



Disciplinary Framework (AL005V002)

FPA AUSTRALIA

Policy Code	AL005	Version	V002	Version History	6.9.21 to current AL005V002 includes: amendments to all sections, L2 Moderate Severity and Termination reference
Department Responsible	Accreditation and Licensing (AL)	Accountable	National Manager Accreditation		



FPA Australia Disciplinary Framework

Stage	Assessment	Criteria	Action
1	Determine whether the breach would withstand criteria of the S.E.L.F test.	Scrutiny Would the individual's behaviour or operational performance withstand scrutiny of the FPA Australia Accreditation Appeals Panel if the breach was to be overseen?	If the individual's behaviour or performance does not meet one or more of the S.E.L.F test criteria, the matter must proceed to the next stage.
		Ensure Compliance Does the individual's behaviour or operational performance ensure compliance with rules, regulations, policies, procedures and legislation?	
		Lawful Was the individual's behaviour or operational performance lawful?	
		Fair Was the individual's behaviour or operational performance fair?	



Stage	Assessment	Criteria	Action
2	Evaluate the breach against the following criteria and select the most appropriate breach type.	<u>Misconduct</u> (i) The breach includes but is not limited to behavioural or operational performance that would otherwise be unethical unsafe or unlawful of the individual (ii) Managing the breach by way of Breach of Discipline would not be in the interest of FPA Australia and the community	If the breach is deemed to fulfil criteria of Misconduct: issue Show Cause Notice and proceed to the next stage.
		<u>Breach of Discipline</u> (i) The breach includes but is not limited to behavioural or operational performance that would otherwise be unsatisfactory of the individual. (ii) Managing the breach by way of Misconduct would not be in the interest of FPA Australia and the community.	If the breach is deemed to fulfil criteria of Breach of Discipline: issue Show Cause Notice and proceed to the next stage.

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3	<p>Assess the information considered and the individuals Show Cause Notice response against the mitigating and aggravating factors:</p> <p><u>Mitigating Factors:</u></p> <ul style="list-style-type: none"> • Collaboration/cooperation <ul style="list-style-type: none"> ○ Worked with the Association • Intent <ul style="list-style-type: none"> ○ Accidental • Training <ul style="list-style-type: none"> ○ Not trained on the issue <p><u>Aggravating Factors:</u></p> <ul style="list-style-type: none"> • Collaboration/cooperation <ul style="list-style-type: none"> ○ Did not assist with inquiries • Intent <ul style="list-style-type: none"> ○ Deliberate act • Training <ul style="list-style-type: none"> ○ Trained incorrectly 	<p>No case to offer The individual was not found at fault or the complaint was frivolous or vexatious.</p>	No action – individual advised that there is no case to answer by way of Notice of Decision.
		<p>Level 1 – Minor A minor breach that does not put lives at risk or impose a financial burden and/or a breach made in error, with minimal impact.</p>	<p>Combination of one or more</p> <ul style="list-style-type: none"> • 0-3-month suspension. • Formal warning/apology • Written undertaking from the individual's that the breach will not be repeated • Remedial training
		<p>Level 2 – Moderate A more serious breach, where some manageable risk is involved and/or financial implications are relatively low and/or a breach made in error, with moderate impact.</p>	<p>Combination of one or more</p> <ul style="list-style-type: none"> • 4-6-month suspension of accreditation. • Formal warning/ apology • Written undertaking from the individual that the breach will not be repeated • Remedial training
		<p>Level 3 – Major A serious breach, where there is a clear risk to life, property, environment and/or there are significant financial implications and/or a deliberate breach with major impact.</p>	<p>Combination of one or more</p> <ul style="list-style-type: none"> • 12-month suspension of accreditation • Written undertaking from the individual that the breach will not be repeated • Remedial training
		<p>Level 4 – Significant A very serious breach, where there is a substantial risk to life property, environment and/or significant financial implications and/or a deliberate breach with significant impact.</p>	<p>Combination of one or more</p> <ul style="list-style-type: none"> • 24- month suspension of accreditation • Written undertaking from the individual that the breach will not be repeated • Remedial training
<p>Level 5 – Severe A severe breach, where there is major risk to life property environment and/or severe financial implications and/or a deliberate breach with severe impact</p>	<ul style="list-style-type: none"> • Termination of accreditation (Refer to FPA Australia Auditing and Compliance Policy and Procedures) 		



Stage	Assessment	Criteria	Action
4	Once the severity level has been identified and mitigating/aggravating factors considered, compare to cases listed in the Notice of Decision Register and complete assessment.	The comparative case must be deemed to be of similar or the same circumstances. Consideration must be given to the severity level decided for previous cases and the responses and evidence provided by the individuals.	Comparative case is chosen and referenced in Show Cause Notice Assessment. Matter is presented to Case Management Committee.



Stage	Assessment	Criteria	Action
5	Arrange Case Management Committee (CMC) and ensure there are sufficient members to conduct a review. (Refer to FPA Australia CMC Terms of Reference)	CMC Review.	CMC ensures that the breach satisfies all stages of FPA Australia Disciplinary Framework. Determine if further information or evidence is required. Decide on Breach of Discipline/Misconduct and Severity Level (outcome) Notice of Decision is completed and forwarded to FPA Australia CEO or COO for endorsement.

Approval

Department Responsible: Accreditation and Licensing (AL)

Accountable: National Manager Accreditation

Date: 26.8.21

Signature: