



# Withdrawal of Approval Policy

March 2021

Version 7



## Contents

1.	1. Introduction .....	3
1.1.	Purpose of the policy .....	3
1.2.	Scope of the policy .....	3
1.3.	Regulatory authorities .....	3
1.4.	Responsibilities .....	3
1.4.1.	VTCT .....	3
1.4.2.	Centres .....	4
1.5.	Review arrangements .....	4
1.6.	Situations brought to our attention by the regulators .....	4
1.7.	Withdrawal of approval by VTCT .....	4
1.8.	Timescales for withdrawal of approval .....	4
1.9.	Arrangements for learners .....	5
2.	Process .....	5
3.	Appeals .....	6
4.	Appendix 1: VTCT Centre Agreement Extracts .....	8



## **1. 1. Introduction**

### **1.1. Purpose of the policy**

This policy outlines VTCT's and centre responsibilities and specifies the process to be followed in the event of withdrawal of a centre, whether voluntary or not, from its role in delivering an ITEC or VTCT qualification or from approval as a centre, recognised to deliver ITEC or VTCT qualifications.

This policy should be read in conjunction with sections 13. Withdrawal, 24. Termination and 25. Consequences of suspension or termination of the Centre Agreement (provided in appendix 1), and the following related policies and procedures:

- Malpractice and Maladministration Policy and Procedures (including COVID – 19 Addendum);
- Sanctions Policy;
- Plagiarism, Collusion and Cheating Policy;
- Adverse Effects Policy;
- Complaints Policy and Procedures (including COVID – 19 Addendum);
- External Whistleblowing Policy and Procedures;
- Conflict of Interest Policy and Procedures.

### **1.2. Scope of the policy**

The policy applies to all VTCT and ITEC qualifications. VTCT and ITEC customers, being learners who are taking VTCT and ITEC assessments, and personnel with responsibilities for managing, delivering, assessing and quality assuring qualifications in centres approved to deliver VTCT or ITEC qualifications, should be made aware of this policy. It is also provided for awarding organisation personnel to help ensure that sanctions are applied in a consistent manner.

### **1.3. Regulatory authorities**

This policy addresses the requirements of the relevant regulatory authorities' criteria.

### **1.4. Responsibilities**

#### **1.4.1. VTCT**

VTCT is responsible for monitoring compliance with the Centre Agreement and taking appropriate action when non-compliance is suspected or known to exist.

VTCT is also required to consider risks posed by adverse effects, maladministration and malpractice. Withdrawal of approval may occur as a consequence of these considerations.

Should VTCT fail to meet regulatory obligations, including those relating to notification of adverse effects and in relation to maladministration and malpractice, VTCT are required to notify the relevant regulators.

VTCT takes all possible measures to act in the learners' best interests in the event of withdrawal of approval and will work closely with the centre to achieve this.



### **1.4.2. Centres**

The centre must comply fully with this policy. It must ensure that all staff involved in the management, assessment and quality assurance of VTCT and ITEC qualifications, and learners taking ITEC or VTCT qualifications are fully aware of the contents of the Sanctions Policy and the Withdrawal of Approval Policy and the possible consequences if the centre, an individual member of staff, contractor or registered learner fails to comply with the requirements specified by VTCT in relation to the delivery of ITEC and VTCT qualifications.

The Centre Agreement sets out the specific duty not to put the awarding organisation in breach of its ability to fulfil its regulatory obligations. It must therefore comply fully with all actions VTCT requires it to take as a consequence of the withdrawal of approval.

The centre must take all possible measures to act in the learners' best interests in the event of withdrawal of approval and cooperate fully with VTCT in doing this.

## **1.5. Review arrangements**

This policy is reviewed annually as part of VTCT's self-evaluation activity, which considers customer and regulatory feedback and good practice guidance, changes in VTCT's practices, actions from the regulators, changes in legislation, or trends identified from previous cases.

In addition, this policy may be updated following consideration of operational feedback to ensure VTCT's arrangements for the withdrawal of approval remain effective.

