



## **Sanctions & Restrictions Policy**

### **Introduction**

This policy is for Approved Centres delivering ECITB approved qualifications or units and who have failed to meet aspects of our delivery requirements and/or the standards laid down by the regulators in respect of regulated qualifications and units. It sets out the sanctions ECITB may impose on Approved Centres in such situations.

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

### **Approved Centre Responsibility**

It is important that Approved Centre approved personnel who are involved in the delivery of our qualifications are fully aware of the contents of the policy and its possible implications on your centre should there be a failure to comply with requirements specified by ECITB in relation to the delivery of our qualifications (some of which are required of us by the regulators).

### **Review Arrangements**

We will review this policy and its associated procedures as part of our continuous improvement arrangements and revise it, as and when necessary, in response to customer, learner or regulatory feedback (e.g. to align with any enquiries process established by the regulators) and to identify any trends that may emerge in the subject matter of enquiries received.

### **Ensuring the Standards of our Qualifications and Units**

ECITB has a responsibility to the learners taking our qualifications and the UK regulators to ensure that Approved Centres deliver our qualifications and units in accordance with relevant national standards.

In order to meet this responsibility the performance of each ECITB Approved Centre is monitored and verified by our team of experienced External Quality Assurers (EQAs).

We allocate EQAs (External Quality Assurers) to Approved Centres depending on their area of expertise and geographical location and in doing so ensure that EQAs will not be allocated to an Approved Centre at which they have had or have a personal interest.

In addition to helping the Approved Centre successfully deliver our qualifications and units and providing them with effective and informed on-going information, advice and guidance in relation to developments with ECITB and the wider education and funding systems, the EQAs are responsible for ensuring that each Approved Centre has appropriate quality assurance systems in place.



The EQAs will normally assure the quality of delivery by engaging with and working in partnership to monitor the performance of the centre. The purposes of which are to:

- Address any queries the Approved Centre may have
- Provide the Approved Centre with up-to-date information and advice in line with ECITB awards and regulatory guidance and requirements
- review various arrangements at the centre in accordance with a tailored visit plan for the centre to facilitate consistent quality assurance.

For example:

- ensuring, through appropriate sampling/moderation, that assessment arrangements are fit for purpose and the criteria against which learners performance is differentiated are being applied consistently by assessors within and across centres and in accordance with requirements specified for each qualification
- ensuring the Approved Centre is taking all reasonable steps to prevent the occurrence of malpractice or maladministration
- confirming that previously identified action points have been met
- confirming that assessments are conducted by appropriately qualified and occupationally expert assessors
- confirming all learners undertake an initial assessment in order to identify barriers to assessment, exemptions and/or recognition of prior learning (RPL)
- sampling assessment decisions to confirm that the learner evidence is authentic and valid and that national standards are being consistently maintained and regulatory requirements adhered to
- checking that assessment decisions are regularly sampled, through internal verification, for accuracy against the national standards
- checking that claims for certification are authentic, valid and supported by auditable records and that learners have met the specified level of attainment
- ensuring the Approved Centres are retaining appropriate records of assessment and internal verification decisions for a **minimum of three years**
- ensuring the Approved Centre is meeting requirements for learner data retention as set out in our guidance materials to centres
- providing advice and support on the interpretation of national standards, learning outcomes and assessment criteria

At the end of the visit the EQA will produce a written report from this information and which will be sent electronically to the ECITB Operations Manager for review. A copy will be sent to the ECITB

Head Office and filed. Copies will then be e-mailed to the Approved Centre and will include:

- the date of the visit
- details of the monitoring and verification activities undertaken, including information on any sampling undertaken and who was interviewed
- feedback to the Approved Centre on the quality and consistency of its assessment process and the effectiveness of internal verification/quality assurance arrangements
- highlighting areas of good practice
- details of actions the Approved Centre must take if its performance does not meet our requirements, when these actions must be completed by and who is responsible for completing them

- If applicable, and only if serious weaknesses are found, details of any sanctions that will be imposed with a rationale for such a decision (see the next section for details).

Upon receiving the report the Approved Centre will have the opportunity to review it for factual accuracy and will be encouraged to provide feedback on the:

- conduct of the EQA
- findings and outcomes of the visit (if the centre disagrees with any of the findings and the matter cannot be resolved with the EQA then they have the opportunity to raise the matter with ECITB through the arrangements outlined in our Appeals policy or Complaints Policy)
- services and/or support offered by ECITB

### **Approach to Sanctions**

ECITB has a range of sanctions that can be imposed on an Approved Centre. If required these will be imposed depending on the seriousness of the situation, the level and track-record of the centre's non-compliance and the risk to the interests of learners and the integrity of the qualifications and units and/or any effects on the public confidence in ECITB qualifications.

