

Sanctions Policy

Excellence, Achievement and
Learning (EAL) Ltd

Telephone: +44 (0) 1923 652 400

Email: customer.care@eal.org.uk

Website: www.eal.org.uk

EAL (Excellence, Achievement & Learning Ltd) is registered in England and Wales (02700780). Registered office: Unit 2, The Orient Centre, Greycaine Road, Watford, Herts, WD24 7GP

Controlled by:	Governance & Regulation	Updated:	December 2018	Version:	3.1
Policy Title :	Sanctions	Review Date:	December 2019	Regulatory Ref:	A8; SQAP14

SANCTIONS POLICY

INTRODUCTION

1.1 This policy is aimed at centres delivering EAL approved qualifications or units. It sets out the action(s)/sanctions EAL may impose on centres who have failed to meet the requirements specified in the Centre Recognition Requirements (Centre Agreement) or the standards laid down in a particular qualification specification.

1.2 It is important that centre staff involved in the delivery of EAL qualifications are fully aware of the contents of the policy and the possible implications to centres should they fail to comply with requirements specified by EAL in relation to the delivery of our qualifications. Such actions(s)/sanctions could lead to suspension of certain centre activities or the full withdrawal of centre recognition.

SCOPE

2.1 EAL has a responsibility both to the learners taking our qualifications and the UK regulators to ensure that centres are delivering our qualifications and units in accordance with relevant requirements and national standards.

2.2 In order to meet these responsibilities the performance of each EAL Centre is monitored and quality assured by our team of External Quality Assurers (EQAs) and by our Exams Quality Monitoring Leaders. The policy is used by EAL staff and EQAs to ensure the application of action(s)/sanctions are consistent.

APPROACH TO SANCTIONS

3.1 EAL has in place a range of action(s)/sanctions that may be imposed on a centre depending on the seriousness of the situation, history of the centre's non-compliance, the risk to the interests of learners and the integrity of our qualifications and units.

3.2 In some cases, imposing an action(s)/sanction will enable EAL to investigate suspected malpractice and/or maladministration whilst maintaining the integrity of the qualification(s) involved in an allegation. Please refer directly to EAL's Malpractice and Maladministration Policy.

3.3 EAL aims to work with centres to prevent situations arising that would warrant a sanction being imposed by carrying out a risk assessment with each centre and to manage any identified risks through the creation of appropriate action plans. The EAL EQA will determine whether a centre needs extra assistance, the EQA will identify the action(s) required by the centre to prevent any situation arising which, would merit imposing a level 1 or above sanction being applied to the centre. If the centre fails to complete the action(s) or, the EQA identifies further issues that would threaten the integrity of EAL qualifications or reputation, this could result in a higher level sanction being imposed.

3.4 If a serious breach of non-compliance is identified at a centre resulting in a Level 3 or Level 4 Sanction being imposed, then EAL will notify the regulators and, where necessary, other Awarding Organisations.

ENTRY IN AN ACTION PLAN

4.1 Whilst an entry into an action plan is not strictly a formal sanction, there may be circumstances that may lead an EQA to require an action plan being put in place at a centre. This would mitigate any minor concerns or issues highlighted during normal quality assurance activities that can improve processes and/or support good practice without further consequence and do not have an adverse effect on learners.

4.2 However, issues may arise where action(s)/sanctions are required; we do this by applying a level that relates to the type of action(s)/sanctions. The action(s)/sanctions that EAL may assign are:

Level	Sanction	Rationale for Imposing Sanction
0	Entry in an Action Plan*	Any issues identified that can be easily corrected or actioned to improve processes and/or to support good practice without further consequence and do not have an adverse effect.
1	Removal of or refusal to grant Direct Claims Status (DCS) for specific or all qualifications (i.e. all future claims for certification must be authorised by the Centre EQA).	<p>Non-compliance with EAL's Centre Recognition Requirements</p> <p>The centre has failed to maintain standards in assessment and/or internal quality assurance processes.</p> <p>Repeat occurrences (3 or more) of maladministration events through a rolling 12 month period or less¹.</p>
2	<p>(a) Temporary or permanent suspension of registrations.</p> <p>(b) Temporary or permanent suspension of certification.</p>	<p>Non-compliance with EAL's Centre Recognition Requirements for registration and certification</p> <p>Actions which have an actual or may have an actual adverse effect on learners.</p> <p>Integrity of assessment decisions has a danger of invalidating claims for certification.</p>

¹ Each centre will be reviewed independently where there are repeat occurrences (3 or more) of maladministration events through a rolling 12 month period or less. When making judgement in these cases, EAL will take into consideration factors such as: risk, compliance, registration and certification numbers, centre size and systems in place.