## **1.6. Situations brought to our attention by the regulators**

Where the regulators notify VTCT of failures that have been discovered in the assessment process of another awarding organisation, VTCT will review if a similar failure could affect VTCT's assessment processes and arrangements.

## **1.7. Withdrawal of approval by VTCT**

VTCT will withdraw approval for centres to offer VTCT or ITEC qualifications, only in exceptional circumstances, such as:

- serious non-compliance with the Centre Agreement and the awarding organisation's policies and procedures;
- the persistent failure of the centre to address outstanding actions;
- the failure to resolve the issue through the application of sanctions.

## **1.8. Timescales for withdrawal of approval**

If a centre chooses to withdraw a qualification or terminate its Centre Agreement, it is required to provide not less than one (1) month's written notice. Under certain circumstances withdrawal of qualification or centre approval may be immediate.

If a centre is not able to provide the required notice because it has ceased to operate, VTCT should be notified at the earliest opportunity.

VTCT will respond to a notification of withdrawal within ten (10) working days.



If VTCT withdraws qualification approval or centre approval from a centre it notifies the centre in writing within ten (10) working days of the decision being taken. Under certain circumstances specified in the Centre Agreement, withdrawal of qualification or centre approval may be immediate.

## 1.9. Arrangements for learners

The following is a list of the possible actions which VTCT or the centre may take to make appropriate arrangements for affected learners:

- VTCT may allow learners to complete their programme at the centre, subject to conditions specified by VTCT and agreed by the centre.
- Learners will be provided with details of other centres approved to offer ITEC or VTCT qualifications, which offer the same or equivalent qualifications to those being withdrawn from the centre, where these exist.
- Learners will be provided with details of any other awarding organisations which offer the same or equivalent qualifications to those being withdrawn.
- If no such alternative arrangements can be made, or the learners do not wish to carry on with the qualification(s), VTCT will ensure the learners are certificated for any units they have completed successfully to date in accordance with the requirements of the associated qualification specification(s), arranging external quality assurance visits or external examination visits, as required to facilitate this.

## 2. Process

- The centre may withdraw a qualification approval or their centre approval by providing not less than one (1) month's written notice to VTCT, by providing the following information in writing to [qualityassurance@vtct.org.uk](mailto:qualityassurance@vtct.org.uk):
  - name of qualification;
  - reason for withdrawal;
  - list(s) of names and registration numbers of all learners who may be affected, verified by a responsible member of staff (eg course leader/examinations officer).
- If the centre is not able to provide the required notice because it has ceased to operate, VTCT must be notified at the earliest opportunity.
- VTCT will respond to the notification within ten (10) working days, providing the following information:
  - confirmation of the affected qualification(s);
  - the proposed terms of the withdrawal, including the timescale;
  - the proposed actions to be taken to support the needs of learners who are affected by the action;
  - contact details of the awarding organisation personnel who will work with the centre to manage the withdrawal process.
- If a viable request to withdraw centre approval is received directly from the centre, and the centre have confirmed that there are no affected learners, VTCT can withdraw approval with immediate effect.



- If VTCT makes the decision to withdraw qualification approval or centre approval it will notify the head of centre and other relevant centre staff within five (5) working days of the decision being taken in writing, providing:
  - the reason for the decision;
  - the proposed terms of the withdrawal, including the timescale;
  - the proposed actions to be taken to support the needs of learners who are affected by the action;
  - contact details of the awarding organisation personnel who will work with the centre to manage the withdrawal process.
- In certain circumstances VTCT will notify the relevant regulator(s) and if appropriate, other awarding organisations of the withdrawal.
- The centre will:
  - identify the relevant member of staff who will work with VTCT to manage the withdrawal to its conclusion and supplies their name, role and contact details to VTCT;
  - prepare a withdrawal plan in liaison with VTCT;
  - provide clear and accurate information about the withdrawal to all users of the qualification(s);
  - immediately cease to register learners on the qualifications or enrol them on to the related programmes at the centre;
  - ensure that all learner details for the learners affected are provided to VTCT;
  - work with VTCT to assist with or secure transfer of learners;
  - work to support the learners in securing transfers or receiving unit certification.
- The centre will be required to remove all reference to VTCT and ITEC qualifications, including any logos and references in any literature or on their website by the end date of the withdrawal process. Failure to do so will result in VTCT reporting the centre to the local trading standards office or equivalent international authorities.
- VTCT will update its records and website appropriately by the withdrawal end date.

