



## Cause for Concern Procedure

### 1. CONTEXT

- 1.1** In the context of this procedure and its related policies and procedures, a Cause for Concern can be defined as actions or behaviours on the part of a Norland student, NQN, Norlander or Norland department/service provider, which have been observed and/or reported, that may breach the Code of Professional Responsibilities and/or have the potential to lead to a complaint, disciplinary action or fitness to practise or study concerns.
- 1.2** This procedure has been written to outline the steps to be taken when a Cause for Concern is reported and/or observed. It aims to provide a framework by which facts can be established, informal resolutions can be sought and, if necessary, appropriate, evidence-based action can be taken.
- 1.3** This procedure forms Stage 1 of the following procedures:
- a) Student Disciplinary procedure
  - b) NQN/Norlander disciplinary procedure
  - c) Fitness to Practise procedure
  - d) Fitness to Study procedure
  - e) External Stakeholders Complaints procedure
- 1.4** If there has previously been more than two Causes for Concern raised about a student, NQN, Norlander, member of staff or department, the concern may be escalated to the relevant policy listed in 1.3, without following this Cause for Concern procedure.
- 1.5** In the circumstances outlined in paragraph 1.4 and if the facts about the causes for concern are clear and not challenged by the student, NQN or Norlander, the case may proceed directly to a panel hearing under the relevant policy listed in 1.3.
- 1.6** Norland reserves the right to take action in relation to any student, NQN or Norlander who may have breached one or more aspects of the Norland Code of Professional Responsibilities, but it is not obliged to do so. Norland's jurisdiction over the conduct of its students and graduates extends only to their compliance with the Code and not to any other employment-related issues between the parties concerned.
- 1.7** In all other circumstances, the following procedures will apply.



## **2. STAGE 1: CAUSE FOR CONCERN**

**2.1** Where concerns are raised about a student, NQN, Norlander and/or Norland department/service provider that may lead to a complaint or where misconduct is suspected or where an issue exists that may affect, for example, a student's ability to study or go on placement, it will be deemed to be a Cause for Concern. The concern may be raised by staff, student/s, clients, NQN families, members of the public or any other stakeholder. The recipient of the concern will complete a Cause for Concern Notification form (see Appendix 1) outlining the concern, and send it to one of the following people, depending on the subject of the concern:

- Students: Quality Manager (QM), who will discuss appropriate actions with the Vice Principal (VP)
- NQN(s): Head of Careers and Consultancy (HCC)
- Norlander(s): Head of Careers and Consultancy (HCC)
- Any complaints/concerns about services provided by Norland: Head of HR, Resources and Compliance

**2.2** The QM, HCC or HRRRC will alert student, NQN, Norlander or Head of Department (HOD) to the concern and send them a copy of the Cause for Concern Notification form. A secure folder will be created to store the Cause for Concern Notification form and any relevant evidence and correspondence.

**2.3** Where the facts of a Cause for Concern are undisputable, and previous Causes for Concerns raised have not resulted in formal action, the VP, HCC or HRRRC may issue an informal or formal warning and/or other action without meeting with the party. An example of this would be poor attendance or failure to respond to communications where clear evidence is provided. In this case, the VP may authorise the QM to act on her behalf.

**2.4** Where the facts of a Cause for Concern may be disputable, the VP, HCC or HRRRC will attempt to clarify facts in an objective way. This may, for example, involve seeking further information regarding the facts of the case from any party concerned, including the subject of the cause for concern in order to ascertain their perspective on the cause of the concern and ensure they have a right of reply.

**2.5** In cases where the notifier wishes to remain anonymous and does not wish to be involved in any process, the VP, HCC or HRRRC will decide on the merits of the case, without their evidence, whether further action should be taken. It is noted that anonymous evidence is deemed to carry less weight. Where more than one anonymous notifier raises the same or similar concern relating to different incidents or occasions, this evidence may carry more weight. However, the subject of the Cause for Concern is entitled to answer any allegations against them and, if this is not possible without disclosing the identity of the notifier, it may be necessary to dismiss the Cause for Concern without further action.

**2.6** Any matters related to safeguarding of children will automatically trigger a Formal Investigation within this procedure.



- 2.7** In cases where concerns have been raised which involve bullying, harassment, criminal activity or behaviour likely to bring Norland into disrepute, the process is more likely to automatically proceed to a Formal Investigation within this procedure.
- 2.8** The VP, HCC or HHRRC will seek to resolve the matter informally if appropriate. This may, for example, involve offering an informal resolution to the notifier of the concern if appropriate to the circumstances, and it may involve taking appropriate and proportionate action with the subject of the concern. If the notifier remains dissatisfied with the informal resolution offered, the VP, HCC or HHRRC will refer the Cause for Concern to the appropriate policy as outlined in paragraph 1.3.
- 2.9** In deciding what action to take, the VP, HCC or HHRRC will consider whether or not the matter relates to Stage 1 of a complaint, a disciplinary, a fitness to study or a fitness to practise. It should be noted that this process is for internal use only. Having clarified the initial facts of the case, the VP, HCC or HHRRC, in consultation with the Principal or other relevant Senior Staff member, will take appropriate action, as outlined below:

**No further action** – If the Cause for Concern is not deemed to be of merit or it is found that the concerns are baseless, no further action will be taken and a record will be made of the concern for internal records only and for a period of one year. In making this decision, the VP, HCC or HHRRC may consult with other relevant staff. An example of this would be where two people give different accounts of a minor incident and it is not possible to corroborate either account through witnesses or other evidence. The internal record will be in the form of the Cause for Concern Notification report. This report will make clear what decision has been taken and the rationale for the decision based on the Standard of Proof. No record will be kept in the student's/NQN's/Norlander's/HOD's file. If appropriate, the VP, HCC or HHRRC will offer support to the student/s/ NQN/Norlander/HOD in order to resolve any outstanding difficulties.

