

## RSL Sanctions Policy

### 1. Introduction

This policy is aimed at:

- » Centres who are delivering RSL Awards regulated qualifications or units
- » RSL Awards Examiners, Assessors and EQAs
- » RSL Awards Head Office teams
- » RSL candidates and learners

This policy will be implemented where there has been a failure to comply with RSL Awards policies and/or procedures, a breach of any agreement with RSL Awards, or a failure to meet RSL's standards for delivery, assessment and quality assurance and/or the requirements laid down by the regulators in respect of regulated qualifications and units.

### 2. Vocational Qualifications – Responsibilities of Centres and Learners

#### 2.1 Centre Responsibilities

It is important that all centre personnel including tutors, assessors, Internal Verifiers (IVs), Quality Assurance personnel and administration staff involved in the delivery and assessment of RSL's regulated qualifications are fully aware of the contents of this policy. All those identified must be made aware of its possible implications in the case of failure to comply with RSL's and/or regulatory requirements.

#### 2.2 Delivery, Assessment and Quality Assurance of RSL Vocational Qualifications

RSL Awards has a responsibility to ensure that centres and their personnel including tutors, assessors and IVs deliver, assess and quality assure internal assessment in accordance with the relevant qualification specification and RSL requirements for quality assurance.

RSL Awards publishes a Key Dates Calendar each academic year which outlines all activities centres must comply with in order to maintain centre approval. All deadlines must be met by centres and non-compliance with the Key Dates Calendar could lead to sanctions.

RSL Awards contracts External Quality Assurers (EQA) to monitor centres' effectiveness against

the RSL approval criteria and standards that centres have agreed to. Should assessment or internal verification decisions be disagreed by the EQA at the first moderation sample, the sampling methodology for a second sample (available here) will be followed and sanctions not applied at this stage. Should assessment or internal verification decisions be disagreed by the EQA at the second sample, the sampling methodology for an enforced visit will be followed and sanctions may be applied subsequent to the outcome of the enforced visit. If an EQA identifies an issue of non-compliance (such as missing deadlines or a concern raised at a centre visit) they will report this to RSL Awards who will then follow the procedures set out in the RSL Malpractice Policy. In cases where malpractice has been found, a number of Sanctions may be employed. We will work collaboratively to impose the appropriate level of sanctions.

### 2.3 Facilitation of Controlled External Assessment

Controlled External Assessment is a form of assessment in which tasks are specified by RSL Awards in Controlled External Assessment briefs. The tasks are conducted under RSL specified controlled conditions within the centre. The work is uploaded to the RSL Administration Site by the published deadline and the marking of this work undertaken by RSL External Assessors. All aspects of Controlled External Assessment are subject to strict controls which must be adhered to by the centres.

Any centre suspected of malpractice will be rigorously investigated by RSL and may be subject to sanctions. Malpractice in Controlled External Assessment includes but is not limited to:

- » Collusion of teachers/assessors with learners
- » Disclosure of confidential information by centres or assessors to learners
- » Breaches of confidentiality and security of assessment materials
- » Submission of false information to gain a qualification by proxy
- » Failure to register learners accurately and/or within specified deadlines for the Controlled External Assessment
- » Failure to submit documentation, or not submitting complete documentation, by the published deadline
- » Failure to submit learner declarations or Controlled External Assessment logs
- » Non-compliance with controlled conditions within the Controlled External Assessment window
- » Significant under-delivery of hours within the Controlled External Assessment
- » Failure to adhere to the requirements of RSL's Reasonable Adjustments and Special Considerations Policy

## 2.4 Approach to Sanctions

RSL Awards can apply a range of sanctions to a centre and/or their personnel including tutors, assessors and IVs, Quality team or administrative staff involved in delivery and assessment. Sanctions are imposed depending on:

- » The severity of the situation
- » The level of the centre's non-compliance and any previous history of non-compliance
- » The performance of any independent tutor, assessor, internal verifier or administrative staff member
- » The risk to the interests of learners
- » The risk to the integrity of the qualifications

RSL Awards reserves the right to apply conditions and sanctions on a Centre and/or any personnel which we have determined as being non-compliant. This helps to ensure that the certification of learners is accurate and reliable and that the standards of qualifications are maintained.

RSL Awards will always apply sanctions as a last resort and will work with centres (who are primarily responsible for any staff they employ) to prevent and mitigate situations arising that would warrant the imposition of a sanction.

