



**Association of Industrial  
Truck Trainers**

**AF015 | Constitution | 2022 V7**



# **Constitution & Code of Professional Conduct**

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Registered Company Number: 4131410

## 1. Title

The title of the Association is the Association of Industrial Truck Trainers (*referred to herein as the Association*).

## 2. Office

The office of the Association will be situated in the United Kingdom.

## 3. Equipment

Industrial mechanical handling equipment & associated ancillary equipment. The scope of equipment may be changed with approval of the AITT council & endorsed by the standards committee.

## 4. Objectives

- 4.1 To promote, maintain and enforce, the annexed Professional Code of Conduct and Disciplinary Code (*the "Code"*).
  - 4.2 To improve the quality of training for equipment operators, instructors and others.
  - 4.3 To promote the standardisation of accreditation and certification of trainers, tutors and operators of equipment.
  - 4.4 To co-operate with and encourage the monitoring of the performance and standards of its members by any recognised accrediting body.
  - 4.5 Through its membership at all levels, to research methods of training, instruction and examination in all areas related to the operation and maintenance of equipment and to circulate the proven outcome of such research to all members.
  - 4.6 To provide an appeal procedure for;
    - 4.6.1 Members of applicants for membership of the Association.
    - 4.6.2 Customers of and suppliers to members of the Association.
  - 4.7 To set up, maintain and publicise a central library of all matters pertaining to the objectives of the Association.
  - 4.8 To provide for an interchange of ideas and discussion on any relevant matters with other interested bodies, organisations or associations.
  - 4.9 To actively promote the objectives of the Association and to take all reasonable steps to increase its membership.
  - 4.10 To promote and protect the credibility and commercial interests of its members.
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- 4.11** To acquire and hold so far as necessary in the names of the trustees appointed for that purpose and to dispose of such real and personal property as may be considered necessary for any of the functions of the Association.
- 4.12** In the furtherance of its objectives the Association may:
- 4.12.1** Obtain, collect and receive money and funds by way of contributions, fees, donations, subscriptions, legacies, grants and other lawful methods and may accept and receive gifts and property of any description (*whether subject to any special trusts or not*).
  - 4.12.2** Assist any body or bodies financially or otherwise.
  - 4.12.3** Procure and provide information.
  - 4.12.4** Affiliate itself to other institutes, associations or the like, with an interest in the training, operation and maintenance of equipment.
  - 4.12.5** Do such other lawful things as the Council considers are incidental or conducive to the furtherance of the objectives of the Association.

## 5. Membership

Membership shall be available to any company, organisation, and body or individual with an interest in training. There will be various grades of membership which will be decided by the members at a general meeting. The current grades are as follows:

### 5.1 Membership\*

#### Corporate Membership

Organisations who are classified as a limited company & employ more than one employee. Providing operator training may not be their sole purpose, but they may have a keen interest in the subject. If they do provide training, they may have multiple training centres & also deliver training on customer premises. They may be involved in the training of instructors and operators of workplace transport & related training.

#### Business Membership

Training organisations who are classified as a limited company with at least one employee. They have a training centre & also work on company customer premises. They may be involved in the training of instructors and operators of workplace transport & related training.

#### Small Business Membership

Training organisations who are either a limited company & only employ one employee, or a sole trader. They do not have a training centre & work solely on customer premises. They may be involved in the training of instructors and operators of workplace transport & related training.

### Individual membership

An individual who may have a keen interest in or are involved in the delivery of training of instructors & operators of workplace transport & related training.

### Student/Apprentice online membership

An individual who is undergoing training towards a career within the workplace transport sector, they may have a keen interest & delivery of the training of instructors & operators of workplace transport equipment and related training.

