



# Sanctions Policy

Document Specification:			
Purpose:	To ensure that NALP adopts a robust and consistent approach to the use of Sanctions against Centres in order to ensure compliance with all relevant regulations, legislation and accepted best practice		
Accountability:	Governing Board	Responsibility:	Responsible Officer
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## **CONTENTS**

<b>No</b>		<b>Page</b>
1.	Introduction	3
2.	Scope and Purpose of Policy	3
3.	Approach to Sanctions	3
4.	Application of Sanctions	4
5.	Types of Sanctions	5 – 7
6.	Appeals Process	7
7.	Monitoring, Evaluating and Reporting	7
8.	Policy Review	7

## Sanctions Policy

### 1. Introduction

NALP is an Awarding Organisation recognised by the Office of Qualifications and Examinations (“Ofqual”) in England. NALP specialises in providing regulated qualifications to the Legal and associated sectors, in particular for Paralegals, which are respected and recognised by those professions. NALP is committed to ensuring that all qualifications offered are conducted in the manner laid out by our policies and procedures in order to maintain the security and integrity of the qualification. This then ensures that NALP maintains compliance with its Conditions of Recognition.

NALP offers its qualifications through Approved Centres which are based both within the UK and Abroad. This document outlines the sanctions that may be applied in the event that an Approved Centre fails to comply with NALP’s requirements for delivering qualifications in accordance with the relevant regulations. The aim of this policy is to safeguard the integrity of NALP qualifications, whilst avoiding any unnecessary or unduly burdensome requirements on its Approved Centres.

Sanctions may be imposed in order to mitigate or correct adverse effects in relation to issues arising from, but not limited to:

- Complaints
- Internal quality assurance
- External quality assurance
- Conflicts of interest
- Malpractice and Maladministration
- Access to Assessment
- Any other non-compliance issue identified

### 2. Scope and Purpose of this Policy

This policy applies to all NALP staff (including members of the independent examining team, consultants, management, directors and non-executive directors and any temporary staff employed by NALP at any time), approved Centres and Learners seeking to gain a NALP qualification.

The purpose of this policy is to:

- Define what the sanctions are that may be applied
- Identify the rights and responsibilities of NALP, its staff, Centres and Learners in relation to such matters
- Describe the process for the application of Sanctions

### 3. Approach to Sanctions

Sanctions will be applied according to the seriousness and urgency of the situation, the level of non-compliance, the risk to the interest of learners and the potential threat to the integrity of the qualification(s). Sanctions will only be applied as a last resort and NALP will always, where possible, work with Approved Centres to prevent their imposition, or reduce the level of sanction necessary. Early intervention is the preferred approach to avoid the escalation of situations and Approved Centres should always contact NALP for advice and guidance as soon as problems are identified. NALP will take whatever action is necessary to protect learners, standards, public confidence in our qualifications and the reputation of NALP as a whole.

## 4. Application of Sanctions

Any allegation, suspicion or report of potential Centre, Learner or Assessor/Marker wrong-doing, whether malpractice or serious maladministration, and from wherever that report may originate, will be dealt with in line with the current NALP Malpractice and Maladministration Policy, a copy of which can be found on our website [here](#).

In the event of a Sanction being imposed, NALP may:

- Give notice of the decision and the date on which the sanction is to be applied
- Make transitional arrangements in order to protect the interests of learners, where applicable, depending upon the severity of the issue identified
- Take immediate action where the severity of the issue identified warrants this in order to protect learners, standards or NALP's ability to comply with the Ofqual General Conditions of Recognition or other statutory regulation or legislation
- Where necessary, seek cooperation of appropriate third parties in taking action, including other Awarding Organisations, the Regulator or law enforcement agencies or legal representatives
- Pass on information to other appropriate third parties, such as other Awarding Organisations, to assist them with their own investigations

## 5. Type of Sanctions

The type of action taken will depend on the impact and risks associated with the problem. For example, we will consider:

- The impact on Learners and on public confidence in regulated qualifications
- Whether the breach applies to just one qualification or if it affects a range of qualifications
- Whether the Centre itself has identified the problem and has taken steps to address it
- Whether there is a history of non-compliance
- The level of cooperation shown by the Centre, Learner or Assessor/Marker

Example issues and the resulting sanctions for non-compliance are listed on the attached Appendix I. Please note this list is not exhaustive.

