



Fitness to Practise Policy & Procedure

1. INTRODUCTION

- 1.1** Norland is committed to supporting its students to succeed by entering into a partnership with them whereby staff and students work together for academic and professional success. Students at Norland study for the BA (Hons) Early Childhood Education and Care and the Norland Diploma,. These two qualifications enable graduates to work without supervision with babies, young children and their families.

Under the **Statutory Framework for the Early Years Foundation Stage** (2026up), 3.13, *“Providers must ensure that people looking after children are suitable; they must have the relevant qualifications, training and have passed any required checks to fulfil their roles. Providers must take appropriate steps to verify qualifications, including in cases where physical evidence cannot be produced. Providers must also ensure that any person who may have regular contact with children (for example, someone living or working on the same premises the early years provision is provided), is suitable.”*

- 1.2** Students are required to undertake external placements and Norland has a duty to both the student and to the public to ensure that any risk of harm is minimised.
- 1.3** Fitness to practise is the ability to meet professional standards; it is about character, professional competence and health. This policy, alongside the Norland Code of Professional Responsibilities (the professional standards), degree and diploma programme outcomes and Graduate Practitioner Competencies which Norland considers constitute the professional competencies of a Norland Nanny. These competencies set out a framework to ensure that students are fit to practise as a nanny. It has been written to comply with the OfS Sector Recognised Standards, UK Quality Code, the Good Practice Guidance published by the Office for the Independent Adjudicator (OIA).
- 1.4** This fitness to practise policy and procedure is separate from the Norland Disciplinary Policy and Procedure. The purpose of a fitness to practise process is not punitive. It is to ensure the safety of the student and those around them, including members of the public, to support the student’s practice and to safeguard public confidence in the profession. However, please note that there may be a need to move between the Disciplinary or Fitness to Study procedures during a Fitness to Practise at any point in the procedure, as circumstances are clarified.

POLICY

This policy and procedure replaces any and all previous Fitness to Study procedures, policies, and practices, whether written or unwritten.

2. APPLICATION

- 2.1** Usually, all concerns raised about a student are first considered under the [Cause for Action Policy and Procedure](#), which aims to take swift and appropriate action to resolve minor concerns, and triage concerns so that they are dealt with under the most appropriate policy or procedure. Referrals from the Cause for Action Policy and Procedure will trigger this policy and procedure, although we reserve the right to move straight to this policy and procedure if deemed appropriate.
- 2.2** The circumstances in which a student's fitness to practise is called into question may be similar to those that trigger the Student Disciplinary Policy and Procedure.
- 2.3** In deciding which policy to invoke, the Pro Vice Chancellor (Student Experience) or nominee will consider:
- Possible triggers for alleged behaviour/incident;
 - Whether the concern leads to questions about a student's suitability to work with young children and their families;
 - Current or previous known health of the student/s involved;
 - Current or previous investigations under either policy;
 - Transferability of the behaviour to practise or other situations.
- 2.4** Fitness to Practise concerns may also be identified as a result of investigations under other procedures, such as the Student Disciplinary Policy and Procedure or the Academic Misconduct Policy and Procedure. In these cases, support measures under the Fitness to Practise Policy and Procedure may be applied alongside sanctions or other measures under the originating policy, without the need for another investigation. Sanctions and support measures may be applied together. For example, a Student Disciplinary Panel may apply a warning as a result of behaviour that breaches the Code of Professional Responsibilities and may also apply support measures under the Fitness to Practise Policy, such as conditions to be met within a Support Plan for Improvement.
- 2.5** Similarly, investigations under the Fitness to Practise Policy and Procedure may be referred to any other policy if appropriate, for example to the Student Cause for Action and Disciplinary Policy and Procedure or Fitness to Study Policy and Procedure. Please note Norland will also follow the Preventing Harassment and Sexual Misconduct Policy and Procedure where an allegation of sexual misconduct has been reported by a current student against another current student or a current member of staff. Any matter related to safeguarding of children will automatically trigger the Safeguarding and Child Protection Policy and Procedure and, if upheld, is likely to proceed to a Formal Investigation and Disciplinary Panel under the Norland Disciplinary Policy and Procedure.
- 2.6** Examples of issues that may lead to fitness to practise concerns, if the student's ability to meet professional standards may be impaired, include:
- other proven disciplinary offences (for example antisocial, abusive or threatening behaviour, sexual misconduct, violence, bullying or harassment, damage to property, internet access abuse, substance/alcohol abuse);
 - health and safety breaches;
 - failure to disclose convictions or other information that the student is required to disclose;

