



SANCTIONS POLICY

1. INTRODUCTION

This policy sets out the sanctions the IFA may apply to Centres where they are suspected of having, or have been proved to have committed malpractice or maladministration or as the result of a complaint.

2. THE SANCTIONS AND COMPLAINTS COMMITTEE

The Sanctions and Complaints Committee split responsibility for the various stages of the allegation amongst its members.

- a) There are separate elements of the process; the finding of malpractice or maladministration having occurred is undertaken by the Investigation Panel and remedial action and/or sanctions imposed by the Adjudication Panel.
- b) The Investigation Panel will provide a report of their findings to the Adjudication Panel who will determine which sanction is to be applied if malpractice or maladministration is proven.
- c) Each individual panel member will not have been appointed to more than one panel or been involved in more than one stage of proceedings.
- d) At its own discretion, the Sanctions and Complaints Committee may co-opt individuals from other IFA committees or choose to recruit additional independent persons if necessary and appropriate. This will be judged on a case-by-case basis. All panellists will have the appropriate competence.
- e) No member of any panel shall be involved in investigating an allegation/applying a sanction or have any involvement in proceedings if that individual has or had any involvement in the incident or has an interest in the outcome. Committee members must declare any conflicts of interests before such appointment.

3. ADJUDICATION PANEL

- a) The Sanctions and Complaints Committee shall appoint an Adjudication Panel from amongst its members, who will decide which Sanction to apply where malpractice or maladministration has been proven comprising of three (3) members.
- b) The Adjudication Panel shall comprise of individuals who have the necessary competence and will be selected dependent on the nature of the case.
- c) The quorum of the Investigation Panel is three (3) and must contain at least two (2) lay members (non-IFA Registrant).
- d) The Sanctions and Complaints Committee shall appoint a Chair of the Adjudication Panel.
- e) Decisions will be made by a simple majority.

4. SANCTIONS

The IFA recognises that from time-to-time things can go wrong and the IFA will support its Centres to proactively improve their performance. If a sanction is appropriate due to poor performance, the Centre will be provided with an action plan in order to comply within a specified time period that will allow the Centre reasonable opportunity to follow the action plan through. The IFA will only apply a sanction when a Centre fails to implement such action plans, attempts to circumnavigate requirements or the breach is so severe it could result in undermining public confidence in IFA Qualifications.

Depending on the severity and nature of a breach, the IFA may impose the following sanctions at either qualification, staff member or Centre level, including any additional sites:

2.1 Warning

If a breach is identified as an isolated incident and does not impede a learner's performance or impact on the credibility of IFA qualifications in any way, the Centre will be issued with a warning to desist immediately from a course of action. If the Centre continues in the course of action after receiving a warning this will amount to a breach of direct instruction and the Centre's approval status will be immediately withdrawn.

2.2 Temporary Suspension

Dependent on the severity of a breach or suspected malpractice and/or maladministration the IFA may suspend a Centre until the Centre addresses/remedies the breach or to allow the necessary time to gather information in the intervening time until investigations can be completed. The IFA may rely on the Centre's breach to relieve the IFA from the performance of any of its obligations (to the extent the Centre's breach prevents or delays the IFA's performance of any of its obligations during this period).

A Centre may be suspended for between one (1) to six (6) months before the IFA makes a decision as to whether it will reinstate or permanently withdraw approval from the Centre.

Whilst a Centre is suspended it may not hold any examinations or enrol additional learners on an IFA course. A Centre will be suspended until it has demonstrated that it has actioned any necessary improvements requested by the IFA, and will re-evaluate internal procedures to prevent the problem from re-occurring.

The IFA will provide the Centre with a reasonable timeframe to action the necessary changes. Once the improvements have been made, the Centre's status will be reviewed. Suspension occurs when conduct constitutes a breach of obligation e.g. failure to fulfil requirements. The misconduct in itself may initially be relatively minor, but may assume graver importance because of the Centre's persistent misdemeanour and/or failure to appropriately address the issue.

2.3 Withdrawal of approval (of a Centre or specific IFA qualification)

The IFA will work with Centres to rectify problems and will support its Centres to proactively improve their performance, however there may be times when a problem cannot be rectified for example if:

- i. a Centre fails to implement actions or resolve issues satisfactorily;
- ii. the gravity of the breach is too great and calls into question the integrity of the IFA
- iii. there is an irreconcilable breakdown in communication

in which case the IFA must and will withdraw approval.

In extreme and severe cases where there is clear evidence of non-compliance and/or a material breach (see malpractice or maladministration policy for examples) or circumnavigation of requirements, approval of a Centre will be withdrawn. Approval withdrawal is permanent, and the Centre must stop delivery of the IFA qualifications and remove all reference to the IFA in any literature or on their website, and logos from the public domain. Failure to do so will result in the Centre being reported to the local trading standards office.

2.4 Withdrawal of approval by default

Centres will have their approval withdrawn by 'default' if they are unable to meet the minimum criteria to deliver IFA qualification(s) within the specified timescales. Please note that although this means the Centre's approval will not be renewed it is not considered a sanction as such and the Centre may reapply after a respective period once it is in a position to meet the criteria once again.

Examples include:

- i. Centres who do not hold IFA examinations within two years of opening.
- ii. Centres who do not register the minimum number of students per year.
- iii. Centres who suspend, or threaten to suspend, payment of the required fees or are unable to pay their fees as they fall due or admit inability to pay their fees.
- iv. If the Centre is unable to reallocate another IFA Principal Teacher (if removed) within the specified time scale.
- v. The Centre owner or teacher dies or, by reason of illness or incapacity (whether mental or physical), is incapable of managing his/her own affairs or becomes a patient under any mental health legislation.

5. NOTIFICATION OF SANCTION

Centres will be informed of an applied sanction by the IFA's Operations Manager or by the Treasurer if it is a financial issue. Reasons will be provided as set out in the Maladministration and Malpractice Policy. If a sanction is applied due to a whistleblowing allegation the whistle-blower will also be informed of the sanction applied as set out in the Maladministration and Malpractice Policy.

6. APPEALS

If a Centre feels that a sanction has been imposed unnecessarily, or does not take all factors into account, it may appeal the decision as set out in the Appeals Policy, available on the IFA website.

7. PROCESS FOR HANDLING WITHDRAWAL OF APPROVAL

When approval is withdrawn from a Centre, the IFA will take all reasonable steps to protect the interests of learners by either one or more of the following:

- i. Allow learners to complete their course at the Centre, subject to conditions specified by the IFA and agreed by the Centre;
- ii. Provide details of other IFA approved Centres who offer the same qualification - see Transfer Policy;
- iii. Request that the Centre reallocate another teacher interim or otherwise (if practically possible) so far as a single teacher is identified as the problem and the sanction is applied to the tutor only, to allow learners to complete their qualification.

The IFA will discuss with the Centre the most appropriate action to be taken.

The IFA's decision is final.

Please note: While the IFA have a responsibility to protect the interest of learners, the learner's contract exists with the Centre, not the IFA. Therefore, responsibility and liability for any fees or loss incurred by a learner as the result of the IFA's withdrawal of approval lies with the Centre. The IFA is not liable for these fees or any other such arrangements to which the IFA is party.

Whilst every reasonable precaution is taken by the IFA to ensure security and safety of information, the IFA shall not in any way be liable for any loss or damage suffered by the Centre whatsoever in relation to informing relevant the parties about a Centre's suspension or withdrawal of approval.