which may pose a risk to and/or threaten the integrity of our awarding function. Sanctions may be applied against a centre, centre staff and/or learner.

The purpose of applying sanctions, and where required informing other relevant bodies of those sanctions, is to:

- minimise the risk to the integrity of all aspects of our awarding functions, specifically in relation to the awarding of results and certificates
- ensure the integrity and veracity of certificates we may award
- allow us, and potentially other awarding organisations where relevant, time to investigate potential maladministration and / or malpractice whilst maintaining the integrity of the qualification(s) involved
- maintain public confidence in the delivery and award of qualifications.
- comply with law and regulation
- deter others from doing likewise; and
- protect our business.

NCFE are required under the General Conditions of Recognition to consider risks posed by Adverse Effects. Sanctions may be placed in relation to these areas.

'Adverse Effect' is defined in the General Conditions of Recognition in the following terms:

*'An act, omission, event, incident, or circumstance has an Adverse Effect if it:*

- (a) gives rise to prejudice to Learners or potential Learners; or
- (b) adversely affects –
  - I. The ability of the awarding organisation to undertake the development, delivery, or award of qualifications in accordance with its Conditions of Recognition
  - II. The standards of qualifications which the awarding organisation makes available or proposes to make available; or
  - III. Public confidence in qualifications.

Should NCFE fail to meet our obligations under the General Conditions of Recognition, including those relating to notification of Adverse Effects and in relation to maladministration and malpractice, NCFE are required to notify our qualifications regulators.

NCFE may also be required to identify this within our Annual Statement of Compliance submission. Under the Centre Agreement, all centres are made aware of their obligations, including the specific duty not to put us in breach of our ability to fulfil our obligations under the General Conditions of Recognition. It is therefore important that Adverse Effects (as defined above), maladministration and/or malpractice are notified to us and appropriately dealt with.



### **3.2. How we will decide if we need to apply a sanction**

Sanctions are most frequently imposed following, or during, an investigation into maladministration or malpractice but may also be imposed in the case of other serious breaches of our various requirements. In addition, they may be imposed where we have required a centre to do something, and they have not.

Sanctions are tailored to match the gravity of the action or inaction, taking into account its impact, mitigating circumstances and recurrence frequency. This ensures that when determining the appropriate sanction(s), all relevant factors are considered.

We will also consider factors such as the actual or potential risk to the integrity of NCFE programmes and assessments. NCFE reserves the right to apply sanctions and penalties where risks are present, which fall outside of the defined range.

In applying sanctions, we will always act to protect the integrity of our awarding functions.

### **3.3. How we will notify a centre of a sanction**

If we apply a sanction or advise that a sanction is to be imposed. Centres must complete any actions, requests within the timescale provided to them. If centres do not complete within this timescale, centres will be notified in writing, and we will explain the type of sanction that is being applied, or will be applied, and the reasons why.

### **3.4. Actions a centre needs to take**

A centre needs to comply with the terms of any sanctions we impose, within the time limits we state. If we need a centre to take any specific action, then we will outline in the written correspondence what is needed and by when. We need a centre to comply with the sanction. If a centre does not comply, we may impose further sanctions against the centre, which may be more stringent in nature than the initial sanction.

Ultimately, we retain the right under the Centre Agreement to terminate our contract with a centre and to ensure that appropriate arrangements are put into place for the protection of learners and the maintenance of public confidence in qualifications.

### **3.5. Sanctions affecting learners**

When imposing sanctions on a centre, we understand that learners may be affected. We recognise our regulatory duties towards registered learners, and we will take steps, where appropriate, to ensure that they are supported. As outlined, sanctions may also be placed directly against learners.

### **3.6. How long do sanctions remain in place**

Sanctions will normally be applied temporarily, whilst we are waiting for a centre to do something, and/or whilst an investigation is ongoing. We reserve the right to apply permanent sanctions which are proportionate and necessary. Sanctions issued will remain in place until such time as we have advised a centre in writing that:

- the issue has been resolved to our satisfaction.
- further information has come to our attention that may require an adjustment to the sanction that has been applied.

- the investigation into the issue has been concluded and there is no longer a need to have a sanction in place.
- A centre appeal into a sanction regarding maladministration or malpractice has been successfully upheld and as a result, it has been determined that the sanction should be removed.
- NCFE terminates our Centre Agreement with a centre. Where a centre has lodged an appeal against the imposed sanction that sanction would usually remain in force for the duration of the appeals process unless we advise you otherwise in writing.

### **3.7. Reviewing a sanction**

In line with any information arising from an investigation, we may amend or remove any sanctions we have imposed. Amendments to, or removal of, sanctions will be considered on a case-by-case basis and are not guaranteed. Amendments to, or removal of, sanctions may also arise because of an appeal.

In amending a sanction, we may reduce the severity of the sanction we have applied. Conversely, we may identify further information, which may lead us to apply a more stringent sanction than you were originally notified of.

## **4. Complaints and Appeals**

A centre has the right to express their dissatisfaction regarding our actions, products, or services. Our Complaints Procedure in particular outlines when we will and will not accept a complaint, and when our decisions are final.

For further information please refer to our Complaints and Feedback Policy.

<https://www.ncfe.org.uk/customer-and-learner-support/contact-us/making-a-complaint/>

Centres may appeal against our decisions relating to any sanction following an investigation into maladministration and/or malpractice. Centres may also appeal the termination of a product and/or centre approval status for maladministration or malpractice, or termination for breach of the centre agreement. Centres cannot appeal a sanction imposed for any other reason (such as a financial sanction), but Centres may be able to make a complaint against such decisions.

To appeal against a sanction for maladministration or malpractice, centres should submit an Enquires and Appeals form, clearly explaining why a centre believes that an appeal should be considered, together with any supporting evidence.

Please note that appeal applications without supporting evidence may not be accepted.

Please refer to the Appeals Policy for further details about the appeals process.

## **5. Initial Equality Impact Assessment**

An Initial Equality Impact Assessment has been completed for this policy, and no concerns were raised.

## **6. Training**

There are no specific training needs in relation to this policy.

## 7. References to Associated Documents

- Complaints and Feedback Policy
- Appeals Policy

## 8. Implementation and Dissemination

This policy will be added NCFE external website.

## 9. Monitoring Arrangements

Any sanctions will be reported to the NCFE Regulatory Compliance Board which is held monthly. This policy will be reviewed annually.

## 10. Data Retention

Data retention is an important aspect of managing incorrect grade submissions within NCFE. It encompasses the careful handling and storage of pertinent data to uphold regulatory compliance, preserve confidentiality, and facilitate transparency in NCFE processes.

- **Retention Period:** NCFE will retain learner data collected during the incorrect grade submission process for a specified period consistent with legal requirements and NCFE policies. The retention period may vary depending on the type of data and its relevance to the procedural activities.
- **Purpose:** Learner data is retained for the purpose of documentation, compliance, and potential future enquiries or audits related to the incorrect grade submission.
- **Data Categories:** Learner data may include personal information, academic records, assessment results, communications, and any other information relevant to the incorrect grade submission.
- **Security Measures:** NCFE uses robust security measures to safeguard learner data against unauthorised access, disclosure, alteration, or destruction. Access to learner data is restricted to authorised personnel involved in external notification-related activities.
- **Data Disposal:** At the end of the retention period, NCFE will securely dispose of learner data in accordance with established data disposal procedures. This may involve permanent deletion or destruction of electronic records and shredding of physical documents.
- **Compliance:** NCFE ensures compliance with relevant data protection laws and regulations, including the General Data Protection Regulation (GDPR).