- inaccurate or falsified placement documentation;
- unsafe practice, incompetence or requiring too much supervision;
- unprofessional behaviour, including:
 - lack of respect, aggressive or poor attitude, laziness;
 - indiscipline, failure to follow dress code, inappropriate use of mobile phone, poor time keeping, poor attendance;
 - failure to self-reflect, lack of insight;
 - failure to engage with investigations into unprofessional behaviour;
 - poor self-management, lack of personal accountability;
 - dishonesty;
 - breaking confidentiality;
- behaviour away from the student's studies, including:
 - criminal conviction e.g. violent offence;
 - offence of dishonesty;
 - disruptive behaviour in the student accommodation or community;
 - inappropriate use of social media;
- safeguarding concerns;
- poor mental or physical health or serious physical impairment that interferes with the student's ability to practise safely;
- failure to seek help or engage with appropriate services in relation to health issues;
- poor communication or language skills;
- any breach of the Norland Code of Professional Responsibilities, particularly where it relates to practice.

2.7 As these examples indicate, concerns about a student's fitness to practise may arise at any time throughout the student's studies.

2.8 This procedure will be triggered only after notification of a concern regarding a student and, usually, initial consideration under the Cause for Action procedures. The notification may come from a member of staff, a student, a placement setting or family or a member of the public. The notification may be in the form of a complaint, a concern or a referral from another procedure, for example the Student Disciplinary Policy and Procedure or Academic Misconduct Policy and Procedure.

2.9 Note that where a complex complaint is received from an external stakeholder which includes a concern about the fitness to practise of a student as well as dissatisfaction with Norland's service provision, the FtP 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 and FtP process initially and the [External Stakeholders Complaints Policy and Procedure](#) will commence once all stages of the CfA/FtP procedures have been exhausted, or if the CfA/FtP 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.

- 2.10** Note that where a CfA/FtP process concern 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 /FtP process may take such factors/information into consideration as part of the process. In such cases, the CfA/FtP process may need to be paused in order to resolve any other factors/necessary liaisons and/or procedures.
- 2.11** Note that where the CfA/FtP concern relates to safeguarding or child protection, Norland may, at its own discretion, inform relevant authorities such as LADO or DBS. It may also require the student to inform any families with whom they work, whether or not that employment has been sourced through the Norland Job Shop or Marvellous babysitting.
- 2.12** Note that any evidence gathered in the course of establishing the facts of the case and/or subsequent investigations, including records of conversations, witness statements and emails if relevant, will be shared with the subject of the FtP process so that they may respond in full to the concerns raised.
- 2.13** 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.
- 2.14** Note that this procedure at any stage or level may require a student to interrupt their studies in accordance with the Interruption to Study and Withdrawal Procedure.
- 3.** Norland is a member of the Bath Student Community Partnership (SCP) which publicises its protocols for members of the public to make complaints about any students living in Bath. Any complaint received through this process will automatically trigger the Cause for Action procedure which may then signpost the complaint to this policy and procedure.

4. DEFINITIONS

4.1 In the context of this procedure:

- the **‘student’** is an enrolled student of Norland who has not yet commenced their NQN position and who has not yet completed their studies.
- **‘Notifier’** means the person from whom the notification has been received. This may be a member of staff at Norland or placement, a fellow student, another NQN or Norlander or any other person, including members of the public or the Norlander stakeholder community.
- **Burden of Proof** determines whose responsibility it is to prove an issue. In a fitness to practise case, the burden of proof is on Norland. That is, Norland must prove that the

student has done what they are accused of doing. The student should not have to disprove the allegation.