Where it is identified a change in membership structure is required the Managing Director & Treasurer shall present a justification to the AITT council where a two thirds majority of all council members will be required. *\* Any company that wishes to offer AITT accredited training must first obtain company membership, before receiving an accreditation visit. All company memberships are provided with various benefits **that may change at the discretion of the council.** Companies who wish to increase their membership level to receive these benefits are free to do so.*

## 6. Application for Membership

- 6.1 Every application for membership of the Association shall be made on such a form as the Council shall from time to time prescribe and shall be accompanied by such registration and membership fees as the Council shall from time to time determine.
- 6.2 Admission to membership of the Association will be subject to the applicant submitting satisfactory criteria and information relevant to their application.
- 6.3 The Council's decision in all matters related to the application including the grade of membership shall be final and the Council shall be under no obligation to give reasons for its decision but may do so where there is an appeal.
- 6.4 A separate register shall be kept by the Secretary for each grade of membership. The names of each member shall be entered onto the appropriate register.
- 6.5 All members of the Association shall be considered as belonging thereto until their names have been removed by the Council from the register retained by the Association.

## 7. Obligations of Members

In consideration of membership, members shall covenant with the Association as follows:

### 7.1 Company members shall undertake to:

Employ and use only full time, part time or sub-contract tutors and trainers who are properly certificated and registered with the appropriate accrediting body, or personnel who are undergoing training to become registered tutors or trainers.

Encourage the tutors and trainers which they may employ from time to time to become members of the Association.

Provide the recognised monitoring authority full access to their training centre or training venue at short notice for the purpose of monitoring their training standards for which a fee will be charged.

## **7.2 All members undertake to:**

Co-operate fully with the Council in any enquiry relating to an adverse report being received by the Association as a result of a monitoring visit or other source and undertake to implement any necessary improvements within the time scale required by the Council and notified to the member in writing.

Promote the objectives of the Association and not to abuse their connection with the Association or fellow members in order to further their business or personal interests; and abide with the code.

- 7.3** The Association is a member of the Accrediting Bodies Association (ABA) whose mission statement is to agree and maintain a common set of standards for the basic skills and underpinning knowledge required to operate workplace transport equipment in line with all relevant & current legislation and approved codes of practice for the benefit of industry. As such the Association has agreed to abide by the ABA Code of Conduct ([https://abawtblog.files.wordpress.com/2018/09/aba\\_copv8-0918.pdf](https://abawtblog.files.wordpress.com/2018/09/aba_copv8-0918.pdf)) detailing how members are expected to conduct themselves, including competition law compliance. As such where the Association suspends or withdraws the accreditation of a Training Provider or an Instructor's registration, it will notify all ABA members and the appointed body. The Training Provider or Instructor's will be informed that the suspension or removal of accreditation has been passed on to the ABA members and the appointed body.

## **8. Cessation of Membership**

- 8.1** Any member may resign from the Association by giving the Secretary notice in writing. Such notice shall take immediate effect.
- 8.2** If any member shall fail to pay the agreed annual subscription within one calendar month after it has become due, notice in writing shall be sent calling the member's attention to such failure. If the subscription is not then received by the Association, membership shall cease and the member's name will be struck from the register. Such a member will be entitled to re-apply for membership and if accepted, shall be expected to pay the registration fee as a new member.
- 8.3** The Council may, by a resolution passed at a meeting of the Council at which Five members of the Council of which one must be the chairman or vice chairman is present and voting, vote in favour of the following resolutions:
- 8.3.1.** Where any member shall be convicted of a serious criminal offence, be adjudged bankrupt or goes into liquidation (voluntary or compulsory) that member shall automatically cease to be a member of the Association. The Council shall have the power at its absolute discretion to re-instate that member, who shall then be

treated as a new member.

- 8.3.2.** To refuse to accept the subscription of any member who is not considered by the Council a suitable member of the Association and such decision is at the absolute discretion of the Council which is under no obligation to give any reasons for such a decision.
- 8.3.3.** If any member shall infringe the code or any rule contained herein or be guilty of conduct which, in the absolute opinion of the Council, is contrary to the interests of the Association it shall be lawful for the Council to expel such a member from the Association.
- 8.3.4.** If any member fails to pay the Association invoice for goods or services provided within one calendar month after the invoice date, then notice in writing will be sent calling the member's attention to such failure and if the invoice is not then paid it will be brought to the attention of the Council for appropriate action.

