

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 (hereafter known as the 'party'), which have been observed and/or reported, that may breach the Code of Professional Responsibilities and/or, the Student or NQN Terms and Conditions and/or, Academic Regulations and/or have the potential to lead to a complaint, disciplinary action or fitness to practice or study concerns. This procedure therefore sits within the [Student/NQN/Norlander Disciplinary, Fitness to Practise and Fitness to Study Policies and Procedures](#).

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.

Note that where a complex complaint is received from an external stakeholder which includes a concern about the conduct of a party as well as dissatisfaction with Norland's service provision, the CfA process will need to be concluded before the complaint is addressed. This means that any concerns about practice, professionalism or other behaviour will be dealt with under the CfA process initially and the [External Stakeholders Complaints procedure](#) will commence once all stages of the CfA procedure have been exhausted, or if the CfA process has been temporarily put on hold due to circumstances beyond our control. The complaint involving Norland's service provision will then continue but will exclude any aspect of the concern related to the party, as this will have been dealt with through this procedure.

Note that where a CfA may involve other necessary procedures such as invoking the [Safeguarding and Child Protection Policy and Procedure](#) and/or liaison with other authorities, such as the LADO or the police, the CfA may take such factors/information into consideration as part of the process. In such cases, the CfA may need to be paused in order to resolve any other factors/necessary liaisons and/or procedures.

Note that the procedures for the Cause for Action process relating to attendance, poor communication, multiple referrals, student uniform and 'any other issue' can be found in the flowcharts (all flowcharts can be found on the [Policies & Procedures tile here](#)).

Note that 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. When weighing up the evidence presented in the Causes for Action, Norland will use the Standard of Proof applied to civil cases, normally 'the balance of probabilities'; that is, something is more likely than not to have happened. Decisions must still be supported by evidence as the standard is higher than simply believing something is likely to have happened.

Note that this procedure at any stage or level may require a student or NQN to interrupt their studies in accordance with the [Interruption to Study and Withdrawal Policy and Procedure](#).

2. POLICY

Where concerns are raised about a party, or where misconduct is suspected or where an issue exists that may affect, for example, a party's ability to study or go onto placement or work, it will be deemed to be a Cause for Action (CfA). The concern may be raised by staff, placement staff/families, student/s, clients, NQN families, members of the public or any other stakeholder.

The recipient of the concern will complete a Cause for Action Record (see Annex A) outlining the concern, ordinarily informing the party that a CfA has been raised and sending it to the Academic Governance Officer (AGO)

A secure folder will be created by the AGO to store the Cause for Action Record and any relevant evidence and correspondence.

The AGO will share the relevant folder with the Pro Vice Chancellor (Student Experience) who will review the Concern and take the necessary action which may include one or more of the following procedures depending on the nature of the CfA:

- Where the facts of a Cause for Action are indisputable, and any previous Causes for Action raised have not resulted in formal action, or where the CfA relates to a first incident of poor attendance which has been evidenced by registers, or where a student has failed to respond to communications with clear evidence provided, the Pro Vice Chancellor (Student Experience) or their nominee may issue an informal warning and/or other action without meeting with the party. The party will be informed by the ago.
- Where the CfA relates to a first incident of student not following the protocols for wearing the uniform, for example wearing jewellery not permitted, the Pro Vice Chancellor (Student Experience) or their nominee may issue an informal warning and/or other action without meeting with the party. The student will be informed by the AGO. Where the CfA relates to a second incident, the student is required to meet with their tutor who will discuss the matter with them and may issue a formal warning and Notice for Improvement. Subsequent CfAs related to student uniform will result in a meeting between the student and the Pro Vice Chancellor (Student Experience) who will take any necessary action. The student will be informed of any outcome for any of these steps by the relevant person.
- 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 Pro Vice Chancellor (Student Experience) will attempt to clarify facts in an objective way, by seeking further information regarding the case from the notifier/s and/or speaking to the party concerned to ascertain their perspective on the cause of the concern and ensure they have a right of reply. This is called the clarification meeting. Ordinarily, the Pro Vice Chancellor (Student Experience) will inform the party that a meeting is required. The party will be asked to complete the 'Reflection' section, where possible, of the CfA Record prior to the meeting with the Pro Vice Chancellor (Student Experience).
- Where a party will not co-operate when the Pro Vice Chancellor (Student Experience) 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 party is unable or unwilling to engage with the process, Norland reserves the right to proceed without the engagement of the party or to close down the matter without resolution. A reasonable explanation will be provided for any decision.

