

Sanctions Policy

Policy

Introduction

This Policy sets out Gateway Qualifications' approach to the application of sanctions where Recognised Centres ("Centres") or Apprenticeship Training Providers ("Providers") have failed to meet our requirements.

Purpose

Gateway Qualifications requires its Centres/Providers to comply with the requirements set out in our Terms and Conditions, policies and procedures, qualifications and assessment specifications including guidelines for the delivery of regulated qualifications, units or courses and operate within its requirements and guidelines for the delivery of its regulated qualifications, units or courses.

This Policy explains the sanctions that may be imposed in such situations where a Centre/Provider has failed to meet our requirements and seeks to mitigate/manage a potential or actual adverse effect¹ including Gateway Qualifications' obligations to notify the regulator(s)..

This policy is designed to be read in conjunction with the following Gateway Qualifications' policies:

- Appeals Policy
- Access to HE Diploma Learner Appeals Policy.
- Centre Recognition Withdrawal Policy and Procedure
- Feedback and Complaints Policy and Procedure
- Feedback and Complaints Policy
- Malpractice and Maladministration Policy and Procedure

¹ Ofqual Handbook: General Conditions of Recognition Definition Adverse Effect:

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 its Conditions of Recognition,
 - (ii) the standards of qualifications which the awarding organisation makes available or proposes to make available, or
 - (iii) public confidence in qualifications.

Scope

This Policy applies to all Gateway Qualifications' regulated qualifications, units, courses including Access to HE Diplomas and End-point Assessment (EPA).

Audience

This Policy is aimed at the following:

- Centres in relation to the offer of qualifications with exception of End-point assessment
- Providers in relation to End-point assessment
- Gateway Qualifications' Board of Trustees and Committee members
- Gateway Qualifications' staff

Definitions

Sanctions are actions that aim to provide a proportionate response to a Centre's/Provider's non-compliance with the Centre Agreement Terms and Conditions/Agreement for EPA Services, Gateway Qualifications' policies and procedures, qualifications specifications and assessment requirements including where Gateway Qualifications has found or is investigating malpractice or maladministration.

Gateway Qualifications is committed to working with Centres/Providers to support them in meeting and retaining compliance with Gateway Qualifications' requirements and to ensure the consistent application of its Sanctions Policy.

Centre/Provider Responsibilities

It is important that Centre/Provider staff involved in the management, administration and delivery of Gateway Qualifications' regulated qualifications, EPA services, units or courses including Access to HE Diplomas, are knowledgeable of the contents of this policy and the impact of any non-compliance with Gateway Qualifications' policies, requirements and its Centre Agreement Terms and Conditions/Agreement for EPA Services.

Where a sanction is applied the Centre/Provider must comply with that sanction and any other requirements determined by Gateway Qualifications. Failure to do so may result in withdrawal of centre recognition or Gateway Qualifications' services.

Approach to Sanctions

Gateway Qualifications will endeavour to work with and support its Centres/Providers to encourage compliance such as issuing a written warning or developing an action plan prior to issuing a formal sanction.

Sanctions are only considered where, for example, a transgression is detected that compromises the integrity or validity of our regulated qualifications, or a non-compliance is detected that we require to be addressed. In these cases Gateway Qualifications' framework

provides sanctions at four levels. A level 4 sanction represents the highest level of sanction that may be applied.

The application of a sanction does not follow a process of different stages. Rather, the level of sanction to be applied is determined by Gateway Qualifications' assessment of the nature and severity of a Centre/Provider failure to comply with the approval requirements as set out by Gateway Qualifications. Sanctions applied may embrace one or more levels of sanctions, depending on the transgression. Careful judgement and the establishment of precedents will inform the level of sanction applied.

In applying sanctions Gateway Qualifications will carefully consider the impact on learners/apprentices and aim to protect them. The factors that Gateway Qualifications may take into account when deciding what level of sanction to impose include, but are not limited to:

- the seriousness of the situation
- whether a Centre/Provider (including staff member) has acted dishonestly or in bad faith
- the track record of the Centre's/Provider's non-compliance
- any prejudice to the interests of learners/apprentices
- any adverse effects on the integrity of the qualifications
- whether public confidence in qualifications could be affected.

The table below provides guidance on the level of transgression and the resultant level of sanction that may be applied.