## 9. Fees and Subscriptions

- 9.1** The fees and subscriptions of the association shall be decided by the AITT council members following recommendations of the association's treasurer and any changes will require a two thirds majority of all council members.
- 9.2** Subscriptions, which are non-refundable, shall be payable annually within thirty days of the anniversary of the member joining the Association or on such other dates as shall be determined by the Council from time to time.

## 10. Liabilities of Members

- 10.1** The liability of members is unlimited.
- 10.2** Every member of the Association undertakes to contribute to the assets of the Association in the event of the same being wound up during the period of their membership for the payment of the debts and liabilities of the Association contracted before the time at which it may have ceased to be a member and for the costs and charges and expenses of winding up the same and for the adjustments of the rights of the contributories among themselves.
- 10.3** If, in the event of a winding up of the Association, there is any surplus remaining after all liabilities of the Association have been made or provided for, such surplus shall be distributable among the members of the Association pro rata and repaid to such organisations who have donated funds to the Association.
- 10.4** Any member or instructor affiliated to the AITT when using any platform of social media must not bring the AITT into disrepute. For example by criticising or arguing with customers, colleagues or competitors, making defamatory comments about individuals including derogatory comments relating to sex, gender reassignment, race (*including nationality*), disability, sexual orientation, religion or belief or age , or posting images that are inappropriate or links to inappropriate content.



## 11. The Council

All business of the Association shall be managed by a Council.

**11.1** The composition of the Council shall from time to time be determined by the members at a general meeting but unless and until otherwise determined it shall consist of:

**Chairman**

**Vice-Chairman**

**Treasurer**

**6 members**

**11.2** Members of the Council shall be elected at the annual general meeting.

**11.3** Only fully paid up members who have been members for a minimum period of one year shall be eligible to hold office on the Council.

**11.4** Elected members of the Council shall assume office from the conclusion or adjournment of the meeting at which they were elected and shall hold office for two years.

**11.5** An elected member of Council shall act as a Joint Treasurer.

**11.6** All Council members shall be eligible for re-election.

**11.7** Elections shall be by electronic (i.e email) ballot of all members on the basis that each member is entitled to one vote and no member may vote for themselves, Nominations for Council must be received by the Secretary no less than 8 weeks before the date of the annual general meeting.

Ballot/electronic papers together with resumes of nominees shall be sent to all members no less than 6 weeks before the date of the annual general meeting. Completed ballot papers must be received by the Secretary no less than thirty days before the date of the annual general meeting.

**11.8** The Council's duties shall be to carry out the general policy of the Association and, subject to any conditions imposed from time to time by the members of the Association, to provide for the administration, management and control of the Association including the promulgation and enforcement of the Code. It shall be empowered to recruit and employ staff, who shall be employees of the Association or under sub-contract to the Association.

**11.9** The Chairman, or in his absence a Council member chosen from those attending, shall preside over all Council meetings.

**11.10** Council meetings shall be called at least four times each year and additional meetings shall be called as and when necessary. Any member of the Council may at any time summon a meeting of the Council by written notice served on all other members of the Council, provided that thirty days notice of such meeting is given to the other members. In the case of an emergency the Chairman or Treasurer may call a meeting at shorter notice. Five

members of the Council of which one must be the chairman or vice chairman be present at such a meeting, all having been notified.

- 11.11** Five members of the Council present at a meeting shall constitute a quorum. Nominated alternatives of Council members, if acceptable to Council members present may act as proxy and participate in all activities and votes. (Present can include council members participating through audio-visual links or other electronic means)
- 11.12** Casual vacancies may be filled at the discretion of the Council until the next general meeting.
- 11.13** In addition to the elected members the Council may co-opt no more than three persons on to the Council.
- 11.14** The Council shall decide by a majority vote of the members present, provided that:
  - 11.14.1** Each member shall have one vote.
  - 11.14.2** In the event of the vote being equal, the Chairman, or the Chairman elected for that particular meeting, shall have an additional casting vote.

## 12. Committees

- 12.1** Standing Committees and Working Groups may be established by Council to facilitate its work.
- 12.2** Such Standing Committees or Working Groups shall be granted terms of reference by Council which may delegate to them any of its powers to the extent necessary to enable them to carry out their terms of reference.
- 12.3** Standing Committees or Working Groups shall be composed of representatives of organisations or individuals who are members of the Association. The terms of reference of a Standing Committee or Working Group may include power to co-opt, at the discretion of the Standing Committee or Working Group, additional persons or individuals provided such co-option is in relation to the general terms of reference of the Standing Committee or Working Group and not for a specific or temporary purpose. Such co-option shall be submitted to the next meeting of Council for confirmation.
- 12.4** The Chairman of each Standing Committee or Working Group shall be selected by Council and shall normally be a Council member.
- 12.5** The Chairman of the Standing Committee or Working Group shall report on its activities at each Council meeting and/or whenever called upon for information. Copies of all minutes and draft documents shall be sent to the Chairman of the Association, the Secretariat and the Committee or Group members.



## 13. Meetings

- 13.1** An annual general meeting of the Association must be held once in every calendar year at such time and place as shall be determined by the Council provided that such meeting shall be held not more than fifteen months after the preceding one.
- 13.2** Any other meeting of the Association shall be called an extraordinary general meeting.
- 13.3** The Council may, whenever it thinks fit, convene an extraordinary general meeting and must convene such a meeting as soon as practicable upon receiving a request in writing from not less than one tenth of the total number of members of the Association entitled to vote giving the purpose for which the meeting is required or, in default, the meeting may then be convened by those members requesting it.
- 13.4** At least thirty days notice of every general meeting, excluding the date of posting of such notice, shall be sent by post to each member.
- 13.5** No business shall be transacted at any general meeting unless a quorum of membership is present at the commencement of the meeting. Ten paid up members of the Association (excluding members of the Council) shall constitute a quorum.
- 13.6** The Managing Director or in his absence, the Chairman shall preside over a general meeting and in the event of neither being present for whatever reasons members at such meetings must elect one member of the Council present to preside over the meeting.
- 13.7** Council meetings can be undertaken via video conference, physical, or a combination to suit the business and the council members needs.

## 14. Votes of Members

- 14.1** Every member having paid the relevant subscription shall have one vote.
- 14.2** Other interested bodies may attend a general meeting but may not vote.
- 14.3** Only one person representing a company member may vote.
- 14.4** Votes may be cast in person or by proxy except for the election of Council members which will be by electronic ballot (i.e email) as per paragraph 11.7. The instrument appointing a proxy must be in writing and signed by the appointer and must be received by the Secretary at least seven days prior to the meeting.
- 14.5** The Council shall ensure that proper minutes are made of all transactions by the Council and at general meetings.
- 14.6** The Council may enter into an affiliation on behalf of the Association with any other body or association which the Council in its absolute discretion is satisfied has similar aims to that of the Association.

## 15. Finance

- 15.1** The income and property of the Association however derived shall be applied solely towards the promotion of the purposes of the Association as set forth in this Constitution and no portion thereof shall be paid or transferred directly or indirectly by way of dividend bonus, profit or otherwise to any member of the Association. PROVIDED THAT nothing herein shall prevent the payment in good faith of reasonable and proper remuneration of any officer or servant of the Council or the repayment of out of pocket expenses as prescribed in paragraph 17.
- 15.2** The Council may appoint a custodian trustee or a trust corporation of not less than three persons to hold any property belonging to or held in trust on behalf of the Association.
- 15.3** The books of account of the Association shall be maintained and kept by the Treasurers for the Association and shall always be open to inspection by members. The Associations financial year shall run from 1st January to 31st December. The accounts of the Association shall be independently audited annually and a report submitted to the Members.
- 15.4** Cheques drawn on the bank account of the Association must be signed by any two of the three Council members designated by the Council.
- 15.5** A reserve shall be set by the Treasurer to maintain adequate financial reserves to meet foreseeable needs and commitments, and also to have money available to smooth the impact of uneven cash flows, offset the budget requirement, or can be used to cope with unexpected events or emergencies. Expenditure from reserves can only be authorized by the full council recommendation from the Treasurer.

