



openawards

Open Awards Sanctions Policy

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1. Purpose

Open Awards must ensure that our Approved Centres take all reasonable steps to ensure that we are able to comply with requirements of our qualifications regulators.

The purpose of this policy is to:

- identify issues of non-compliance that could result in a sanction
- 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

This document replaces all previous sanctions policies and procedures as from the operative date.

2. Scope

This document is applicable for the following Open Awards products:

- | | |
|-------------------------------------------|-------------------------------------|
| Ofqual regulated qualifications and units | <input checked="" type="checkbox"/> |
| Access to HE Diplomas | <input checked="" type="checkbox"/> |
| Quality Endorsed Courses | <input checked="" type="checkbox"/> |
| Badge of Excellence | <input checked="" type="checkbox"/> |

3. Regulatory Authorities

The relevant regulatory authorities are Ofqual and the Quality Assurance Agency for Higher Education (QAA). Every attempt has been made to ensure that the provisions of this document are consistent with the requirements of the regulatory authorities. Where the requirements of a regulatory authority change, or where inadvertently these procedures conflict with those of the regulatory authority, the latter shall apply. Where the requirements of the regulatory authority are amended and require changes to this document, such changes will be made as soon as practicable and Open Awards will inform Centres accordingly.

4. Audience

This document is for use by the following:

- Staff at Approved Centres involved in the management, quality assurance, assessment and delivery of Open Awards qualifications and units
- Open Awards staff and contractors

5. Definition[s]

Sanctions	Sanctions are punitive actions that can be applied to Approved Centres that fail to comply with Open Awards 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.
Adverse Effect	An act, omission, event, incident or circumstance has an Adverse Effect if it: <ul style="list-style-type: none"> • Gives rise to prejudice to Learners or potential Learners; or • Adversely affects <ul style="list-style-type: none"> ○ The ability of the awarding organisation to undertake the development, delivery or award of qualifications in accordance with its Conditions of Recognition; ○ The standards of qualifications which the awarding organisation makes available or proposes to make available; or ○ Public confidence in qualifications.

6. Centre responsibilities

Approved Centres must ensure that all staff involved in the management, assessment and quality assurance of Open Awards qualifications and units are fully aware of the contents of this policy. In particular it should ensure that all concerned are aware of the possible implications for their Centre should they fail to comply with requirements specified by Open Awards.

7. Policy Statement

7.1 Approach to sanctions

Open Awards reserves the right to place sanctions on its Centres in order to safeguard the award of qualifications and units 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.

Sanctions will be imposed in a graduated, proportional and consistent manner as outlined in this policy.

Approved Centres must comply with all sanctions imposed upon them, within the time limits we state. Sanctions will remain in place until the issues identified have been fully resolved.

The purpose of applying 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;
- to ensure the integrity and veracity of certificates we may award;

- to 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;
- to protect our business.

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 require a Centre to complete an incident report which must be returned to the Head of Quality and Standards **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 issues being investigated. The Centre will be kept fully informed regarding the duration of the investigation by updates provided **at least monthly**.

7.2 Level of Sanction

Open Awards can impose a range of sanctions 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 Learners and the integrity of the qualifications and units and the effect on public confidence in Open Awards qualifications.

The level of sanction imposed will depend on the nature of the Centre's non-compliance. If a previously imposed sanction is not acted upon within agreed timeframes, or if actions requiring sanctions have been made repeatedly, a higher level of sanction being applied.

In cases of serious non-compliance, for example in relation to the security of its assessments, 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 how to protect the interests of Learners and ensure the security of Learner achievement, appropriate to the circumstances of the withdrawal.

When a sanction has been imposed, Open Awards will communicate the decision in writing to the Head of Centre, the Learner and/or other staff as appropriate **within three working days**.

Where sanctions involve any extra visits to the Centre, this will be at the Centre's expense. The fees are non-refundable.

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.

Level	Rationale	Sanction	What does this mean?
1	<p>Some non-compliance with Centre recognition criteria but no threat to the integrity of assessment decisions/examination practices</p>	<p>Written Warning. Action Plan.</p>	<p>One or more of the following:</p> <ul style="list-style-type: none"> • Sanctions will be communicated in writing by Open Awards within three working days of the decisions being made to the Head of Centre • Action point(s) will be identified in the letter to the Centre • Action point(s) to be identified in the quality review report/moderator report • May include a condition or temporary suspension of registrations until action point(s) are completed and evidenced to Open Awards • 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 ten working days)
2	<p>Some doubt about the integrity of assessment decisions/examinations practices.</p> <p>Non-compliance with the Centre recognition criteria.</p> <p>Not responding to actions.</p>	<p>Greater scrutiny of assessment, internal verification and/or invigilation to ensure integrity of decisions and practices.</p> <p>Additional quality assurance visits.</p> <p>Increased risk rating.</p>	<p>One or more of the following:</p> <ul style="list-style-type: none"> • Assessments and/or examination practices and decisions scrutinised by Open Awards • Open Awards approve all assessment tasks normally left to the discretion of the Centre • 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 ten working days and three months • Temporary suspension of certification for specific qualification(s) / unit(s) • Head of Centre required to review the Centre's procedures and to report back to Open Awards on improvements implemented by a set date. • Restrictions on Examination / Assessment Materials

