

Sanctions Policy

Introduction

This Policy is aimed at centres delivering ABE approved qualifications or units and who have failed to meet aspects of our delivery requirements and/or the standards laid down by the regulatory authorities in respect of regulated qualifications and units. It sets out the sanctions ABE may impose on centres in such situations.

Sanctions may also be applied by ABE to centres where there is strong evidence that significant infringements of the ABE Code of Conduct have taken place. The Code of Conduct was introduced in May 2021 to alert partners, preferred suppliers and accredited centres of the need to discourage illicit or illegal behaviour in the course of their operations.

You should read the contents of this Policy alongside other related Policies that concern accredited centres and learners who are registered for ABE qualifications and units. These include:

- Conflicts of Interest Policy
- Malpractice Policy
- Appeals Policy
- The ABE Code of Conduct

You should also understand these Policies in the context of your obligations under the terms of the signed Centre Agreement.

Centre's Responsibility

It is important that your staff involved in the delivery of our qualifications are fully aware of the contents of the Policy and its possible implications on your centre should you fail to comply with requirements specified by ABE in relation to the delivery of our qualifications (some of which are required of us by the regulators).

Review Arrangements

We will review the Policy annually as part of our self-evaluation arrangements and 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.

Ensuring the standards of our qualifications and units

ABE has a responsibility to the learners taking our qualifications and the UK regulatory authorities to ensure that centres deliver our qualifications and units in accordance with relevant national standards.

Approach to Sanctions

ABE has a range of sanctions that can be imposed on a centre 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.

Nonetheless ABE aims to ensure that the application of sanctions is a last resort and 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.

However, if sanctions are required then we will not hesitate to apply them – with the sanction(s) being applied depending on the nature of the situation. For example, if the centre has:

- Outstanding actions arising from academic malpractice.
- Poor record keeping in relation to assessment management, potential conflicts of interest or any other centre-related activity.
- Proven collusion with learners in assessments.
- Suspected or proven cases of malpractice at the centre and/or the services provided by the centre and/or its satellite centres or third parties.
- 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 ABE and/or the regulatory authorities.
- Breached any requirement contained in the Centre Agreement and/or qualification approval application submitted by the centre and accepted by ABE.
- Repeatedly breached requirements contained in the centre recognition and/or qualification approval application submitted by the centre and accepted by ABE in such a manner as to justify reasonable doubts about its ability or intention to deliver ABE qualifications and services in accordance with the terms of outlined in the application(s).
- Failed in any way to engage systematically in the standard ABE External Quality Assurance process, fails to attend a pre-arranged EQA visit or has failed to implement recommendations arising from ABE EQA centre visits.
- Has committed significant breaches of the ABE Code of Conduct

It is important to note that the following are not classified as sanctions, but standard good awarding organisation/business practice, and they may be applied instead of a formal sanction and/or alongside a sanction:

- Should a centre refuse to pay outstanding fees after various contact with the ABE Finance Team, 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.
- Undertaking additional visits to a centre to provide them with a greater level of support and/or monitoring depending on their needs and performance.
- Requiring specific centre staff to undergo additional training and/or scrutiny by the centre if there are concerns about their ability to undertake their role in the delivery of our qualifications effectively. Such decisions would normally be communicated to the centre via a 'action' following a centre visit. It is important to note that we reserve the right to impose one of several restrictions against individuals at any time. Ordinarily restrictions would be imposed against individuals either during or prior to conducting an investigation into maladministration or malpractice connected to a Centre with whom the individual(s) is/are connected. Restrictions against individuals may include not permitting specific staff to be involved in the delivery/assessment of our qualifications for a specified period of time.
- Altering the way, and the period in which, centres receive examination/assessment materials from ABE if there are concerns around their ability to maintain the security and confidentiality of such materials.
- Appointing our staff to observe an exam/assessment at the centre if there are concerns around the centre's arrangements and/or the centre is unable to resource particular exams/assessments. Such actions will be discussed with the centre during or after a centre engagement visit.

