

P5 S10 C1 Trainer Code of Conduct

Version 1 – Publication Date 04/02/2020 – Review Date 04/02/2022

INTRODUCTION

Forus Training is a community of staff, trainers and learners working together for the common purpose of teaching and learning. It's Managing Director is the Head of Centre and its chief committee is the Quality Assurance and [P1 S4 Quality Assurance & Academic Governance Council \(QAAGC\) Terms of Reference](#) (QAAGC).

The structures and organisation of Forus Training impose a duty on the Quality Assurance & Academic Governance Council (QAAGC) (QAAC) [P1 S4 Quality Assurance & Academic Governance Council \(QAAGC\) Terms of Reference](#) to encourage compliance in accordance with the organisations' professional ethics, operational policies and procedures and overall culture.

High standards of professional conduct are fundamental to the role of teaching, learning and assessment. This Code of Conduct makes explicit the expectations in relation to trainer commitment to the organisations values and standards. It also details the related disciplinary process.

The purpose of the Code is to assist Forus Training to establish and promote the maintenance and continuous improvement of standards of the professional conduct of Trainers.

The Code is developed, issued and enforced by the QAAGC of Forus Training. It is important to document that the Code of Conduct outlines the specific behaviours that are required and/or prohibited as a condition of a trainer's contractual engagement with Forus Training.

NORMS OF BEHAVIOUR

Forus Training sustains commitment to quality in teaching and learning through our organisational values;

1. **Put people first** – At Forus we put the needs and the voices of people who use and work in our training services at the centre of all of our work.
2. **Be fair and objective** – At Forus we strive to be fair and objective in our dealings with people and organisations and undertake our work without fear or favour.
3. **Be open and accountable** – At Forus we share information about the nature and outcomes of our work and accept full responsibility for our actions.
4. **Be committed to excellence** – At Forus we seek to continually improve and strive for excellence in our work.
5. **Work together** – At Forus we engage with those funding, planning, providing and using our training services in developing all aspects of our work.

We value honesty, integrity, commitment, engagement and achievement; we are committed to the principles of equality, and to dignity and mutual respect for all members of the Forus Training community.

As a consequence, all members of Forus Training's community are expected to act responsibly at all times, to observe and abide by the policies and procedures of Forus Training, and not to engage in any activity which might bring the good name of the organisation into disrepute.

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Trainers are required to adhere to the 5 Codes of Ethics;

1. Integrity
2. Objectivity
3. Confidentiality
4. Professional Competence
5. Professional Behaviour

These professional ethical standards can be coherently defined as;

- Act with integrity, competence, diligence, respect and in an ethical manner with the learners, fellow trainers, staff, public and other stakeholders.
- Place the integrity of the profession, organisation and the interests of the learners above their own personal interests and opinions when engaged in training delivery and assessment facilitation.
- Use reasonable care and exercise independent professional judgement when conducting training evaluation, providing recommendations, taking direction from Forus Training and engaging in other professional activities.

STANDARDS OF PROFESSIONAL CONDUCT

1. Exercise independence in thought and action.
2. Hold the affairs of their learners in strictest confidence.
3. Continuously strive to improve their professional skills.
4. Demonstrate professional standards of training.
5. Demonstrate adherence to the QQI Quality Assurance Guidelines of Assessing and Assessment.
6. Treat similarly situated people similarly, while taking account of human, cultural, and other differences.
7. Uphold the honor and dignity of the profession.
8. Maintain the Forus Training standards of personal conduct.
9. Promote a fair, safe and sustainable learning environment.
10. Strive to achieve the balance between interest as a trainer and that of the learner;
 - a. **Independence and Objectivity.** Trainers must maintain independence and objectivity in their professional activities. They must not offer, solicit, or accept any gift, benefit, compensation, or consideration that reasonably could be expected to compromise their own or another's independence and objectivity.

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- b. **Misinterpretation.** Trainers must not knowingly make any misrepresentations relating to training, recommendations, actions, or other professional activities.
- c. **Misconduct.** Trainers must not engage in any professional conduct involving dishonesty, fraud, or deceit or commit any act that reflects adversely on their professional reputation, integrity, or competence.
- d. **Disclosure of Conflicts.** Trainers must make full and fair disclosure of all matters that could reasonably be expected to impair their independence and objectivity or interfere with respective duties to their learners and prospective learners. They must ensure that such disclosures are prominent, are delivered in plain language, and communicate the relevant information effectively.