- **Standard of Proof** is the level of proof required. Norland will use the standard 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.
- **Misconduct**
 - academic misconduct (for example plagiarism, cheating in examinations, forging records);
 - other offences (for example antisocial, abusive or threatening behaviour, sexual misconduct, violence, bullying or harassment, damage to property, internet access abuse, substance/alcohol abuse);
 - health and safety breaches;
 - failure to disclose convictions or other information that the student is required to disclose;
 - inaccurate or falsified placement documentation;
 - unsafe practice, incompetence or requiring too much supervision;
 - unprofessional behaviour, including:
 - lack of respect, aggressive or poor attitude, laziness;
 - indiscipline, failure to follow dress code, inappropriate use of mobile phone, poor time keeping, poor attendance;
 - failure to self-reflect, lack of insight;
 - failure to engage with investigations into unprofessional behaviour;
 - poor self-management, lack of personal accountability;
 - dishonesty;
 - breaking confidentiality;
 - behaviour away from the student's studies, including:
 - criminal conviction e.g. violent offence;
 - offence of dishonesty;
 - disruptive behaviour in the student accommodation or community;
 - inappropriate use of social media;
 - safeguarding concerns;
 - poor mental or physical health or serious physical impairment that interferes with the student's ability to practise safely;
 - failure to seek help or engage with appropriate services in relation to health issues;
 - poor communication or language skills.

5. THE NORLAND CODE

5.1 The Norland Code of Professional Responsibilities sets out the required professional standards of all undergraduate students, Newly Qualified Nannies (NQNs) and Norlanders. It is published on the Norland website.

5.2 All undergraduate students sign a copy of the Norland Code and receive lectures on the [Student Charter](#) and the Norland Code to ensure that they fully understand what

professional standards are required of them both during their training and after leaving Norland whilst working as an early years professional.

- 5.3** By signing the Code, students are agreeing to comply with the Code and any concerns related to professional standards may trigger this Procedure. Norland will take any alleged misconduct or breach as a potential Cause for Action which may lead to action being taken or lead to a full fitness to practise investigation.
- 5.4** Any matter related to safeguarding of children will automatically trigger the [Safeguarding and Child Protection Policy and Procedure](#) and, if upheld, is likely to proceed to a Formal Investigation.

6. HEALTH AND DISABILITY ISSUES

- 6.1** Sometimes fitness to practise concerns are related to the student's mental or physical health, or to a disability.
- 6.2** Norland will make reasonable adjustments under the Equality Act 2010 for disabled students in order to support the student to meet the professional standards required. However, the professional standards as outlined in the Code, GPC's and degree and diploma programme outcomes are considered competence standards under the Equality Act 2010 and must be met in full for a student to qualify as a Norland Nanny.
- 6.3** In order to ensure students are fully supported on placements, Norland will agree with the student before the placement starts what information can be shared with the placement.
- 6.4** A disability or health condition will always be disclosed to a placement if it is likely, in the judgement of Norland's Academic Board, to materially impact a student's practice or reliability. In these circumstances, the student will be supported to write a letter explaining the situation, how they will manage their condition and what reasonable adjustments if any have been agreed with Norland.
- 6.5** If the disability or health condition is required to be declared to placements, the student is also required to declare it in any employment secured whilst studying at Norland. This includes employment secured through the Job Shop, the Marvellous babysitting app, and from any other source.
- 6.6** If the matter leading to the fitness to practise concern is potentially related to a student's disability, Norland will first consider whether the student requires additional support, and whether it should make reasonable adjustments to the way in which it is assessing the student.
- 6.7** Norland may require advice from medical professionals and may therefore organise an occupational health referral at its own expense.

6.8 Students must be fully up to date with their childhood vaccinations and have, as a minimum, the following vaccinations as listed on the Norland pre-placement medical questionnaire: - Diphtheria, Tetanus, Whooping cough, Polio, MMR, Tetanus, Meningitis A,C,W & Y. If a student has not had chicken pox, then they should also have the Varicella antibody test and arrange to be vaccinated if needed.

