

Sanctions Policy

May 2022

Version 9

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1. Introduction

1.1. Purpose of the policy

All approved centres have a written and enforceable centre agreement with VTCT, setting out all the requirements centres must meet to retain their approval status, in order to offer ITEC or VTCT qualifications.

This policy sets out the sanctions that VTCT may apply to centres, their staff or learners, where they are suspected of having, or are known to have failed to adhere to the Centre Agreement and related policies and procedures.

The policy informs centres about the awarding organisation's approach to sanctions, the types of sanctions which may be imposed and the related process for applying and removing them.

This policy should be read in conjunction with the following related policies and procedures:

- Malpractice and Maladministration Policy and Procedure (including the COVID – 19 Addendum);
- Plagiarism, Collusion and Cheating Policy;
- Adverse Effects Policy;
- Complaints Policy and Procedures (including the COVID – 19 Addendum);
- External Whistleblowing Policy and Procedures;
- Conflict of Interest Policy and Procedures;
- Policy for the Withdrawal of Approval.

1.2. Scope of the policy

The Sanctions Policy applies to all VTCT and ITEC qualifications. VTCT and ITEC customers, being learners who are taking or have taken VTCT and ITEC assessments, and personnel with responsibilities for managing, delivering, assessing and quality assuring qualifications in centres, approved to offer VTCT or ITEC qualifications, should be made aware of this policy. It is also provided for awarding organisation personnel to support the consistent application of sanctions.

1.3. Regulatory authorities

This policy addresses the requirements of the relevant regulatory authorities' criteria.

1.4. Definition

Sanctions are the penalties which may be applied by an awarding organisation against a centre, its staff or learner(s) suspected of or proven to have not complied with the terms of the Centre Agreement. Examples of non-compliance and related sanctions are set out in the table in section 2.1.1.

VTCT will impose sanctions when necessary in order to:

- minimise the risk to the integrity of all aspects of the awarding functions, and the standard of VTCT qualifications;

- create the opportunity in relevant cases to investigate potential malpractice and/or maladministration;
- minimise the risk to learners;
- preserve the integrity of the awarding organisation.

In particular, VTCT is required to consider risks posed by adverse effects as defined by the regulators (see section 1.5.1.1 below), malpractice and maladministration. Sanctions may be placed especially in relation to these factors.

1.5. Responsibilities

1.5.1. VTCT

VTCT is responsible for monitoring compliance with the Centre Agreement and taking appropriate action when this is suspected or known not to be the case.

VTCT is required to consider risks posed by adverse effects, malpractice and maladministration. Sanctions may be placed in relation to these areas.

Should VTCT fail to meet its obligations, including those relating to the notification of adverse effects and in relation to malpractice and maladministration, VTCT is required to notify the relevant regulators.

1.5.1.1. Adverse effects

Attention is drawn to VTCT obligations to consider risks caused by adverse effects, defined as follows:

“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 regulatory requirements,

II. The standards of qualifications which the awarding organisation makes available or proposes to make available, or

III. Public confidence in qualifications”.

When VTCT imposes a sanction on a centre or learner, the relevant regulator and other awarding organisations may be notified.

1.5.2. Centres

The centre must ensure that all staff involved in the management, assessment and quality assurance of VTCT and ITEC qualifications, and learners taking these qualifications are fully aware of the contents of the policy and the possible consequences if the centre, an individual member of staff, contractor or registered learner fails to comply with the requirements specified by VTCT and ITEC in relation to the delivery of its qualifications.

The Centre Agreement sets out the specific duty not to put the awarding organisation in breach of its ability to fulfil its regulatory obligations. It is therefore important that possible and actual adverse effects (see section 1.3.1) and suspected or actual malpractice and/or maladministration are notified to VTCT immediately and dealt with in line with the policy and procedures

1.6. Review arrangements

This policy is reviewed annually as part of VTCT's self-evaluation activity, which considers customer and regulatory feedback and good practice guidance, changes in VTCT's practices, actions from the regulators, changes in legislation, or trends identified from previous cases.

In addition, this policy may be updated following consideration of operational feedback to ensure VTCT's arrangements for imposing sanctions remain effective.

1.6.1. Situations brought to our attention by the regulators

Where the regulators notify VTCT of failures that have been discovered in the assessment methodology of another awarding organisation, VTCT will review whether a similar failure could affect the assessment methodology and arrangements of VTCT and/or ITEC qualifications.

2. Centre sanctions

2.1. Introduction

VTCT aims to work with its approved centres in a supportive way. The approach to how VTCT supports its centres is set out in the Centre Handbook. If a need for improvement in centre practice is identified, VTCT will work with the centre to make those improvements, usually through the implementation and monitoring of an action plan. Whilst this approach aims to prevent situations arising which would warrant the need for sanctions, failure to address the actions adequately may make this necessary.