- In cases where the notifier/s wishes to remain anonymous and does not wish to be involved in any process, the Pro Vice Chancellor (Student Experience) 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/s 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/s, it may be necessary to dismiss the Cause for Action.
- The Pro Vice Chancellor (Student Experience) will ordinarily seek to resolve the matter informally where appropriate, by taking proportionate action with the subject of the concern. Appropriate outcomes and/or sanctions are outlined below. The Pro Vice Chancellor (Student Experience) will inform the party of the outcome at the clarification meeting or thereafter.
- Causes for Action may be referred by the Pro Vice Chancellor (Student Experience) directly to a Panel hearing under the Disciplinary, Fitness to Practise (FtP) or Fitness to Study (FtS) policy where:
 - the allegations involve safeguarding concerns;
 - the allegations involve bullying or harassment;
 - the allegations involve sexual misconduct and/or sexual harassment;
 - it is alleged that a crime has been committed;
 - the allegations have potentially serious consequences for Norland or may bring Norland into disrepute;
 - it has been requested by a Disciplinary/FtP/FtS panel that repeated offences are referred back to it.

In these cases, an investigation is ordinarily deemed necessary in order to ensure that facts of the case are fully understood. However, if the allegations are admitted by the party and no further evidence is required, the Pro Vice Chancellor (Student Experience) 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 party.

- In cases where a Cause for Action is raised about a current Norland student and relates to safeguarding issues and/or practise-related issues that are of sufficient concern, the student will not be permitted to use the JobShop or Marvellous Babysitting app until the matter has been resolved. The Pro Vice Chancellor (Student Experience) or AGO will inform the JobShop/Marvellous.
- Having clarified the initial facts of the case, the Pro Vice Chancellor (Student Experience), in consultation with other relevant staff as necessary, will decide upon one of the following

options: - note that the following potential outcomes may operate at an informal or formal level of the CfA process:

No further action – If the Cause for Action is not deemed to be of merit or it is found that the concerns are baseless or evidence is not likely to be available and accounts are contested, no further action will be taken. In making this decision, the Head of SAS 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 Record. 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 party's file. If appropriate, the Pro Vice Chancellor (Student Experience) will offer support to the party in order to resolve any outstanding difficulties.

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 level or following a relevant policy, the Pro Vice Chancellor (Student Experience), in consultation with relevant member/s of staff may implement a support plan with a 'Support Plan for Improvement' or 'Notice for Improvement'. Note that an Informal or formal warning may be issued without a Notice for Improvement or Support Plan for Improvement. Note that a Support Plan for Improvement may be issued without a warning.

A Support Plan for Improvement or Notice for Improvement will require the party to show demonstrable improvement in the area of concern over a suitable period of time. Pro Vice Chancellor (Student Experience) will nominate a suitable person to work with the party to create and monitor the plan. When complete, it will be signed off by the Pro Vice Chancellor (Student Experience) or nominee. The plan will be placed on the party's record and marked as resolved once the Pro Vice Chancellor (Student Experience) is satisfied the party has met its conditions. The plan will be reviewed regularly and if unsatisfactory progress has been made, the Pro Vice Chancellor (Student Experience) 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 Pro Vice Chancellor (Student Experience) may also refer the matter directly to the Principal and recommend a hearing commence under the relevant policy.

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 and may need referral to Disciplinary, Fitness to Practise and/or Fitness to Study panels. 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 party 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 party and they will be asked to confirm in writing that they would like to take this step.