## 16. Dissolution

The Association may at any time be dissolved by resolution passed by a two-thirds majority of those present and voting at a meeting of the Association of which thirty clear days notice shall have been sent to all members. Such resolutions may give instructions for the disposal of any assets held by or in the name of the Association **PROVIDED THAT** if any property remains after the satisfaction of all debts and liabilities such property shall be distributed in accordance with the provision of clause **10.3**.

## 17. Expenses of Officers and Servants

Subject to the terms of this Constitution, reasonable expenses incurred by the Officers or servant of the Association in the discharge of their duties shall be allowed out of the funds of the Association at the Managing Directors discretion. A statement of such expenses must be submitted to the Council for approval.

## 18. Indemnity of Officers

The members of the Association indemnify all officers and members of the Council against all actions, proceedings, costs, expenses, claims and demands which may be made upon them or which they may incur sustain or be put to whilst acting on its behalf.

## 19. Alterations to the Constitution

Alterations to the Constitution shall receive the assent of not less than a two thirds majority of the members of the Association present and voting at a general meeting. A resolution for the alteration of the Constitution shall be received by the Secretary of the Association at least forty-two clear days before the meeting at which the resolution is to be brought forward. At least thirty clear days notice in writing of such a meeting shall be given by the Secretary to the members and should include notice of the alterations proposed.

## 20. Notices

- 20.1** A notice may be served by the Council or by the Secretary of the Council upon a member either personally or by prepaid post addressed to that member's last known address as registered in the records of the Association. Any notice served by post shall be deemed to have been served on the day following that on which same was posted and in providing such service it shall be sufficient proof that the notice was properly addressed and posted.
- 20.2** The accidental omission to give notice of a meeting to any member shall not invalidate the meeting.
- 20.3** AITT registered instructors who are not members of AITT, also agree on their AITT instructor registration application, to abide by the AITT code of conduct, and therefore are applicable to the same relevant rules within this constitution.

## 21. Interpretation

The interpretation Act 1978 shall apply

### **The ASSOCIATION of INDUSTRIAL TRUCK TRAINERS**

#### **CODE OF PROFESSIONAL CONDUCT**

The primary function of all members of the Association is to improve the quality and standards of training for operators of equipment, tutors, trainers and other associated with the operation and maintenance of such equipment.

This Code applies to all Members, Tutors, Instructors and Training Providers of AITT Courses i.e., anyone who is either accredited by or a member of AITT or is an AITT registered Instructor (together "Members") and all such persons/bodies are subject to these provisions.

All Members, as defined above, undertake to:

- 1 Ensure that no action or omission on their part or within their sphere of activity or influence is detrimental to the quality and standards of training.
- 2 Take every reasonable opportunity to maintain and improve their professional knowledge and competence in the field of equipment.
- 3 Present themselves and/or their facilities for re-examination by the appropriate recognised accrediting body at recognised and accepted times.
- 4 Assist in the activities and investigations of the accepted and recognised monitoring bodies and to take part in any enquiry resulting from such investigations.
- 5 Refuse to accept any commission or order which they are not qualified to carry out.
- 6 Respect confidential information gained in the course of professional activities and undertakings and refrain from disclosing such information without the consent of the client. Provided that the disclosure is not required by law or an order of the court.
- 7 Refuse to accept any gift, favour or hospitality which might be interpreted as seeking to exert undue influence in order to obtain preferential consideration.
- 8 Have regard to the workload of and pressure upon professional colleagues and subordinates and to take appropriate action where these are seen to constitute abuse of an individual's rights and/or to jeopardise safe standards of practice.
- 9 Submit to the Disciplinary Code of the Association and accept the findings of the Council having been made aware of all rights and appeal procedures available to members.
- 10 Carry out all activities of the Association without prejudice to ethnic origins, religious or political beliefs, age, sexual identity, sexual orientation, social status or any other protected characteristic. In accordance with Paragraph 3 of the Disciplinary Code below it is incumbent upon all Members to ensure they, or anyone engaged by them in respect of training accredited by the Association is aware of these requirements and acts accordingly to treat all colleagues and students with utmost respect.
- 11 Report any legal proceedings against themselves which may affect their standing within the Association in any way or damage the image or property of the Association.

