



openawards

# Open Awards

# Sanctions Policy

# Open Awards Sanctions Policy and Procedures

## Purpose of the Policy

The purpose of this policy is to:

- Outline the actions that Open Awards will take when issues of non-compliance arise at its Centres.
- Set out how Open Awards will enforce the terms of the centre agreement

## Intended Audience

The intended audience of this document is all those involved in the management, quality assurance, assessment and delivery of units and qualifications offered by Open Awards, Open Awards Staff, Moderators and External Quality Assurers.

## Policy Statement

Open Awards reserve the right to apply conditions and sanctions on its Centres, to safeguard the award of units and qualifications and protect its interests and those of its learners. Sanctions may be applied to individual staff within centres, and/or the Centre as a whole. Sanctions may also be applied to Learners.

Approved centres must comply with all sanctions imposed upon them.

In any situation where there is concern about the ability of a centre to meet the terms and conditions of the centre recognition agreement, quality assurance requirements or financial obligations then Open Awards will undertake a Risk Assessment to determine the level of risk and the security of the award of credit.

The risk assessment may involve a centre completing an incident report which must be returned to the Head of Quality **within ten working days** of receipt. The centre will be informed as to whether the incident report should be completed.

Any investigation into non-compliance will generally take between **ten working days and three months** by the Quality team. Please note that this may take longer, subject to the non-compliance issues being investigated. The centre will be kept fully informed regarding the duration of the investigation by updates provided **at least monthly**.

The level of sanction imposed will depend on the nature of the Centre's non-compliance. If previously imposed sanction is not acted upon within any timeframes set, and/or in the case of repeated actions requiring sanctions, this will result in a higher

level sanction being applied.

In cases of serious breach of non-compliance, for example in relation to the security of its assessments, then Open Awards may withdraw a centre's approval to deliver its qualifications and units. In all cases, Open Awards will provide centres with guidance on protecting the interests of learners and ensure the security of learner achievement, appropriate to the circumstances of the withdrawal.

Withdrawing centres must remove any reference to Open Awards and the use of the Open Award logo from their websites and literature, including publicity and delivery materials. Action will be taken against any centre displaying an Open awards logo which is not approved by Open Awards, which may include reporting to relevant regulatory authorities.

Sanctions will be communicated in writing by Open Awards **within three working days** of the decisions being made to the Head of Centre, the learner and/or other staff as appropriate to the circumstances.

Where sanctions involve any extra visits to the centre, this will be at the centre's expense. The cost to the centre will be £250 plus expenses for each visit, and/or other fees may be charged to the centre as necessary (eg postal fees). The fees are non-refundable

## **Failure of a Centre to Meet Payment Terms**

Open Awards reserves the right to suspend services and ultimately to cease working with any centre which fails to meet its payment terms, or is deemed a financial risk. In all such cases Open Awards will endeavour to ensure the security of learner achievement and will discuss options available to the centre.

## **Centre Withdrawal**

Centres must inform Open Awards of any intention to cease to be a centre or withdraw provision. Centres with such intentions must ensure that learners are not disadvantaged through such a decision and are supported to claim any unit certification to which they may be entitled.

## **Notifications to Regulators and other Awarding Organisations / Access Validating Agencies (AVA)**

Open Awards will **immediately** inform Ofqual of any serious breaches relating to Regulated Qualifications as outlined in General Condition B3, eg those which it deems may have an adverse effect on the integrity of the qualification and/or of Open Awards, Ofqual or other awarding bodies.

Open Awards will **immediately** inform the QAA of serious breaches relating to Access to HE Diplomas where certificates have been issued in error or they threaten the reputation of the Access to HE Diploma qualification, in line with Licensing Criteria 25 and 48.

Open Awards is required to share certain information relating to the imposition of sanctions with other Awarding Organisations. This may impact upon a centre's ability to deliver qualifications with other Awarding Organisations.

## **Reports from a Regulator/Awarding Organisation/Stakeholder**

In cases where Open Awards is informed of sanctions imposed by a regulator and/or another Awarding Organisation or Stakeholder, on centres it is also working with, Open Awards will take appropriate action to check the centre's current activity, its quality assurance performance to date, undertake a Risk Assessment based on the information provided, and where appropriate, make arrangements to increase Open Awards' monitoring of the centre to ensure that the award of credit of Open Awards units/qualifications is sound and safeguarded.