However, should a similar Cause for Concern be investigated again, the VP, HCC or HHRRC may take into account the previous record when deciding which option for next steps to pursue.

a) **Informal or formal warning and/or other action** – if the Cause for Concern has sufficient evidence immediately available against the Standard of Proof to merit further action but is insufficiently serious to merit moving to a formal stage under the relevant policy, or if the student/NQN/Norlander/HOD acknowledges a minor concern but has strategies in place to address it, the VP, HCC or HHRRC, in consultation with relevant Senior Staff member/s will implement a support plan with a 'Support Plan for Improvement' or 'Notice for Improvement'.

Decisions made regarding the merit of the concern and/or decisions made regarding the likelihood of sufficient evidence will be conducted in an objective and non-judgemental



manner. A Support Plan for Improvement or Notice for Improvement will require the student/NQN/Norlander/member of staff to show demonstrable improvement in the area of concern over a suitable period of time. The VP/HCC/HRRRC will nominate a suitable person to work with the student/NQN/Norlander/HOD to create and monitor the plan. When complete, it will be signed off by the VP, HCC or HRRRC. The plan will be reviewed regularly and if unsatisfactory progress has been made, the VP, HCC or HRRRC will decide whether to extend the time period and/or amend the plan or refer this to an Investigation Officer to commence a Formal Investigation. The VP, HCC or HRRRC may also refer the matter directly to the Principal and recommend a hearing commence under the relevant policy.

An internal record will be kept on the Cause for Concern Notification report for internal purposes only. This report will make clear what decision/s has/have been taken and the rationale for the decision/s based on the balance of probabilities. The plan will be put on the student's/NQN's/Norlander's online record and marked as resolved once the VP, HCC or HRRRC is satisfied the student has met its conditions.

**Formal investigation** - if the Cause for Concern is deemed to be of sufficient merit, is denied and/or an investigation is likely to uncover sufficient evidence one way or the other to meet the Standard of Proof, the process will move to a formal investigation (i.e. Stage 2 of the relevant policy). A formal investigation can be instigated where there are conflicting accounts given by the parties concerned or where the concern is of a more serious nature. The investigation will be conducted in a fair and impartial manner.

- 2.10** In order to preserve the confidentiality of all concerned, the outcome of a Cause for Concern will not be disclosed to the notifier or any other party, except for the subject of the Cause for Concern. The Notifier may, where appropriate, be informed that appropriate action has been taken but no details of that action will be disclosed.
- 2.11** All Cause for Concerns raised throughout the academic year are logged by the Quality Manager on a secure database, collated and reported anonymously to the Academic Board, SLT and/or the Board of Directors as required.





**APPENDIX ONE: CAUSE FOR CONCERN NOTIFICATION FORM**

Date cause for concern raised		
Name, status and contact details of Notifier		
Name, Set/Year If relevant and contact details of student/s concerned		
Brief outline of cause for concern		
Checklist	Record created in secure folder	Date:
	Date student/s notified	Date:
<b>Clarification meetings</b>		
Date of meeting with Notifier		
Date of meeting/s with student/s		
Details of Cause for Concern established		
Does the Notifier wish to remain anonymous?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, is there the potential of sufficient evidence to justify further action?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Does the concern involve bullying, harassment, criminal activity or behaviour likely to bring the College into disrepute?	<input type="checkbox"/> Yes <input type="checkbox"/> No  If yes, proceed to Formal Disciplinary stage	
Date of initial decision by VP		
<b>Initial decision</b>	No further action	<input type="checkbox"/>
	Informal resolution with an informal warning and/or other action	<input type="checkbox"/>



	Formal Resolution with a Formal Warning and/or other action	<input type="checkbox"/>
	Formal Investigation	<input type="checkbox"/>

Rationale for decision	<i>Include whether a misdemeanour has been admitted, the impact of the cause for concern on others, the likelihood of sufficient evidence to meet the Standard of Proof, etc.</i>
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<b>Informal resolution</b> Details of actions to be taken	Informal Warning	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Notice of Improvement Date of review	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Other (give details)	
Name of person overseeing Notice of Improvement		

<b>Formal resolution</b> Details of actions to be taken	Formal warning	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Notice of Improvement Date of review	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Other (give details)	
Name of person overseeing Notice for Improvement		

<b>Formal Investigation</b> Name of Investigating Officer appointed		
Date investigation implemented		



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