### Disciplinary Code

- 1 Breach of the Code of Conduct by any Member may also constitute a breach of the Disciplinary Code.
- 2 It is reiterated that the Disciplinary Code applies to all Members, Tutors, Instructors and Training Providers of AITT Courses i.e., anyone who is either accredited by or a member of AITT or is an AITT registered Instructor (*together "Relevant Person"*) and all such Relevant Persons are subject to the provisions of the Disciplinary Code.

- 3 Every Training Provider will ensure that any tutor or trainer or instructor engaged by them is aware of the content of the Code of Professional Conduct and this Disciplinary Code.

## Disciplinary Procedure

### 1 About this Procedure

- 1.1 The Council will deal with any disciplinary matter fairly by taking steps to establish the facts and giving Relevant Persons the opportunity to respond before taking any formal action. The purpose of this Disciplinary Procedure is to provide a framework within which the Council can work with Relevant Persons to maintain satisfactory standards of conduct and to encourage improvement where necessary.
- 1.2 This procedure is used to deal with misconduct.
- 1.3 The Council has overall responsibility for the effective operation of this procedure.

### 2 Minor Conduct Issues

- 2.1 Minor conduct issues can often be resolved informally. These discussions should be held in private and without undue delay whenever there is cause for concern. Where appropriate, a note of any such informal discussions may be placed on a Relevant Persons Association File but will be ignored for the purposes of any future disciplinary hearings. In some cases, an informal verbal warning may be given. Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate (*for example, because of the seriousness of the allegation*).

### 3 Confidentiality

- 3.1 Disciplinary matters will be handled sensitively and with due respect for the privacy of any individuals involved. All Relevant Persons must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.

### 4 Investigations

- 4.1 The purpose of an investigation is to establish a fair and balanced view of the facts relating to any disciplinary allegations against a Relevant Person, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from any witnesses, and/or reviewing relevant documents.
- 4.2 Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held.
- 4.3 Relevant Persons must co-operate fully and promptly in any investigation. This will include informing of the names of any relevant witnesses, disclosing any relevant documents and attending investigative interviews if required.

## 5 Criminal Allegations

- 5.1 Where conduct is the subject of a criminal investigation, charge or conviction the Council will investigate the facts before deciding whether to take formal disciplinary action.
- 5.2 The Council will not usually wait for the outcome of any prosecution before deciding what action, if any, to take.
- 5.3 A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if the Council consider that it is relevant to membership to the Association, instructor registration or training provider accreditation to the Association.

## 6 Suspension

- 6.1 In some circumstances the Council may need to suspend Membership of the Association; instructor registration; or training provider accreditation to the Association, as applicable. The suspension will be for no longer than is necessary to investigate any allegations of misconduct or so long as is otherwise reasonable while any disciplinary procedure is outstanding.
- 6.2 Suspension of this kind is not a disciplinary penalty and does not imply that any decision has already been made about the allegations.

## 7 Notification of a Hearing

- 7.1 Following any investigation, if the Council consider there are grounds for disciplinary action, Relevant Persons will be required to attend a disciplinary hearing. The Council will inform Relevant Persons in writing of the allegations against them, the basis for those allegations, and what the likely range of consequences will be if the Council decide after the hearing that the allegations are true. The Council will also include the following where appropriate:
  - 7.1.1 a summary of relevant information gathered during the investigation;
  - 7.1.2 a copy of any relevant documents which will be used at the disciplinary hearing; and
  - 7.1.3 a copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case Relevant Persons will be given as much information as possible while maintaining confidentiality.
- 7.2 The Council will give you written notice of the date, time and place of the disciplinary hearing. The hearing will be held as soon as reasonably practicable, but Relevant Persons will be given a reasonable amount of time to prepare their case based on the information they have been given.

