

Sanctions Policy

Abstract

This policy outlines the principles and procedures governing the application of sanctions in cases where a centre and/or centre staff have breached the approved centre agreement, and any associated documentation.

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Contents

1. Introduction	3
2. Centre's responsibility	3
3. Approach to sanctions.....	3
4. Sanctions for centres.....	5
4.1. Sanction Level 1 (removal of direct claims status)	5
4.2. Sanction Level 2 (withdrawal of registration).....	6
4.3. Sanction Level 3 (removal of qualification approval)	6
4.4. Sanction Level 4 (removal of centre approval)	6
5. Sanctions for named individuals	6
5.1. Approved centre staff	7
5.2. Learners (candidates).....	7
5.3. Additional information	7
6. Right to terminate.....	8
7. Protecting the interests of learner	8
8. Incurring additional costs.....	8
9. Formal communications	8
10. Right to appeal	8
11. References to associated documents.....	9
12. Implementation and dissemination.....	9
13. Monitoring arrangements	9
14. Data retention	9
15. Contact us	9

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1. Introduction

This policy describes the action we will take with approved centres delivering Active IQ qualifications, who may have failed to meet aspects of our approval requirements, for example:

- in the management, delivery, assessment or quality assurance of our qualifications
- the requirements of the approved centre agreement (terms and conditions)
- our policies
- the standards or conditions set out by the regulatory authorities in respect of regulated qualifications.

This policy explains the sanctions Active IQ may impose on centres in such situations.

It is also for use by our staff to ensure they apply any sanctions in a consistent, proportionate and effective manner which encourages centres to comply with Active IQ's requirements.

2. Centre's responsibility

It is important that all staff involved in the delivery of Active IQ qualifications are fully aware of the contents of this policy and its possible implications for their centre, should they fail to comply with requirements specified by Active IQ in relation to the delivery of our qualifications.

3. Approach to sanctions

Active IQ may consider imposing a sanction where a centre and/or centre staff has breached the approved centre agreement, or any other documents, approvals, policies or procedures that are incorporated into that agreement (the 'approval requirements').

Active IQ endeavours to work with centres to prevent situations arising that would warrant the imposition of a sanction. It aims to ensure that the application of any sanction is a last resort, and other than in exceptional circumstances where there is a threat to Active IQ qualifications or learners, should occur only when a series of remedial actions or interventions have failed.

Please note where a partnership arrangement is in place (for example, between two approved centres, or satellite sites), a sanction may be applied to an individual staff member, the main approved centre, the third party, or all of the above.

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Active IQ may use various measures to encourage compliance, such as issuing a centre and/or centre staff with a written warning or developing an action plan prior to issuing a formal sanction. The examples used in this policy for recommending and imposing sanctions are only indicative and are not meant to form an exhaustive list.

Examples of circumstances in which it may be appropriate to impose a sanction may be where a centre or centre staff have:

- failed to comply with Active IQ policies and procedures
- outstanding actions with continued breaches of set and agreed deadlines for completion
- failed to adequately respond to Active IQ communications or repeatedly ignored requests for information
- kept poor records to confirm assessment decisions
- insufficient internal quality assurance in place
- been involved in proven collusion or persistent poor marking of internal assessments
- breached Active IQ's code of ethical conduct for approved centres
- failed to apply the security arrangements and requirements for external exams
- been involved in suspected or proven cases of maladministration/malpractice which are being investigated, or have been confirmed
- failed to pay any fee that is payable under the approved centre agreement
- made certification claims before learners have completed the qualification(s)
- acted in a manner that has increased the likelihood of an adverse effect occurring (e.g. something that is likely to prejudice learners, have an adverse effect on the standards of our qualifications, or adversely affect public confidence in our qualifications)
- refused access to premises and/or records to Active IQ or the regulatory authorities

The application of a sanction does not follow a linear process. Rather, the level of sanction to be applied is determined by Active IQ's assessment of the nature and severity of the event or issue at hand, with the over-riding factor being whether or not it has the potential to undermine the integrity of the qualification, and thus public confidence in Active IQ's assessments.

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4. Sanctions for centres

There are three levels of sanction which may be applied. Active IQ reserves the right to apply the level appropriate to the breach, depending on the nature and severity of that breach and/or its impact.

This is to ensure that sanctions are imposed consistently (i.e. treating like cases alike and different cases differently), to verify that there is clear evidence of non-compliance by the centre and/or centre staff and to check that the rationale for the sanction is appropriate.

NB in the first instance the application of a sanction will be a recommendation by the relevant External Verifier to the Lead External Verifier or the Head of Quality Assurance. The External Verifier, Lead External Verifier or the Head of Quality Assurance will then confirm the sanction, in writing to the centre, with both the rationale and guidance on the completion of any remedial action required (the action plan) and the dates by which this must be completed.

4.1. Sanction Level 1 (removal of direct claims status)

The sanction to withhold direct claims status (DCS) (e.g. suspending the ability to claim certification without first going through external quality assurance sampling of that claim) in relation to:

- a) a single qualification (e.g. a single claim/cohort of learners)
- b) an entire qualification (all current and future claims for a specific qualification)
- c) an entire qualification type (e.g. all Tech Levels currently approved)
- d) all qualifications the centre is approved to deliver

The sanction to suspend assessments taking place (regardless of whether they have been scheduled or not) in relation to:

- e) a single qualification (e.g. a single claim/cohort)
- f) an entire qualification (all current and future claims for a specific qualification)
- g) an entire qualification type (e.g. all Tech Levels currently approved)
- h) all qualifications the centre is approved to deliver

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4.2. Sanction Level 2 (withdrawal of registration)