## 2.5 Actions which are not Formal Sanctions

In certain instances, RSL Awards may decide to take action which does not amount to a formal sanction, but may be applied as part of best practice alongside or instead of a formal sanction. Normally these actions would be taken following an EQA monitoring visit, where issues are escalated for action by the Director of Awarding. Following is a list of issues which could result in action being taken by RSL Awards (this list is not exhaustive):

- » When a centre is first approved by RSL Awards to offer one of its qualifications, and/or in cases where an approved centre wishes to offer additional qualifications, RSL Awards will grant approval to offer the qualification(s) but will not process any certificate claims until the centre has completed a satisfactory monitoring visit.
- » Should a centre refuse to pay outstanding fees after repeated requests by our Finance team, then centre approval may be removed with immediate effect.
- » RSL Awards may send an EQA to undertake additional visits to provide a centre with a greater level of support and/or monitoring, depending on their needs and performance (this will be at additional cost to the centre)
- » RSL Awards may require specific centre personnel (e.g. tutors, assessors, IVs) to be subject to increased support from RSL Awards if there are concerns about their ability to undertake their

role in the effective delivery and assessment of its qualifications. Such decisions would normally be communicated to RSL Awards by an EQA as an 'action' following a centre monitoring visit. It is important to note that RSL reserves the right to impose restrictions against individual staff at any time. Ordinarily restrictions would be imposed either during or prior to a malpractice or maladministration investigation at a centre with whom the individual(s) is/are connected. Restrictions against individuals may include not permitting certain personnel to be involved in the delivery / assessment of RSL qualifications for a specified period of time

- » Altering the way, and/or the period in which, centres receive assessment materials from RSL Awards if there are concerns around their ability to maintain the security and confidentiality of such materials
- » Applying a penalty fee on the centre if they have breached RSL procedures for confidential assessment materials, which has led to the withdrawal of assessment materials from circulation.

The Director of Awarding will decide on the action to be taken as a result of the issue raised. Actions can include:

- » Agreement of an action plan with the centre showing the actions to be taken as a result of the issue arising and the completion dates
- » Further sampling of internal assessment decisions
- » Further visits to the centre by the EQA (at cost to the centre)

## **2.6 Applying Sanctions to Centres**

Where a report from an EQA monitoring visit shows clear evidence of non-compliance by the centre, and/or sufficient rationale, this will be reviewed by the Compliance Manager and a decision will be made to impose the appropriate sanction on the centre.

If sanctions are required, they will be applied in accordance with the nature and severity of the non-compliance. Below is a list of example situations where it may be appropriate to impose a sanction (the list is indicative and not exhaustive):

- » Outstanding actions in relation to previous non-compliance
- » Inadequate record keeping to confirm secure assessment decisions
- » No internal verifier (IV) in place
- » Proven collusion or persistent poor marking or quality assurance practice for internal assessment
- » Suspected or proven cases of maladministration / malpractice at the centre and/or the services provided by the centre or third parties
- » Where the centre is in breach of the controlled external assessment conditions

- » Centre has made claims for certification before learners have completed unit(s)/ qualification(s)
- » RSL staff and/or regulators have been refused access to premises and/or records
- » Breach of any requirement contained in the RSL Awards centre agreement and/or qualification approval application

We strongly advise that centres follow the guidance issued by the Joint Council for Qualifications (JCQ) in order to ensure that they follow best practice in the delivery and assessment of qualifications. <https://www.jcq.org.uk/>

Sanctions may be imposed by RSL Awards in relation to:

- » Centre approval decisions
- » Qualification approval decisions
- » Monitoring activities identified within the Key Dates Calendar
- » Investigation into a complaint or appeal made against the centre
- » Proven malpractice and/or maladministration.

Sanctions can include:

- » Withholding certificates (suspending certification status)
- » Suspension or withdrawal of further learner registrations by RSL Awards for particular units and/or qualifications
- » Suspension of centre approval for a specified period of time (registration for all qualifications suspended for a specified time (see Section 2.7)
- » Permanent withdrawal of centre approval (registration for all qualifications withdrawn (see Section 2.8)

### 2.7 Time Limited Approval Status

Where there are proven cases of non-compliance and sanctions have been applied to a centre, RSL Awards will review the approval status of the centre and will impose 'Time Limited Approval Status'.

Time Limited Approval Status is where centre approval is granted for a three-year period, at which stage a full review of the centre's performance will be carried out. This will determine if centre approval will continue for an additional three years.

Any expenses incurred in ensuring compliance with any informal measures or sanctions applied by RSL must be covered by the centre.

In all instances, the nature of the sanction and the rationale for its application will be communicated in writing to the centre.

If a centre disagrees with the decision, the first point of contact is the Enquiries About Results and Appeals Policy.

## **2.8 Permanent Withdrawal of Approval**

RSL Awards will impose the ultimate sanction of removal of Centre Approval only in exceptional circumstances of extremely serious non-compliance, the persistent failure of the centre to address outstanding actions and/or the failure of previous sanctions to address the issue. In these cases, the sanction may apply to:

- » A single qualification
- » An entire qualification type
- » All qualifications and the centre's approved status.

RSL Awards will not impose the immediate withdrawal of approval for a qualification or range of qualifications without:

- » The centre being given an opportunity to address the area(s) of non-compliance
- » Lower level sanctions having first been applied to the centre
- » Evidence that the non-compliance poses a significant threat to the interest of learners or the integrity of the qualifications and units.

Should a centre have its approval for an RSL Awards qualification(s) removed, all necessary steps will be taken to protect the interests of any learners that are currently registered against the qualification in question; for example, certification for any achievements to date where assessment and internal verification decisions have been agreed, and/or transfer of learners' registrations to another RSL Awards centre to complete their qualification.

