

NISQ D18 Sanctions Policy

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1 Purpose

**For this document NISQ represents the NISQ the Awarding Organisation**

This policy sets out NISQ approach as a regulated awarding organisation to imposing penalties and sanctions.

It sets out the range of sanctions that NISQ may apply to NISQ Approved Centres, Centre staff and learners that are suspected or have been proven to have not adhered to NISQ Approved Centre criteria.

2 Definitions

Transgression is an act that goes against a policy, regulation, rule, or code of conduct.

Penalties are a consequence or disadvantage attached to an action or condition.

Sanctions are actions typically taken to influence conduct. If the assessments of a qualification or the associated quality assurance procedures are compromised and a breach of an agreement, policy or regulation has occurred, NISQ will apply sanctions. The primary aims of applying sanctions are to:

* Protect and minimise the risk to the integrity of NISQ Regulated Qualifications and/or the quality assurance process.
* Protect all aspects of NISQ awarding of results and certificates.
* Allow NISQ to investigate suspected maladministration/malpractice while maintaining the integrity of the NISQ Regulated Qualification(s) involved.
* Protect the interest of Learners.
* Protect public confidence in the NISQ Regulated qualifications.

This Sanctions Policy has been written to support NISQ D5 Malpractice Policy, Maladministration Policy and NISQ D16 Participation and Learner Behaviour Policy. Please refer directly to the respective policy for information regarding the procedures relating to cases of behaviour, malpractice, maladministration.

3 Roles and Responsibilities

Approved Centre Qualification Coordinator:

* Ensure staff and learners understand the consequences of transgression.
* Implement assessment activity and quality assurance activities that comply with NISQ requirements.
* Carry out corrective actions imposed by NISQ to maintain compliance with NISQ Conditions for Approval criteria.
* Implement Sanctions recommended by the NISQ Approval Panel (based on evidence seen and recorded by the NISQ External Centre Verifier NISQ 10v)
  + NISQ Approval Panel Consider recommended sanctions.
  + The NISQ Approval Panel will Confirm in writing applied sanctions to the centre.

The NISQ External Centre Verifier

* Will Ensure the policy is implemented fairly and consistently across NISQ approved centres.
* Monitor progress of NISQ approved centres where sanctions have been imposed.
* Report to the NISQ Approval Panel either to;
  + Reduce or
  + escalate sanctions, as necessary, based on risk.

4 Application of Sanctions

All NISQ Approved Centres are required, as a condition of centre approval, to sign an enforceable centre agreement between themselves and NISQ prior to delivering its Regulated Qualifications, and to comply with the agreement at all times.

Compliance is monitored regularly by the NISQ External Centre Verifier, through their centre monitoring/visitation activities.

Where an NISQ Approved Centre fails to meet the NISQ Conditions of Approval, NISQ may apply a sanction to that Approved Centre to mitigate any risk.

Sanctions are generally applied by NISQ upon the recommendation of the NISQ Approval Panel to the NISQ Governing Body,

NISQ Approved Centres are informed in writing by NISQ that a sanction is being applied. The NISQ Approved Centre must implement corrective actions to remove the risk identified within the timescales specified by NISQ. Progress will be monitored.

The NISQ Approved Centre will be made fully aware of the likely outcomes should the corrective actions not be satisfactorily addressed within the required timescales.

Sanctions will be reduced or lifted when the corrective action has been completed and the NISQ is satisfied that the level of risk is reduced. Should the corrective action(s) not be completed satisfactorily, NISQ reserves the right to escalate the level of sanction according to the level of risk identified. This could result in the withdrawal of the NISQ Centre Approval, meaning the centre would no longer be able to offer NISQ Regulated qualifications through NISQ.

5 Tariff of Sanctions

Sanctions and Penalties applied against NISQ Approved Centre

The table below shows the level of centre sanctions relative to the level of transgression:

|  |  |  |
| --- | --- | --- |
| Level of sanction | Rationale | Examples of quality assurance issues |
| **1**. Action plan –  On NISQ 10R Assessment Review  CCEA Regulations informed of Sanction | Action required to comply with NISQ Approved Centre Approval agreement and/or standards issues identified through the NISQ External Centre Verifiers Report NISQ 10v  These refer to all “Not Accepted” report returns by the NISQ External center verifier on NISQ 10v under NISQ GL 5 | **1.1** NISQ aims, policies and assessment criteria, and responsibilities not implemented correctly |
| **1.2** Internal moderation procedures, activities or tutorials are not well planned and/or clearly documented within the NISQ 24 |
| **1.3** Communication with the NISQ Approved Centre, its Staff and NISQ is not effective |
| **1.4** The Ratio of available teachers/assessors is inadequate |
| **1.5** Personal Development provided for assessors and/or internal moderators is inadequate or not provided at all by the NISQ Approved Centre |
| **1.6** Learners are not made aware of their rights – for example not having complaints and / or appeals procedure(s) brought to their attention |
| **1.7** Assessment planning with learners is inadequate |
| **1.8** Direct Claims Status suspended (DCS) |
| **1.8** Complaints and/or appeals are not correctly dealt with and or clear records are not maintained |
| **1.9** The range of assessment methods are not implemented correctly |
| **1.10 NISQ** is not notified of changes to personnel in key positions |
| **1.11** Internal monitoring and review procedures are inadequate and / or not implemented effectively |
| **1.12** Equality and diversity policies and procedures not implemented effectively  1.13 Misrepresentation of NISQ or NISQ Qualifications, see NISQ D21 Third Party Policy |
| **2.** Additional NISQ External Center Verifiers quality monitoring activity (direct claims status suspended where in place)  NISQ 10R Assessment Review  CCEA Regulations informed of Sanction | Close scrutiny of the integrity of assessment decisions required –  These refer to all “Not Accepted” report returns by the NISQ External center verifier on NISQ 10v under NISQ GL 5 | **2.1** Assessors have insufficient time, resources and/or authority to perform their role effectively |
| **2.2** Decisions of assessors have not been internally moderated - |
| **2.3** Assessment decisions are not consistent |
| **2.4** There are insufficient qualified/experienced internal moderators to meet the set NISQ Criteria |
| **2.5** Recording in the NISQ Learners Continuous Assessment Portfolio are insufficient to allow audit of assessment |
| **2.6** Previously agreed corrective actions relating to level 1 have not been implemented |
|  |  | **2.7** DCS Removed |
| **3. (a)** suspension of registration  **(b)** suspension of certification  CCEA Regulations informed of Sanction | **(a)** threat to learners  **(b)** loss of the integrity of assessment decisions – risk of invalid claims for credit  These refer to all “Not Accepted” report returns by the NISQ External center verifier on NISQ 10v and under NISQ GL 5 | **3a1** Assessment processes are not applied correctly |
| **3a2** Assessment decisions are unfair |
| **3b1** There is no internal moderation in place |
| **3b2** Assessment practice does not meet the required standard |
| **3b3** The NISQ Approved Centre fails to provide access to requested records, information, learners and/or staff |
| **3b4** Assessed evidence is not the authentic work of learners - |
| **3b5** Records of assessment show significant anomalies |
| **3b7** Previously agreed corrective actions relating to level 2 have not been implemented |
|  |  | **3 (**a)(b) DCS Removed |
| **4.** Withdrawal of approval for one or more NISQ Regulated Qualifications  CCEA Regulations informed of Sanction | Irretrievable breakdown in management and / or quality assurance in relation to specific NISQ Regulated Qualification(s) | **4.1** Significant shortcomings in the management and/or quality assurance in relation to one or more NISQ Regulated Qualifications |
| **4.2** Previously agreed corrective actions relating to level 3 have not been implemented |
| **5.** Withdrawal of NISQ Approved Centre Status  CCEA Regulations informed of Sanction | Irretrievable breakdown in management and / or quality assurance across the NISQ Approved Centre | **5.1** Significant shortcomings in the management and/or quality assurance across the NISQ Approved Centre and in relation to most or all NISQ Regulated Qualifications |
| **5.2** Previously agreed corrective actions relating to level 4 have not been implemented |

Sanctions and Penalties applied against NISQ Approved Centre Staff and Learners

NISQ reserves the right to impose sanctions upon individual NISQ Approved Centre Staff and/or individual learners.

Centre Staff: refers to any individual working for or on behalf of the NISQ Approved Centre, either as an employee or in any capacity such as (but not limited to) a contractor, consultant, teacher, subject matter expert, trainer, assessor, Qualification Coordinator, Internal Moderator, Role Players.

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

Learners: any sanction imposed on any learner will apply to all NISQ Approved Centres in which the learner is registered, e.g. if a learner is disqualified from a unit, they will not be allowed to be registered for that unit in any NISQ Approved Centre.