6.9 In most cases, health conditions and disabilities do not affect a student's fitness to practise, as long as the student:

- demonstrates appropriate insight;
- seeks appropriate medical advice; and
- complies with treatment and adjustments made.
- Is still able to meet the competence standards in full.

7. FITNESS TO PRACTISE AND FITNESS TO STUDY

7.1 Where the Cause for Action and/or its associated behaviours relate to a condition that is affecting the student's ability to practise effectively, the matter may be referred at any stage of the proceedings to Norland's Occupational Health Advisors, which may lead to procedures under the Fitness to Study and/or [Safeguarding and Child Protection policy and procedure](#).

8. SUPPORT

8.1 Any student/s under investigation will be offered support from their personal tutor at all stages of the process. The Student Support team/counselling service is also available to all parties and the [Extraordinary Assessment Circumstances](#) Policy and Procedure may apply if any learning, teaching or assessments are impacted.

9. SUSPENSION

9.1 Suspension from Norland and/or placement is a last resort but may occur for a single incident without recourse to the early stages of this Policy and Procedure.

9.2 Norland reserves the right to suspend students as a neutral act and makes no presumption of fitness to practise; the purpose of a suspension is to allow time for an investigation to be carried out and/or to safeguard the wellbeing of all involved. Suspension will be triggered when the risk of harm to others, or the student themselves, outweighs the potential disadvantage to the student. The effect of suspension includes non-attendance at Norland and/or placement, online or onsite, in any capacity. Where necessary, suitable support will be given to the student. Norland will explain to the student why they are being suspended, and for how long. The suspension will be reviewed periodically. Students may not use the Job Shop or Marvellous babysitting app while they are suspended and should not work with children in any capacity.

9.3 In normal circumstances a suspension will be actioned by the Vice Chancellor (VC) or Deputy Vice Chancellor (DVC). The length of time for which a student is suspended will be determined on a case by case basis, depending on the needs of the individuals affected by

the investigation. The length of a suspension will be proportionate to the individual situation.

9.4 Where a request is made to extend a suspension beyond 10 working days, the VC or DVC will review the request and agree to extend the suspension or refuse to extend the suspension. Where the suspension period is extended the length of time will be determined by the need for further investigation and reporting.

9.5 Students have the right to challenge a suspension or its length. They may do so by meeting with the VC and explaining why they feel the suspension imposed on them is not justified. The VC may choose to modify or overturn the suspension and, in these circumstances, the complainant/s will be informed in advance that the student is back on site.

10. PLACEMENTS AND PROGRESSION

10.1 Where a placement is suspended or terminated because of concerns about the student's fitness to practise, Norland will discuss the events which led to the termination with the placement and the student. This is done by the Placement Manager and a CfA is then raised.

10.2 Norland will attach significant weight to the professional opinion of staff at the placement. However, it will also listen to the student's account of what happened on the placement and investigate any factual disputes or allegations that the student has not been treated fairly.

10.3 If following the completion of the FtP procedures, Norland decides that the student should be allowed to continue with their studies (with appropriate support in place) it may not be possible for the student to return to the same placement because the relationship has broken down. In this case, Norland will make every effort to find other placement opportunities for the student if appropriate. Students should engage positively with this process.

Students may not progress to the next type of placement if there are unresolved support plans on their records related to placement performance and they will be expected to demonstrate progress with the support plan throughout the placement. However, for example, if a student is unable to demonstrate fitness to practise within a daily family placement, they may not be able to progress to a live-in or residential placement until they have repeated the daily placement and demonstrated the required standard of practice. Reasonable adjustments will be made if appropriate and Occupational Health advice may be sought.

10.4 Usually, students may not progress to their NQN year if there are unresolved support plans on their records related to placement or professional performance. In this case, additional placements will be arranged to enable them to demonstrate fitness to practise before they progress to the NQN year. Reasonable adjustments will be made if appropriate. Occupational Health advice may be sought in cases where a family indicates that a student is struggling to work at the expected level and pace.