Upon the removal of approval, centre personnel will:

- » Immediately cease to offer RSL Awards qualifications and services and shall, at its own expense, immediately deliver to RSL Awards all relevant and specified materials (e.g. assessment materials) and/or dispose of materials if instructed to do so by RSL Awards. If the centre fails to do so, RSL Awards may take action to recover such materials
- » Immediately cease to operate as an RSL Awards approved centre and immediately cease to describe, promote, market or advertise itself as an RSL Awards approved centre by offering the relevant qualification(s)/service(s).

## **2.9 Sanctions that may be imposed on learners**

Learner(s) who are found to have committed malpractice may have sanctions imposed on them, in accordance with the arrangements outlined in our Malpractice and Maladministration Policy. Centres should also have arrangements in place within their own malpractice policies to impose sanctions on learners following proven malpractice.

The following are examples of potential actions RSL Awards may take (this is not an exhaustive list):

- » Issuing a written warning that if the offence is repeated, further action may be taken
- » Loss of all marks for the related work / unit
- » Disqualification from the unit(s) / qualification
- » Placing a ban on taking any further RSL Awards qualifications (either permanently or for a set period of time).

## **2.10 Sanctions that could be imposed on tutors, Internal Verifiers, Assessors, Quality Assurance and other centre staff**

Should a member of staff in a centre be found to have committed malpractice, sanctions may be imposed on them in accordance with the arrangements outlined in our Malpractice and Maladministration Policy. Centres should also have arrangements in place within their own malpractice policies to impose sanctions on staff following proven malpractice.

The following are examples of actions RSL Awards may take (this is not an exhaustive list):

- » Revoking approval for the centre to use a specified member of staff if there are concerns around their performance.
- » Revoking approval for a range of centres to use a specified member of staff (if they work across more than one) if there are concerns around their performance. In doing so we will ensure any notification is legal and factual so as not to adversely affect their reputation.

## **3. Sanctions for graded examinations in Music, Performance Arts Awards, Music Theory and Music Production**

### **3.1 Approach to Sanctions**

RSL Awards can apply sanctions to examiners, external quality assurers, external assessors, candidates, invigilators or other personnel involved in delivery and assessment. Sanctions are imposed depending on the seriousness of the situation, the performance of the individual and the risk to the interests of learners and the integrity of the qualifications and units.

RSL Awards will always apply sanctions as a last resort and we will work with those involved to prevent and mitigate situations arising that would warrant a sanction being imposed

### **3.2 Applying sanctions to examiners, external quality assurers and assessors**

Examiners, external quality assurers and assessors who are found to have committed malpractice may have the following sanctions imposed on them in accordance with the arrangements outlined in our Malpractice and Maladministration Policy (this is not an exhaustive list):

- » Low level: Issuing a written warning that if the offence is repeated further sanctions may be imposed
- » Medium level: Temporary removal from the pool
- » High level: Permanent removal from the pool (contract is immediately revoked)

### **3.3 Sanctions that may be imposed on candidates**

Candidates who are found to have committed malpractice may have the following sanctions imposed on them in accordance with the arrangements outlined in our Malpractice and Maladministration Policy (this is not an exhaustive list):

- » Low level: Issuing a written warning that if the offence is repeated further sanctions may be imposed
- » Medium level: Loss of all marks / credits for the related work / unit
- » Medium level: Disqualification from the unit(s) / qualification
- » High level: Placing a ban from taking any further qualifications with us (for a set period of time or permanently).



### **3.4 Applying sanctions to invigilators**

Invigilators who are found to have committed malpractice may have the following sanctions imposed on them in accordance with the arrangements outlined in our Malpractice and Maladministration Policy (this is not an exhaustive list):

- » Low level: Issuing a written warning that if the offence is repeated further sanctions may be imposed
- » Medium level: Temporary suspension of contract as an invigilator
- » High level: Permanent withdrawal of contract as invigilator

### **3.5 Applying sanctions to other personnel**

Any other personnel contracted to RSL (e.g. representatives, translators, third party contractors) who are found to have committed malpractice may have the following sanctions imposed on them in accordance with the arrangements outlined in our Malpractice and Maladministration Policy (this is not an exhaustive list):

- » Low level: Issuing a written warning that if the offence is repeated further sanctions may be imposed
- » Medium level: Temporary suspension of contract
- » High level: Permanent withdrawal of contract

## 4. Appealing RSL Awards' decisions

If a learner, candidate, centre representative or any other individual wishes to appeal a decision to impose a sanction they should refer to the relevant appeals policy, which can be found on RSL's website or available on request. .

## 5. Ensuring consistency in our approach

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

The Director of Awarding and Standards is 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

RSL Awards will inform the appropriate regulators of all our decisions, and if appropriate other awarding organisations offering similar qualifications.

## 6. Monitoring and Review

This policy will be reviewed annually as part of RSL's quality assurance requirements and will be revised as and when necessary in response to customer feedback, trends from internal monitoring arrangements, changes in practices, actions by the regulators or external agencies, or changes in legislation.