



Policy	Sanctions Policy
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Supersedes	n/a
Owned by	NEBDN Executive
Monitored by	Education and Standards Committee
Approved by:	NEBDN ESC and Governance Committee on 9 th May on behalf of Board of Trustees

Purpose

The purpose of this policy is to ensure that:

- Sanctions imposed by NEBDN on Providers, Provider staff and Learners are fair, consistent, transparent, and proportionate.
- Robust procedures for implementing Sanctions as appropriate are in place in relation to stakeholders, who fail to meet aspects of NEBDN's delivery requirements and/or the standards laid down by the professional bodies or Regulatory Authorities in respect of regulated qualifications in compliance with Ofqual or other conditions of recognition.

Scope

This policy applies to all Providers, Provider Staff and Learners.

Policy statement

NEBDN has a responsibility to the Learners taking its qualifications and to its Regulators to ensure that Providers deliver the qualifications in accordance with relevant national standards. It also has a responsibility to ensure that Learners who are awarded an NEBDN qualification demonstrate the appropriate requirements to fulfil the professional standards required for the qualification(s).

To help it to meet its responsibilities, NEBDN has developed a range of Sanctions that can be imposed on Providers, Learners and Provider staff covered by this policy depending on the seriousness of the breach or failure, the level and track-record of non-compliance, risk to the interests of Learners and the integrity of the qualifications and professional standards.

NEBDN will always ensure that the application of Sanctions is a last resort and through its approach to Provider and Learner support and management, and the creation of appropriate policies, procedures, and action plans, NEBDN aims to prevent situations arising that would warrant a Sanction being imposed.

The purpose of applying Sanctions is:

1. to minimise the risk to the integrity, of our assessment and awarding of qualifications
2. to ensure the reliability and accuracy of assessment and awarding activities;
3. to allow us, and potentially other awarding organisations where relevant, time to investigate potential maladministration and / or malpractice whilst maintaining the integrity of the qualification(s) involved;
4. to protect our business.



Recognised Providers must comply with all Sanctions imposed upon them and within the time limits we state. Sanctions will remain in place until the issues are rectified; failure to rectify issues in a timely manner may increase the level of sanction(s). See Part B of Appendix 1 for examples of the type of scenario that might result in the application of a Sanction.

By way of example the following is a non-exhaustive list of Sanctions that may be imposed on a Provider or Learner:

Sanctions applied to Providers/Learners

Level of Sanction	Examples of scenarios	Potential Actions/Sanctions
<p>Minor</p> <p>Individual or few low-grade recommendations to improve process/policies/organisational adherence highly unlikely to have material impact on the integrity, reliability, or accuracy of results</p>	<p><i>One off/limited issue such as missed or part complete minor administrative task (not related to assessment). e.g., errors in learner's name(s)/registration details</i></p>	<p>Informal verbal feedback and discussions via Quality Assurer</p> <p>Written feedback and warning if the reason for issuing a sanction is not rectified within specified time frame</p> <p>Formal Action Plan from Quality Assurer; this will have SMART objectives</p> <p>Additional training for individual staff</p>
<p>Intermediate</p> <p>Persistent minor issues unresolved over a period of time. Potential of material impact on regulatory compliance for a limited proportion of learners</p>	<p>These are likely to be concentrated in one qualification or isolated areas of non-compliance leading to an Adverse effect</p>	<p>Additional sampling and or Quality Assurance activities to mitigate risk</p> <p>Disallowing members of Provider staff to be involved in 1 or more areas of qualification delivery for a period of time</p> <p>Blocking new Learner registrations by the Provider until training undertaken/action point resolved for a single qualification or for an entire qualification sector,</p> <p>Additional Provider visits potentially with limited or zero notice</p>



