



Learner Disciplinary Policy & Procedure

Introduction

These procedures have been developed to ensure that learner disciplinary matters are dealt with promptly and fairly at the appropriate level by those with the authority to do so.

- These procedures refer to offences other than those relating to academic matters.
- The term 'learner' in these procedures is defined as any person who fulfils one or more of the following criteria:
 - (a) A learner registered for a qualification-bearing programme
 - (b) A learner registered for a non-qualification-bearing programme or non-credit-bearing course
- CPA shall have the right to investigate any allegation of misconduct against a learner, including a learner with health and/or learning difficulties, and may take disciplinary action where it decides that an act of misconduct has been committed.
- A learner will be responsible for their own conduct and for the conduct of those they invite onto CPA's premises. CPA therefore shall have the right to take disciplinary action against a learner for an act of misconduct committed by a person or persons, not learners, whom the learner has invited onto CPA's premises.

Definition of Misconduct

General Definition

The essence of misconduct under this procedure is:

- Disruption of, or improper interference with the functioning or activities of the course, or of those who work at the training provider; or
- Action which otherwise damages CPA or its reputation.

Particular Definitions

The following provide examples of misconduct, whether on CPA's premises or elsewhere, but do not limit the breadth of the general definition:

- Any conduct which constitutes a criminal offence
- Disruption of, or improper interference with, the academic, administrative, or other activities of training provider courses
- Obstruction of, or improper interference with, the functions, duties or activities of any learner or member of staff, or any visitor
- Violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language
- Harassment of any learner or member of staff, or any visitor
- Fraud, deceit, deception, or dishonesty in relation to the company or its staff, learners, or visitors



- Theft, misappropriation or misuse of training provider property, or the property of the staff, learners, or visitors
- Misuse or unauthorised use of CPA's premises
- Damage to training provider property, or the property of the staff, learners, or visitors, caused intentionally or recklessly
- Action likely to cause injury or impair safety on CPA's premises
- Failure to respect the rights of others to freedom of belief and freedom of speech
- Failure to comply with a reasonable instruction relating to prior disciplinary action.

The Disciplinary Procedure for learners will normally be applied in respect of an alleged complaint of misconduct or breach of discipline, as defined above, where the complaint relates to actions carried out on training provider premises, or whilst the learner is engaged elsewhere on official training provider activities, or as a member/representative of the training provider.

Procedure

Investigation into an Alleged Act of Misconduct

Any investigation into an alleged act of misconduct shall be conducted by the relevant authorised person.

Authorised Persons

Authorised persons are:

- In classrooms or CPA's premises, the tutor or trainer in which the misconduct occurred, or a nominated deputy
- In work placements, the trainer of the relevant programme in which the misconduct occurred, or a nominated deputy

