

## GUIDELINE on Contractor Breaches and Non-Conformances

### Breaches and Non-Conformances

Breach of contract occurs where the Contractor fails to adhere to the requirements stipulated in the contract or its appendices. Breaches of Contract generally fall into two categories, material breach and other breach. The severity of the breach determines the response that is required to address the issue; material breaches are the most serious and require the highest level of sanctions. Other breaches of contract are less serious and require a lower level of sanction. Some examples are listed below of material breaches, other breaches and non-conformances (includes but are not limited to):

#### Material Breach

- Breaches of legislative requirements
- Manipulation of assessment procedures, events and results
- Approve results that were subsequently found to be incorrect
- Falsification of documents
- Making declarations that are incorrect
- Financial Fraud
- Malpractice by a Contractor
- Delivery of content/modules not approved by the ETB Training Centre or validated for ETB Training Centre use
- Recurrent occurrences of other breaches
- Contractor not facilitating monitoring or auditing events either through availability or access to relevant records/documentation and assessment evidence, to staff, learners and training/assessment facilities.

#### Other Breach

- Continual inadvertent non-conformances to processes/procedures
- Breaches to Contract with regard to unsuitable premises or equipment
- Abuse (verbal or physical) of any individual, a learner, a member of the public or an ETB Training Centre staff member
- Late return of the Assessment/Certification results and evidence pack
- Contractor had not complied with the Transition Quality Assurance System requirements
- The use of inaccurate or inappropriate curriculum and training materials when delivering course content.

#### Non-conformance

- Non-adherence to the Operating Procedures for the programme for which the contract relates to
- Non-adherence (inadvertently) to the Assessment specification and instruments conformance)
- Non-adherence (inadvertently) to any certifying bodies requirements (including the conduct of assessments)
- Non-adherence (inadvertently) to the ETB Training Centre Transition Quality Assurance System requirements.