### 3. Appeals

If a centre considers that a decision to remove approval is not justified, the centre may appeal against the decision in writing, in a timely manner to [qualityassurance@vtct.org.uk](mailto:qualityassurance@vtct.org.uk). This section sets out the process to be followed to appeal against such a decision or action. For clarity, this appeal process is separate from appeal against an assessment decision.

- The appellant should submit a report to the Chief Academic Officer setting out the reasons for the appeal, together with any supporting evidence, as soon as possible and no later than 15 working days after the date of receipt of the decision. Please note that appeal applications without supporting evidence will not be accepted.
- VTCT will:
  - consider if it will accept the appeal and notifies the appellant of this decision, normally within 10 working days of receipt of the appeal;
  - if it accepts the appeal, arrange for a panel comprising a minimum one senior manager and an independent person to review the case and come to a decision, normally within 20 working days of receipt of the appeal.
- If it is not possible to complete the review within 20 working days, VTCT will notify the appellant of the expected timescale.
- Possible outcomes are as follows:



- the appeal is not upheld;
  - the decision has been judged to be unreasonable, and has been removed or changed;
  - procedures were judged to have not been applied consistently, properly or fairly. The subsequent decision is reviewed and revised accordingly.
- The panel's decision is final and completes the internal appeals procedures. No further appeal will be accepted.
- If an appellant wishes to take the matter further they may consider contacting the relevant regulator(s). The regulators would require evidence that the appellant had exhausted VTCT's own appeals procedure as set out above prior to taking this step.

## 4. Appendix 1: VTCT Centre Agreement Extracts

### Section 13. Withdrawal

13.1 The Centre shall, in the event it decides to (for any reason), or if VTCT decides to, withdraw the Approval (including as a result of suspension, expiry or termination of Approval) (in full or in part):

- 13.1.1 comply with VTCT Policies and Procedures for the withdrawal of Approval;
- 13.1.2 promptly prepare, maintain and comply with a written withdrawal plan;
- 13.1.3 cooperate fully with VTCT;
- 13.1.4 provide clear and accurate information about the withdrawal to the Users;
- 13.1.5 immediately cease to enrol learners for Qualifications;
- 13.1.6 provide to VTCT relevant details of all Learners enrolled for Qualifications; and
- 13.1.7 take all reasonable steps to protect the interests of Learners, including, but not limited to, by assisting with or securing a transfer to a different Approved Centre.

### Section 24. Termination

24.1 Either Party may terminate the Centre Agreement (and therefore the Approval) for any reason by providing not less than one (1) month written notice to the other Party.

24.2 Without prejudice to any of its rights or remedies, VTCT may terminate the Centre Agreement immediately on written notice if the Centre:

- 24.2.1 is subject to a sanction under the Sanctions Policy resulting in the withdrawal of Approval;
- 24.2.2 fails to renew the Approval prior to its expiry date;
- 24.2.3 is in material or persistent breach of any term of the Centre Agreement, and if the breach is capable of remedy has failed to remedy it within fourteen (14) days of receiving notice requiring it to do so, or within a reasonable shorter period specified in the notice;
- 24.2.4 VTCT reasonably believes that the Centre's conduct is prejudicial to VTCT's interests (including, but not limited to, in the case of the Centre's breach of any security requirements, malpractice or maladministration in the delivery and assessment of Qualifications), or is not consistent with its brand values, guidelines and/or reputation, or may bring members or organisations within academia, education or the arts into disrepute;
- 24.2.5 has not registered any Learners with VTCT for more than twelve (12) months;
- 24.2.6 the Centre undergoes a Change of Control and such change may, in the reasonable opinion of VTCT, affect the Centre's ability to comply with its obligations under the Centre Agreement, is inconsistent with VTCT's values and/or reputation, and/or creates, or is likely to create, a conflict of interest;
- 24.2.7 ceases or threatens to cease to trade; or becomes bankrupt; or goes into liquidation; or has a receiver or manager appointed over its business or any of the property or assets of the business;
- 24.2.8 is unable to offer Qualifications as a result of a change in local laws and/or regulations, or as a result of loss of a licence or permit necessary to deliver the Qualifications;





- 24.2.9 is subject to a sanction placed on it by another Awarding Organisation, resulting in the withdrawal of its recognition with that Awarding Organisation.

