

Sanction Procedure for Non-Compliance

CYQ will apply the following tariff of sanctions for dealing with approved centres whose management, assessment and quality assurance systems fail to meet the requirements of the CYQ approved centre criteria. The tariff is in place to elicit an appropriate response to identified shortcomings, and also to ensure public confidence in the quality assurance arrangements that underpin the implementation and assessment of units and qualifications. The existence of this tariff does not preclude CYQ from withdrawing approval from centres for reasons not directly related to the quality of assessment, such as a failure to meet CYQ terms and conditions.

The tariff has five levels of transgression against the requirements of CYQ criteria – see table below. A rationale and sanction is shown for each level of transgression and they represent the minimum response to a particular shortcoming or problem.

Tariff/Level of Transgression	Sanction	Rationale
1	Allocation of high risk status	Non-compliance with approved centre criteria but no threat to the integrity of assessment decisions
2	Allocation of high risk status and removal of direct claims status (claims for certification must be authorised by the EV)	Close scrutiny of the integrity of the assessment decisions required
3	Allocation of high risk status and: a) Suspension of registration b) Suspension of certification	a) Threat to learners b) Loss of integrity of assessment decisions – danger of invalid claims for certification
4	Withdrawal of centre approval for specific programmes	Irretrievable breakdown in management and quality assurance of specific programmes
5	Withdrawal of centre approval for all programmes	Irretrievable breakdown in management and quality assurance of all programmes run by the Centre

Tariff levels 1-3

For tariff levels 1-3, the table links specific failure to meet criteria (non-compliance) with specific sanctions.

Tariff levels 4-5

For tariff levels 4 and 5, the non-compliance may be evidenced across a range of awarding body criteria. Significant faults in the management and quality assurance of units and qualifications would result in an ongoing failure to meet the requirements for the conduct of assessment. This would apply to a specific programme at tariff level 4, or across all programmes at tariff level 5. Failure to rectify non-compliances at tariff level 4 constitutes a reason for applying a sanction at tariff level 5.

Interpretation

The above sanctions represent a minimum tariff of response to identified non-compliance, but there will be circumstances in which CYQ may judge that a higher level of tariff is appropriate and justified.

Combinations

A combination of non-compliance at a particular tariff may call for a more serious response. For example a combination of infringements at tariff 2 could give rise to a loss of integrity of assessment decisions and therefore merit a response at tariff 3.

Persistence

Failure to implement action plan requests at tariff level 1 should invoke a tariff level 2 response. Also a failure to rectify faults that have resulted in a level 2 sanction will invoke a tariff level 3 response.

Recurrence

A centre may temporarily resolve non-compliance as a result of action plans (or higher level sanctions) only to display the same weakness again at a later date. CYQ will take into account the track record of a centre when considering whether to impose a higher level sanction.

Malpractice

Where the circumstances and nature of non-compliance indicate that fraudulence is involved, the procedures for dealing with malpractice will be invoked.

Notification of regulatory authorities

In circumstances where the nature of the centre's failure to comply with CYQ requirements results in the awarding body formally withdrawing a centre's approval to offer a unit or qualification, CYQ will inform the relevant regulatory authority.

Application of a sanction

1. Recommendations for applying a sanction will be made by the EV if:
 - i. Action requests from visits are repeatedly ignored
 - ii. Programme delivery is consistently below the required standard
 - iii. Concerns exist regarding the standards of assessment or internal verification
 - iv. There have been key changes to the human resource team and/or physical resources
 - v. There are any other concerns where the centre consistently operates below the specified standard
2. Recommendations for applying a sanction will be discussed first with the Lead Verifier and then made in writing to justify the reasons for this recommendation.
3. The Lead Verifier will inform the centre in writing of the level of sanction applied and the reason for this action.

Reversal of assessment decisions

In the interests of ensuring that assessments are accurate and consistent CYQ recognises that there may be occasions when decisions made by assessors need to be overturned to ensure that assessments are accurate. The EV has the power to intervene and reverse an assessment decision if they are dissatisfied with the standard of assessment within the centre. Adjustments to the outcomes of assessment may be made at any appropriate stage before or after overall results have been determined.

The following indicators of poor assessment practice will permit EV intervention:

1. An invalid and unreliable assessment of knowledge and skills, which does not reflect the CYQ syllabus requirements or meet national standards.
2. Inconsistency in assessment decisions made by assessors across the sample of learners and types of evidence monitored by the EV.
3. The assessment process appears to disadvantage learners.
4. Assessed evidence is not the authentic work of learners.
5. The assessment environment (equipment and accommodation) do not comply with health and safety requirements.

6. There are insufficient qualified assessors to ensure valid endorsement of assessment decisions.
7. There is no evidence of internal verification by a qualified IV.
8. Records are insufficient to allow an audit of assessment.
9. The range of assessment methods is insufficient to enable access to achievement.
10. Assessment recording documents show that certification claims are made before all the requirements of assessment are satisfied.

At the point of intervention in the assessment process the EV may discuss the relevant issues with the IV, the assessor or the learner. The centre must provide the opportunity to hold such discussions to assist the EV in their judgement of monitoring the effectiveness of the assessment procedures against the awarding body's criteria.

