



***Awarding Organisation: ISM Education Limited***

***Listed Responsible Officer: Roger Bradburn***

## **Special Conditions**

The Office of Qualifications and Examinations Regulation (Ofqual), in accordance with its powers under section 132(3)(d) of the Apprenticeships, Skills, Children and Learning Act 2009 (ASCLA) has imposed the following Special Conditions on ISM Education Limited (ISM).

### **Condition ISM3 - Results, certificates and Learners**

For the purposes of preventing and mitigating any Adverse Effect:

ISM3.1 ISM must not:

- (a) issue any result
- (b) issue any certificate, or
- (c) register any new Learner

in respect of a regulated qualification until such a time as Ofqual has given written notice to ISM that it is authorised to do so.

ISM3.2 ISM may at any time apply to Ofqual for written authorisation under ISM3.1 (a) and (b) to issue a result and/or a certificate in respect of a

specified Learner or cohort of Learners. Any such application must be made in writing and must be accompanied by evidence demonstrating that ISM is appropriately assured in respect of:

- (a) the accuracy of the result(s)
- (b) that the Learner(s) has/have a valid entitlement to the certificate(s), or
- (c) that the purported entitlement to result(s) and/or certificate(s) accrued before the date of the Special Condition

- ISM3.3 ISM must immediately notify every Centre concerned with or connected to the delivery of its qualifications, that the specified restrictions have been imposed, and before 10am on 3 September 2021 provide evidence to Ofqual that it has done so.
- ISM3.4 ISM must take all reasonable steps, during the period of the restriction under ISM3.1, to assist any Learner, Centre or awarding organisation which requests its assistance to transfer any Learner(s) from ISM qualifications to another qualification regulated by Ofqual.
- ISM3.5 ISM must, before 10am on 10 September 2021, cause to be delivered to Ofqual by secure means, searchable information in respect of every registered Learner. That information must include Learners registered with any ISM Centre for an Ofqual regulated ISM qualification. That information must be sufficient to allow Ofqual

to identify:

- (a) the Centre for each Learner
- (b) the status of each registered Learner
- (c) when each Learner began the qualification
- (d) when each Learner is due to be assessed
- (e) the extent to which each Learner has completed the qualification, and
- (f) the intention of each Learner once they've been informed of this Special Condition

ISM3.6 ISM must, before 10am on 10 September 2021, identify in respect of each registered Learner an alternative qualification made available by an awarding organisation regulated by Ofqual, and provide evidence to Ofqual that it has done so by that date.

ISM3.7 ISM must, before 10am on 17 September 2021, submit a plan to Ofqual for the transfer of each registered Learner to an alternative qualification made available by an awarding organisation regulated by Ofqual, unless before that date Ofqual confirms in writing that this requirement will not apply.

## **Condition ISM4 – Interpretation and definitions**

- ISM4.1            The rules of interpretation and definitions outlined in General Condition J1 shall apply to these Special Conditions.
- ISM4.2            The requirements imposed by these Special Conditions apply in addition to the requirements imposed by the General Conditions of Recognition and any relevant Qualification Level Conditions and Subject Level Conditions.
- ISM4.3            To the extent that there is any inconsistency between –
- (a) a requirement of one of these Special Conditions, and
  - (b) a requirement of a General Condition of Recognition, a Qualification Level Condition or a Subject Level Condition,
- such that ISM could not comply with both such requirements, the awarding organisation must comply with the requirement of the Special Condition and is not obliged to comply with the requirement of the other Condition.

Dated: 27 August 2021

**Name: Emma Scott**

**Job Title: Director of Operations for VTQ**

## **Annex to Special Conditions**

### **Publication and sharing of information**

Ofqual may publish a Special Condition, either fully or in part, [on its website](#), unless Ofqual is persuaded by an awarding organisation that there is a legitimate reason that this should not be published, including that this may have adverse commercial implications for the awarding organisation involved.

Ofqual will publish the Special Condition on 3 September 2021.

Ofqual may share information about these Special Conditions with other regulators in accordance with its powers, where it considers necessary.

