

Withdrawal of Approval Policy

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1. Introduction

1.1. Purpose of the policy

This policy outlines VTCT Skills' 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 a VTCT Skills qualification or from approval as a centre, recognised to deliver VTCT Skills 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;
- Sanctions Policy;
- Plagiarism, Collusion and Cheating Policy;
- Adverse Effects Policy;
- Complaints Policy and Procedures;
- External Whistleblowing Policy and Procedures;
- Conflict of Interest Policy and Procedures.

1.2. Scope of the policy

The policy applies to all VTCT Skills qualifications. VTCT Skills customers, being learners who are taking VTCT Skills assessments, and personnel with responsibilities for managing, delivering, assessing and quality assuring qualifications in centres approved to deliver VTCT Skills 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 Skills

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

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

VTCT Skills 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 Skills qualifications, and learners taking VTCT Skills 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 Skills in relation to the delivery of VTCT Skills 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 Skills 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 Skills in doing this.

1.5. Review arrangements

This policy is reviewed annually as part of VTCT Skills' self-evaluation activity, which considers customer and regulatory feedback and good practice guidance, changes in VTCT Skills' 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 Skills' arrangements for the withdrawal of approval remain effective.

1.6. Situations brought to our attention by the regulators

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

1.7. Withdrawal of approval by VTCT Skills

VTCT Skills will withdraw approval for centres to offer VTCT Skills 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 Skills should be notified at the earliest opportunity.

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

If VTCT Skills 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 Skills or the centre may take to make appropriate arrangements for affected learners:

- VTCT Skills may allow learners to complete their programme at the centre, subject to conditions specified by VTCT Skills and agreed by the centre.
- Learners will be provided with details of other centres approved to offer VTCT Skills 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 Skills 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 Skills, by providing the following information in writing to qualityassurance@vtct.org.uk:
 - name of qualification;
 - reason for withdrawal;
 - list(s) of names, registration numbers, contact details and status 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 Skills must be notified at the earliest opportunity.
- VTCT Skills 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 Skills can withdraw approval with immediate effect.
- If VTCT Skills 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 Skills 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 Skills to manage the withdrawal to its conclusion and supplies their name, role and contact details to VTCT Skills;
 - prepare a withdrawal plan in liaison with VTCT Skills;
 - 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 Skills;
 - work with VTCT Skills 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 Skills 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 Skills reporting the centre to the local trading standards office or equivalent international authorities.
- VTCT Skills 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. 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 Skills 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 Skills 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 Skills' own appeals procedure as set out above prior to taking this step.

4. Appendix 1: VTCT Skills 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.

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