24.3 Without prejudice to any of its rights or remedies, VTCT may terminate the Centre Agreement immediately on written notice if VTCT loses its status as an Awarding Organisation in respect of all Qualifications.

24.4 VTCT reserves the right to suspend or restrict the Approval with immediate effect during the fourteen (14) days given to the Centre to remedy a breach under clause 24.2.3 and/or while it is investigating the Centre's conduct under any of the provisions of the Centre Agreement.

## **Section 25. Consequences of suspension or termination**

25.1 The Centre shall take all reasonable steps to act in the Learners' legitimate best interests in the event of suspension or expiry of Approval and/or during any investigation conducted by VTCT, or in the event of termination of the Centre Agreement pursuant to clause 24, including, but not limited to, such co-operation as may be required to affect the transfer of Learners to another Approved Centre.

25.2 Upon termination of the Centre Agreement (howsoever caused) or suspension, withdrawal or expiry of the Approval:

- 25.2.1 all outstanding sums payable under the Centre Agreement shall immediately become due and payable;
- 25.2.2 the Centre shall immediately cease to advertise any of the Qualifications; and
- 25.2.3 the Centre shall immediately cease to use the VTCT Approved Centre Logo in connection with promotion of any Qualifications or other business activities.

25.3 Immediately upon termination of the Centre Agreement (or suspension, withdrawal or expiry of the Approval), the Centre will, at VTCT's reasonable request, fulfil those specified obligations to VTCT and/or the Learners which remain unfinished as at the date of termination, expiry or suspension, and upon completion of such obligations:

- 25.3.1 cease to use any of VTCT's property, the VTCT Intellectual Property and all of the materials produced by or on behalf of the Centre using such VTCT Intellectual Property (and destroy or return any of these at VTCT's request) and do such things and execute and deliver all further documents as may be necessary to vest all rights, title and interest to VTCT under the Centre Agreement;
- 25.3.2 cease to deliver the Qualifications; and
- 25.3.3 cease to use any VTCT IT/Digital systems (if applicable).

25.4 On termination of the Centre Agreement for any reason, the Approval will cease, however, each Party's accrued rights and liabilities as at the date of termination, clause 10 (Security), clause 13 (Withdrawal), clause 18 (Intellectual Property), clause 21 (Retention of records), clause 19 (Database of Learners), clause 20 (Confidentiality), clause 21 (Retention of Records), clause 22 (Fees and payments), clause 23 (Limitation of liability and indemnity), clause 25 (Consequences of suspension or termination), and clause 27.13 (Governing Law and Jurisdiction) will survive and continue in full force and effect.



## Document amendment history page

Version	Document Owner	Issue Date	Changes	Role
v3	Quality and Processing Manager	Feb 2018	Produced	Quality and Processing Supervisor
v4	Quality and Processing Manager	20/02/2018	Formatted to correct guidelines	Qualifications Manager
v5	Head of Quality	07/03/2019	Reformatted to new template	Compliance Manager
v6	Quality Lead	16/03/2021	Review and minor amendments for consistency across policies	Quality Assurance Administrator
v7	Quality Lead	19/03/2021	Update to appeal process	Product and Regulation Manager

## Document Review

Role	Review Status
Quality and Processing Manager	Reviewed
Quality Lead	Reviewed

## Document Owner

Document Owner	Document shared with
Head of Quality	National Business Development Manager
Quality Lead	

## Document Sign-off

Role	Sign-off Date
Executive Director of Awarding	20/02/2018
Quality Lead	16/03/2021