11. PROFESSIONAL JUDGEMENT

- 11.1** The question of whether the student is fit to practise as a Norland Nanny or Norland student is a question that can only be answered by someone with specialist knowledge of that profession. That conclusion would be a professional judgement.
- 11.2** Those involved in considering a student's fitness to practise must exercise their professional judgement on the basis of sound evidence. For example, where staff at a placement say that a student's behaviour is unprofessional, witness evidence and placement records should be considered to see whether they support the allegations against the student.
- 11.3** In some cases, the decision about whether the student is fit to practise will not require professional judgment, for example, where the student has committed a violent offence.

12. OUTCOME

- 12.1** At the conclusion of the Fitness to Practise process, the student or stakeholder who raised the issue should be given some resolution, within the boundaries of confidentiality. For example, they may be told that appropriate action has been taken, but not the details of what that action is. If they have experienced an adverse impact as a result of the behaviour of the student under investigation, an appropriate remedy may be offered, such as an apology, counselling or mediation, depending on the circumstances and outcome of any formal or informal investigation and/or panel. If no further action is taken (and the reason for this may or may not be given) and the complainant/notifier is dissatisfied, they may make a formal complaint to Norland following the [Student Complaints Policy and Procedure](#) or the [Complaints Policy and Procedure for External Stakeholders](#), as appropriate.
- 12.2** If the student/s under investigation make a countercomplaint against the notifier, this matter will be addressed separately and is likely to take place following the conclusion of the Fitness to Practise proceedings.

13. INFORMATION SHARING AND SECURITY

- 13.1** Student FtP information is shared with a limited number of people on a need-to-know basis to maintain confidentiality and comply with data protection laws. Information can be shared for legitimate purposes like investigation, ensuring health and safety, safeguarding or when required by law. However, individuals involved in the process are often asked to maintain confidentiality, and sharing beyond the "respondent" student is typically decided on a case-by-case basis after a risk assessment.

When we might need to share personal information.

- 13.2** There are some specific circumstances where we may be required to disclose your personal information without your consent. These include:

- 13.2.1 If there's good reason to believe that you or someone else may be at significant risk of harm. In most circumstances we would always seek your consent first, but if there wasn't time to do so, or if consent was refused, we may need to proceed if there is a legal basis to do so.
 - 13.2.2 Situations where we're required to in order to meet our statutory safeguarding duties or duty of care to students, for example protection from harm.
 - 13.2.3 Circumstances where there are fitness to practise concerns .
 - 13.2.4 Where we're legally required to do so as part of a criminal investigation under the Criminal Procedure and Investigations Act (1966).
 - 13.2.5 All records relating to any procedures within this policy will be stored on password protected, cloud-based drives and will only be accessible to relevant personnel involved in the investigation or support of the student concerned. They will only be kept for the timeframes indicated in the Record Keeping section below.
 - 13.2.6 It may be necessary for Norland to make a referral to the DBS and/or LADO at any point in the process. Similarly, if Norland is asked for a reference it may be required to mention cases of harassment and or sexual misconduct.
- 13.3** It is not appropriate for parents/carers of students, or other interested parties, to communicate with Norland staff in relation to any disciplinary proceedings. Therefore, all communications will be between the student concerned and Norland. Our staff will only liaise with parents about wellbeing or mental health concerns.
- 13.4** Where assistance by a third party has been provided, for example in preparing statements or evidence, this needs to be disclosed to Norland in advance.

Part 2 - FtP Procedure

1. STAGE 1: CAUSE FOR ACTION

- 1.1 Stage 1 of this procedure is outlined in the [Cause for Action Policy and Procedure](#), which describes the steps that will be taken whenever a Cause for Action is reported and/or observed.

2. STAGE 2: FORMAL INVESTIGATION

- 2.1 The Pro Vice Chancellor (Student Experience) (PVCSE) or nominee will conduct an investigation into the student's fitness to practise.
- 2.2 The investigation will follow the Formal Investigation procedure and a report written using the [Investigation Report template](#).
- 2.3 The (PVCSE) will notify the student/s that a Formal Investigation will be carried out clarifying the process, timeframes.