3	Temporary or Permanent withdrawal of approval for a specific qualification; type of qualification or sector	Irretrievable breakdown in management, assessment and quality assurance of specific qualifications.
4	Full withdrawal of Centre Recognition and termination of Centre Agreement.	<p>Irretrievable breakdown in the management and quality assurance of all qualifications offered by the centre.</p> <p>Failure to communicate with EAL</p> <p>Failure to comply with EAL's centre recognition requirements</p>

4.3 **Important** - EAL will impose sanction(s) on a centre where they have failed to comply with EAL's Instructions for Conducting Examinations. The level of sanction imposed by EAL will depend on the severity of non-compliance with EAL's Instructions for Conducting Examinations.

**Note: Entries into an action plan will not automatically lead to a level 1 sanction being imposed. For example, action(s) may be requested to address minor concerns, to improve/or to support good practice.*

4.4 Situations that may lead to sanctions being imposed include but are not limited to; issues of Malpractice or Maladministration and incidents or practice which may cause EAL serious reputational damage, financial damage, and/or potentially damage the integrity, credibility and validity of EAL's qualification(s) and/or be detrimental to the learner.

4.5 EAL expects that it would never impose a level 3 or level 4 sanctions without:

- The centre being given an opportunity to address the area(s) of non-compliance
- First of all imposing one of the previous sanctions
- There being evidence that the non-compliance poses a significant threat to the interest of learners or the integrity of EAL qualifications and units or assessment.
- Consultation with EAL's Responsible Officer

4.6 In addition to action(s)/sanctions being imposed specifically on centres, where EAL suspect, or have proven evidence, that a serious malpractice and/or maladministration incident has taken place by a member of centre staff or by a learner, EAL may place a temporary or permanent sanction on that member of staff/learner relating to specific/all EAL qualifications. Any attempt by the centre to circumvent this individual sanction will be treated as malpractice and a threat to the integrity of qualifications, thus leading to an escalation in sanctions.

4.7 Should a centre refuse to pay outstanding fees then we may remove approval and/or Centre recognition with immediate effect. Such a decision would not be considered a sanction but a commercial decision.

4.8 Should a centre have its approval for a qualification/suite of qualifications temporarily or permanently removed, EAL will take all reasonable steps to protect the interests of any learners currently registered on the qualification(s).

COMMUNICATING THE APPLICATION OF SANCTIONS

5.1 When an entry in an Action Plan or Sanction is recommended EAL will inform the centre by telephone/email or face to face (during a visit), providing an explanation of the type of action(s)/sanction that has been applied or will be applied and the reason why. In all instances the nature of the action(s)/sanction and the rationale for its application will be communicated in writing to the centre.

5.2 If EAL requires the centre to complete any action(s), EAL will outline what is required to resolve the matter and the deadline date by which it must be completed. Any action(s)/sanctions imposed will remain in place until EAL are reassured that there has been a satisfactory resolution and any potential or adverse effect has been mitigated.

5.3 If a centre disagrees with EAL's decision to impose the action(s)/ sanctions, they have the right to appeal using the arrangements laid out in EAL's Appeals Policy.

REVIEW ARRANGEMENTS

6.1 EAL will review the policy annually as part of our self-evaluation arrangements; amendment and review may also be in response to feedback requests or good practice guidance issued by Regulators to align with their appeals and complaints process.

CONTACT US

6.2 If you have any queries about the contents of the policy, please contact the Customer Experience Team on 01923 652400 or email them at customer.care@eal.org.uk or via post to