- Applying a penalty fee on the centre if they have breached our exam paper procedures and this has led to us having to either partially or fully withdraw an exam paper from circulation. This fee will cover all costs of issuing replacement papers, including but not limited to creation, printing and dispatch.

Sanctions that may be imposed on Centres

Sanctions may be imposed by ABE on your centre according to a hierarchy of potential penalties depending on the seriousness of the breach that has occurred, starting with a Tier One Sanction leading to a possible Tier Three Sanction, the most severe – see below.

The decision to apply a sanction to an ABE accredited centre will take into account the seriousness of the breach of the conditions laid down in the Centre Agreement as well as any previous breaches/sanctions that have been applied by ABE previously.

Tier One Sanction – a time-limited undertaking will be imposed on your centre to correct minor breaches of the terms of the Centre Agreement and/or associated ABE Policies in relation to centre management issues. The undertaking will be in the form of the delivery of an Action Plan mutually agreed between yourselves and ABE. Any undertaking entered into between your centre and ABE will be reviewed and discharged when ABE is satisfied that the proposed actions have been fulfilled and appropriately evidenced. Your centre may continue to deliver tuition and present learners for assessment while the undertaking is in operation.

Tier Two Sanction – time-limited suspension of accredited status covering one or all ABE qualifications. Your centre may not register new learners and current registered learners may not submit themselves for assessment during the period of suspension. Your centre may recover fully operational accredited status when one, or a number of, written conditions issued by ABE have been discharged by your centre to the satisfaction of ABE.

Tier Three Sanction – immediate removal of accredited centre status covering all ABE qualifications without time limit. ABE will liaise with your centre for the transfer of any and all registered learners in so far as this is possible. ABE will notify other awarding organisations that they have severed all accreditation ties with your centre as required under the current Ofqual Conditions of Recognition.

ABE centres are risk-rated as a matter of routine and any Tier One, Tier Two or Tier Three Sanctions will have an adverse impact on a centre's risk rating.

Breaches of the Code of Conduct may result in the automatic imposition of a Tier Three Sanction.

Recommendations in relation to the above types of sanctions will be reviewed by the Products & Services team in the Quality & Compliance (Q&C) Committee meetings, 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.

In all instances, the nature of the sanction and the rationale for its application will be communicated in writing to the centre by the relevant Products & Services Manager.

If a centre wishes to appeal the decision, their first point of contact should be via the accreditation@abeuk.com email address.

Should a centre have its approval for a qualification/suite of qualifications removed, we will take all reasonable steps to protect the interests of any learners currently registered on the qualification(s). 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 centre to enable them to carry on with their learning.

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

- immediately cease to offer ABE qualifications and services and shall at its own expense immediately deliver to ABE all relevant and specified deliverables (e.g. assessment materials) and/or dispose of materials if instructed to do so by ABE. If the centre fails to do so, action may be taken to recover such materials where relevant.
- immediately cease to operate as a centre recognised/approved by ABE and shall immediately cease to describe, promote, market or advertise itself as a centre approved 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 Policy (which may be communicated to the learner by ABE and/or the learner's centre):

- Issuing a written (or verbal in the case of written learners attending written ABE examinations) warning that if the offence is repeated further action may be taken
- Loss of all marks/credits for the related work/unit (signalled by the award of an assessment mark of one)
- Disqualification from the unit(s)/qualification
- Placing a ban from taking any further qualifications with us (e.g. for a set period of time) by revoking the learner's membership of ABE.

Relevant regulatory authorities may also be informed.

Please note that the process of determining which sanctions that may be applied by ABE to learners deemed to have committed academic malpractice can differ according to the assessment context.

Ensuring consistency in our approach

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

The relevant P&SM aided by the Accreditation Officer, reporting to the Director of Global Products & Services, 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.

Contact Us

If you've any queries about the contents of the Policy, please contact our accreditation department at accreditation@abeuk.com