

# Sanctions Policy

## Introduction

This policy is aimed at centres delivering LBD Tuition Centre regulated qualifications or units and independent tutors, assessors and IQAs sub-contracted in by centres to undertake specific tasks (following prior agreement with LBD Tuition Centre) and who have failed to meet aspects of our delivery and assessment requirements and/or the LBD standards laid down by the regulatory authorities in respect of regulated qualifications and units.

This policy is also aimed at learners who are in breach of any requirements set out in the assessment criteria. If there has been a failure to comply with LBD Tuition Centre policies or procedures or breached the term of any agreement with LBD Tuition Centre ('non-compliance'), this policy sets out the sanctions LBD Tuition Centre may impose in such situations.

It is also for use by our staff to ensure they apply any sanctions in a consistent manner.

## Centre's Responsibility

It is important that all personnel, including independent tutors, assessors and IQAs involved in the delivery and assessment of LBD Centre regulated qualifications are fully aware of the contents of this policy and its possible implications should they fail to comply with the requirements specified by LBD Tuition Centre (some of which are required of us by the regulators; i.e. Ofqual).

## Ensuring the LBD Standards of Our Qualifications and Units

LBD Tuition Centre has a responsibility to the learners completing our qualifications and the UK regulatory authorities to ensure that centres and their centre personnel, including independent tutors, assessors and IQAs involved in the delivery and assessment of LBD Tuition Centre regulated qualifications, deliver and assess in accordance with the relevant LBD Tuition Centre qualification specification.

LBD Tuition Centre work alongside external quality assurers (EQA) to monitor the centres effectiveness against the approval criteria and LBD standards that have been agreed to. If an EQA identifies an issue of non-compliance they will report this to LBD Tuition Centre and will work collaboratively to impose the appropriate level of sanctions.

## Approach to Sanctions

LBD Tuition Centre has a range of sanctions that can be imposed on their centre personnel, including independent tutors, assessors and IQAs involved in the delivery and assessment of LBD Centre regulated qualifications depending on the seriousness of the situation, the level and track-record of the centre's and centre's personnel of non-compliance, the performance of any independent tutor, assessor and IQA and the risk to the interests of learners and the integrity of the qualifications and units.

We reserve the right to apply conditions and sanctions on centre personnel, including independent tutors, assessors and IQAs which we have determined as having an issue of non-compliance to ensure certification of learners is accurate and reliable and that the standards of our certifications and qualifications are maintained.

Nonetheless LBD Tuition Centre aims to ensure that the application of sanctions is a last resort and through our approach to staff support and management, and the creation of appropriate action plans, we will work with personnel (who are primarily responsible for any independent tutors, assessors and IQAs they employ or sub-contract) to prevent situations arising that would warrant a sanction being imposed.

If there are any concerns about a potential issue of non-compliance, then LBD Tuition Centre and/or the allocated EQA will complete a risk assessment to determine the level of risk involved and the security of the certification.

If sanctions are required then we will not hesitate to apply them, with the sanction(s) being applied depending on our determination of the nature and severity of the non-compliance. Below is a list of example situations where we, having determined that there is an issue of non-compliance, may decide that it is appropriate to impose a sanction. These are only indicative and are not meant to form an exhaustive list:

- Outstanding actions
- Poor records to confirm assessment decisions
- No internal quality assurer (IQA) in place
- Proven collusion or persistent bad marking of marked assessments
- Suspected or proven cases of maladministration/malpractice at the centre and/or the services provided by third parties
- Made certification claims before learners have completed the unit(s)/qualification(s)
- An increased likelihood of an adverse effect occurring (e.g. something that is likely to have an adverse effect on the standards of the qualifications they are delivering or public confidence in qualifications)
- Refused access to premises and/or records to the staff of LBD Tuition Centre or the regulatory authorities
- Breached any requirement contained in the centre agreement and/or qualification approval application submitted by the centre co-ordinator and accepted by LBD Tuition Centre

- Repeatedly breached requirements contained in the centre agreement and/or qualification approval application submitted by the centre co-ordinator and accepted by LBD Tuition Centre in such a manner as to reasonably justify doubts about its ability or intention to deliver our qualifications and services in accordance with the terms of outlined in the application(s).

