



SQA Accreditation Regulatory Sanctions Policy

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Policy author	Senior Regulation Manager
Policy owner	Head of Accreditation
Business Area	Accreditation
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Why do we need the policy?

SQA Accreditation requires a range of regulatory sanctions that can be imposed on awarding bodies where they fail to comply with any conditions of accreditation or any regulatory requirements.

Who is it for?

This policy applies to SQA Accreditation accredited qualifications and approved awarding bodies.

What support is available?

Regulation and Accreditation

Accreditation License

Regulatory Principles

Regulatory Principle Directives

Process for Appeals and Complaints

https://accreditation.sqa.org.uk/accreditation/Regulation/Quality_Assurance

https://accreditation.sqa.org.uk/accreditation/Regulation/Regulatory_Requirements

<https://accreditation.sqa.org.uk/accreditation/Regulation/Policies>

https://accreditation.sqa.org.uk/accreditation/About_Us/Complaints_Handling_Procedure

1 Policy statement

SQA is committed to equality of opportunity and to a culture that respects difference. We believe that, as an employer and public body, we can play a leading part in promoting equality, diversity and inclusion by making them an integral part of our decision making. This policy has an Equality Impact Assessment completed on it at the development stage to assess how this policy may impact on equality groups and the findings from this are reflected in this policy.

This policy has been approved by SQA Accreditation's Accreditation Committee (AC).

The Accreditation Committee is authorised by the Scottish Government to delegate authority to the Accreditation Coordination Group (ACG).

The ACG is an internal group made up of members of SQA Accreditation and provides regular updates to the AC.

2 Responsibilities

An Awarding Body which has been approved by SQA Accreditation must ensure that it operates within the conditions of accreditation and regulatory requirements outlined by SQA Accreditation.

A regulatory sanction may be applied by SQA Accreditation should any approved awarding body fail to:

- 1. Meet any conditions assigned with respect to awarding body approval or qualification accreditation.**
- 2. Comply with SQA Accreditation's Regulatory Principles, Regulatory Principles Directives, the requirements of the clauses within and any conditions attached to the Accreditation Licence (hereafter referred to as the regulatory requirements).**
- 3. Ensure that the necessary actions are carried out to mitigate the risks associated with any issues identified through the quality assurance processes.**
- 4. Ensure that the necessary actions are carried out to facilitate the removal of any sanction(s) imposed (in cases where regulatory compliance has not been met).**
- 5. Maintain accredited qualifications including having an active candidate base**

In the event that an awarding body fails to meet these conditions of accreditation and/or any regulatory requirements, then SQA Accreditation's Accreditation Coordination Group (ACG) will review the circumstances and information available and may decide to apply a regulatory sanction or consider whether approved awarding body status can continue.

The regulatory sanctions which ACG can impose on approved awarding bodies fall into the following categories:

Category 1 Regulatory Sanction – suspension of accredited qualification(s).

Category 2 Regulatory Sanction – withdrawal of accredited qualification(s)

Category 3 Regulatory Sanction - removal of Approved Awarding Body status

Prior to the application of any regulatory sanction ACG can also determine if the issue of **Regulatory Warning letter** (not a sanction) would affect improvement action by the awarding body without the need to apply a regulatory sanction.

As part of the regulatory sanction decision making process, The Accreditation Committee, authorised by the Scottish Government has delegated authority to the Accreditation Coordination Group.

3 Process

The level of the sanction(s) applied will be determined by the impact of the awarding body not meeting the regulatory requirements.

The Accreditation Coordination Group will consider the severity of the impact on qualification delivery and awarding operations when considering which sanction(s) to apply and also whether the failures relate to:

- a specific accredited qualification
- a suite of accredited qualifications
- all accredited qualifications

When applying sanctions, the ACG will also consider:

- if sanctions have been applied previously
- whether the awarding body has previously failed to resolve regulatory issues
- the effect of the awarding body not complying with the regulatory requirements or conditions of accreditation
- any adverse effects on learners
- the integrity of the accredited qualification

All SQA Accreditation approved awarding bodies are required to demonstrate that they are compliant with SQA Accreditation regulatory requirements and/or conditions of accreditation.

Awarding bodies will be responsible for tracking, monitoring and implementing the changes necessary to satisfy any conditions of accreditation or approval in order to meet regulatory requirements within an agreed timeframe.

