



Restrictions and Sanctions Policy and Procedure RV2-2 Aug 23 and Procedure RV2- 2 August 2023

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Introduction

This policy sets out the restrictions and sanctions the ECITB Awarding Organisation may impose on Approved Centres where it is deemed necessary in order to:

- manage any risk to the integrity of all aspects of ECITB awarding functions
- manage any risk to the validity and standards of ECITB qualifications
- to maintain public confidence in the delivery and awarding of ECITB qualifications
- minimise the risk to candidates
- ensure (as a minimum) that there is nothing to gain from failing to adhere to ECITB requirements and to deter others from doing likewise

Approved Centre Responsibility

It is important that candidates and Approved Centre personnel who are involved in the management, delivery, assessment and quality assurance of ECITB qualifications are fully aware of the contents of this policy and its possible implications should there be a failure to comply with requirements specified by ECITB. Approved Centres should also be aware that they may be required to disclose sanctions imposed on them to other awarding organisations as part of their monitoring or approval processes (Note: there is no requirement to declare restrictions).

Approach to Restrictions and Sanctions

ECITB has a range of controls that can be imposed on an Approved Centre, in a proportionate and effective manner, to manage risk and ensure compliance with ECITB and regulatory requirements and protect the interests of candidates:

Restrictions are controls used by ECITB for the purpose of managing risk. Restrictions do not infer any wrong-doing by the Approved Centre, however, ECITB reserve the right to use Restrictions where there has been non-compliance that does not impact the assessment process e.g. late payment of invoices. There are two types of restrictions:

- **Probationary Restriction:** will be applied when a centre is first approved and/or has subsequently been approved to offer an additional qualification in a sector or one that is significantly different from previous qualifications they offer.
- **Precautionary Restriction:** will be applied in order to mitigate any identified risk. Also applied where the qualification requirements require external moderation prior to certification.

Sanctions are controls used by ECITB where non-compliance has been identified. ECITB may award Direct Claims Status to Approved Centres for some of its qualifications.

The factors that ECITB may take into account when deciding the level of sanction to impose include, but are not limited to:

- the seriousness of the situation
- where an Approved Centre has failed to demonstrate sustained improvement
- whether the breach is isolated or repeated
- whether an Approved Centre has acted dishonestly or in bad faith
- the level and track record of the Approved Centre's non-compliance
- any prejudice to the interests of candidates;
- any Adverse Effect on the integrity of the qualifications; and
- whether public confidence in ECITB qualifications could be affected.

Restrictions and Sanctions that may be imposed

Restrictions and sanctions may be applied by an EQA or the ECITB Awarding Organisation management team. The imposition of restrictions and sanctions are reviewed by a member of the ECITB Awarding Organisation management team to ensure consistency of approach.

Restrictions and Sanctions may be applied in relation to:

- A single qualification
- An entire qualification discipline
- An Approved Centre

Some ECITB qualifications will always require external moderation by an EQA prior to certification, in this instance a Precautionary Restriction Level 1 will be applied.

Some of the Restrictions and Sanctions may only apply to qualifications that allow Direct Claims Status and some will apply only to qualifications that require external moderation prior to certification.

Level 1 - No Direct Claims Status: certification will be withheld until the EQA has undertaken external moderation.

This level may be applied as a: Probationary Restriction, Precautionary Restriction or Sanction.

Example situations may, but not limited to, include: New centre or qualification approval; disagreed assessment decisions; ineffective internal quality assurance processes; inaccurate assessment documentation; inaccurate records of achievement; inaccurate claims for certification; failure to participate in two consecutive ECITB Centre Standardisation Events.

Level 2: Prevention or restriction of Candidate Registration: prevention of any candidate registrations by this centre.

This level may be applied as a: Precautionary Restriction or Sanction.

Example situations may, but not limited to, include: failure to address remedial actions; failure to adequately respond to ECITB communications insufficient resources to deliver the assessment; ineffective internal quality assurance; a number of complaints and/or failure to implement internal complaints policy; continued cancellation of EQA visits; failure to effectively manage ECITB candidates or assessment processes; failure to pay outstanding fees.