EAL
Customer Experience,
Unit 2 Greycaine Road,
Watford,
Herts
WD24 7GP

Centre Management / Administration Systems

Serial	Non-compliance issue	Sanction	Indicative Action(s)
CM1	Inadequate arrangements in place to ensure learners are registered correctly	Level 0 - Entry in an Action Plan	Maladministration recorded against the centre profile and an action plan imposed
CM2	Inadequate arrangements in place to ensure learners are certificated correctly	Level 0 - Entry in an Action Plan	Maladministration recorded against the centre profile and an action plan imposed
CM3	Failure to update EAL with changes since the initial/ongoing centre recognition approval including staff associated with EAL qualifications	Level 0 - Entry in an Action Plan	Maladministration recorded against the centre profile and an action plan imposed
CM4	Providing inaccurate statements in information and submissions	Level 3 - Temporary or Permanent withdrawal of centre approval for a specific qualification; type of qualification or sector	Maladministration recorded against the centre profile and an action plan imposed
CM5	No declaration of any previous withdrawal of centre/qualification approval	Level 3 - Temporary or Permanent withdrawal of centre approval for a specific qualification; type of qualification or sector	Maladministration recorded against the centre profile and an action plan imposed
CM6	Failure to co-operate with investigations undertaken by or on behalf of EAL	Level 3 - Temporary or Permanent withdrawal of centre approval for a specific qualification; type of qualification or sector	Action plan imposed
CM7	Queries from EAL are not resolved or recorded by the centre	Level 0 - Entry in an Action Plan	Action plan imposed
CM8	Failure to provide EAL staff or representatives access to their premises	Level 3 - Temporary or Permanent withdrawal of centre approval for a specific qualification; type of qualification or sector	Action plan imposed
CM9	The centre fails to provide access to requested records, information, learners and/or staff	Level 3 - Temporary or Permanent withdrawal of centre approval for a specific qualification; type of qualification or sector	Action plan imposed
CM10	Failure to notify EAL/provide documentary evidence of partnerships/subcontractor relationships	Level 3 - Temporary or Permanent withdrawal of centre approval for a specific qualification; type of qualification or sector	Maladministration recorded against the centre profile and an action plan imposed

CM11	Failure to notify EAL/no documented evidence of any conflict of interests	Level 0 - Entry in an Action Plan	Maladministration recorded against the centre profile and an action plan imposed
CM12	Failure to maintain and keep records up to date within SmarterTouch	Level 0 - Entry in an Action Plan	Maladministration recorded against the centre profile and an action plan imposed
CM13	Insufficient management systems, to support the delivery of EAL's qualifications	Level 1 - Removal of or refusal to grant Direct Claims Status (DCS) for specific or all qualifications (i.e. all future claims for certification must be authorised by the Centre EQA).	Maladministration recorded against the centre profile and an action plan imposed
CM14	Previously agreed corrective actions/measures relating to EAL imposed action plans/sanctions are not implemented or addressed	Level 2 - (a) Temporary or permanent suspension of registrations. (b) Temporary or permanent suspension of certification.	Action plan imposed
CM15	There is inadequate monitoring or review of the centre's processes and procedures in regards to EAL Qualifications	Level 0 - Entry in an Action Plan	Action plan imposed
CM16	There is inadequate reviewing and evaluation of the quality and effectiveness of qualification provision	Level 1 - Removal of or refusal to grant Direct Claims Status (DCS) for specific or all qualifications (i.e. all future claims for certification must be authorised by the Centre EQA).	Action plan imposed
CM17	Adequate records not kept or records not retained for required period	Level 3 - Temporary or Permanent withdrawal of centre approval for a specific qualification; type of qualification or sector	Maladministration recorded against the centre profile and an action plan imposed
CM18	Non-compliance with data protection requirements/legislation	Level 3 - Temporary or Permanent withdrawal of centre approval for a specific qualification; type of qualification or sector	Action plan imposed
CM19	Assessors and internal quality assurance personnel demonstrate a lack of understanding of centre policies and responsibilities of personnel	Level 0 - Entry in an Action Plan	Action plan imposed

CM20	Significant fault in the management and quality assurance of all EAL qualifications which result in an ongoing failure to meet the core requirements for the conduct of assessment	Level 3 - Temporary or Permanent withdrawal of centre approval for a specific qualification; type of qualification or sector	Maladministration recorded against the centre profile and an action plan imposed
CM21	Systemic malpractice and/or maladministration taking place	Level 3 - Temporary or Permanent withdrawal of centre approval for a specific qualification; type of qualification or sector	Malpractice and/or Maladministration recorded against the centre profile and an action plan imposed
CM22	Significant faults in the management and quality assurance of all qualifications	Level 3 - Temporary or Permanent withdrawal of centre approval for a specific qualification; type of qualification or sector	Malpractice and/or Maladministration recorded against the centre profile and an action plan imposed
CM23	Failure to have in place or maintain robust internal procedures for preventing and investigating incidents of malpractice or maladministration	Level 2 - (a) Temporary or permanent suspension of registrations. (b) Temporary or permanent suspension of certification.	Maladministration recorded against the centre profile and an action plan imposed