ECITB aims to ensure that the application of sanctions is made only when absolutely necessary to protect the integrity of our qualifications. Through our approach to centre support and management, and the creation of appropriate action plans, we will work with centres to prevent situations arising that would warrant a sanction being imposed.

If sanctions are required then they will be applied depending on the nature of the situation. Sanctionable situation examples are if the Approved Centre is found to have<sup>1</sup>:

- Outstanding actions
- Poor records to confirm assessment decisions
- No lead quality officer/internal quality assurer in place
- Proven collusion or persistent bad assessment procedures
- Suspected or proven cases of maladministration/malpractice which are being investigated
- 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 ECITB or the regulators.

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<sup>1</sup> The examples for recommending and imposing sanctions are only indicative and are not meant to form an exhaustive list.

## **Sanctions that may be Imposed**

Sanctions will be applied in an escalating level of effect unless stated otherwise (i.e. a level 2 sanction prohibits certification and registration).

The imposition of any sanction by an EQA will be reviewed by the ECITB Operations Manager, who is responsible for overseeing the work of the EQAs and for ensuring the appropriateness and consistency of their work. The Operations Manager will ensure there is clear evidence of non-compliance by the centre and/or a sufficient rationale before confirming the sanction.

### **Level 1: Withholding Certification.**

The sanction to withhold certificates until EQA sign-off will be taken where there is a demonstrable risk to the integrity of qualifications. Withholding of certification (e.g. suspending certification status) can be imposed by an EQA on a centre in relation to:

- A single qualification
- An entire qualification sector
- All qualifications
- Individual assessors and/or quality assurers (IQA)

### **Level 2: Prevention of Learner Registration**

The sanction in relation to preventing further learner registrations by the Approved Centre (e.g. suspending registration status) can be imposed by an EQA or other members of ECITB and confirmed by the ECITB Lead Quality assurer in relation to:

- A single qualification
- An entire qualification sector
- All qualifications
- Failure to address a level 1 sanction

### **Level 3: Removal of Qualification Approval and/or Removal of Centre Approval**

Only in 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, would ECITB impose, via the ECITB Operations Manager the ultimate sanction of removal of qualification approval or centre approval in relation to:

- A single qualification
- An entire qualification sector
- All qualifications and in turn the centre's 'approval recognition' with ECITB

ECITB expects that it would never normally 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 levels 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 Approved Centre have its approval for a qualification/suite of qualifications removed, ECITB will take all reasonable steps to protect the interests of any learners currently registered on the qualification(s) in line with the details outlined in our “process for centres withdrawing from offering our qualifications”. For example, we will either certificate them for any achievements achieved to date and/or seek to transfer them – where possible and feasible – to another ECITB Approved Centre to enable them to carry on with their learning.

In all instances the nature of the sanction and the rationale for its application will be communicated to the Approved Centre via discussion with the EQA at the end of a visit and/or inclusion in writing in the Post-Approval Monitoring Report, which will be sent to the Approved Centre from ECITB VQ administrators by e-mail.

If an Approved Centre disagrees with the decision to apply a sanction the first stage is to discuss it with the relevant EQA, then the ECITB Operations Manager. If an Approved Centre is still unhappy with the situation they can either make a complaint (in accordance with our Complaints policy) or appeal (in accordance with our Appeals policy).

### **Probationary and Precautionary Restrictions**

It is important to note that the following restrictions are used by us but are not classified as sanctions, but as standard good awarding organisation or business practice:

Probationary Restriction:

- When a centre is first recognised and approved by us to offer one of our qualifications, and/or if an Approved Centre has subsequently applied and been approved to offer another qualification in a sector or qualification type that is significantly different from previous qualifications they offer, we will approve the Approved Centre to offer the qualification(s) and not process any certificate claims for the qualification(s) until the Approved Centre has received a satisfactory EQA visit. This approach is normal practice amongst awarding organisations and is generally seen as good practice and is intended to help ensure the centre is delivering this ‘new’ qualification effectively before certificates can be issued.

Precautionary Restriction:

- The withholding of certification or prevention of learner registration by an Approved Centre pending a malpractice and/or maladministration inquiry, where it is deemed not to do so may put at risk the integrity of a qualification, the reputation of the ECITB, qualifications regulator or wider qualifications community, may be necessary. Where such action is taken, we will endeavour to resolve the situation at the earliest opportunity and minimise any adverse effect on learners or the Approved Centre. As this is a precautionary restriction, it does not need to be declared as a sanction and it does not imply any wrongdoing by the Approved Centre. Should investigation substantiate malpractice or maladministration the precautionary restriction may then be converted by us into a sanction. This will be communicated in writing to the Approved Centre.
- Should an Approved Centre refuse to pay outstanding fees after various contacts with our Finance team, then we may remove approval for registration or certification and/or centre recognition with immediate effect. Such a decision would not be considered a sanction but a commercial decision.



### **Contact us**

If you have any queries about any aspect of this process, please contact:

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