Level of Sanction	Descriptor	Gateway Qualifications' staff responsible for making the judgement and agreeing the level of sanction to be imposed
Level 1	Non-compliances that compromise the Centre Agreement or are a threat to the integrity of assessment and quality assurance practices and decisions.	Quality Assurance Manager/Access to HE Quality Manager, or Centre Compliance Manager
Level 2	Assessment, quality assurance or Centre management practices are doubtful and have a direct effect on the quality or integrity of provision.	Head of Quality and Standards
Level 3	There are serious concerns over some aspect(s) of the Centre's delivery arrangements.	Director of Awarding
Level 4	The arrangements at the Centre are very serious and represent too high a risk.	Director of Awarding and Responsible Officer

Malpractice and maladministration

In the case of a malpractice or maladministration investigation, the level of sanction to be applied will be recommended as part of the investigation findings and report. Gateway Qualifications' staff, in line with the above framework, will decide on the sanction to be applied.

Finance-related sanctions

The Gateway Qualifications' Centre Agreement Terms and Conditions, Agreement for EPA services and Invoicing Policy sets out the requirements and terms for payment. Where money is owed to Gateway Qualifications outside the payment terms or where Gateway Qualifications has identified heightened financial risk the Director of Finance is responsible for making a judgement and recommending the level of sanction to be imposed.

Where a decision to withdraw the right to deliver certain qualification/s or withdrawal of Centre status or EPA services, Gateway Qualifications will put in place a withdrawal plan that will require cooperation from the Centre/Provider.

Sanctions may be:

- Removed, where appropriate, when Centre actions, new evidence or findings are established.
- Reduced as to the level of sanction applied; for example, if through investigation the centre demonstrated compliance with the actions set.

Gateway Qualifications may also identify circumstances which might lead to a higher sanction to be applied than was originally issued.

Gateway Qualifications will notify the Centre/Provider when sanctions are removed, or the level of sanction is changed.

Provided below is a range of areas within which potential transgressions may occur. These are exemplars and do not represent the full range of scenarios in which Gateway Qualifications may choose to apply a sanction, they are intended to provide guidance on the circumstances in which sanctions may be applied.

Where Gateway Qualifications may apply sanctions

The following are examples of circumstances in which it may be appropriate to impose a sanction including where a Centre/Provider has:

- failed to comply with Gateway Qualifications' Centre Agreement Terms and Conditions/Agreement for EPA Services, policies and procedures
- failed to comply with the requirements of Gateway to EPA and the procedures for each assessment
- outstanding actions with continued breaches of agreed deadlines for completion
- failed to adequately respond to Gateway Qualifications' communications or repeatedly ignored requests for information
- kept poor records to confirm assessment decisions

- insufficient internal quality assurance arrangements in place
- been involved in proven collusion or persistent poor marking of internal assessments
- failed to comply with the security arrangements and requirements of external assessments
- been involved in suspected or proven cases of maladministration/malpractice which are being investigated, or have been confirmed
- made certification claims before learners have completed the qualification(s)
- submitted completion claims before full EPA results have been officially released
- acted in a manner that has increased the likelihood of an adverse effect occurring (e.g. something that is likely to prejudice learners or potential learners, have an adverse effect on the standards of the qualifications made available, or adversely affect public confidence in qualifications)
- refused to grant access to premises and/or records to Gateway Qualifications or the regulatory authorities
- failed to pay invoices within the payments terms as detailed in the Invoicing Policy.

This list is not exhaustive.

Sanctions that Gateway Qualifications may apply

Sanction	Ref.	Description
Level 1	L1.1	An Action Plan issued by the Quality Assurance Manager/Access to HE Quality Manager/EPA Operations Manager.
	L1.2	A written warning from the Quality Assurance Manager/Access to HE Quality Manager/EPA Operations Manager.
	L1.3	Required participation in Gateway Qualifications' support training from its Customer Excellence/EPA Operations team which may be remote, or by visit. Where a visit is required, this will be charged for.
Level 2	L2.1	Letter of concern to the Head of Centre/Provider if actions identified on the level 1 Action Plan have not been addressed.
	L2.2	Centre visit from the Centre Compliance Manager, Quality Assurance Manager/Access to HE Quality Manager/EPA Operations Manager.
	L2.3	Additional EQA or moderator visits required to monitor the quality performance of a Centre. The Centre will be charged for additional visits.
	L2.4	Temporary removal of *direct claims status (DCS) for a specified qualification(s).
	L2.5	Temporary holding back the issue of certificates/results.
	L2.6	Removal of ability to register new learners on specific qualification(s).
Level 3	L3.1	Gateway Qualifications will require a quality audit, the findings and outcomes of which must be addressed by the Centre within an agreed timescale. The cost of the quality audit will be charged to