### **Right of internal review**

ISM may request an internal review of the decision to impose a Special Condition within 10 working days of the date of this determination. The request must be issued via the Portal, with the subject line - for the attention of Rosalind Jackson, Associate Director, Legal Moderation and Enforcement.

An internal review may be requested on the following grounds only:

- a) the facts of the decision for imposing a Special Condition are incorrect
- b) a relevant fact has not been taken into account
- c) Ofqual has not followed its own procedures, or
- d) the decision to impose a Special Condition does not support the facts, an unreasonable decision

Any internal review will be carried out by an officer of Ofqual who has had no previous involvement in your matter.

### **Ofqual review**

On or before 29 September 2021 (the 'review date'), Ofqual will review whether the requirements of these Special Condition(s) need to remain in place and will issue its decision to ISM. ISM may request that Ofqual carries out this review before the specified review date if it believes some or all of the requirements no longer need to remain in place. ISM should provide evidence to support any such request.

In considering whether the requirements of these Special Conditions need to remain in place, Ofqual will consider whether ISM has demonstrated to Ofqual's satisfaction

that ISM has the capacity to undertake the delivery and award of qualifications in accordance with the Conditions, and in particular (but not exhaustively) that it has:

- a. an effective Governing Body
- b. an effective Responsible Officer
- c. suitable Senior Officers
- d. effective governance arrangements
- e. provided adequate information about financial viability
- f. sufficient staff or contracted resources to ensure before issuing results that such results are accurate
- g. sufficient staff or contracted resources to ensure before issuing certificates that the Learner has a valid entitlement to that certificate
- h. appropriate systems of control to secure that results will be accurate and certificates will be issued only to Learners with a valid entitlement
- i. appropriate systems of control in respect of notifications to Ofqual and Ofqual notices for information, and
- j. appropriate systems of control in respect in relation to the retention of information

If after review, Ofqual considers that some or all of the Special Conditions no longer need to remain in place, the relevant requirements will be removed.

If Ofqual considers that some or all of the requirements need to remain in place, or that additional or alternative requirements need to be imposed, it may take one or more of the steps set out in paragraph 11 below, in isolation or combination.

After review, Ofqual may:

- a) set a new review date
- b) amend the terms of the Special Conditions (by adding and/or removing requirements)
- c) determine whether there has been a breach of the Special Conditions
- d) take any regulatory action set out in Ofqual's Taking Regulatory Action policy

The process set out above is without prejudice to any other action that Ofqual may take in line with its [Taking Regulatory Action policy](#).

### **Application for authorisation**

If ISM submits a written application to Ofqual under Special Condition ISM3.2 (requesting authorisation to issue results or certificates), Ofqual will consider any evidence provided with the application and issue its decision to ISM within 28 days of receiving such an application.

### **Requests for information**

Please note the following important information:

Failure to provide the information as required by this Special Condition is a breach of the Special Conditions and Ofqual may take regulatory action.

Unless specifically requested you should redact personal information from any documents provided.

Where personal data is requested, awarding organisations must consider whether any steps need to be taken in order to ensure compliance with data protection legislation.

Where personal data is being transferred, you may need to consider whether you need to put in place any additional safeguards. Ofqual can provide assurance that it will process personal data in accordance with UK data protection legislation. For more details about how Ofqual processes personal data please see our privacy information. Awarding organisations must ensure that personal data is transferred securely.

All information submitted in response to the Special Conditions will be retained by Ofqual and may be used for other purposes in accordance with Ofqual's objectives and duties. Personal data will only be used for another compatible purpose and/or anonymised or pseudonymised where possible.

Ofqual is subject to the Freedom of Information (FOI) Act 2000 and we may be asked to disclose information under that Act. No personal data will be disclosed unless required by law. Where an awarding organisation indicates that it considers information submitted to us to be commercially sensitive, we will take this into account when considering any FOI request. However, it will be for Ofqual to determine whether the information must be disclosed or an exemption applied.

Ofqual may share information provided to it by ISM with other agencies or authorities where appropriate or where required by law.