Such sanctions may include (the list is not exhaustive and is intended for guidance only):

Centre Staff

NISQ Will Issue Sanctions from time to time, following investigation, the least sanction will always be considered enforced first, the following are examples and do not represent every possible sanction;

|  |  |  |
| --- | --- | --- |
| Centre Staff | | |
| Level | Sanction | |
| 1.  CCEA REGULATIONS informed | written warning | * Member of staff issued with a written warning * If the offence is repeated, further specified sanctions will be applied. * DCS suspended |
| 2.  CCEA REGULATIONS informed | Special Conditions | * Special conditions imposed on future involvement in examinations and/or assessments by the member of staff, for a stated period of time, with a review * DCS removed |
| 3.  CCEA REGULATIONS informed | Training/Teaching | * Member of staff required to undertake specific training or mentoring, within a stated period of time, with a review at the end of the training * DCS removed |
| 4.  CCEA informed | Suspension | * Member of staff barred from all involvement in the delivery of SFJ Awards’ examinations/ assessments, either for a set period of time (with a review) or permanently. * NISQ Approved Centres and/other Awarding Organisations notified * DCS removed |

|  |  |  |
| --- | --- | --- |
| Learners | | |
| Level | Sanction | |
| 1.  CCEA REGULATIONS informed | warning | * Learner issued with a warning that if the offence is repeated, further specified sanctions will be applied |
| 2.  CCEA REGULATIONS informed | Disqualification for a unit | * Learner disqualified from undertaking the qualification unit * Any qualifications and/or units previously achieved in full are retained |
| 3.  CCEA REGULATIONS informed | Disqualification from a whole qualification | * Learner disqualified from undertaking the whole qualification taken * Any qualifications and/or units previously achieved in full are retained. |
| 4.  CCEA REGULATIONS informed | Learner barred | * Learner barred from being registered for one or more qualification * The Learner’s issued certificate is invalidated, revoked, cancelled or withdrawn * NISQ Approved Centres and/other Awarding Organisations notified |

Other Discretionary Sanctions

There may be other general circumstances where NISQ reserves the right to impose discretionary sanctions upon a NISQ Approved Centre:

|  |  |
| --- | --- |
| Circumstances | Sanction |
| Non-payment | Temporary suspension of Registration |
| Failure to Communicate with NISQ | Temporary Suspension of NISQ Centre Approval |
| Failure to comply with the NISQ Conditions for Approval, NISQ 01 Application Centre Agreement | Temporary (or permanent) suspension of NISQ Centre Approval, Based on Risk – Adverse Effect |

6 Follow up Action

Imposed sanctions will remain in place until such time that either:

* the matter has been resolved to NISQ satisfaction.
* investigation into the issue(s) is complete and NISQ is assured there is no longer a threat to the integrity of its awarding functions.
* an appeal has been successfully upheld.

Please note that we may agree to reduce the sanction applied as a result of the above, but NISQ equally reserves the right to maintain a sanction (or escalate the sanction level based on further information identified) to protect the integrity of its awarding functions, based on risk and adverse effect.

7 Informing CCEA Regulations and other Awarding Organisations/Stakeholders:

If a reported incident has the potential to lead to an Adverse Effect, NISQ will promptly notify CCEA Regulations and keep them fully informed.

As a regulated awarding organisation, NISQ is required to share certain information relating to the imposition of sanctions with other Awarding Organisations and CCEA Regulations who may be affected. This may impact upon a NISQ Approved Centre’s ability to deliver Regulated Qualifications with other Awarding Organisations.

In cases where NISQ is informed of sanctions imposed by CCEA Regulations and/or another Awarding Organisation or stakeholder upon NISQ Approved Centres or Proposed Centres it is also working with, NISQ will take appropriate action. We will check the NISQ Approved C or Proposed Centre’s current activity, its quality assurance performance to date, undertake a risk assessment (based on the information provided), and where necessary and appropriate, make arrangements to increase NISQ monitoring of the NISQ Approved Centre or Proposed Centre to ensure that the award of NISQ Regulated Qualifications is sound and safeguarded.

7 Appeals

You have the right to appeal against sanctions imposed by NISQ. Appeals must be in writing stating the grounds on which your appeal is based. Please refer to NISQ Appeals Policy NISQ D6 available from [www.nisq.uk](http://www.nisq.uk)

Appeals should be made within 21 working days of being notified of the sanction(s).

8 Review of the Policy

This policy will be reviewed by NISQ on a regular basis as part of NISQ Challenge, Review and Advisory Committee Division and Departmental evaluation arrangements and revised as necessary in response to lessons learnt, customer feedback, changes in legislation and guidance from CCEA Regulations.

Our review of the policy will ensure that NISQ procedures continue to be consistent with the regulatory criteria and are applied appropriately and equitably.

Policies and formal amendments to policies are approved at the next meeting of the NISQ Governing Body on the recommendations of the NISQ Approval Panel or the Challenge, Review and Advisory Committee.

If you have any queries about the content of the policy or you wish to give feed-back then please email NISQ at [www.nisq/uk](http://www.nisq/uk)

9 Location of the Policy

You can download copies of the policy from our website: [www.nisq.uk](http://www.nisq.uk) under Policies.