TRAINER CONDUCT WITH REFERENCE TO PROGRAMMES

Trainer autonomy is when trainers are in control and take responsibility for the teaching and learning experienced by their learners, both in terms of what they learn (preparing and lesson planning) and how they learn it (via modes and strategies of disseminating information and encouraging learner engagement). It takes as its starting point the idea that trainers are skilled in communication and interpersonal skills, adaptable to learners 'learning' needs and are able to display a sincere enthusiasm for learning. Learners are required to attend punctually, a minimum of 80% of the sessions of the events for which they have registered and to which they have been assigned.

Trainers may experience a range of unanticipated challenges, which will adversely affect their ability to deliver, correct assessments or attend their required class sessions and facilitate additional learning activities. Such circumstances may include serious illness, hospitalisation, accident, family bereavement or other serious personal or emotional circumstances. Forus Training has a policy and procedure to ensure contingency planning responses are adopted in such situations.

A Forus Training Trainer (including contracted trainer) will:

- Take care of learners under their supervision with the aim of ensuring their safety and welfare insofar as is reasonably practicable.
- Respect confidential information relating to learners gained in the course of professional practice, unless the well-being of an individual or a legal imperative requires disclosure.
- Uphold the reputation and standing of the profession and Forus Training; act with honesty and integrity in all aspects of their work; and avoid direct conflict between their private interests and their professional work.
- Respect learners, colleagues and co-professionals; and interact with them in a way that respects individual differences and cultural or ethnic diversity.
- Appreciate the unique and privileged relationships that exist between trainers and learners; and conduct these relationships in a way that is professional, respectful and appropriate.
- Provide complete and accurate information and authentic documents with respect to their professional status, qualifications and experience.
- Ensure professional development opportunities are identified and sought.

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A Forus Training Trainer (including contracted trainer) will not:

- Practice the profession while under the influence of any substance which impairs their ability or medical fitness.
- Act in any way that would prejudice or bring into disrepute the reputation of the Further Education and Training sector in Ireland.
- Misrepresent their relationship with Forus Training as a trainer to promote or influence private transactions or relationships.
- Comment on the services provided by the profession's regulators (QQI), other training providers or other services available to practicing Trainers in Ireland.
- Use language, scenarios and examples that may be offensive to learners particularly with respect to race, ethnicity, national origin, colour, sex, sexual orientation, age, marital status, political belief, religion and mental or physical ability.

With specific regard to Teaching and Learning a Forus Training Trainer (including contracted Trainer) will ensure:

- Trainers are expected to be regular and punctual in attendance. This means being present in the training venue at least 30 minutes prior to class commencement. Absenteeism and tardiness do not provide a positive or engaging learning experience,
- Trainers are expected to fulfil the scheduled class time accordingly. If a trainer succeeds in facilitating a lesson plan ahead of time, the remaining time should be used productively, for example, revision purposes, reviewing learner drafts and/or implementing additional learning strategies to further progress the learning experience,
- Trainers who are unable to attend a scheduled class due to illness or accident should make contact with Forus Training as soon as it is practically possible to do so. This allows Forus Training to arrange coverage of class duties or coordinate alternative arrangements in their absence.
- Trainers are expected to dress professionally,
- The differing needs and requirements of the candidates, employers or industry are identified and handled with sensitivity,
- Potential forms of conflict of interest in the teaching, learning and assessment process and / or outcomes are identified, and appropriate referrals are made, if necessary,
- All forms of bullying and harassment are avoided throughout the teaching, learning and assessment process and in the review and reporting of assessment outcomes,
- The rights of candidates are protected during and after the teaching, learning and assessment process and that learners are made aware of their rights and processes of appeal, should this be necessary and appropriate,
- Personal or interpersonal factors that are irrelevant to the assessment of competence must not influence the teaching, learning and assessment outcomes,
- If a Trainer does not report for a scheduled class and Forus Training are not notified of the Trainer's status, this may be classed as abandonment of the contract .

Assessment Deadlines & Training Planning

1. As assessment deadlines are planned in advance of module and classroom scheduling, the trainer is required to have devised a comprehensive lesson plan ahead of commencement which also allows for the subject matter delivery and assessment plan for the programme or module.
2. The trainer must ensure that the lesson plan is approved and signed off by the Training Coordinator prior to commencement.