Level	Rationale	Sanction	What does this mean?
3	<p>Loss of integrity of assessment decisions/ examination practices.</p> <p>Risk of invalid claims, or possibility of invalid claims, for certification.</p> <p>Non-compliance with the Centre recognition criteria.</p> <p>Failure to comply with financial terms and conditions / Financial risk.</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>Increased risk rating.</p>	<p>One or more of the following:</p> <ul style="list-style-type: none"> • Loss of Direct Claims Status with all certification claims to be authorised by Open Awards. • Assessments and/or examination practices and decisions scrutinised by Open Awards. • 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). • Action plan agreed between Open Awards and Centre, to be implemented, with timescales. Timescales may vary subject to the type of non-compliance under investigation, although will generally be between ten working days and three months. • Temporary suspension of registration and/or certification of qualifications/ units or Learners. • Temporary suspension of examinations /assessments. • Postponement of the Final Award (Access to HE). • 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. • Immediate payment terms.
4	<p>Breakdown in management and quality assurance of <u>specific</u> qualifications/ units, including examination practices.</p>	<p>Withdrawal of approval for specific qualification(s), unit(s) or provision areas.</p> <p>Increased risk rating.</p>	<ul style="list-style-type: none"> • Withdrawal of Centre approval to deliver specific Open Awards qualification(s)/unit(s) – temporarily or Permanently
5	<p>Breakdown in management and quality assurance of <u>all</u> qualifications/units</p>	<p>Withdrawal of approval for all qualification(s), unit(s) and provision areas.</p> <p>Withdrawal of Centre Recognition.</p>	<ul style="list-style-type: none"> • Withdrawal of Centre approval to deliver all Open Awards qualification(s)/unit(s) – temporarily or permanently

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.

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 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.

	Rationale	Sanction
1	Written warning	Member of staff issued with a written warning that if the offence is repeated, further specified sanctions will be applied.
2	Special conditions	Special conditions imposed on future involvement in examinations and/or assessments by the member of staff.
3	Training	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	Suspension or Permanent Ban	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 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 provides 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.

	Sanction	What does this mean?
1	Written warning	Candidate issued with a warning that if the offence is repeated, further specified sanctions will be applied.
2	Disqualification for a unit	Candidate disqualified from the unit. Any qualifications and/or units previously achieved in full are retained.
3	Disqualification from a whole qualification	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	Learner barred	Learner barred from being entered for one or more examinations. Any qualifications and/or units previously achieved in full are retained.
5	Unit or Qualification achievement invalidated	The Learner's issued certificate is revoked, cancelled and withdrawn. Relevant stakeholders will be notified immediately.

8. Notifications to Regulators and other Awarding Organisations / Access Validating Agencies (AVAs)

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.

9. Notifications from Regulators and other Awarding Organisations / Access Validating Agencies (AVAs)

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 qualifications/ units is sound and safeguarded.

10. 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 can be found in the Open Awards Enquiries and Appeals Policy.

11. Monitoring and Review

An annual report on any cases of sanctions being applied, including those that have been withdrawn, will be made available to the Open Awards Board of Trustees.

Open Awards will review the policy bi-annually as part of its self-evaluation arrangements and revise it as and when necessary in response to customer and Learner feedback, changes in its practices, advice from the regulatory authorities or external agencies, changes in legislation, or trends identified from previous instances of malpractice or maladministration.

In addition, this policy may be updated in light of operational feedback to ensure our arrangements for dealing with appeals remain effective.

12. Related Policies and Documents

This document is linked to the following Open Awards documents:

- Centre Recognition Agreement
- Centre Handbook
- Access to HE Handbook
- Access Provider Approval and Withdrawal Policy
- Enquiries and Appeals Policy and Procedures
- Maladministration and Malpractice Policy and Procedures
- Invoicing Policy

13. Regulatory Requirements

The Sanctions Policy is designed to fulfil the requirements of our regulators. In particular:

Ofqual General Conditions of Recognition

- A6 Identification and management of risks
- A7 Management of incidents
- B7 Compliance with Regulatory Documents
- C1 Arrangements with third parties
- C2 Arrangements with Centres
- G1 Setting the assessment
- G8 Completion of the assessment under the required conditions
- G9 Delivering the assessment
- H1 Marking the assessment
- H2 Moderation where an assessment is marked by a Centre
- H5 Results of a qualification must be based on sufficient evidence

QAA AVA Licensing Criteria

Provider Approval and Withdrawal
54, 55, 56, 57

<i>Originator:</i>	<i>Head of Quality and Standards</i>
<i>Date of latest review:</i>	<i>April 2018</i>
<i>Date of last approval:</i>	<i>June 2018</i>
<i>Approved by:</i>	<i>Open Awards Management Team</i>
<i>Review interval:</i>	<i>Bi-annual</i>
<i>Next review due by:</i>	<i>June 2020</i>