Level 3: Prevention or restriction of Candidate Registration and No Direct Claims Status: Applies to qualifications where Direct Claims Status may be awarded.

The prevention of any candidate registrations by the centre and simultaneously withholding certification until the EQA has undertaken sampling and external moderation.

This level may be applied as a: Precautionary Restriction or Sanction.

Example situations may, but not limited to, include: assessment processes that disadvantage candidates; un-authenticated candidate evidence; certification claims made prior to all ECITB requirements being met or internal quality assurance has taken place; no approved internal quality assurer; ineffective internal quality assurance processes; suspected malpractice or during a malpractice investigation as a result of whistleblowing or information received from third parties; regulators or other government bodies.

Level 4 Prevention or restriction of Registration and Suspension of Certification. *Applies to qualifications that require external moderation prior to certification.*

The prevention of any candidate registrations by the centre and simultaneously withholding certification pending remedial action.

This level may be applied as a: Precautionary Restriction or Sanction.

Example situations may, but not limited to, include: assessment processes that disadvantage candidates; un-authenticated candidate evidence; certification claims made prior to all ECITB requirements being met or internal quality assurance having taken place; no approved internal quality assurer; ineffective internal quality assurance processes; failure to apply effective security arrangements and requirements for ECITB assessments, suspected malpractice or during a malpractice investigation as a result of whistleblowing or information received from third parties; regulators or other government bodies.

Level 5: Suspension of All Activity, Candidate Registrations, Assessment and Certification: where there has been significant or persistent failings within the Approved Centre, failure to apply effective security arrangements and requirements for ECITB assessments, or the failure of previous restrictions or sanctions to address the issue, effectively suspending all operations at the Approved Centre.

This level may be applied as a: Precautionary Restriction or Sanction and the application will be approved by the Head of Awarding Organisation.

Examples may, but not limited to, include persistent: failure to complete remedial actions; inaccuracies in information and records; weaknesses in assessment practices; non-compliance; failure to provide access to records; information; staff and candidates; failure to pay outstanding fees.

Approved Centres who are subject to a Level 5 sanction will be required to take immediate remedial action as defined by ECITB or provide a withdrawal plan that includes the completion or withdrawal of all registered candidates in line with ECITB withdrawal policy.

Level 6: Immediate removal of approved centre status: *Applied only in exceptional circumstances of major risk or serious non-compliance.*

The immediate removal of approval for any activity, candidate registration, assessment and certification. Should an Approved Centre have its approval immediately removed, ECITB will take all reasonable steps to protect the interests of any registered candidates in line with its withdrawal policy

This level may be applied as a: Precautionary Restriction or Sanction and the application will be approved by the Head of Awarding Organisation.

Communication of Restrictions and Sanctions

In all instances, the level of restriction or sanction and the rationale for its application will be communicated in writing to the Approved Centre. ECITB are obligated to notify the qualifications regulator of any actions that have or has the potential to cause an adverse effect.

Where restrictions or sanctions have been applied Approved Centres may be provided with an action plan. The Awarding Organisation will monitor progress towards any actions and will remove or change the level of restriction or sanction only once they are satisfied that to do so would not pose a significant risk to candidates, the validity/integrity of the qualifications, cause any risk of adverse effect and/or risk to public confidence in regulated qualifications. Failure to complete actions may result in the application of a further restriction or sanction.

Right of Appeal

If an Approved Centre disagrees with the decision to apply a restriction or sanction they should discuss this with their EQA in the first instance and subsequently with a member of the Awarding Organisation management team. If an Approved Centre remains dissatisfied with the decision they may appeal in accordance with the *ECITB Awarding Organisation Appeals Policy and Procedure*.

Review Arrangements

This policy and its associated procedures will be reviewed and revised, as and when necessary, as part of continuous improvement arrangements and/or in response to customer, candidate or regulatory feedback (e.g. to align with any enquiries, processes established or revised by the regulators) and/or in response to any trends that may emerge in the subject matter of enquiries received.

Contact Details

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

The Awarding Organisation
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