

SQA Accreditation's

Regulatory Sanctions Policy

Policy	<p>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.</p> <p>A regulatory sanction may be applied by SQA Accreditation should any approved awarding body fail to :</p> <ol style="list-style-type: none">1. Meet any conditions assigned with respect to awarding body approval or qualification accreditation.2. Comply with SQA Accreditation's <i>Regulatory Principles, Regulatory Principles Directives</i>, 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 <p>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.</p> <p>The regulatory sanctions which ACG can impose on approved awarding bodies fall into the following categories:</p>
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	<p>Category 1 Regulatory Sanction – suspension of qualification accreditation</p> <p>Category 2 Regulatory Sanction – withdrawal of qualification accreditation</p> <p>Category 3 Regulatory Sanction - removal of Approved Awarding Body status</p> <p>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.</p> <p>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.</p>
<p>Why do we need this policy?</p>	<p>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.</p>
<p>How does the policy apply and to whom/what does it apply?</p>	<p>This policy applies to SQA Accreditation accredited qualifications and approved awarding bodies.</p>

SQA Accreditation's Regulatory Sanctions Policy - Guidelines

1 Introduction

Using regulatory sanctions will help to safeguard the interests of learners, employers, parents; funding bodies and Scottish Government and 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 underpin SQA Accreditation's approach to the exercise of its regulatory sanctions:

- ◆ SQA Accreditation seeks to establish a robust and an 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, to deter future non-compliance by others, to eliminate any benefit from non-compliance, and where appropriate, to remedy the harm caused by the non-compliance and prevent reoccurrence.
- ◆ SQA Accreditation will review each case on its own merits when determining what regulatory sanction should be applied.

2 Process

The level of the sanction(s) applied will be determined by the impact on qualification delivery and/or awarding operations of the awarding body not meeting the conditions of accreditation, approval or any 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:

- ◆ whether the awarding body has previously failed to resolve regulatory issues and/or conditions of accreditation; and
- ◆ the effect of the awarding body not complying with the condition(s) of accreditation and/or regulatory requirements, particularly in relation to the learner and integrity of the accredited qualification.

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

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

SQA Accreditation will ensure that all reasonable avenues of communication with the awarding body will have been exhausted in an attempt to ensure conditions of accreditation or any regulatory requirements are met before applying a sanction under this policy.

Regulatory Warning Letter

ACG may in the first instance issue a *warning letter* to an awarding body, before applying a regulatory sanction, usually as a first step to raise concerns about the behaviour of an awarding body and their compliance with conditions of accreditation or any 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 to the SQA Accreditation conditions of accreditation or any regulatory requirements.

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

Where the ACG indicates that the imposition 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 of non-compliance.

All regulatory sanctions applied may be made available on SQA Accreditation's website. This will include details of the date of application of sanction, level of sanction applied and 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 webpage until 6 months after corrective action or de-approval has been achieved.

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 qualification accreditation – in full or 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).

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 awarding bodies 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 withdrawal of accredited qualification(s) the awarding body will 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.

Where the awarding body fails to provide appropriate evidence to demonstrate compliance with the conditions of accreditation or the regulatory requirements by the agreed target date, 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.

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 take the required action(s) within the agreed timescales, the ACG may apply this regulatory sanction.
- ◆ 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 *either*: 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; or 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; [Please refer to SQA Accreditation Zero Uptake Policy](#).

The final decision on whether an awarding body's approved status should be removed rests with the Accreditation Coordination Group.

3 Appeals

All awarding bodies will have the right to appeal **any** decision made by the ACG. Grounds for appeal will vary depending on individual situations, 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.

Policy Owner	Head of Accreditation
Policy Author	Senior Regulation Manager
Category (if known)	Accreditation
Document Version No. eg 1.1	1
Revisions Approved by	Accreditation Committee,
Date Revisions Approved	January 2017
Review Date	30 September 2019
Is/should this be on SQA's website	Yes – SQA Accreditation webpage