2.1.1. Types of sanction

VTCT may impose one or more of the following sanctions at either qualification or centre level (including any site). Sanctions will be appropriate for the type and seriousness of the related issue, taking into consideration the actual or potential risk to VTCT or ITEC qualifications and awarding functions:

- removal of direct claims status;
- temporary suspension of registration and/or certification;
- withdrawal of approval (for a centre or a qualification/more than one qualification).

Examples of issues and the sanctions which may be applied are given in the table below:

Issue	Sanctions
Non-payment of invoices within payment terms	Temporary suspension of registration Withdrawal of approval
Failure to maintain standards in relation to assessment or internal quality assurance	Removal of direct claim status Temporary suspension
Failure to co-operate with investigations or provide access to VTCT or regulators for the purpose of monitoring	Temporary suspension Withdrawal of approval
Failure to comply with VTCT/ITEC's requirements relating to registering and enrolling learners	Temporary suspension for certification Withdrawal of approval
Failure to communicate with VTCT	Removal of direct claim status Temporary suspension Withdrawal of approval
Significant faults in assessment or internal quality assurance arrangements	Temporary suspension Withdrawal of approval
Failure to implement actions set by VTCT	Removal of direct claim status Temporary centre suspension Withdrawal of approval
Insufficient qualified and occupationally competent staff, as required for ITEC or VTCT qualification delivery	Removal of direct claim status Temporary suspension Withdrawal of approval

Where a centre has multiple approved sites VTCT may impose sanctions either at a specific site where risk has been identified or across all of the centre's approved sites, should VTCT deem that the nature of the risk warrants this action.

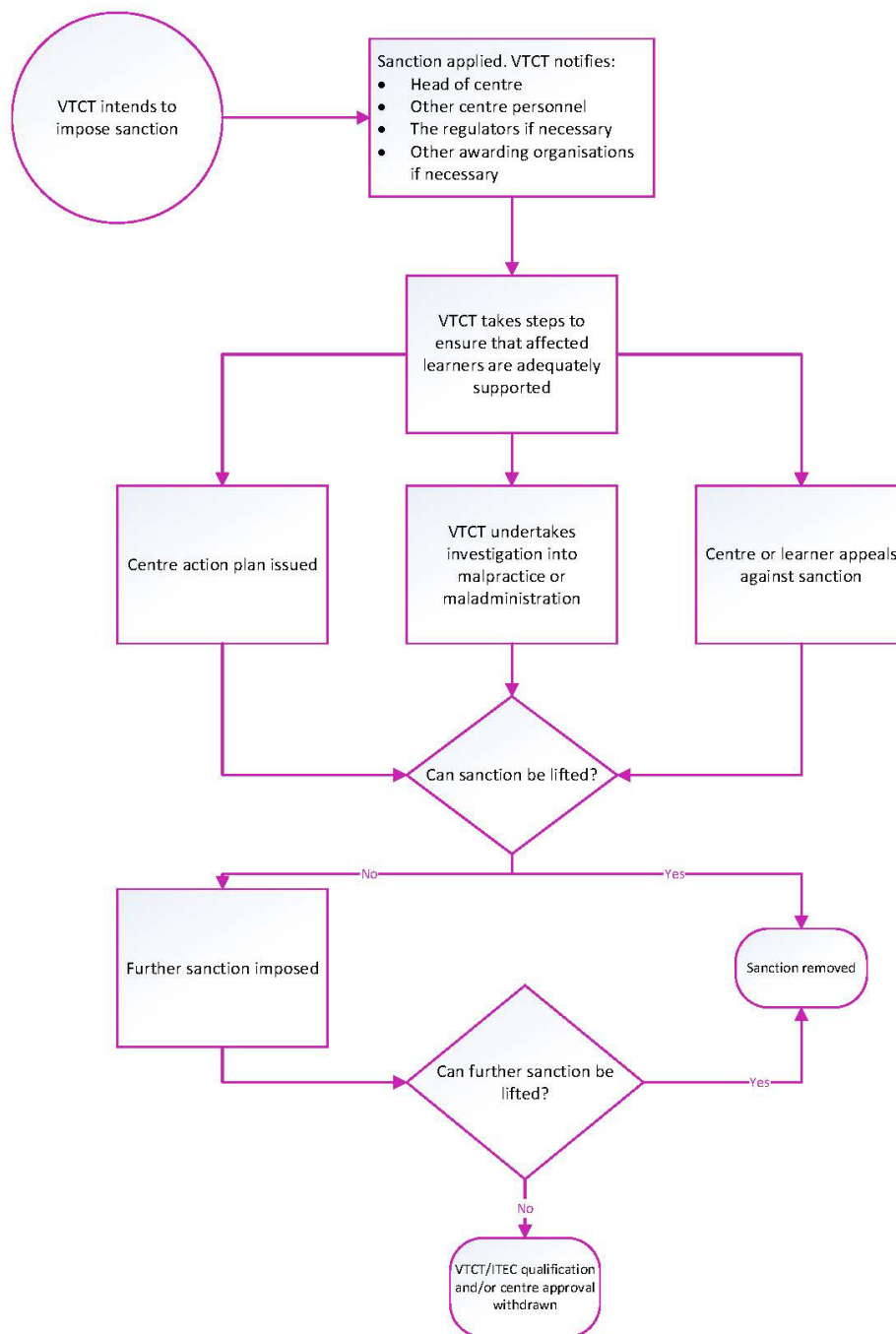
Where multiple centres utilise the facilities of a single venue, such as in various sub-contracting arrangements, VTCT may impose sanctions across all approved centres which utilise that venue, if the nature of the risk identifies this as an appropriate action.