Conduct of an Investigation

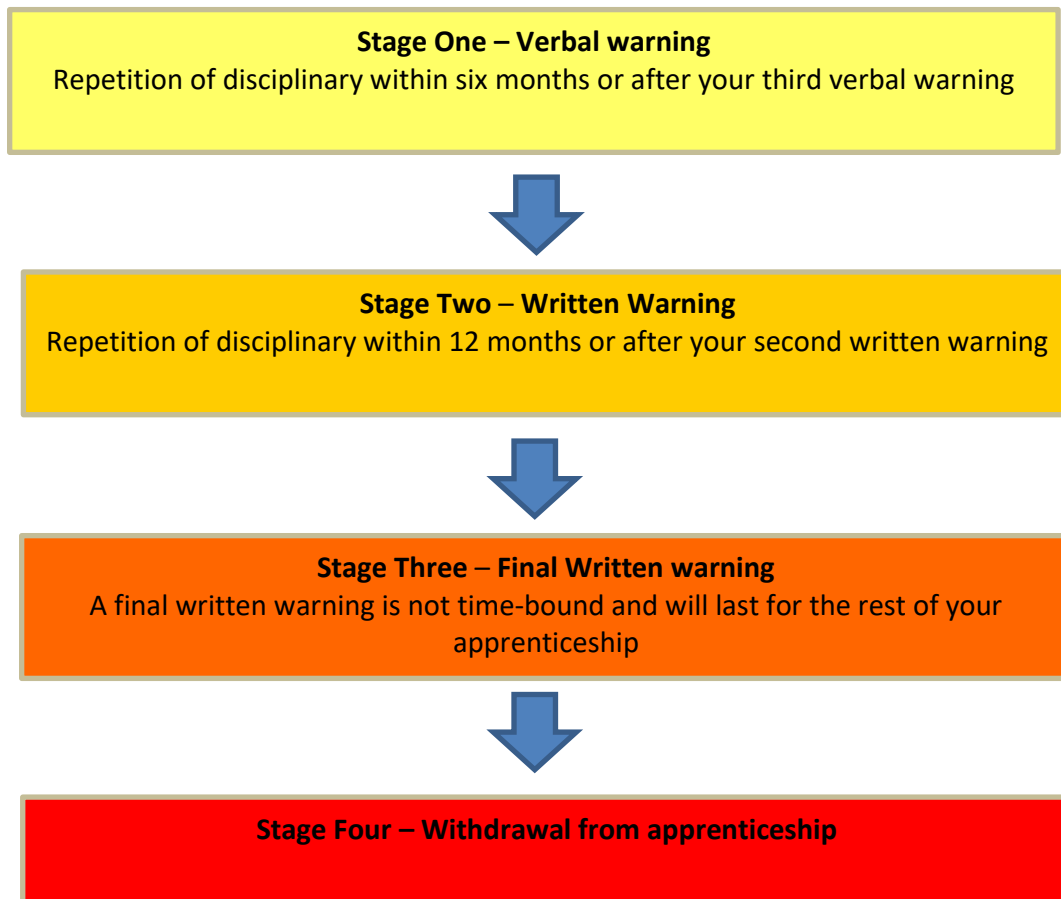
Any investigation into an alleged act of misconduct shall normally include an interview of the learner(s) concerned by the relevant authorised person or by person(s) acting on the authorised person's behalf. Evidence shall be taken, and submissions received, either in writing or in person, from the learner against whom the allegation has been made and from any other persons appropriate to the case.



Disciplinary Action

Where an authorised person is satisfied, on the balance of probability, that a learner has committed an act of misconduct, one or more of the following sanctions may be imposed:

Action to be taken by CPA in addition to that taken by employer



Misconduct Reported to the Police

If the misconduct is reported to the police, action shall normally be deferred until the matter has been concluded by the police, and either a prosecution has been completed or a decision not to prosecute has been taken. After all police / court proceedings have been completed the authorised person shall determine whether further internal disciplinary action shall be taken.

Appeals

A learner wishing to appeal against a disciplinary decision by an authorised person should address the appeal to director and follow CPA's Complaints and Appeals Procedure.



Grounds for Appeal

The grounds for appeal may be one or more of the following:

- That fresh evidence is available which was not available at the time the original decision was made
- Procedural irregularity
- Bias or prejudice
- Excessive or inappropriate punishment
- That the decision was perverse in that it was one which no reasonable person could have reached on the available evidence.

Procedure

The appeal shall be considered initially by the director, or nominated deputy, to determine if there is a prima facie case under the specified grounds. If a prima facie case is not established, the appeal will be dismissed. If a prima facie case is established, the director has two options:

- To establish a formal Disciplinary Appeal Panel
- To invite the authorised person to reconsider the case in the light of the new evidence.

The director may choose to establish a formal Disciplinary Appeal Panel following reconsideration of the case by the authorised person if they consider this to be an appropriate course of action, with due consideration to fairness and justice.

Dismissal of an Appeal

Where the director dismisses an appeal, or where the Disciplinary Appeal Panel confirms the original decision, there shall be no further appeal within Lifetime.