	<p>Second warning of a wider number of learners' suspicious activity or plagiarism or first warning if material scope of cheating</p>	<p>Provider and Learner disciplinary discussions held, and outcomes shared with NEBDN. Written warnings. Repeat of exam or entire assessment via resit/loss of some or all marks.</p>
<p>Major <i>Unresolved or continual intermediate level non-compliance</i></p>	<p>One off individual material issue that affect substantial numbers of learners; major impacts on the integrity, validity, accuracy (or perception of) awarding causing a major adverse effect</p> <p>Issues likely to be systemic and across more than 1 qualification and individual staff members</p> <p>Major data breaches, failure to comply with Equalities and diversity laws or other key legislation</p> <p>Ongoing and widespread learner suspicious activity with material and ongoing strong evidence to support concerns</p> <p>First instance of suspicious activity or plagiarism in a learner or small group of learners' work</p>	<p>Up to and including Withholding of Certificates as part of recognition/qualification approval, monitoring activity or investigation into a complaint, appeal, or allegation of malpractice and/or maladministration</p> <p>Withdrawal of qualification approval for 1 or more qualifications</p> <p>Potential for regulatory disclosure including to other Awarding Organisations</p> <p>Provider and learner warning meeting outcomes provided for NEBDN.</p> <p>Learner to redo work and or withhold marks</p> <p>Learners' certificates withheld; informing of GDC registration team and consideration of Fitness to Practise disclosures</p> <p>Learner exam barring until confidence restored</p>



		Potential to cancel previously awarded qualifications
<p><u>Derecognition</u></p> <p><i>Major incident from an unresolved major level of non-compliance</i></p>	<p>Substantial material impact, likely across the whole Provider with a major adverse effect across most Providers learners.</p> <p>Major implications on the perception of recognised qualifications</p> <p>Second warning or of a wider number of learners' suspicious activity or plagiarism or first warning if material scope of cheating</p>	<p>The Provider is no longer recognised to deliver NEBDN qualifications.</p> <p>Regulatory disclosure, including to other Awarding Organisations, should be expected</p> <p>Involvement of 3rd party organisations such as the Police and GDC where needed.</p>

Process and Procedure for deciding on and applying Sanctions

- Where:
 - a complaint is upheld
 - there is a finding of malpractice or maladministration
 - there is a breach of NEBDN policy or procedures or of a contractual agreement, or
 - there is a breach of a legal or regulatory requirement

Any recommendations in relation to the level of Sanction to be applied will be made by the Quality Manager to the Director of Education and Regulation, and if there is clear evidence of non-compliance by the Provider then the Sanction will be imposed and recorded in the CRM/TheHub and or other systems as needed.

In all instances the nature of the Sanction and the rationale for its application will be communicated in writing to the Provider or Learner by the Director of Education and Regulation preferably via the CRM/TheHub.

- Only in exceptional circumstances of extremely serious non-compliance or the persistent failure of the Provider to address outstanding actions, and/or the failure of previous Sanctions to address the issue, would NEBDN impose, the sanction of **removal of qualification approval** in relation to:
 - A single qualification
 - An entire qualification sector
 - An entire qualification type
 - All qualifications and in turn the Providers 'recognition' with NEBDN



3. NEBDN expects that it would never impose the immediate withdrawal of approval for a qualification or range of qualifications without:
 - the Provider being given an opportunity to address the area(s) of non-compliance.
 - first, imposing one of the previous sets of Sanctions
 - there being evidence that the non-compliance poses a significant threat to the interest of learners, public perception and or the integrity of the qualifications and units.
4. Should a Provider have its approval for a qualification/suite of qualifications removed, NEBDN will take all reasonable steps to protect the interests of any Learners' currently registered on the qualification(s) (Ofqual General condition **C2.4**). For example, the Provider will be expected to assist NEBDN to either certificate them for any achievements achieved to date and/or seek to transfer them – where possible and feasible – to another Provider to enable them to carry on with their learning.
5. In addition, upon the removal of approval, the Provider shall:
 - immediately cease to offer NEBDN qualifications and services and shall at its own expense immediately deliver to NEBDN all relevant and specified deliverables (e.g. assessment materials) and/or dispose of materials if instructed to do so by NEBDN. If the Provider fails to do so NEBDN may take action to recover such materials where relevant regarding Trademarks etc.
 - immediately cease to operate as a Provider recognised/approved by NEBDN and shall immediately cease to describe, promote, market, or advertise itself as a recognised Provider approved by and/or offering the relevant qualification(s)/service(s). NEBDN would also remove all details of the recognised Provider from its list of recognised Providers, which is published on the NEBDN website.