## Sanctions That May Be Imposed on Centres

Sanctions that may be imposed as part of a centre approval, qualification approval decision, monitoring activity or investigation into a complaint, appeal or allegation of malpractice and/or maladministration include withholding certificates (e.g. suspending certification status) and preventing further learner registrations by the centre (e.g. suspending registration status):

- A single qualification
- An entire qualification sector
- An entire qualification type
- All qualifications.

Recommendations by the EQA in relation to the above types of sanctions will be reviewed by the Head of Compliance and Assurance at LBD Tuition Centre, and if there is clear evidence of non-compliance by the centre and/or a sufficient rationale then the sanction will be imposed on the centre.

Any expenses incurred in ensuring compliance with any informal measures or sanctions applied by us must be covered by the centre.

In all instances the nature of the sanction and the rationale for its application will be communicated in writing to the centre.

If a centre disagrees with the decision the first point of contact is the assigned EQA then refer to LBD Tuition Centre' [Enquiries and Appeals Policy](#).

Only where we determine that there are exceptional circumstances of extremely serious non-compliance or the persistent failure of the centre to address outstanding actions, and/or the failure of previous sanctions to address the issue.

LBD Tuition Centre expects that it would never 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
- First of all imposing one of the previous sets of sanctions
- There being evidence that the non-compliance poses a significant threat to the interest of learners or the integrity of the qualifications and units.

Should an centre have its approval for a LBD Tuition Centre qualification(s) removed, we will take all necessary steps to protect the interests of any learners that are currently registered against the qualification in question. For example, we will

either certificate them for any achievements to date and/or seek to transfer them where possible to another LBD Tuition Centre ATC to enable them to continue with their learning.

In addition, upon the removal of approval, the centre personnel:

- Immediately cease to offer LBD Tuition Centre qualifications and services and shall at its own expense immediately deliver to LBD Tuition Centre all relevant and specified deliverables (e.g. assessment materials) and/or dispose of materials if instructed to do so by us. If the ATC fails to do so we may take action to recover such materials where relevant.
- Immediately cease to operate as a centre by LBD Tuition Centre and shall immediately cease to describe, promote, market or advertise itself as a centre by and/or offering the relevant qualification(s)/service(s).

## Sanctions That May Be Imposed on Learners

Should a learner, or range of learners, be found to have committed malpractice then the following sanctions may be imposed on them in accordance with the arrangements outlined in our [Malpractice and Maladministration Policy](#) (which may be communicated to the learner by LBD Tuition Centre and/or the learner's centre):

- Issuing a written warning that if the offence is repeated further action may be taken
- Loss of all marks/credits for the related work/unit
- Disqualification from the unit(s)/qualification
- Placing a ban from taking any further qualifications with us (e.g. for a set period of time).

## Sanctions That May Be Imposed on Independent Tutors, Assessors and IQAs

Should an independent tutor, assessor and IQA be found to have committed malpractice then the following sanctions may be imposed on them in accordance with the arrangements outlined in our [Malpractice and Maladministration Policy](#) (which may be communicated to the independent tutor, assessor and IQA by LBD Tuition Centre and/or the ATC they are employed by or sub-contracted to):

- Revoking approval for the ATC to use a specified independent tutor, assessor and IQA if there are concerns around their performance.
- Revoking approval for a range of centres to use a specified independent tutor, assessor and IQA (if they work across more than one) if there are concerns around their performance. In doing so we will ensure any notification is legal and factual so as not to adversely affect their reputation.

## Appealing a Decision

If an ATC wishes to appeal a decision to impose a sanction then please refer to our [Enquiries and Appeals Policy](#), which can be found on our website or you can request a copy by contacting us.

## **Ensuring Consistency in our Approach**

The length of time any of the above sanctions will be imposed for will depend on our assessment of the situation that warranted their introduction.

The Head of Compliance and Assurance will be responsible for regularly reviewing the application and maintenance of sanctions to ensure they continue to be appropriate and proportionate to the incident(s) and risk of future incidents occurring.

## **Monitoring and Review**

We will review the policy annually as part of our quality assurance requirements and will revise it as and when necessary in response to customer feedback, trends from our internal monitoring arrangements, changes in our practices, actions from the regulatory authorities or external agencies or changes in legislation.

If you would like to feedback any views, please contact us via the details provided at the end of this policy.

## **Contact Us**

[Please click here to view contact details for LBD Tuition Centre.](#)