## **Sanctions against Centres**

Open Awards may apply these sanctions either individually or in combination. Open Awards will determine the appropriateness of the sanction(s) to be applied, depending upon the evidence presented.

	Rationale	Sanction	What does this mean?
1	<b>Some non-compliance with centre recognition criteria but no threat to the integrity of assessment decisions/examination practices</b>	Written Warning Action Plan	<p>One or more of the following:</p> <ul style="list-style-type: none"> <li>• Sanctions will be communicated in writing by Open Awards <b>within three working days</b> of the decisions being made to the Head of Centre</li> <li>• Action point(s) will be identified in the letter to the centre</li> <li>• Action point(s) to be identified in the quality review report/moderator report</li> <li>• May include a condition or temporary suspension of registrations until action point(s) are completed and evidenced to Open Awards</li> <li>• Head of Centre required to review the Centre's procedures and to report back to Open Awards on improvements implemented by a set date (usually within <b>ten working days</b>)</li> </ul>

	Rationale	Sanction	What does this mean?
2	<p><b>Some doubt about the integrity of assessment decisions/examinations practices</b></p> <p><b>Non-compliance with the centre recognition criteria</b></p> <p><b>Not responding to actions</b></p>	<p>Greater scrutiny of assessor / internal verifier / invigilator decisions and practices and the integrity of assessment decisions/examinations</p> <p>Additional development and Quality Assurance visits</p>	<p>One or more of the following:</p> <ul style="list-style-type: none"> <li>• Assessments and/or examination practices and decisions scrutinised by Open Awards</li> <li>• Open Awards approve all assessment tasks normally left to the discretion of the centre</li> <li>• Action plan agreed between Open Awards and centre, to be implemented, with timescales. Please note that such timescales can vary and is subject to the type of non-compliance under investigation. In general, the timescales will be between <b>ten working days and three months</b></li> <li>• Temporary suspension of certification for specific qualification(s) / unit(s)</li> <li>• Head of Centre required to review the Centre's procedures and to report back to Open Awards on improvements implemented by a set date.</li> <li>• Restrictions on Examination / Assessment Materials</li> </ul>

	Rationale	Sanction	What does this mean?
3	<p><b>Loss of integrity of Assessment decisions/ examination practices</b></p> <p><b>Risk of invalid claims, or possibility of invalid claims, for certification</b></p> <p><b>Non-compliance with the centre recognition criteria</b></p> <p><b>Failure to comply with financial terms and conditions / Financial risk</b></p>	<p>Suspension of entry/registration and/or certification</p> <p>Removal of Direct Claims Status (not applicable to Access to HE provision)</p>	<p>One or more of the following:</p> <ul style="list-style-type: none"> <li>• Loss of Direct Claims Status with all certification claims to be authorised by the centre's Lead Quality Reviewer/External Quality Assurer / Lead Moderator</li> <li>• Assessments and/or examination practices and decisions scrutinised by Open Awards</li> <li>• Open Awards may increase, at the centre's expense, the normal level of quality assurance monitoring that takes place in relation to the qualification(s)</li> <li>• Action plan agreed between Open Awards and centre, to be implemented, with timescales. Please note that such timescales can vary and is subject to the type of non-compliance under investigation. In general, the timescales will generally be between ten working days and three months</li> <li>• Temporary suspension of certification for specific qualification(s)/unit(s)</li> <li>• Temporary suspension of registration of qualifications/units or learners</li> <li>• Temporary suspension of examinations /assessments.</li> <li>• Postponement of the Final Award (Access to HE)</li> <li>• Head of centre required to review the centre's procedures and to report back to the Open Awards on improvements implemented by a set date.</li> <li>• Immediate payment terms</li> </ul>

	Rationale	Sanction	What does this mean?
4	<b>Breakdown in management and quality assurance of <u>specific</u> qualifications/units, including examination practices</b>	Withdrawal of approval for <b>specific</b> qualification(s), unit(s) or provision areas	<ul style="list-style-type: none"> <li>Withdrawal of centre approval to deliver <b>specific</b> Open Awards qualification(s)/unit(s) – temporarily or permanently</li> </ul>
5	<b>Breakdown in management and quality assurance of <u>all</u> qualifications/units</b>	Withdrawal of approval for <b>all</b> qualification(s), unit(s) and provision areas  Withdrawal of centre Recognition	<ul style="list-style-type: none"> <li>Withdrawal of centre approval to deliver <b>all</b> Open Awards qualification(s)/unit(s) – temporarily or permanently</li> </ul>

## Sanctions Imposed on Centre Staff

“Centre Staff” refers to any individual working for or on behalf of the centre, either as an employee or in any capacity such as (but not limited to) a contractor, consultant, trainer, assessor, invigilator, or internal verifier.