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3. Forus Training publishes “[9 S9 Key Dates and Information - Assessment and Certification](#)” - for certification periods annually, these are available on our website and on trainer induction material. The trainer must ensure this information is read and understood.
4. The lesson planning in compliance with the already set assessment deadlines allow the trainer adequate time in which to fully plan and facilitate the assessment tasks.
5. In relation to learners, it is important that trainers understand the definition of a missed assessment deadline term “missed assessment deadline” and its reference:
 - Failure to submit assessment evidence on, or in advance, of agreed assessment deadline and/or
 - Failure to attend a practical assessment (e.g. Examination, Skills Demonstration, etc.)
 - Missed assessment deadlines can be categorised as “Expected” or “Unexpected”
6. Assessments are conducted within the boundaries of the assessment system policies and procedures.
7. Assessment systems and tools are consistent with equal opportunity legislation and have been approved by Forus Training as suitable.
8. Learners are informed of all assessment reporting processes prior to the assessment.
9. Learners are informed of all known potential consequences of assessment decisions prior to the assessment.
10. Confidentiality is maintained regarding assessment decisions / outcomes and records of individual assessment outcomes which identify personal details are only released with the written permission of the learners.

Expected missed assessment deadline – Learner Procedure

1. The learner completes P9 S20 Application for Extension Initial Request Form.
2. The learner's application is considered, and the Head of Certification will get in touch with the learner regarding the decision whether compassionate consideration has been granted as soon as possible and not later than five working days.
3. Forus Training judges each application for compassionate consideration or extenuating circumstances on its own merits.
4. The purpose of this application form is to facilitate the learner in extending a deadline for an assessment on the basis of exceptional circumstances.
5. It is the responsibility of the learner to ensure that the application form is submitted to Forus Training prior to the submission deadline. If the learner is unsure as to whether they meet the criteria then it is important they apply in plenty of time as an extension may not be granted.
6. PLEASE NOTE: Forus Training adheres to a strict deadline policy. Applications for extensions received after the submission deadline will not be accepted.

Unexpected missed assessment deadline – Learner Procedure

1. In the case of late submissions where an extension has not been granted prior to the submission deadline:
 - a. A penalty fee of €100 must be paid to Forus Training or the learner's assessment will not be accepted and processed;
 - b. The learner must complete a Late Submission of Assessment Application Form; and
 - c. the certification process will be delayed until the next certification period – this is entirely at the discretion of the Head of Certification.

TRAINERS SUPERVISING LEARNER CONDUCT ON WORK PLACEMENTS

Where learners, as part of their course, obtain professional instruction or are placed for training, or work experience at a school, hospital, farm, company, professional practice or other workplace / organization (referred to as "the host organisation"), and the trainer has been appointed and contracted to assist and oversee the

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professional instruction, they (the trainer) should be aware of all relevant Forus Training policies (outlined in the [P9 S9 C12 Work Experience Arrangements Form](#))

Trainers and their learners registered to such programmes are obliged to observe the following code of conduct:

1. Trainers and learners should conduct themselves in such a way as to reflect credit on the Host Organisation and Forus Training and not to bring Forus Training or the host organisation into disrepute.
2. Trainers and learners should respect the staff, stakeholders, the property and the activities of the host organisation as they would the staff, the property and the activities of Forus Training. Conduct which would constitute a breach of this code if directed towards the staff, property or activities of Forus Training shall be considered a breach of the code if directed towards the staff, property or activities of the host organisation. This shall apply in relation to damage to the host organisation's property as if it were the property of Forus Training.
3. Trainers, like learners, should acquaint themselves with any traditions, codes of conduct or internal regulations of the host organisation and should comply with such traditions, regulations or codes of conduct.
 - a. Trainers should understand the reasonable and lawful instruction of the host organisation supervisors.
 - b. Trainers should encourage learners to comply with any disciplinary procedures or processes of the host organisation or of the profession for which they are studying.
 - c. For the purpose of enforcing this code, Forus Training shall be entitled, but shall not be obliged, to investigate any complaint against a trainer arising from any alleged misconduct while a learner is on placement or any alleged failure to support a learners compliance with a host organisation's traditions, regulations or codes of conduct and, following the appropriate disciplinary procedures, Forus Training may impose a penalty in respect of such misconduct or failure to comply with a host organisation's traditions, regulations or code of conduct as a breach of the learner Code.

Should any trainer, during sessions of the event, be responsible for any breach of good conduct or discipline, or breach of any regulations, Forus Training may require the trainer to withdraw from the delivery of the module and associated learning activity; Forus Training, may bring the matter to the notice of the **Head of Certification** or his/her nominee for appropriate action to be taken.

See further - [P9 S9 C12 Work Experience Arrangements Form](#)

DAMAGE TO PROPERTY

Trainers are required to make good to the satisfaction of Forus Training any damage or loss which they intentionally cause to any property of Forus Training or for any such loss or damage which arises as a result of their being

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reckless or negligent. Trainers are similarly required to make good any damage or loss which they cause to the personal property of any other trainer, a learner or a member of Forus Training staff.