When inadequate action has been taken by the centre in response to a sanction, VTCT may increase the sanctions imposed. Persistent inadequate action may result in the withdrawal of approval.

2.2. Process

1. Decisions relating to the imposition of sanctions are reviewed by the appropriate VTCT personnel.
2. VTCT will apply the sanction and notify the head of centre and/or other relevant centre staff in writing providing:
 - details of the sanction being applied;
 - the reason for the sanction (including any related investigation);
 - the terms of the sanction, (e.g. date, length, qualification/unit affected);
 - any action the centre or any individual must take as a result of the sanction, together with a timescale for the action.
3. VTCT may notify the relevant regulator(s) and other awarding organisations of the sanction imposed. The need to do so usually occurs when the sanction relates to suspected or proven malpractice or maladministration.
4. If a centre disagrees with the decision, it may wish to appeal against it or lodge a complaint. See section 3 below.
5. Failure to comply with a sanction is likely to result in further, more punitive sanctions being imposed.
6. If the matter remains unresolved VTCT may withdraw qualification approval and ultimately centre approval status.
7. VTCT will take steps to ensure that any learners affected by a particular sanction are adequately supported at all stages.
8. VTCT will conduct any related investigation. The outcome of an investigation may lead to a modification of any sanction to a less or more severe one, or to its removal.
9. At any stage in the process and at its conclusion VTCT may update the relevant regulator(s) and any awarding organisations who were alerted to the sanctions when applied.

2.3. Sanctions process – flowchart



3. Appeals

If a centre considers that a sanction has been imposed unnecessarily, the centre may appeal against the decision to impose a sanction by putting their appeal in writing in a timely manner to qualityassurance@vtct.org.uk.

The appellant should submit a report to the Chief Academic Officer setting out the reasons for the appeal, together with any supporting evidence, as soon as possible and no later than 15 working days after the date of receipt of the decision. Please note that appeal applications without supporting evidence will not be accepted.

- VTCT will:
 - consider if it will accept the appeal and notifies the appellant of this decision, normally within 10 working days of receipt of the appeal;
 - if it accepts the appeal, arrange for a panel comprising a minimum one senior manager and an independent person to review the case and come to a decision, normally within 20 working days of receipt of the appeal.
- If it is not possible to complete the review within 20 working days, VTCT will notify the appellant of the expected timescale.
- Possible outcomes are as follows:
 - the appeal is not upheld;
 - the decision has been judged to be unreasonable, and has been removed or changed;
 - procedures were judged to have not been applied consistently, properly or fairly. The subsequent decision is reviewed and revised accordingly.
- The panel's decision is final and completes the internal appeals procedures. No further appeal will be accepted.
- If an appellant wishes to take the matter further they may consider contacting the relevant regulator(s). The regulators would require evidence that the appellant had exhausted VTCT's own appeals procedure as set out above prior to taking this step.

4. Withdrawal of approval

Centres should note VTCT's **Withdrawal of Approval Policy**.

Document amendment history page

Version	Document Owner	Issue Date	Changes	Role
v3.1	Quality and Processing Manager	02/02/2018	New policy	Quality and Processing Manager
v4	Quality and Processing Manager	02/02/2018	Formatted and new branding template	Qualifications Manager
v5	Head of Quality	05/03/2019	Formatted and new branding template	Compliance Manager
v6	Head of Quality	19/06/2019	Additional paragraphs in section 2.1.1	Compliance Manager
v7	Quality Lead	16/03/2021	Review and minor wording amendments for consistency across policies	Quality Assurance Administrator
v8	Quality Lead	19/03/2021	Updated appeal process	Product and Regulation Manager
V9	Head of Standards	10/05/2022	Update owner	Quality Assurance Administrator

Document Review

Role	Review Status
Quality and Processing Manager	New policy
Head of Quality	
Quality Lead	Reviewed
Chief Academic Officer	Reviewed
Head of Standards	Reviewed

Document Owner

Document Owner	Document shared with
Head of Quality	National Business Development Manager, Head of Finance
Quality Lead	
Head of Standards	

Document Sign-off

Role	Sign-off Date
Executive Director of Awarding	02/02/2018
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Quality Lead	16/03/2021
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