SQA Accreditation will ensure that all reasonable steps to bring about compliance with the conditions of accreditation and regulatory requirements are exhausted before applying a sanction under this policy.

Regulatory Warning Letter

ACG may in the first instance issue a warning letter to an awarding body, usually as a first step. This can be used to raise concerns about the behaviour of an awarding body and their compliance with conditions of accreditation or approval or regulatory requirements.

It should be noted that the issue of a warning letter is at the discretion of the ACG and is dependent upon the perceived level of risk presented.

Where it is considered that the awarding body has failed to cooperate or has failed to demonstrate that they have taken appropriate action(s) within agreed timescales, the ACG may then consider the appropriate application of regulatory sanctions.

Regulatory Sanction(s)

Where the ACG indicates that the application of a regulatory sanction is appropriate, the awarding body will be notified within five working days of the ACG decision date.

The awarding body will then be advised of the target date to demonstrate and evidence that the required changes or actions needed to ensure conditions of accreditation or any regulatory requirements are met.

In most cases the target date will be 20 working days from ACG's correspondence notifying awarding bodies of the decision to apply the sanction, unless otherwise advised or agreed by ACG.

The awarding body will then be required to provide SQA Accreditation with evidence to confirm that appropriate actions have been taken to satisfy the ACG that the conditions of accreditation or any regulatory requirements have been met within the target time.

Awarding bodies should be aware that failure to provide appropriate evidence within the target time could result in the application of further regulatory sanctions.

Regulatory sanctions may be applied sequentially until the awarding body complies with the conditions of accreditation and all regulatory requirements. However, the ACG has the discretion to apply any sanction in any order based upon the seriousness and perceived level of risk presented.

All regulatory sanctions that have been applied will be made available on SQA Accreditation's website. This will include details of the date of application of sanction, level of sanction applied and the reason for application of sanction. SQA Accreditation will ensure the published information accurately reflects the sanction applied and the reason(s) for that sanction.

Sanctions will remain on the SQA Accreditation website for a maximum of 6 months from the date of application. Sanction status will be one of the following:

- Live
- Closed
- De-approved

The following categories of sanctions may be imposed:

Category 1 Sanction: Suspension of accredited qualification(s)

The ACG may decide to apply a category 1, sanction and suspend accredited qualifications – in full or in part for specified qualifications or descriptions of qualifications – if the awarding body has failed to fully meet the conditions of accreditation or any regulatory requirements.

In considering its decision the ACG may also consider suspending specific activities associated with accredited qualifications until the awarding body has been able to fully meet the conditions of accreditation or any regulatory requirements.

Specific activities may include:

- ◆ suspension of registration
- ◆ suspension of certification
- ◆ suspension of centre approval
- ◆ suspension of quality assurance activity
- ◆ suspension of the use of any logos associated with an accredited qualification(s)
- ◆ suspension of new accreditation requests submitted for ACG approval

It should be noted this is not an exhaustive list and the ACG may give consideration to other approved awarding body activities.

The awarding body will then be advised of the target date to demonstrate and evidence that the required changes or actions needed to ensure conditions of accreditation or any regulatory requirements are met.

In most cases the target date will be 20 working days from ACG's correspondence notifying of the decision to apply the sanction, unless otherwise advised or agreed by ACG.

Failure to meet the requirements of a category 1 sanction may result in the application of further regulatory sanctions.

Category 2 Regulatory Sanction: Withdrawal of accredited qualification(s)

The ACG may decide to apply a category 2 sanction, withdrawal of accredited qualification(s) – in full or for specified qualifications or descriptions of qualifications – if the awarding body has failed to fully meet the conditions of accreditation, regulatory requirements or any previously applied sanctions.

Prior to withdrawing accredited qualifications(s) the awarding body will be advised of the target date to evidence and/or demonstrate that the required changes or actions required, to ensure continued qualification accreditation, are met.

In most cases the target date will be 20 working days from ACG's correspondence notifying of the decision to apply the sanction, unless otherwise advised or agreed by ACG.

Where the awarding body fails to provide appropriate evidence to demonstrate compliance, the withdrawal of qualification(s) will be applied.

Awarding Bodies should note that where application of a category 2 qualification(s) has been applied then the previously applied sanction restrictions will remain in place where applicable.

In the event of qualification withdrawal, the awarding body will be required to resubmit a new AC2 for each qualification to obtain accreditation of each withdrawn qualification.