BREACHES OF DISCIPLINE

Any act or omission, which affects adversely the rights of any other member of the Forus Training community, or which disrupts the orderly and responsible conduct of any Forus Training activity, or which violates any Forus Training Policies, shall constitute a breach of discipline, examples of which could include but are not limited to:

BREACHES OF EXAMINATION RULES:

Examination Rules for Trainers acting as Invigilators – The Trainer-Invigilator

Examination Rules for Trainers – Provided in advance of each examination

1. Trainers acting as the invigilator may not be allowed to leave the examination centre and return during examination periods.
2. A Trainer-Invigilator should quietly respond to a learner who has raised a hand to attract the attention of the Trainer Invigilator during the examination.
3. Trainer-Invigilators are not permitted to talk during the examination.
4. Trainer-Invigilators are not permitted to provide learners with answers during the examination period.
5. Trainer-Invigilators are not permitted to provide learners with any materials other than the exception of those necessary for the examination on their desk e.g. writing material, calculator, reference material in case of open book exam.
6. Trainer-Invigilators must ensure that learners sit a distance of no less than 1.5 meters away from each other.
7. Trainer-Invigilators are required to accept learner's exam papers only in the time allocated and no later unless grounds for reasonable accommodation have been granted to that learner and made known to the Trainer-Invigilator.
8. Trainer-Invigilators must ensure that learners leave the room quietly if they have completed their exam paper early.
9. Trainer-Invigilators must complete and sign the front page of the examination paper along with the time the paper was submitted.
10. Trainer-Invigilators have the authority to expel a learner from the examination centre if the learner's behaviour, in the opinion of the Trainer-Invigilator is such as to jeopardize the successful conduct or integrity of the assessment experience for other learners.

Here are examples of what is meant by malpractice in the context of the Trainer-Invigilator: (This is not intended to be an exhaustive list)

1. Leaving the examination room/centre during an examination duration.
2. Collusion by working with learners beyond what is allowed during an examination period;
 - a. Speaking to/with a learner during an examination in a less than quiet tone.

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- b. Speaking to/with a learner during an examination for a prolonged and unnecessary amount of time.
 - c. Providing a learner during an examination with answers or information that may be deemed as providing inappropriate assistance to examination questions, commonly known as cheating.
 - d. Providing a learner or learners with additional materials which are not necessary to the examination and could be viewed as aiding learner's responses.
 - e. Allowing learners to sit within the 1.5m distance and in doing so, encourage communication.
 - f. Providing a learner or learners with additional time where no reasonable accommodation has been requested or approved.
3. Submitting completed learner examination papers without signing, dating and documenting each learner's departure time accordingly.
4. Re-using Forus Training assessment material without permission; for example, copying examination papers for another provider's examination event.
5. Accepting phone calls during the assessment; for example, Forus Training does not allow mobile phones to be used during examination periods either by the Trainer-Invigilator or learners.
6. Knowingly permitting a learner to fabricate examination evidence.
7. Knowingly allocating marks to a learner's examination evidence when evidence is not present.
8. Behaving in such a way as to undermine the integrity of the assessment event.
9. Engaging in unsafe practices during an examination, such as not implementing and/or following health and safety rules.

ENGAGING IN PLAGIARISM: TRAINER'S INTEGRITY OF ASSESSMENT

Plagiarism, is defined as the copying of another person's writings or works or ideas in any thesis, essay, project, laboratory report, oral, poster or slide presentation or other exercise, which forms part of the assessment requirement for a module or programme of study without due acknowledgement either wholly or in part of the original source of the material through appropriate citation. For further details on Plagiarism, please see Forus Training's [P9 S8 C1 Malpractice & Plagiarism Policy](#).

1. Knowingly permitting a learner to copy, paste or represent another person's work as their own (This may be from a book or the Internet, from class notes or can also be from another person's assessment material).
2. Allocating marks to a learner's evidence where it is apparent that the learner has plagiarized from another. This could be any percentage of work that has not been referenced and has been copied from published work, the internet, other learners' work and/or other sources.
3. Knowingly allowing a learner to procure work from a company or external source including the internet.
4. Using a passage of text, or an idea, and summarising it during the learning experience without acknowledging the original source.
5. Knowingly permitting a learner to submit another learner's work (with or without the other person's knowledge).

The submission of such plagiarised materials for assessment purposes is fraudulent and all suspected cases will be investigated and dealt with appropriately using the procedures outlined in this document.

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CONDUCT WHICH IS DISRUPTIVE OF, OR WHICH MAY DISRUPT THE LEARNING EXPERIENCE.