To avoid contentious situations, wherever possible, the EV will try to intervene in the assessment process prior to any final assessment decision being given to an individual learner. However reversal of an assessment decision may affect any previous decisions made by the assessor or assessor team for other learners not sampled by the EV. In this exceptional circumstance the EV may request that the relevant assessment procedure is reviewed and that all previous work is re-assessed.

Monitoring and regulation of the reversal procedure

The EV will use the CYQ Centre Assessment Procedures Checklist and the Risk Assessment Report to monitor centre assessment practice. The sampling process will measure an appropriate proportion of the centre's assessors and assessment sites and will be considered to be representative of the whole for risk assessment purposes. The EV will identify an action plan and make recommendations to CYQ in the Risk Assessment Report, which will be discussed and agreed with the relevant centre personnel on the day of the visit. CYQ will inform the centre by letter of any sanctions which may be imposed, within 21 days of the issue of the report.

Non-compliance monitoring guidelines - assessment

Poor Assessment Indicators	Risk Report Criteria	Action and Sanctions
An invalid and unreliable assessment of knowledge and skills, which does not reflect the CYQ syllabus requirements or meet national standards.	<ul style="list-style-type: none"> Valid and reliable assessment of knowledge and skills that is appropriate to the CYQ syllabus and aligned to the national standards assessment section on EV risk assessment report) Assessment Procedures Checklist 	<p>If applicable to specific assessor(s):</p> <ul style="list-style-type: none"> Close scrutiny of the integrity of assessment decisions required (tariff level 2) Removal of Direct Claims Status (tariff level 2) Reassessment of learners Suspension of approval for specific assessor(s) If applicable to all assessment team: Loss of integrity of assessment decisions – danger of invalid claims for certification (tariff level 3)
Inconsistency in assessment decisions made by assessors across the sample of learners and types of evidence monitored by the EV.	<ul style="list-style-type: none"> Assessment Procedures Checklist Assessment section on EV risk assessment report Competence of Tutors/ Assessors section on EV risk assessment report 	<ul style="list-style-type: none"> Close scrutiny of the integrity of assessment decisions required (tariff level 2) Removal of Direct Claims Status (tariff level 2) Possible reassessment of learners
The assessment process appears to disadvantage learners.	<ul style="list-style-type: none"> Assessment Procedures Checklist Assessment section on EV risk assessment report 	<ul style="list-style-type: none"> Loss of the integrity of assessment decisions – danger of invalid claims for certification (tariff level 3) Suspension of registration and certification (tariff level 3)
Assessed evidence is not the authentic work of learners.	<ul style="list-style-type: none"> Assessment Procedures Checklist Assessment section on EV risk assessment report 	<ul style="list-style-type: none"> Loss of the integrity of assessment decisions – danger of invalid claims for certification (tariff level 3) Suspension of registration and certification (tariff level 3)
The assessment environment (equipment and accommodation) do not comply with health and safety requirements.	<ul style="list-style-type: none"> Physical resources section on EV risk assessment report 	<ul style="list-style-type: none"> Action plan to comply with CYQ criteria for future assessments

Poor Assessment Indicators	Risk Report Criteria	Action and Sanctions
There are insufficient qualified assessors to ensure valid endorsement of assessment decisions.	<ul style="list-style-type: none"> Assessment Procedures Checklist Assessment section on EV risk assessment report Competence of Tutors/Assessors section on EV risk assessment report 	<ul style="list-style-type: none"> Loss of the integrity of assessment decisions – danger of invalid claims for certification (tariff level 3) Suspension of registration and certification (tariff level 3)
There is no evidence of internal verification by a qualified IV.	<ul style="list-style-type: none"> Assessment Procedures Checklist Assessment section on EV risk assessment report Competence of Tutors/Assessors/IVs – section on EV risk assessment report Internal Verification section on EV risk assessment report 	<ul style="list-style-type: none"> Loss of the integrity of assessment decisions – danger of invalid claims for certification (tariff level 3) Suspension of registration and certification (tariff level 3)
Records are insufficient to allow an audit of assessment.	<ul style="list-style-type: none"> Assessment Procedures Checklist Assessment section on EV risk assessment report Internal Verification section on EV risk assessment report 	<ul style="list-style-type: none"> Close scrutiny of the integrity of assessment decisions required (tariff level 2) Removal of Direct Claims status (tariff level 2)
The range of assessment methods is insufficient to enable access to achievement.	<ul style="list-style-type: none"> Assessment Procedures Checklist Assessment section on EV risk assessment report 	<ul style="list-style-type: none"> Action plan to comply with CYQ criteria for future assessments
Assessment recording documents show that certification claims are made before all the requirements of assessment are satisfied.	<ul style="list-style-type: none"> Assessment Procedures Checklist Assessment section on EV risk assessment report 	<ul style="list-style-type: none"> Loss of the integrity of assessment decisions – danger of invalid claims for certification (tariff level 3) Suspension of registration and certification (tariff level 3)