## 8 Procedure at Disciplinary Hearings

- 8.1 The hearing will be chaired by the AITT Managing Director or AITT Technical Manager along with 2 other Members of the Council.



- 8.2 At the disciplinary hearing the Council will go through the allegations against and the evidence that has been gathered. Relevant Persons will be able to respond and present any evidence of their own.
- 8.3 Relevant Persons may ask relevant witnesses to appear at the hearing, provided they give sufficient advance notice to arrange their attendance. Relevant Persons will be given the opportunity to respond to any information given by a witness.
- 8.4 The Council may adjourn the disciplinary hearing if they need to carry out any further investigations such as re-interviewing witnesses in the light of any new points raised at the hearing. Relevant Persons will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
- 8.5 The Council will inform you in writing of its decision and the reasons for it, usually within one week of the disciplinary hearing. Where possible the Council will also explain this information to Relevant Persons in person.

## 9 Disciplinary Penalties

The usual penalties for misconduct are set out below. No penalty should be imposed without a hearing.

- 9.1 **Stage 1: first written warning.** It will usually be appropriate for a first act of misconduct where there are no other active written warnings on the Relevant Persons disciplinary record.
- 9.2 **Stage 2: final written warning.** It will usually be appropriate for:
  - 9.2.1 misconduct where there is already an active written warning on the Relevant Persons Association File; or
  - 9.2.2 misconduct that the Council consider sufficiently serious to warrant a final written warning even though there are no other active warnings on the Relevant Persons record.
- 9.3 **Stage 3: expulsion and removal of AITT registration/accreditation.** It will usually only be appropriate for:
  - 9.3.1 further misconduct where there is an active final written warning on the Relevant Persons Association File; or
  - 9.3.2 any gross misconduct regardless of whether there are active warnings on the Association File. Gross misconduct will usually result in immediate expulsion.
- 9.4 It should further be noted that the Association is required to inform The Accrediting Bodies Association (ABA) if the Council withdraw an Instructor or Training Provider from AITT. Accordingly, all Relevant Persons are placed on notice that details of disciplinary action may be passed to another accrediting body in the event of a suspension and/or removal of accreditation due to a breach of the Code of Conduct and/or Disciplinary Code. However, the Council confirm that such information will otherwise be kept confidential and not disclosed to any other third party outside of the Association.

## 10 The Effect of a Warning

- 10.1 A first written warning will usually remain active for six months and a final written warning will usually remain active for 12 months.
- 10.2 After the active period, the warning will remain permanently on your Association File but will be disregarded in deciding the outcome of future disciplinary proceedings.

## 11 Appeals

- 11.1 If a Relevant Person feels that disciplinary action taken against them is wrong or unjust they should appeal in writing, stating full grounds of appeal, to the Council within one week of the date on which they were informed of the decision.
  - 11.2 If Relevant Persons raise any new matters in their appeal, the Council may need to carry out further investigation. If any new information comes to light, they will provide Relevant Persons with a summary including, where appropriate, copies of additional relevant documents and witness statements. Relevant Persons will have a reasonable opportunity to consider this information before the hearing, and you may comment on any new evidence arising during the appeal before any decision is taken.
  - 11.3 The Council will give written notice of the date, time and place of the appeal hearing. This will normally be two to seven days after receipt of the written notice.
  - 11.4 The appeal hearing may be a complete re-hearing of the matter, or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at the Council's discretion depending on the circumstances of the case. In any event the appeal will be dealt with as impartially as possible.
  - 11.5 Where practicable, the appeal hearing will be conducted by a Council Member who has not been previously involved in the case
  - 11.6 The Council may adjourn the appeal hearing if needed, to carry out any further investigations in the light of any new points raised at the hearing. Relevant Persons will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
  - 11.7 Following the appeal hearing the Council may:
    - 11.7.1 confirm the original decision;
    - 11.7.2 revoke the original decision; or
    - 11.7.3 substitute a different penalty.
  - 11.8 The Council will inform Relevant Persons in writing of the final decision as soon as possible, usually within one week of the appeal hearing. Where possible they will also explain it in person. There will be no further right of appeal.
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