1. Abuse of alcohol or other substances during course delivery and/or assessment facilitation.
2. Conduct interfering with the proper conduct of examinations (as outlined above).
3. Conduct which is likely to interfere with any meeting or other activity, within Forus Training or organised by Forus Training.
4. Conduct that interferes, or is likely to interfere, with the administration or the good order of Forus Training.
5. Obstruction or harassment, including bullying, of any learner, member of staff or persons carrying out activities on behalf of Forus Training in the performance of duties, work or other Forus Training activity.
6. Sexual harassment of any learner or member of the staff of the Forus Training.
7. Damaging, defacing, stealing or mis-appropriating any property of Forus Training, occupying or using such property other than in accordance with the provisions made the Forus Training,
8. Misuse of official Forus Training documentation, including, without limitation, the unauthorised amendment or alteration, or defacement of, such documentation, or the use or attempted use of Forus Training documentation for fraudulent or other dishonest purposes or in a fraudulent or other dishonest manner.
9. Commenting about a learner/trainer on a forum to which the person does not have a right to reply. For example; WhatsApp groups, Facebook, SnapChat or other such social media platforms.
10. Smoking in Forus Training buildings in contravention of the Public Health Tobacco Act 2002, Section 47 (as amended) and the Tobacco Smoking (Prohibition) Regulations 2003. Under the provisions of that legislation, a fine of €3,000 may be imposed on a Trainer found in breach of its provisions.

SOCIAL MEDIA

Trainers must at all times use social media sites in a responsible manner, having due regard to the rights and reputation of the Forus Training and of others. In particular, Trainers are required to comply with the following rules:

1. Do not use social media sites for any purpose which is prohibited under the terms of the Forus Training P4 S1 ICT Policy.
2. Do not use social media so as to contravene or breach the laws of Ireland, specifically in relation to: privacy rights, defamation law and data protection law. This includes posting recordings or images of learners/other trainers without written consent and the approval from Forus Training specifically.
3. Do not use social media sites to engage in any form of bullying or behaviour which is illegal or likely to cause harassment (e.g. stalking, grooming of minors, etc.), or to intentionally offend and/or degrade others, in particular fellow trainers, learners and staff.
4. Do not use social media to degrade, bully or intentionally offend or bring the reputation of Forus Training into disrepute.
5. Do not excessively duplicate previously posted communications (other users may consider this as spam).
6. Do not impersonate any other person nor engage in trolling (i.e. intentionally insulting and harassing people via the Internet).
7. Do not post, video or record another person without their express permission and the permission of Forus Training.

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8. Do not post or upload data, including text, video, image etc. of any person without their express permission and the permission of Forus Training.
9. Do not post any material which breaches the intellectual property rights of third parties (e.g. logos, written works, diagrams, pictures, music, video/film clips, etc.); where necessary the express permission of the rights holder should be obtained.
10. When posting as individuals, Trainers are asked to consider that it may be appropriate for them to identify any personal views expressed by them, on third party websites, as their own and not representing Forus Training.
11. While recognising the importance of academic freedom, Trainers must ensure that they adhere to this Policy for any official Forus Training related accounts.
12. Do not post material which is confidential and proprietary to Forus Training or which could have the effect of damaging the reputation of Forus Training or the privacy or reputation of any third party.
13. Do not post material which would identify a third party (e.g. comments, photographs, video clips etc.) without the express permission of the third party concerned and Forus Training.
14. Ensure that information shared both within the learning experience and/or posted on a visual learning environment, is accurate and not misleading.
15. Do not use the name of Forus Training, including any emblems or logos, to promote their own commercial objectives or activities.
16. Do not use the name of Forus Training, including any emblems or logos to imply that Forus Training endorses an activity without its prior written consent.

PROCEDURE IN RELATION TO BREACHES OF DISCIPLINE

1. Where a complaint of misconduct or alleged breach of the disciplinary regulations by a trainer has been brought before the Head of Certification, the Head of Certification will take steps as soon as is practicable to arrange a meeting (i.e., a preliminary hearing) with the Trainer and will provide in advance details of the alleged offence in the form of a [P5 S10 Potential Improvement Notice \(PIN\) Trainer / Staff Form](#).
2. Where it proves impracticable, in exceptional circumstances, for the Head of Certification or his/her nominee to arrange a meeting with the Trainer, the Head of Certification or nominee may communicate with the Trainer by telephone, email or by registered letter.
3. The Trainer may, prior to or during the meeting with the Head of Certification or his/her nominee, request that the matter be referred to a Disciplinary Sub Committee for adjudication. Where it is impracticable to arrange such a meeting, the Trainer may request that the matter be so referred at any time following receipt of communication from the Head of Certification or his/her nominee.
4. Any Trainer who is resident outside of local jurisdiction may request the Head of Certification or his/her nominee to arrange a non-oral hearing of the Disciplinary Committee if the learner wishes to circumvent the necessity of travelling to Mullingar to attend an oral hearing. Where the Head of Certification or his/her nominee decides to grant such a request, a Disciplinary Committee will be convened to consider the allegation(s) against the Trainer on the basis of written submissions from the Head of Certification or his/her nominee, the complainant, the Trainer and other relevant parties. The Trainer and the complainant will be given an opportunity to respond to the other's submission before the Committee meets.