In the event of the withdrawal of all awarding body accredited qualification provision then the awarding body will have its approval withdrawn.

Failure to meet the requirements of a category 2 sanction may result in the application of further regulatory sanctions.

Category 3 Sanction: Removal of approved awarding body status

The ACG may decide to apply a category 3 sanction, removal of approved awarding body status if the awarding body has continually failed to fully meet the conditions of accreditation, regulatory requirements and/or any previously applied sanctions.

Below are some examples where the ACG may consider applying a Category 3 Regulatory Sanction. It should be noted that this list is not an exhaustive list:

Examples

- ◆ Where there is a risk to SQA Accreditation and/or the interests of learners, employers, parents; funding bodies and Scottish Government to maintain the integrity and quality of accredited qualifications
- ◆ Where evidence establishes that an Awarding Bodies activities indicate deliberate actions, neglect, default or other practice that compromises the accreditation or quality assurance process including the integrity of accredited qualifications, the validity of certificates, or any reputation and credibility of SQA Accreditation
- ◆ Where all reasonable avenues of communication with the awarding body have been exhausted in an attempt to ensure conditions of approval, accreditation or any regulatory requirements are met
- ◆ Where an awarding body does not ultimately undertake the required action(s) within the agreed timescales
- ◆ Where the ACG has decided that the imposition of any other regulatory sanction is no longer appropriate
- ◆ Where the ACG considers an awarding body has failed to sufficiently engage with SQA Accreditation in meeting the conditions of approval, accreditation or any regulatory requirements and is deemed unsuitable to continue to hold an SQA Accreditation licence

- ◆ Where the ACG considers there are no mitigating circumstances which provide an acceptable explanation of why conditions of approval, accreditation or any regulatory requirements have not been met within an agreed timescale
- ◆ Where the ACG considers the awarding body has no currently accredited qualifications, and it is perceived that there is no prospect of the awarding body applying for the accreditation of any further qualifications which may generate candidate activity
- ◆ Where the ACG becomes aware that the awarding body has accredited qualifications with no candidate activity, and it is perceived that there is no prospect of the awarding body achieving any further candidate activity

The final decision on removal of awarding body status sits with the Accreditation Coordination Group.

4 Details

Using regulatory sanctions, where appropriate, can safeguard and maintain the interests of learners, employers, parents, funding bodies and Scottish Government. It will also assist to maintain the integrity and quality of accredited qualifications to deter future non-compliance of SQA Accreditation regulatory requirements.

It can also be a particularly effective way of raising regulatory standards.

There are a number of principles which will underpin the approach of SQA Accreditation in the implementation of its regulatory sanctions:

- ◆ SQA Accreditation seeks to establish a robust and effective regulatory regime built upon maintaining an open and enabling relationship between SQA Accreditation and Awarding Bodies.
- ◆ SQA Accreditation will seek to exercise its use of regulatory sanctions in a manner that is transparent, proportionate, responsive to the issue, and consistent with its publicly stated policies.
- ◆ SQA Accreditation will seek to ensure fair treatment when exercising its regulatory sanctions.
- ◆ SQA Accreditation will aim to change the behaviour of an Awarding Body which is the subject of its action in order to:
 - deter future non-compliance by others
 - eliminate any benefit from non-compliance
 - remedy the harm caused by the non-compliance
 - prevent reoccurrence
- ◆ SQA Accreditation will review each case on its own merits when determining what regulatory sanction should be applied.

5 Appeals

All awarding bodies will have the right to appeal decisions made by the Accreditation Coordination Group. Grounds for appeal will vary depending on a case by case basis, therefore all appeals made will be considered in their own right.

Full details of the process for Appeals and Complaints can be found on the SQA Accreditation website.

6 Definitions

Regulatory Requirements: Collective term for Regulatory Principles, Regulatory Principles Directives and conditions set out in the Accreditation Licence.

Conditions of Accreditation: Imposed by Accreditation Co-ordination Group when required criteria have not been met by awarding bodies in relation to awarding body approval and/or accreditation.

7 Related SQA policies

This policy should be read in conjunction with other relevant SQA Accreditation policies that are updated as necessary to meet SQA Accreditation's business needs and legal obligations. All policies are available on SQA Accreditation's website.

- Quality Assurance of Awarding Bodies Policy
- Accredited Qualification Zero Uptake Policy