Non-compliance issue	Sanction	Rationale	Sanction lifted when:
<ol style="list-style-type: none"> <li>1. Centre fails to register Learners in a timely manner or in accordance with NALP's policy and procedures</li> <li>2. Centre fails to inform NALP of any requests for Reasonable Adjustments at the time of registration, as per procedures</li> <li>3. Assessor or moderator fails to complete the assessment paperwork correctly or in full, leaving an incomplete audit trail</li> </ol>	<p><b>Level I</b></p> <p><b>Centres:</b> Action Plan for no recurrence in next 6 months</p> <p><b>Assessors/Moderators:</b> Additional quality assurance checks to be carried out or training provided by NALP to ensure no recurrence</p>	<p>Non-compliance with NALP Policy or procedure but no threat to the integrity of assessment decisions.</p>	<p>NALP is satisfied that the Centre, assessor, moderator or Learner has understood the issue and is following policy and procedure</p>

Non-compliance issue	Sanction	Rationale	Sanction lifted when:
4. A Learner or Centre fails to request a Special Consideration or request for an Appeal in a timely manner, in line with NALP's policy and procedures  5. Assessor or moderator fails to declare a potential conflict of interest due to a relationship with a learner prior to the assessment (but does so before results are issued)	<b>Learner:</b> reminder issued regarding policy and procedure and monitoring over course of the remainder of the course or qualification  <b>All:</b> Potential notification to Ofqual and any relevant awarding organisations and/or other third parties		
1. Centres fail to keep accurate or complete records to allow a full audit to be carried out by NALP representatives  2. Previously agreed corrective measures relating to Level 1 have not been implemented  3. Centre fails to respond to communications from NALP or its representatives in a timely manner  4. Assessor/Moderator is found to have incorrectly marked assessment papers, having no material effect on the outcome for the Learner	<b>Level 2 –</b> <b>Centres:</b> As Level 1, plus potential withholding of Learner certificates  <b>Assessors/Moderators:</b> As Level 1, plus withholding of certificates  <b>Learner:</b> As for Level 1, plus potential withholding of results or requesting re-sit using different question set  <b>All:</b> Potential notification to Ofqual and any relevant awarding organisations and/or other third parties	The Centre/ Assessor/ Moderator/ Learner has not learned from previous warnings or is failing to understand or adhere to NALP policies and procedures	NALP is satisfied that the Centre/ assessor/ moderator/ Learner has resolved all issues and is aware of the correct procedure to follow
1. Failure to report a suspicion of malpractice or maladministration in a timely manner  2. Centre fails to answer requests for information within timescales provided  3. Work submitted for marking cannot be confirmed as the authentic work of Learners  4. Qualification submissions show serious anomalies  5. Previously agreed corrective measures relating to Level 2 non-compliance are not implemented.	<b>Level 3 –</b> <b>Centre:</b> potential suspension of approval for specific qualification or withholding of all certificates pending further investigations  <b>Assessor/Moderator:</b> suspension from duties and further investigations into other assessment decisions  <b>Learner:</b> Asked to re-take the assessment using	a) There is a threat to Learners  b) The integrity of the work submitted by the Learner cannot be confirmed as not being plagiarised  c) The Centre fails to pay	NALP is satisfied that the Centre is adhering to all policies and procedures; that the anomalies with the assessment decisions were human error only with the assessor / moderator has undergone re-