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5. Where an alleged breach of discipline appears to involve two or more Trainers or, a Trainer and a learner, such individuals may be jointly indicated and heard together.
6. Where an alleged breach of discipline may, in the reasonable opinion of Forus Training, constitute a criminal offence, Forus Training will respond and act in accordance with law, which may include an obligation to report the suspected offence to An Garda Síochána. Any such report may be in addition to the implementation of the disciplinary procedures set out in this Code.
7. The proceedings and details of trainer disciplinary cases are private and confidential and where trainer disciplinary data is reported to P1 S4 C1 Quality Assurance & Academic Governance Council (QAAGC) the identity of the trainer is not revealed. However, it is noted that this does not preclude the Forus Training communicating the decisions taken at preliminary hearing; the decisions of the Disciplinary Sub-Committee or the decisions of the Disciplinary Appeals Committee to individual members of staff, including those raising complaints, where it is deemed necessary for the effective administration of the process. To be clear, the principles of natural justice are enshrined in the learner Code and are applicable to both respondent and the complainant.
8. Where a complaint of bullying, harassment or sexual harassment (a potential breach of discipline under paragraphs 6.10 or 6.14) is made against a trainer, the Head of Certification or nominee may direct that the complaint be dealt with under the Forus Training's Dignity and Respect policy and the procedures thereunder.

[P9 S13 Complaints Policy](#)

P2 S2 C2 Dignity and Respect Policy

PROCEDURE OF THE PRELIMINARY HEARING

PRE-HEARING

The Head of Certification or his/her nominee shall notify the trainer, in writing in the form of a [P5 S10 Potential Improvement Notice \(PIN\) Trainer / Staff Form](#), of the allegation that has been made against them. The trainer shall be invited by the Head of Certification or his/her nominee to attend a preliminary hearing to address the allegation. Notification shall be sent by email.

The trainer must respond to the notification and make an appointment with the Head of Certification or his/her nominee as soon as is practicable. Failure to respond to the Head of Certification or his/her nominee's request to make an appointment will constitute a disciplinary offence and may result in the matter being referred directly to an P1 C2 Ad-hoc Disciplinary SubCommittee for adjudication.

PRELIMINARY HEARING PROCEDURE

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The function of a preliminary hearing is to permit the Head of Certification or his/her nominee to consider the case, interact with the trainer and form an opinion on the seriousness of the case. The process is trainer-centred and based on natural justice. To be clear, the case may be concluded at the preliminary hearing stage or referred to a Disciplinary Committee. It is a matter for the Head of Certification or his or her nominee to make a determination in this regard.

Before commencement of the preliminary hearing, the Head of Certification or his/her nominee shall notify the trainer that they are being interviewed under the conditions laid out in the Forus Training learner Code. The Head of Certification or his/her nominee shall also explain that it is the trainer's right to refer the matter directly to an P1 C2 Ad-hoc Disciplinary Sub Committee for adjudication at any stage during the interview.

The Head of Certification or his/her nominee must confirm that the trainer understands the process and is willing to continue. Trainers' may be accompanied to the meeting by a person of their choice such as a representative or relative.

The Head of Certification or his/her nominee will outline the allegation made against the trainer and ask them to accept or reject the accusation and offer to consider whatever submission they see fit to make in regard to the charge.

The Head of Certification or his/her nominee may, following this meeting or communication:

Dismiss the complaint with no further action. Conclude the process, subject to certain conditions to remedy their behaviour, such as the writing of a satisfactory letter of apology.

Uphold the alleged breach, subject to one or more of the following sanctions.

- Issue formal caution via a letter of warning to the trainer regarding their future behaviour. The Head of Certification or his/her nominee may refer to the matter should any further allegations be made against the trainer.
- Refer the matter to an P1 C2 Ad-hoc Disciplinary Sub-Committee, without making any decision as to guilt, where the Head of Certification or his/her nominee considers (having appropriate regard to the gravity or nature of the charge) , where the gravity of the matter warrants it, the Head of Certification or his/her nominee may impose, without prejudice, a temporary suspension of the trainer from Forus Training contracted work and shall in such a case ensure that the P1 C2 Ad-hoc Disciplinary Sub-Committee is convened without delay.
- Where an allegation of harassment has been made the Head of Certification or his/her nominee may decide it is appropriate to recommend the exploration of mediation.

