Endorsed Training Providers: Sanctions for Non-Compliance

Introduction

This policy sets out the sanctions that SkillsActive may be required to apply to Endorsed Providers during the term of their endorsement.

The following sanctions are in place to protect the interests of SkillsActive, the public and learners, and to ensure that Endorsed Providers respond urgently and appropriately to rectify any shortcoming in their programme management, quality assurance, programme delivery, assessment and resources, or where they contravene other areas of either the Terms and Conditions of Endorsement or the Code of Practice for Training Providers.

Approach to sanctions

It is SkillsActive’s responsibility to learners to ensure that Endorsed Providers are performing to the standards and conditions required as part of their SkillsActive endorsement agreement.

The SkillsActive External Quality Assurers (EQA) and Professional Development team will monitor and support Endorsed Providers towards compliance where training programmes have been designated as high risk.

A sanction will only be applied when all reasonable actions have been attempted.

High Risk

An Endorsed Provider that is not conforming to SkillsActive standards and is rated as high risk by a SkillsActive EQA may be subject to one or more sanctions. The sanction/s that may be applied will depend upon the seriousness of the issue.

Examples of reasons for sanctions include but are not limited to:

- Programme delivery consistently falls below the required standard
- Assessment and/or internal verification is below standard
- Action points from quality assurance visits are being repeatedly ignored
- Insufficient qualified/competent tutors/assessors/internal quality assurers to maintain standards
- Inadequate internal quality assurance provision
- Failure to adhere to the SkillsActive Code of Practice for Training Providers

Sanctions for High Risk

There are two levels of sanctions for High Risk that may be applied by SkillsActive:
<table>
<thead>
<tr>
<th>Level of sanction</th>
<th>Conditions of sanction</th>
<th>Action required by the Endorsed Provider</th>
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| **Level 1:** High Risk Status | The sanction of **High Risk Status** may be applied to an Endorsed Provider that is deemed as not conforming to standard and rated as **high risk**. The sanction may apply to:  
- A single endorsed programme  
- A number of endorsed programmes  
- All programmes endorsed by the provider.  
- The provider’s systems, processes and polices | The Endorsed Provider is required to provide evidence that ALL actions have been met within the given time frame for the sanction to be removed with no further effect.  
The Endorsed Provider is required to pay a penalty fee to SkillsActive of £300+VAT. |
| **Level 2:** Termination of Approval | The sanction of **Termination of Approval** may be applied to an Endorsed Provider that DOES NOT meet ALL of the actions within the agreed time frame. The sanction may apply to:  
- A single endorsed programme  
- A number of endorsed programmes  
- All programmes endorsed by the Endorsed Provider.  
- The provider’s systems, processes and polices | The Endorsed Provider will receive a letter detailing the specific reasons for Termination of Approval.  
The provider is required to remove all related logos from their online/offline marketing materials with immediate effect and their listing will be removed from the Quality Training Portal, SkillsActive register/s, and online/offline marketing.  
The provider must refrain from informing the public and learners that they currently hold endorsed status (recognition on SkillsActive register/s will be honoured for all learners on previous and current programmes only).  
The training provider will be listed on the NOT RECOGNISED web page on the relevant SkillsActive registers website.  
By instigating a Termination of Approval against an Endorsed Provider, all contracts, obligations and services provided by SkillsActive through endorsement to the provider are withdrawn and nullified. |

**NB** Training providers whose approval is removed through Level 2 Termination of Approval are entitled to reapply for endorsement by submitting a new, full application along with the associated fee. SkillsActive reserves the right to implement any additional quality assurance measures they feel necessary to training providers applying for endorsement under these circumstances, which may incur further costs.
Payment default

If an Endorsed Provider defaults on any payments due to SkillsActive within their endorsement period they may be subject to one or more sanctions, ie Endorsed Providers who elect to pay for their endorsement in instalments are bound by the Terms & Conditions to pay those payments on or before the due dates agreed and may be sanctioned if they miss a payment.

Sanctions for payment default

The following sanctions may be applied by SkillsActive if the Endorsed Provider defaults on any payment due to SkillsActive within their endorsement period.

<table>
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<tr>
<td>Level 1: Default Payment</td>
<td>The sanction of Default Payment may be applied to an Endorsed Provider who has defaulted on any payment due to SkillsActive.</td>
<td>The Endorsed Provider is required to settle payment within two weeks of notification. A penalty of £21.42 +VAT per day will be applied until payment is received, to a maximum of £300+VAT.</td>
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<tr>
<td>Level 2: Termination of Approval</td>
<td>The sanction of Termination of Approval may be applied to an Endorsed Provider that does not settle the outstanding payment within the agreed time frame.</td>
<td>The Endorsed Provider will receive a letter detailing the specific reasons for Termination of Approval. The provider is required to remove all related logos from their online/offline marketing materials with immediate effect and their listing will be removed from the Quality Training Portal, SkillsActive registers, and online/offline marketing. The provider must refrain from informing the public and learners that they currently hold endorsed status (recognition on SkillsActive register/s will be honoured for all learners on previous and current programmes only). The training provider will be listed on the NOT RECOGNISED web page on the relevant SkillsActive registers website. By instigating a Termination of Approval against an Endorsed Provider, all contracts, obligations and services provided by SkillsActive through endorsement to the provider are withdrawn and nullified. <strong>Full payment of the entire sum owed for endorsement will be required. If the sum is not forthcoming, legal proceedings will be put in place.</strong></td>
</tr>
</tbody>
</table>

**NB** Training providers whose approval is removed through Level 2 Termination of Approval are entitled to reapply for endorsement by submitting a new, full application along with the associated fee. SkillsActive reserves the right to implement any additional quality assurance measures they feel necessary to training providers applying for endorsement under these...
circumstances, which may incur further costs, or to refuse an application to pay by instalments.

**Legal Proceedings**

Should a situation arise where legal proceedings are instigated against any of our Endorsed Providers for any reason, SkillsActive reserves the right to immediately put into effect Level 2 Termination of Approval.

**Complaints and Appeals**

If an Endorsed Provider wishes to appeal against the decision to apply a sanction, then they are required to make this known by following our [Complaints and Appeals](#) process.