Sanctions that may be imposed on Learners

Should a Learner(s), be found to have committed Malpractice then the following Sanctions may be imposed on them in accordance with the arrangements outlined in NEBDN's Malpractice and Maladministration policy (which may be communicated to the learner by NEBDN and/or the Provider):

- Issuing a written warning that if the offence is repeated further action may be taken
- Loss of all marks/credits for the related work/unit
- Need to redo and submit authentic work for re-assessment
- Disqualification from the unit(s)/qualification
- Placing a ban from taking any further qualifications with NEBDN (e.g. for a set period)
- It is within NEBDN's discretion to potentially notify the GDC regarding any fitness to practice concerns
- Any other sanction that is deemed to be appropriate and proportionate as NEBDN consider to just and fit.



2. If a Provider or Learner wishes to oppose the Sanction this may be done by referring to the advice and procedure in NEBDN's Appeals Policy. Learners should appeal through their Provider unless this is not practical.

Ensuring consistency in approach

The length of time any of the above Sanctions will be imposed for will depend on the situation that warranted their introduction and only required for as long as needed to rectify the identified areas of concern or non-compliance.

The Quality Manager 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.

Use of the CRM system will provide consistent approaches and provide a list of Sanctions that can be applied. The CRM also requires a justification and summary of the rationale for the application of any sanction.

Consideration may be given to any sanction guidance provided by the Joint Council of Qualifications (JCQ) in determining the nature and extent of sanctions.

In proven cases of malpractice and/or maladministration by a Provider, NEBDN reserves the right to charge the Provider for any resits and reissuing of certificates and/or additional quality assurance activities/ monitoring visits. The fees will be the current NEBDN cost/prices for such activities at the time of the investigation.

It is important to note that some actions are not classified as Sanctions but are standard good practice and they may be applied at NEBDN's discretion instead of a formal Sanction and/or alongside a Sanction. If the relevant party(ies) wishes to appeal against NEBDN decisions to impose Sanctions, please refer to the NEBDN Appeals Policy.

Examples of situations or issues that may result in a Sanction are in Appendix 1, Part B. The process and procedure for selecting and applying a Sanction is set out in Appendix 2.

Definitions

Regulators include educational regulators such as Ofqual; clinical regulators such as the General Dental Council (GDC) and Data Protection regulators such as the Information Commissioners Office (ICO).

Learner – An individual who is registered as a learner for one or more of the NEBDN qualifications offered to Providers

Sanctions are punitive actions that can be applied to Providers that fail to comply with NEBDN policies, processes, or instructions. Sanctions may be applied to any Provider, Provider staff and or Learner for any action(s) that may pose a risk to and or threaten the integrity of our awarding activity.



Accountability and Responsibility

Role accountability and responsibility are assigned in the Malpractice and Maladministration Policy. Further details regarding Sanctions are as follows:

The Responsible Officer has overall responsibility to objectively apply any appropriate Sanctions as necessary to ensure that learners are not prejudiced, and public perceptions and faith is maintained all assessment and awarding activities.

The Director of Education & Regulation, or a nominated representative will be responsible for notifying Providers and Learners of the nature of any Sanction and the rationale for its application in writing.

External Quality Auditors will be responsible for the identification, investigation and assessment of incidents that breach regulatory requirements that may give rise to a Sanction.

The External Quality Manager will be responsible for reviewing the findings and making a recommendation of the Sanction to be imposed.

NEBDN Staff are responsible for providing guidance and support to Providers to ensure that inadvertent or accidental issues are minimised.

Providers are responsible for following all guidance and support provided by NEBDN, especially in relation to that provided by the External Quality Assurance team. Providers must ensure that any internal policies take account of NEBDN requirements to comply with regulators. Providers must ensure they comply with all their organisation policies and processes and must comply with overarching legal requirements such as: data protection, Equalities and Diversity legislation and Health and Safety requirements. Providers should ensure that all their staff are aware of their obligations and potential Sanctions arising from non-compliance.

Learners are responsible for following Provider guidance, policies, and processes as well as any overarching requirements such as the GDC's Fitness to Practice.