Resources

Serial	Non-compliance issue	Sanction	Indicative Action(s)
RES1	Insufficient arrangements in place for Recognition of Prior Learning (RPL)	Level 1 - Removal of or refusal to grant Direct Claims Status (DCS) for specific or all qualifications (i.e. all future claims for certification must be authorised by the Centre EQA).	Action plan imposed
RES2	Centre policies and procedures are not sufficient or not available	Level 0 - Entry in an Action Plan	Action plan imposed
RES3	Insufficient staff and/or resources, to support the assessment of qualifications	Level 1 - Removal of or refusal to grant Direct Claims Status (DCS) for specific or all qualifications (i.e. all future claims for certification must be authorised by the Centre EQA).	Action plan imposed
RES4	Insufficient staff and/or resources, to support the quality assurance process	Level 1 - Removal of or refusal to grant Direct Claims Status (DCS) for specific or all qualifications	Action plan imposed

		(i.e. all future claims for certification must be authorised by the Centre EQA).	
RES5	Assessor(s)/IQA(s) do not have the required competency & experience to perform their role	Level 2 - (a) Temporary or permanent suspension of registrations. (b) Temporary or permanent suspension of certification.	Action plan imposed
RES6	Equipment and facilities do not comply with health and safety legislation	Level 3 - Temporary or Permanent withdrawal of centre approval for a specific qualification; type of qualification or sector	Action plan imposed
RES7	Assessor to learner ratio is insufficient	Level 0 - Entry in an Action Plan	Action plan imposed
RES8	Staff have insufficient time, resources, expertise or authority to perform their role	Level 0 - Entry in an Action Plan	Action plan imposed
RES9	Lack of or insufficient materials/equipment/facilities to support learners with particular requirements	Level 1 - Removal of or refusal to grant Direct Claims Status (DCS) for specific or all qualifications (i.e. all future claims for certification must be authorised by the Centre EQA).	Action plan imposed
RES10	Failure to provide staff with an appropriate induction	Level 0 - Entry in an Action Plan	Action plan imposed

Learners

Serial	Non-compliance issue	Sanction	Indicative Action(s)
LEN1	Information, advice and guidance have not been provided to learners and consequently they are not aware of their rights and responsibilities.	Level 0 - Entry in an Action Plan	Action plan imposed
LEN2	No appeals procedure in place for learners or learners not aware of the procedure.	Level 0 - Entry in an Action Plan	Action plan imposed
LEN3	No complaints procedure in place for learners or learners not aware of the procedure.	Level 0 - Entry in an Action Plan	Action plan imposed
LEN4	Learners do not receive an appropriate induction and support	Level 0 - Entry in an Action	Action plan

	when enrolled on an EAL qualification.	Plan	imposed
LEN5	Failure to release the certificate(s) to the learner(s) within 10 working days of receipt from EAL	Level 0 - Entry in an Action Plan	Maladministration recorded against the centre profile and an action plan imposed
LEN6	Learners identified as having conducted plagiarism of any nature: <ul style="list-style-type: none"> • Collusion • Falsification or fabrication of assessment evidence • Any form of impersonation • Any form of cheating to gain an advantage 	Level 2 - (a) Temporary or permanent suspension of registrations. (b) Temporary or permanent suspension of certification.	Maladministration and/or Malpractice recorded against the centre profile and an action plan imposed

Assessment including Examinations

Serial	Non-compliance issue	Sanction	Indicative Action(s)
AS1	Insufficient arrangements in place to ensure the security of any examination/assessment material in respect of storage and handling processes	Level 2 - (a) Temporary or permanent suspension of registrations. (b) Temporary or permanent suspension of certification.	Maladministration recorded against the centre profile and an action plan imposed
AS2	Insufficient arrangements in place to hold and transmit securely the details of assessment outcomes	Level 2 - (a) Temporary or permanent suspension of registrations. (b) Temporary or permanent suspension of certification.	Maladministration recorded against the centre profile and an action plan imposed
AS3	Centre does not comply with assessment recording requirements including tracking and recording learner progress which results in the insufficient auditing of assessment	Level 2 - (a) Temporary or permanent suspension of registrations. (b) Temporary or permanent suspension of certification.	Action plan imposed
AS4	No sampling, monitoring or countersigning of unqualified Assessor/IQA work	Level 2 - (a) Temporary or permanent suspension of registrations. (b) Temporary or permanent suspension of certification.	Action plan imposed
AS5	Assessment arrangements do not comply with requirements in the assessment documentation	Level 1 - Removal of or refusal to grant Direct Claims Status (DCS) for specific or all qualifications	Action plan imposed

		(i.e. all future claims for certification must be authorised by the Centre EQA).	
AS6	No evidence of adequate assessment/invigilation records being retained/or not available on request	Level 1 - Removal of or refusal to grant Direct Claims Status (DCS) for specific or all qualifications (i.e. all future claims for certification must be authorised by the Centre EQA).	Action plan imposed
AS7	Appointed Assessor/IQA does not act in a responsible and accountable manner	Level 0 - Entry in an Action Plan	Action plan imposed
AS8	Assessment taking place before learners are registered with EAL	Level 0 - Entry in an Action Plan	Maladministration recorded against the centre profile and an action plan imposed
AS9	Ineffective internal assessment processes and practices (Centre set/Centre marked)	Level 1 - Removal of or refusal to grant Direct Claims Status (DCS) for specific or all qualifications (i.e. all future claims for certification must be authorised by the Centre EQA).	Action plan imposed
AS10	No written declaration of authenticity for learner evidence	Level 0 - Entry in an Action Plan	Action plan imposed
AS11	Centre does not comply with requirements regarding the recording of assessment decisions	Level 0 - Entry in an Action Plan	Action plan imposed
AS12	Range of assessment methods is insufficient to encourage fair access to assessment	Level 0 - Entry in an Action Plan	Action plan imposed
AS13	Learner feedback indicates that their development needs do not match the qualifications requirements	Level 0 - Entry in an Action Plan	Action plan imposed
AS14	Assessment methods are not valid and consequently assessment does not meet the required standards	Level 1 - Removal of or refusal to grant Direct Claims Status (DCS) for specific or all qualifications (i.e. all future claims for certification must be authorised by the Centre EQA).	Action plan imposed

AS15	Assessment decisions are not consistent and/or unfair (assessor(s)/assessment practice prevents learners achieving)	Level 1 - Removal of or refusal to grant Direct Claims Status (DCS) for specific or all qualifications (i.e. all future claims for certification must be authorised by the Centre EQA).	Action plan imposed
AS16	Non-compliance with requirements in relation to online assessments; external or controlled assessments	Level 1 - Removal of or refusal to grant Direct Claims Status (DCS) for specific or all qualifications (i.e. all future claims for certification must be authorised by the Centre EQA).	Maladministration recorded against the centre profile and an action plan imposed
AS17	Inadequate level of training for learners prior to resubmitting learners for assessments	Level 0 - Entry in an Action Plan	Action plan imposed

Quality Assurance

Serial	Non-compliance issue	Sanction	Indicative Action(s)
QA1	Insufficient established and maintained or auditable internal quality assurance systems	Level 1 - Removal of or refusal to grant Direct Claims Status (DCS) for specific or all qualifications (i.e. all future claims for certification must be authorised by the Centre EQA).	Action plan imposed
QA2	Insufficient explicit internal quality assurance procedures	Level 1 - Removal of or refusal to grant Direct Claims Status (DCS) for specific or all qualifications (i.e. all future claims for certification must be authorised by the Centre EQA).	Action plan imposed
QA3	Insufficient quality monitoring and/or consistency of practice within the centre and across sites	Level 1 - Removal of or refusal to grant Direct Claims Status (DCS) for specific or all qualifications (i.e. all future claims for certification must be authorised by the Centre EQA).	Action plan imposed
QA4	Failure to notify EAL of certificates claimed in error/invalid certificates	Level 1 - Removal of or refusal to grant Direct Claims Status (DCS) for	Maladministration and/or Malpractice recorded against

		specific or all qualifications (i.e. all future claims for certification must be authorised by the Centre EQA).	the centre profile and an action plan imposed
QA5	Certificates claimed prior to completion	Level 2 - (a) Temporary or permanent suspension of registrations. (b) Temporary or permanent suspension of certification.	Maladministration recorded against the centre profile and an action plan imposed
QA6	Failure to report malpractice, and cooperate with any subsequent investigation	Level 2 - (a) Temporary or permanent suspension of registrations. (b) Temporary or permanent suspension of certification.	Maladministration and/or Malpractice recorded against the centre profile and an action plan imposed
QA7	The internal quality assurance process has not identified remedial action to address serious anomalies in assessment/ assessment practices	Level 1 - Removal of or refusal to grant Direct Claims Status (DCS) for specific or all qualifications (i.e. all future claims for certification must be authorised by the Centre EQA).	Maladministration and/or Malpractice recorded against the centre profile and an action plan imposed

Continuous Improvement

Serial	Non-compliance issue	Sanction	Indicative Action(s)
CI1	Insufficient training, support or development opportunities for Assessor(s)/IQA(s)	Level 0 - Entry in an Action Plan	Action plan imposed
CI2	Lack of standardisation activities to ensure consistency of assessment decisions	Level 0 - Entry in an Action Plan	Action plan imposed