A Level 2 sanction prevents all further learner registrations by the centre (e.g. suspending the ability to register learners onto Active IQ qualifications). A Level 2 sanction can be recommended by an External Verifier, and imposed by the Lead External Verifier or Head of Quality Assurance in relation to:

- a) a single qualification
- b) an entire qualification
- c) an entire qualification type
- d) all qualifications the centre is approved to deliver

4.3. Sanction Level 3 (removal of qualification approval)

A Level 3 sanction results in the removal of qualification approval and is imposed by the Head of Quality Assurance in agreement with the Compliance Group in relation to:

- a) a single named qualification
- b) all qualifications at a single level (eg all qualifications approved at Level 4)
- c) an entire qualification type (eg all approved Tech Level qualifications)
- d) all qualifications and, as a result, full centre approval with Active IQ may be suspended whilst remedial action is undertaken

4.4. Sanction Level 4 (removal of centre approval)

A Level 4 sanction is the removal of centre approval and is imposed by the Responsible Officer or Head of Quality Assurance, following recommendation from the Compliance Group, depending on the nature and circumstances of the situation (see also Active IQ's policy for the termination of a centre agreement).

As a result of the application of this sanction, the centre will no longer be approved to deliver any Active IQ qualifications or assessments and will usually be imposed when failure to fulfil the requirements of a Level 3 sanction have occurred.

Due to the impact this level may have on learners, this will be a last resort when other remediation has been attempted but failed to secure Active IQ's confidence in the centre being able to fulfil its requirements in an ongoing and sustained manner.

5. Sanctions for named individuals

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5.1. Approved centre staff

Depending on the circumstances where a sanction has been recommended, it may be appropriate to apply the sanction to an individual, rather than the whole approved centre as a proportionate response. This could be, for example, an assessor, an invigilator or a tutor involved in some kind of malpractice or maladministration.

Such sanctions to be recommended depend on the severity of the issue, and whether Active IQ considers the integrity of the assessment and qualifications to be at a lesser or greater degree of risk. Therefore, they may include the following:

- A written warning to the individual
- A requirement to fulfil specific additional training within an agreed timeframe
- Special conditions where the member of staff is required to fulfil a specific requirement when involved in the delivery and/or assessment of Active IQ qualifications and assessments (for example, to be supervised or observed)
- Removal of approval to be involved in the delivery and/or assessment of Active IQ qualifications (a named qualification, or all qualifications, ie debarment)

5.2. Learners (candidates)

We also reserve the right to suspend, withdraw or disqualify an individual candidate, should the case be proven that they acted independently to render their own results void through confirmed malpractice.

In these cases, an appropriate sanction may be:

- an initial warning pending further investigation
- loss of marks for a component, section or unit of a specific qualification
- disqualification from a unit or a whole qualification, with no opportunity to resit with Active IQ (ie disbarred – for a set period of time, or permanently)

5.3. Additional information

Active IQ anticipates that, other than in exceptional circumstances where there is a threat to Active IQ qualifications or learners, it would 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.
- considering whether a Level 1 or Level 2 sanction would be sufficient to address the noncompliance; and

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- there being evidence that the non-compliance poses a significant threat to the interest of learners or the integrity of the qualifications and units specifically or the public confidence in qualifications generally (please refer to clause 23.2 of the centre agreement).

6. Right to terminate

A decision by Active IQ to impose a Level 3 sanction may give Active IQ the right to terminate the centre's approved centre agreement immediately on written notice (please refer to the approved centre agreement). This policy does not restrict any other right that Active IQ may have to terminate the approved centre agreement.

7. Protecting the interests of learner

Should a centre have its approval for a qualification/suite of qualifications removed, we will take all reasonable steps to protect the interests of any learners currently registered on the qualification(s) in line with the details outlined in our 'process for centres withdrawing from offering our qualifications'. For example, we will either certificate them for any achievements to date and/or seek to transfer them, where possible or feasible, to another Active IQ centre to enable them to carry on with their learning.

8. Incurring additional costs

Any expense incurred in ensuring compliance with any informal measures or sanctions must be borne by the centre.

9. Formal communications

Active IQ will inform the relevant internal departments at Active IQ and the regulators of any breaches of the approval requirements by centres that could give rise to an adverse effect (as it is required to do by condition B3 of the General Conditions of Recognition).

In all instances, a centre will be notified of a sanction in writing, with such notice specifying the level and nature of the sanction imposed and the reasons for imposing it.

10. Right to appeal

If a centre believes that Active IQ has not followed its policies and processes correctly, or that it determined the outcome based on incorrect or insufficient evidence, the centre has the

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right to appeal against our decision to impose sanctions: please refer to the Active IQ Appeals Policy for more information.

11. References to associated documents

- Active IQ's centre risk management policy
- Active IQ's internal verification requirements for centres policy
- Active IQ's malpractice and maladministration policy
- Active IQ's quality assurance arrangements policy
- Active IQ's role of the External Verifier policy

12. Implementation and dissemination

This policy will be implemented immediately upon approval and available on Active website.

13. Monitoring arrangements

We will review this policy annually as part of our self-evaluation arrangements, revising it as necessary in response to customer and learner feedback, or best practice guidance issued by the regulatory authorities.

This policy will be reviewed in six months by relevant Active IQ and NCFE colleagues to ensure document is aligned and fit for purpose following full integration of Active IQ.

14. Data retention

Active IQ will not keep personal data for longer than we need it. Once the retention period is over, and it is no longer justifiable to hold personal data any longer, data will be securely destroyed or anonymised

15. Contact us

If you have any queries about the contents of the policy, please contact our External Verifier team on:

E: ev@activeiq.co.uk

T: +44(0)1480 467 950

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