Non-compliance issue	Sanction	Rationale	Sanction lifted when:
6. Security of assessment papers has been compromised or breached but restricted to Centre level 7. The Centre fails to pay invoices outstanding for 60 days or more 8. Assessments found to have serious inconsistencies or incorrect markings that have or may affect the outcome for the Learner 9. Assessor or Moderator found to have not declared a Conflict of Interest which could have an adverse effect on the validity of the results issued for a learner with whom they are found to have a family or other close relationship with, or where they otherwise have a financial or other vested interest in the outcome of the assessment	alternative questions <b>All:</b> Notification to Ofqual and any relevant awarding organisations and/or other third parties	invoices as they fall due d) Assessment decisions cannot be relied upon due to the Assessor/ Moderator's actions	training; that the new assessment completed by the Learner can be authenticated as original work
1. Work submitted by a Learner for assessment cannot be authenticated for a second time (whether same or different unit/qualification) 2. Previously agreed corrective measures relating to Level 3 non-compliance have not been implemented 3. Assessment decision continue to be incorrect or inconsistent despite re-training and monitoring 4. Security of assessment papers has been compromised or breached on an area, regional, national or international level	<b>Level 4 –</b> <b>Centre:</b> Temporary withdrawal of approval for all or some NALP qualifications <b>Assessor/Moderator:</b> Immediate removal from the assessment team <b>Learner:</b> Withdrawal from the qualification affected and potential review of all other qualifications they may have taken <b>All:</b> Notification to Ofqual and any relevant awarding organisations and/or other third parties	Significant loss of integrity of the assessment and / qualification, plus adverse effect to Learners	As for Level 3, plus possible notification of issues to other Awarding Organisations and/or Ofqual (or other third parties)
1. Significant faults in the management and quality assurance of some or all NALP qualifications 2. Previously agreed corrective measures relating to Level 4 non-	<b>Level 5 –</b> <b>Centre:</b> Immediate and irrevocable withdrawal of approval for all NALP qualifications	The implications of the malpractice are too severe to warrant anything other	Not Applicable. If a Level 5 Sanction has been imposed, this is

Non-compliance issue	Sanction	Rationale	Sanction lifted when:
<p>compliance are not implemented</p> <p>3. Security of assessment papers has been breached on a national or international level and evidence shows that the Centre was complicit in this breach</p> <p>4. The Centre, Assessor, Moderator or Learner refuse to cooperate in any investigation into an actual or potential malpractice or maladministration, regardless of the seriousness of the alleged non-compliance</p> <p>5. Investigations into a Level 3 Conflict of Interest in respect of an assessor or moderator uncovers that the conflict was deliberately withheld and the assessment decision was biased</p>	<p><b>Assessor/Moderator:</b> Immediate dismissal from the assessment team</p> <p><b>Learner:</b> Withdrawal from the qualification affected and a full review of all other qualifications they may have taken</p> <p><b>All:</b> Notification to Ofqual and any relevant awarding organisations and/or other third parties</p>	<p>than those sanctions stated due to the seriousness of the adverse effect the actions of the Centre, assessor, moderator or Learner has caused</p>	<p>irrevocable.</p>

## 6. Appeals Process

If an Approved Centre, a Learner or an Assessor/marker wishes to lodge an appeal with NALP against the sanction imposed they should do so in line with our Appeals Policy, a copy of which can be downloaded from our website, [here](#).

## 7. Monitoring, Evaluating and Reporting

Records will be kept by NALP of all cases where sanctions are applied. This information will be used as part of the self-evaluation process undertaken for reporting to the relevant Regulator(s).

Issues leading to sanctions will also be reported to the Governing Board which meets on a quarterly basis.

NALP will monitor any issues uncovered for trends and ensure that our policies and processes are reviewed to see if any lessons learned could be applied to help prevent recurrence in future.

## 8. Policy Review

This Policy will be reviewed regularly, but at least every 24 months, in line with NALP's document review processes. This policy will be reviewed at the same time as the Malpractice & Maladministration Policy due to the close association between the two.