



Cause for Action Procedure

1. Introduction

In the context of this procedure and its related policies and procedures, a Cause for Action 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 practice or study concerns.

This procedure has been written to outline the steps to be taken when a Cause for Action 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.

2. POLICY

Where concerns are raised about a student, NQN or Norlander, or where misconduct is suspected or where an issue exists that may affect, for example, a student's ability to study or go onto placement, it will be deemed to be a Cause for Action (CfA). 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 Action Notification form (see Annex A) outlining the concern, and send it to the Quality and Regulations Officer (QRO) who will discuss it with the Vice Principal (VP).

The VP will alert the student, NQN or Norlander to the concern and send them a copy of the Cause for Action Notification form. A secure folder will be created by the QRO to store the Cause for Action Notification form and any relevant evidence and correspondence.

Where the facts of a Cause for Action are indisputable, and any previous Causes for Actions raised have not resulted in formal action, the VP 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 QRO to act on their behalf.

Where a student, NQN or Norlander will not co-operate when the VP tries to establish the facts of the case, or where the investigation cannot proceed for legitimate reasons, the investigation may be paused until such time that it can resume. If the matter has still not been resolved within a reasonable time period and it appears that the student, NQN or Norlander is unable or unwilling to engage with the process, Norland reserves the right to proceed without the engagement of the student/NQN/Norlander or to close down the matter without resolution. A reasonable explanation will be provided for any decision.

Where the facts of a Cause for Action may be disputable or where further discussion would be helpful in determining the outcome of the CfA, the VP will attempt to clarify facts in an objective way, by seeking further information regarding the case from the notifier and then speaking to the



party concerned to ascertain their perspective on the cause of the concern and ensure they have a right of reply.

In cases where the notifier wishes to remain anonymous and does not wish to be involved in any process, the VP 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 Action 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 Action.

The VP will always seek to resolve the matter informally if appropriate, by offering an informal resolution to the notifier of the concern and taking appropriate and proportionate action with the subject of the concern. If this does not resolve the matter, or it is deemed that a more formal response is required and/or the notifier wishes to escalate the matter to a formal complaint, the VP will refer the Cause for Action to the appropriate Complaints procedure policy as outlined.

Causes for Action may be referred by the VP directly to a Panel hearing under the Disciplinary, Fitness to Practise or Fitness to Study policy where:

- the allegations involve safeguarding concerns;
- the allegations involve bullying or harassment;
- the allegations involve sexual misconduct;
- it is alleged that a crime has been committed;
- the allegations have potentially serious consequences for Norland or may bring Norland into disrepute.

In these cases, an investigation is normally deemed necessary in order to ensure that facts of the case are fully understood. However, if the allegations are admitted by the student/NQN/Norlander and no further evidence is required, the VP will offer the option of foregoing the investigation and proceeding directly to a Panel hearing. This may be particularly appropriate if prolonging the process would cause unnecessary additional stress and/or upset to the student/NQN/Norlander.

In cases where a Cause for Action is raised about a current Norland student and relates to safeguarding issues, the student will not be permitted to use the JobShop or Marvellous Babysitting app until the matter has been resolved.

Having clarified the initial facts of the case, the VP in consultation with the Principal or other relevant Senior Staff member, will identify under which policy the Cause for Action may be pursued and will decide upon one of the following options:

No further action – If the Cause for Action 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 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 Action 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 file. If appropriate, the



VP will offer support to the student/s/ NQN/Norlander in order to resolve any outstanding difficulties.

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

Informal or formal warning and/or other action – if the Cause for Action 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 acknowledges a minor concern but has strategies in place to address it, the VP, 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 to show demonstrable improvement in the area of concern over a suitable period of time. The VP will nominate a suitable person to work with the student/NQN/Norlander to create and monitor the plan. When complete, it will be signed off by the VP. The plan will be reviewed regularly and if unsatisfactory progress has been made, the VP 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 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 Action 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 is satisfied the student/NQN/Norlander has met its conditions.

Formal investigation - if the Cause for Action 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.

Referral to the relevant panel - if the Cause for Action is deemed to be of sufficient merit, is admitted, and prolonging the process is likely to negatively impact their mental health, the student/NQN/Norlander may opt to forego the investigation and move straight to Stage 3 of the relevant policy – the panel hearing. The consequences of this decision will be explained in writing to the student/NQN/Norlander and they will be asked to confirm in writing that they would like to take this step.

All Cause for Actions raised throughout the academic year are logged by the Quality and Regulations Office on a secure database, collated and reported anonymously to the Academic Board, SLT and/or the Board of Directors as required.



If the subject of a Cause for Action wishes to raise a counter complaint or Cause for Action, this matter will be dealt with as soon as the current Cause for Action proceedings are completed.

3. ROLES AND RESPONSIBILITIES

N/A

4. RELATED POLICIES, PROCEDURES AND GUIDANCE

This procedure forms Stage 1 of the following procedures:

1. Student Disciplinary procedure
2. NQN/Norlander disciplinary procedure
3. Fitness to Practise procedure
4. Fitness to Study procedure
5. External Stakeholders Complaints procedure

If there has previously been more than two Causes for Action raised about a student, NQN, Norlander, the concern may be escalated to the relevant policy listed, without following this Cause for Action procedure.

In the circumstances outlined and if the facts about the causes for action 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 all other circumstances, the following procedures will apply.

5. ANNEXES

Annex A – Cause for Action Notification Form

Date cause for action raised	
Name, status and contact details of Notifier	
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
Name, Set/Year If relevant and contact details of student/s concerned	
Brief outline of cause for action	
Does the action involve bullying,	<input type="checkbox"/> Yes



harassment, criminal activity or behaviour likely to bring the College into disrepute?	<input type="checkbox"/> No	
	If yes, proceed to Formal Disciplinary stage	
Checklist	Record created in secure folder	Date:
	Date student/s notified	Date:
Clarification meetings		
Date of meeting/s with student/s		
Details of previous Cause for Actions – date, brief outline of CfA and outcome <i>To be completed by Quality & Regulations Officer</i>		
Details of Cause for Actions established		
Date of initial decision by VP		
Initial decision	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"/>
Details of any action to be taken with rationale if no further action	<i>Include whether a misdemeanour has been admitted, the impact of the cause for action on others, the likelihood of sufficient evidence to meet the Standard of Proof, etc.</i>	
Informal resolution		
Details of actions to be taken	Informal Warning	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Notice of Improvement	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Support Plan for Improvement	<input type="checkbox"/> Yes <input type="checkbox"/> No
	If 'yes' to either an NFI or SPFI, please list objectives for the action plan	



Name of person overseeing Notice for Improvement/Support Plan for Improvement			
Date of review of NFI/SPfi			
Other action to be taken (if not relevant, please indicate with N/A)			
Formal resolution Details of actions to be taken	Formal warning	<input type="checkbox"/> Yes	
		<input type="checkbox"/> No	
	Notice for Improvement	<input type="checkbox"/> Yes	
		<input type="checkbox"/> No	
	Support Plan for Improvement	<input type="checkbox"/> Yes	
		<input type="checkbox"/> No	
	If 'yes' to either an NFI or SPfi, please list objectives for the action plan		
Name of person overseeing Notice for Improvement/Support Plan for Improvement			
Date of review of NFI/SPfi			
Other action to be taken (if not relevant, please indicate with N/A)			
Formal Investigation			
Name of Investigating Officer appointed			
Date investigation instigated			



Rationale for Formal Investigation	
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