Sanction	Ref.	Description
		the Centre. Additional Centre visits, where required to check on compliance with audit requirements will be charged for.
	L3.2	Centre visit from the Head of Quality and Standards or the Director of Awarding.
	L3.3	Removal of permission to deliver specific qualification(s) by removing qualification approval.
	L3.4	Removal of the right to *direct claims status DCS for all qualifications until such a time as confidence in the Centre has been regained.
Level 4	L4.1	Removal of Recognised Centre status.

Finance-related sanctions

If invoices remain unpaid outside the payment terms, in line with the invoicing policy the temporary removal of the ability to register learners will be applied.

If we are alerted to a Centre/Provider being in financial difficulty we may ask for payment to be made in advance of registration/Gateway. Additionally we may require you to sign a data sharing agreement and provide contact details for your learners/apprentices.

If learners are registered later than the times laid out in our Qualification Price List a late registration fee may be applied .

Fees for quality audits, additional EQA visits, or visits from the Customer Excellence team members may be charged.

*The removal of direct claims status (DCS) as part of routine centre monitoring activity is not classified to be a sanction.

Centre/Provider responses to set actions must be completed within a timeframe specified by Gateway Qualifications.

Information Provided to Centres/Providers

Sanctions applied will be in writing, with such notice specifying the level and nature of the sanction imposed and the reasons for imposing it.

Where necessary Gateway Qualifications will take steps to ensure that the learners/apprentices are supported during the period a sanction is in place. Where a Centre/Provider has qualifications/standards removed or Agreement terminated, a withdrawal plan will be set out by Gateway Qualifications to be followed by the Centre.

Generally, a sanction will remain in place until the issue or circumstance is resolved to our satisfaction. Where a Centre/Provider responds to the requirements made by Gateway Qualifications, but later demonstrates that its approach/resolution is not sustained Gateway Qualifications will consider whether to impose a higher-level sanction.

Appeals against sanctions

Centres/Providers have the right to make an appeal against Gateway Qualifications' decision to impose a sanction. Please refer to Gateway Qualifications' Appeals Policy and Procedure.

Review Arrangements and Monitoring

Gateway Qualifications will review this policy and its associated procedure annually and as part of its self-evaluation arrangements, and revise it when necessary in response to customer feedback, trends from internal and external monitoring arrangements, changes in internal practices, actions from the regulatory authorities, external agencies or where there may be changes in legislation.

Gateway Qualifications' Quality and Standards and Access to HE Committees are responsible for monitoring the effectiveness of the application of this policy. An annual summary is also submitted to the Board of Trustees for monitoring and ratification.

Serious malpractice cases or events that may constitute an adverse effect and where Gateway Qualifications' intention is to impose Level 4 sanctions will be reported directly to the Board of Trustees for information.

Contact details

If you wish to discuss any aspect of this policy and/or have a related query, please contact:

Telephone: 01206 911 211
Email: enquiries@gatewayqualifications.org.uk
Post: Gateway Qualifications, Gateway House, 6 Tollgate Business Park, Colchester, CO6 8AB

Version: 6.0 November 2024
Policy author: Director of Awarding
Board approval date: 4th December 2024
Review Date: November 2025

Ofqual General Conditions of Recognition

Condition A6: Identification and management of risks
Condition A8: Malpractice and maladministration
Condition B3: Notification to the Regulator of Certain Events
Condition C2: Arrangements with Centres

Qualifications Wales Standard Conditions of Recognition

Condition A6: Identification and management of risks
Condition A8: Malpractice and maladministration
Condition B3: Notification to the Regulator of Certain Events
Condition C2: Arrangements with Centre

QAA licensing criteria

Criteria 9: Governance

Criteria 51(g): Provider and course recognition

Criteria 56: Provider and course recognition

Criteria 57: Provider and course recognition