Review arrangements

NEBDN will review and revise this policy as and when necessary, in response to Provider and Learner feedback, changes in practices, actions from the Regulatory authorities or external agencies, changes in legislation, or trends identified from previous incidents. In addition, this policy may be updated given operational feedback to ensure NEBDN arrangements for dealing with suspected cases of malpractice and maladministration remain effective. It will also be reviewed annually as part of our self-evaluation arrangements.

Reference Materials

NEBDN Malpractice and Maladministration Policy
NEBDN Appeals Policy
NEBDN Complaints Policy



NEBDN Fees and Invoicing Policy

NEBDN Provider Agreement

Joint Council for Qualifications (JCQ) Sanction guidance

Ofqual General Conditions of Recognition (<http://ofqual.gov.uk/>)

Questions

If you've any queries about the contents of the policy, please contact NEBDN at: qa@NEBDN.org



Appendix 1 – Guidance and Expectations for Providers

Part A

The following examples are given of standard good awarding organisation or business practice which may be applied by NEBDN instead of a formal sanction and/or alongside a sanction:

- When a Provider is first recognised and approved by NEBDN to offer one of our qualifications, and/or if they have subsequently applied and been approved to offer another qualification significantly different from previous qualifications, NEBDN will not process any certificate claims for the qualification(s) until the Provider has received a satisfactory monitoring visit. This approach is normal practice amongst awarding organisation's and is intended to help ensure the Provider is delivering this 'new' qualification effectively before certificates can be issued.
- Should a Provider refuse to pay outstanding fees after various contact with our Finance team, then we may remove approval and/or recognition with immediate effect under our Provider Agreement and or Fees and Invoicing Policy. Such a decision would not be considered a sanction but a commercial decision.
- Undertaking additional visits to a Provider to provide them with a greater level of support and/or monitoring depending on their needs and performance. Such visits may be charged at cost to the Provider.
- Requiring specific Provider staff to undergo additional training and/or scrutiny 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 Provider via an 'action' following a Provider engagement visit by a Quality Auditor.
- It is important to note that we reserve the right to impose several restrictions at any time. Ordinarily restrictions would be imposed during or prior to investigating maladministration or malpractice connected to a Provider 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.
- Altering the way, and the period in which a Provider receives examination/assessment materials from NEBDN 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 Provider if there are concerns around the Providers arrangements and/or the Couse Provider is unable to resource exams/assessments. Such actions will be discussed with the Provider during or after an engagement visit.

It may be that NEBDN will need to report any registrant involved to the General Dental Council's Fitness to Practice team.



Part B

NEBDN has a range of sanctions that can be imposed on a Provider depending on the seriousness of the situation, the level and track-record of the Providers non-compliance and the risk to the interests of learners and the integrity of the qualifications and units.

Nonetheless NEBDN aims to ensure that the application of sanctions is a last resort and through our approach to Provider support and management, and the creation of appropriate action plans, we will work with Providers 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.

The following is a non-exhaustive list of examples of situations where Sanctions may be imposed on a Provider (Ofqual General Conditions [A8.2](#)):

- Where there are Outstanding actions required from the Provider
- Where there is poor record keeping for example to confirm assessment decisions
- When there is no GDC registrant responsible for the quality of the programme in place
- Where a Providers Learners have persistently poor examination results
- In suspected or proven cases of maladministration/malpractice by the Provider or there is a failure in the Services provided by the Provider and/or its satellite sites or third parties
- Where the Provider has made a false declaration that Learner(s) have completed NEBDN's qualifications or Records of Experience/Competence.
- Where there is 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)
- Where a Provider has refused access to premises and/or records to the staff of NEBDN or the regulatory authorities
- Where a Provider has breached any requirement contained in its Provider Agreement, recognition and/or qualification approval application.
- Where a Provider has repeatedly breached requirements contained in its recognition and/or qualification approval application submitted by it and accepted by NEBDN in such a manner as to reasonably justify doubts about NEBDN's ability to remain compliant with the General Conditions of Recognitions or other regulatory requirements.

Part C

The following is a non-exhaustive list of examples of where Sanctions may be imposed on a Learner if found to have committed Malpractice

This may include collaboration, cheating or copying from other learners during any assessments be they written, online or Face to Face exams

Purchasing, using, or otherwise not effectively referencing material such that the work does not reflect that of the learner (“plagiarism”)