Sanctions may be limited to specific members of staff where Open Awards has no confidence in the competence of an individual to discharge their duties at a centre.

Please note that sanctions imposed upon staff do not replace the requirement on all centres to ensure that they have a workforce of sufficient competence to deliver, assess and internally quality assure their provision. Furthermore, if Open Awards has placed a sanction on an individual to prevent them from discharging a specific role or activity, any attempt to circumvent this sanction will be treated as malpractice and a threat to the integrity of qualifications. This will lead to an escalation in sanctions

Sanctions will be communicated to the individual concerned within **three working days** of the decision being made.

Any sanction imposed on any individual will apply to all Open Awards centres in which the individual is working. Open Awards will share information about the sanction imposed on the individual with all Open Awards centres for which the individual is listed or approved to work.

	<b>Rationale</b>	<b>Sanction</b>
1	<b>Written warning</b>	Member of staff issued with a written warning that if the offence is repeated, further specified sanctions will be applied.
2	<b>Special conditions</b>	Special conditions imposed on future involvement in examinations and/or assessments by the member of staff.
3	<b>Training</b>	Member of staff required, as a condition of future involvement in examinations/assessments, to undertake specific training or mentoring, within a stated period of time, with a review at the end of the training.
4	<b>Suspension or Permanent Ban</b>	Member of staff barred from all involvement in the delivery of its examinations/assessments, either for a set period of time or permanently. Other Awarding Organisations/Access Validating Agencies will be informed when a suspension/permanent ban is imposed.

## Sanctions and Penalties applied against Learners

Any sanction imposed on any learner will apply to all Open Awards centres in which the candidate is registered, eg if a candidate is disqualified from a unit, they will not be allowed to be registered for that unit in any Open Awards centre.

Although learner malpractice is typically dealt with by centres within the assessment and internal verification procedures, it is possible that Open Awards may have due cause to impose a sanction on a learner directly. Where learner malpractice has occurred, followed investigation and/or a hearing, Open Awards reserves the right to invalidate and revoke the learner's issued Unit, Qualification, Certificate or Diploma. Please refer to Open Awards Malpractice and Maladministration policy which will provide further details on the timelines for investigation.

Sanctions will be communicated to the learner concerned, and to any Open awards approved centre at which the learner is registered, within **three working days** of the decision being made.

	<b>Sanction</b>	<b>What does this mean?</b>
1	<b>Written Warning</b>	Candidate issued with a warning that if the offence is repeated, further specified sanctions will be applied.
2	<b>Disqualification for a unit</b>	Candidate disqualified from the unit. Any qualifications and/or <b>units</b> previously achieved in full are retained.
3	<b>Disqualification from a whole qualification</b>	Learner disqualified from the whole qualification taken in that series or academic year. Any qualifications and/or units previously achieved in full are retained.
4	<b>Learner Barred</b>	Learner barred from being entered for one or more examinations. Any qualifications and/or units previously achieved in full are retained.

5	<b>Unit, Qualification, Certificate or Diploma Invalidated</b>	The Learner's issued certificate is revoked, cancelled and withdrawn.  Relevant stakeholders will be notified immediately.
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## Appeals

Centres, Centre staff and Learners have the right to appeal against any sanction which has been imposed. Appeals received by Open awards will acknowledge within **5 working days**. Full details about our appeals process is described in:

- Malpractice and Maladministration Policy
- Compliment, comments and Complaints Policy

## Policy Responsibility and Review

The policy is the responsibility of the Head of Quality and will be reviewed annually.

## Related Policies and Documents

Further information about Regulatory requirements from Ofqual and QAA can be found in the following documents:

- Open Awards Centre Recognition Agreement
- Open Awards Centre Handbook
- Open Awards Access to HE Handbook
- Open Awards Access Provider Approval and Withdrawal Policy