- Note that the Pro Vice Chancellor (Student Experience) may take into account all or any previous CfA records of the party, regardless of any outcome, when deciding which outcome option to pursue. Any decision or outcome may also, where appropriate, take into consideration other information such as the Student Health and Character Declaration, Occupational Health Report, Student Support records etc.
- An internal record will be kept of the Cause for Action Record 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, along with any accompanying documentation such as an Nfl. Please see the [Student Disciplinary Policy](#) or [NQN/Norlander Disciplinary Policy](#) for information about how records will be kept.
- The notifier/s will not ordinarily be informed of any action/outcome in order to preserve the party's confidentiality. If further information is required by the notifier/s, they will be told 'appropriate action has been taken'. If this does not resolve the matter and the notifier/s wishes to escalate the matter to a formal complaint, the Pro Vice Chancellor (Student Experience) will refer the notifier/s to the appropriate Complaints procedure.
- The outcome of the CfA may be shared with other staff, for example tutors or dissertation supervisors, if and when such information is deemed relevant or helpful in order to provide any necessary support to the party. The outcome may also be shared with the marketing team and/or Marvellous App team and/or Job Shop team and/or NQN team and/or Agency in cases where there are safeguarding and/or practise related issues that are of sufficient concern to inform the relevant parties.
- All Cause for Actions raised throughout the academic year are logged by the AGO on a secure database, collated and reported anonymously to the Programmes Committee, 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. If the CfA requires additional information to be sought following the clarification meeting, the Pro Vice Chancellor (Student Experience) will take any necessary action and will make a decision when to bring the clarification period to an end.
- If the Cause for Action is upheld, and if the party is a student and a bursary holder, the Head of SAS may consider whether a breach of the bursary conditions has occurred. If this is the case, the matter may be escalated to the Disciplinary/Fitness to Practise/Fitness to Study Policy.

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 party, the concern may be escalated to the relevant policy listed, without following this Cause for Action procedure.

5. ANNEXES

Annex A – Cause for Action Notification Record

Date cause for action raised		
Name, status and contact details of Notifier		
Does the Notifier wish to remain anonymous?	☐ Yes ☐ No	
If yes, is there the potential of sufficient evidence to justify further action?	☐ Yes ☐ No	
Name, Set/Year If relevant and contact details of student/NQN/Norlander concerned		
CfA number (is this the first, second, third etc CfA for this student/NQN/Norlander?) <i>To be completed by Quality & Regulations Officer</i>		
Provide outline of cause for action in sufficient detail		
Does the action involve bullying, harassment, criminal activity or behaviour likely to bring the College into disrepute?	☐ Yes ☐ No If yes, proceed to Formal Disciplinary stage	
Checklist	Record created in secure folder	Date:
	Date student/NQN/Norlander notified	Date:
Reflections on CfA for clarification meetings		
Add in your response to the Cause for Action prior to the clarification meeting (where possible) and send to the QRO:		

Clarification meetings		
Date of meeting/s with student/NQN/Norlander		
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		
Name & date of initial decision by relevant VP		
Initial decision	No further action	☐
	Informal resolution with an informal warning and/or other action	☐
	Formal Resolution with a Formal Warning and/or other action	☐
	Formal Investigation	☐
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>	
Is this CfA now closed? Include a resolution statement if applicable.		
Informal resolution Details of actions to be taken	Informal Warning	☐ Yes ☐ No
	Notice for Improvement	☐ Yes ☐ No
	Support Plan for Improvement	☐ Yes ☐ 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 or other action		
Date of review of Nfi/SPfi (see Nfi/SPfi for completion of procedure)		
Formal resolution Details of actions to be taken	Formal warning	☐ Yes ☐ No
	Notice for Improvement	☐ Yes ☐ No
	Support Plan for Improvement	☐ Yes ☐ 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 (Nfi/Spfi for completion of procedure)		
Date of review of NFI/SPfi		
Formal Investigation Name of Investigating Officer appointed		
Date investigation instigated		
Rationale for Formal Investigation (see Formal Investigation report for completion of procedure)		

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