The Head of Certification or his/her nominee may defer the communication of the outcome to the trainer where a submission made by the trainer requires further investigation.

The outcome of the preliminary hearing shall be given in writing to the trainer. The trainer shall be informed of their right to appeal a decision to a Disciplinary Committee, the procedure for lodging an appeal and the time limit for lodging an appeal. Appeals may be lodged within two weeks from the date of the preliminary hearing.

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Where the matter is resolved at the preliminary hearing stage of the process, the Head of Certification or his/her nominee shall write to the person who raised the complaint advising them that the matter has been dealt with under the procedures of the preliminary hearing and related outcome noted.

DISCIPLINARY COMMITTEE

The P1 C2a Ad-hoc Disciplinary Sub Committee shall be appointed by the Head of Certification or his/her nominee and composed of a Chair and two further members (these two members shall be xxx). Each Committee of Discipline shall have at least one male and one female member. The following are eligible to Chair Committees of Discipline: Deputy Head of Certification, Chairs of Programme Boards or any members of a Panel nominated by P1 S4 C1 Quality Assurance & Academic Governance Council (QAAGC).

A member of the administrative staff shall be appointed as a non-voting secretary of the Committee.

Decisions of the Committee shall be taken by a simple majority.

- A record, written or otherwise, of the proceedings shall be made.

PROCEDURES OF THE DISCIPLINARY COMMITTEE

PRE-HEARING

- The Head of Certification or his/her nominee shall prepare a summary containing particulars of the alleged offence and shall forward the summary to the Disciplinary Committee.
- The Committee shall cause notice of the hearing to be sent by email to the trainer at least ten days before the date of the hearing or to be handed personally to the said trainer.
- The written notice referred to in paragraph 10.1.2 shall contain
 - a copy of the summary compiled by the Head of Certification or his/her nominee
 - a note of any documents on which the Forus Training proposes to rely at the hearing.
 - the notice shall state that the respondent is entitled within reason to call the attendance of witnesses for the purpose of the hearing, to inspect all relevant documents and to obtain copies of any documents listed in the notice upon which the Forus Training intends to rely.
 - notice shall also state that the trainer may be represented/supported at the hearing by a person of choice if wished.
- If availed of, the trainer is required to confirm the details of their chosen representative in advance of proceedings.
- The trainer shall be informed that written submissions may be made to the Disciplinary Committee in advance of the hearing.

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DISCIPLINARY SUB- COMMITTEE PROCEDURE

The following procedure shall be followed by the Disciplinary Committee:

The Head of Certification or his/her nominee shall present the case to the Committee.

- The trainer shall be asked to admit or deny the alleged offence.
- If the trainer accepts the substance of the charge or complaint to be true, it shall not be necessary for the Head of Certification or Head of Certification's representative to offer evidence, although both parties may make such submissions or, addresses as they wish in relation to the outcome.
- If the trainer denies the alleged charge, the subsequent procedure shall be fair and reasonable having regard to the nature of the offence and the outcomes laid down in these documents. In particular the following practices shall be observed:
 - All the evidence shall be heard in the presence of the trainer and of the trainer's representative and they shall be given the opportunity to question all witnesses called by the Head of Certification or Head of Certification's representative who likewise may question witnesses called by the trainer;
 - The trainer shall be given the opportunity of offering evidence themselves and witnesses and documentation relevant to the issues;
 - The Head of Certification or Head of Certification's representative and the trainer or trainer's representative(s) shall be given the opportunity to make submissions after evidence has been taken including representations in regard to the outcome where the Disciplinary Subcommittee has found that the charge has been proved against the trainer.
 - The Committee shall deliberate in the absence of the complainant, respondent and/or representatives but shall be entitled to seek legal advice on any legal matter arising in the course of the proceedings.
- Where a trainer fails to attend a Disciplinary Committee hearing and Forus Training has made reasonable attempts to accommodate the trainer, the Committee may decide to adjudicate on the matter in the trainer's absence, relying on the documentation furnished to the learner and to the Discipline Committee according to Section 10.1.3 of these Disciplinary Procedures.

DISCIPLINARY SUB COMMITTEE OUTCOMES

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Where a trainer is found guilty of the offence or offences charged, the Committee is empowered to impose any of the following outcomes, either separately or in combination as appropriate to the offence, or nature of the offence:

- Exclusion from the Forus Training Training Panel;
- Suspension from course delivery for a stated period, or until such time as any requirements laid down by the Committee such as payment of a fine or the restitution of damage or loss are fulfilled;
- Exclusion from specific Forus Training facilities;
- A reprimand and a note on the trainer's record;
- In the case of an offence of knowingly allowing plagiarism or of copying, assisting cheating or other offence(s) in connection with assessment or examination which may include exclusion and/or deprivation from any benefits connected therewith, in part or in total, and/or from the academic course being facilitated by the trainer or any part of it;
- An order for the reparation of any damage or loss caused, either to the Forus Training or to any of its members of staff or learners or members of the public;

The Committee may in exceptional cases, having regard to all the circumstances of the case, decide not to impose any penalty.

COMMUNICATION OF DECISION

The determination of the an P1 C2 Ad-hoc Disciplinary Sub Committee in every case brought before it, shall be given in writing, and a copy thereof forwarded in due course to the trainer concerned or the trainer's duly appointed representative. The trainer should be informed of the right to appeal to the P1 S4 C1 Quality Assurance & Academic Governance Council (QAAGC), the procedure for lodging an appeal and the time limit for lodging an appeal. Decisions of an P1 C2 Ad-hoc Disciplinary Sub Committee are sent for noting by P1 S4 C1 Quality Assurance & Academic Governance Council (QAAGC) in an annual report. A determination involving deprivation of a scholarship or other prize shall be referred to the decision of the P1 S4 C1 Quality Assurance & Academic Governance Council (QAAGC).

The Head of Certification or his/her nominee shall write to the person who raised the complaint and advise them of the decision of the P1 C2 Ad-hoc Disciplinary Sub Committee, noting that the trainer has the right to appeal the decision.

APPEAL

An appeal may be made to the P1 S4 C1 Quality Assurance & Academic Governance Council (QAAGC) within two weeks from the date of issue of the decision of the an P1 C2 Ad-hoc Disciplinary SubCommittee and the applicant shall submit in writing the grounds for appeal. The date of issue of the said decision shall be the date on which the

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decision is emailed and posted (by registered post to the trainers' address as appears on the trainer's personnel file), or handed to the trainer.

DISCIPLINARY APPEAL COMMITTEE

- The Quality Assurance & Academic Governance Council (QAAGC) delegates to the Disciplinary Appeal Committee the power to hear appeals from decisions of the Disciplinary Committee of the P1 S4 C1 Quality Assurance & Academic Governance Council (QAAGC). The Disciplinary Appeal Committee shall be composed of an uneven number of members of the Quality Assurance & Academic Governance Council (QAAGC).
 - A member of the administrative staff may be appointed as a non-voting secretary to the Disciplinary Appeal Committee.
 - No member of the Disciplinary Committee or person providing administrative support who had adjudicated on the original complaint may serve on the Disciplinary Appeal Committee.
 - Decisions of the Disciplinary Appeal Committee shall be taken by a simple majority.
 - A record, written or otherwise, of the proceedings shall be made.

PROCEDURES OF DISCIPLINARY APPEAL COMMITTEE

- A copy of the applicant's grounds of appeal including the appellant's submission, if any, shall be provided to the Committee.
- A copy of the relevant record of the Disciplinary Committee of the P1 S4 C1 Quality Assurance & Academic Governance Council (QAAGC) shall be obtained from the said Disciplinary Committee.
- The applicants or applicant's representative, and the Head of Certification or other Forus Training representative may make oral submissions to the Disciplinary Appeal Committee.
- Where in the opinion of the Disciplinary Appeal Committee the requirements of justice so dictate, the Committee may consider evidence which was not tendered at the hearing before the Disciplinary Committee but provided always that the intention to adduce such fresh evidence has been notified to the trainer or to the Head of Certification or other Forus Training representative, as the case may be, in time sufficient to enable the Forus Training process and acting representative to consider properly the said fresh evidence and to deal therewith adequately at the hearing of the appeal.
- The Disciplinary Appeal Committee may:
 - Allow the appeal;
 - Decrease or increase the penalty, or vary the nature of the penalty;
 - Reject the appeal.

COMMUNICATION OF DECISION

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The Disciplinary Appeals Committee's decision on the appeal shall be final and no further representations may be made by the trainer in relation to the case. The Disciplinary Appeals Committee shall inform the trainer of the reasons for its decision on the appeal.

The determination of the Disciplinary Appeal Committee shall be given in writing and a copy forwarded to the trainer concerned by prepaid registered post to the trainer's address.

Determinations of the Disciplinary Appeal Committee shall be reported for noting to the [P1 S4 Quality Assurance & Academic Governance Council \(QAAGC\)](#) and data on appeals will included in the annual report to the [P1 S4 Quality Assurance & Academic Governance Council \(QAAGC\)](#). The Chair of Disciplinary Appeal Committee shall write to the person who raised the complaint and advise them of the decision of the Disciplinary Appeal Committee.