- 2.4** The purpose of the investigation is to establish the facts of the case in an objective and non-judgemental manner.
- 2.5** The PVCSE will carry out the necessary investigations of the Cause for Action and potential fitness to practise matter without unreasonable delay in order to establish the facts of the case. This will require the holding of an investigatory meeting (in person or online or by telephone) with the student/s, the notifier and any witnesses, where the facts of the case will be gathered. In most cases, the investigatory process will be the collation of evidence by the PVCSE for use of the report. At least **7 days** before any such meeting, a summary of the concern and any relevant documents will be sent to the student/s.
- 2.6** The student is permitted to be accompanied at an investigatory meeting by a friend or relative should they wish to be. The student will answer questions from the IO in order to provide the context needed for the Investigation Report. At this stage, the IO is gathering information without judgement and the student will be able to respond to the concerns in this meeting. The student's comments will be part of the report.
- 2.7** As part of the investigation, the IO may require an occupational health assessment for the student. The IO will ask the PVCSE to arrange for that to take place and further investigations may be paused until the report is received.
- 2.8** Norland will endeavour to complete its investigation within **one month** of the receipt of the Cause for Action. Where it is not possible to operate to this timeline, a new date for completion of the investigation will be provided.
- 2.9** In all cases, a record will be made of the process. This may include notes made of the initial notification of the Cause for Action, notes of the initial meeting between the PVCSE (or nominee) and the student regarding the Cause for Action, all of which are likely to be included in the Cause for Action Notification Report. These notes can be used as evidence at any stage of the proceedings. These notes will be in addition to any correspondence between the relevant parties such as emails, and any relevant documentation such as the Cause for Action Notification Report.
- 2.10** All relevant tutors will be informed of any concern regardless of the outcome and/or action taken, so that appropriate support can be offered to all parties. It may also be necessary to inform the Placement Manager.

Any complaints regarding the conduct of the investigation can only be made after the investigation has concluded. However, the student/s will be given the opportunity to provide their own evidence and views regarding the process during the course of the investigation. This may require the IO to have further meetings and gather further evidence and the IO is permitted to pause the process to facilitate this. The student may also be given an opportunity to raise additional evidence during Stage 3 (the Fitness to Practise Panel) should that be deemed appropriate.

2.11 Once complete, the PVCSE will complete the [Investigation Report](#) with a recommendation for next steps and a rationale for how the decision was made. The report and all evidence gathered will be stored by the Academic Governance Officer in a password protected folder on SharePoint. One of the following outcomes will be determined based on an objective assessment of the evidence gathered.

- a) **No further action** – If the PVCSE (or nominee) agrees with the recommendation by the IO of ‘No further action’, the VP will ensure the Investigation Report is kept on file as an internal record. No record will be made in the student’s file. If appropriate, the PVCSE (or nominee) will offer support to the students to resolve any outstanding difficulties. However, should a similar Cause for Action be investigated again, the PVCSE (or nominee) may take into account the previous record when deciding which option for next steps to pursue.
- b) **Informal Resolution** – if the PVCSE has sufficient evidence against the Standard of Proof to merit further action but the evidence reveals the Cause for Action does not merit moving to a Formal Conditions or Fitness to Practise Panel stage, the outcome can be an informal resolution which may or may not include supportive conditions to be met. For example, if the investigation process reveals the student concerned acted unintentionally or a misunderstanding occurred and/or the matter has since been resolved amicably but was sufficiently serious in nature and a breach of the Code and thus merits some kind of informal outcome and may include conditions about steps the student must take to improve practice. The Investigation Report will outline the rationale for the recommendation based on the Civil Standard of Proof.

Formal Resolution with Support Plan for Improvement – if the PVCSE has sufficient evidence against the Standard of Proof to merit further action and the Cause for action is deemed to be of sufficient merit to require further action and to merit setting Formal Conditions and/or other action but does not merit proceeding to the Fitness to Practise Panel stage, the PVCSE may issue Formal Conditions [e.g. a warning] and/or other action. For example, if the concern was acknowledged and a breach of the Code was committed, but the student has admitted their guilt and the matter has been resolved amicably and/or the concern was acknowledged and a breach of the Code has occurred but the student’s conduct is otherwise exemplary and there is evidence that the concern has not been repeated, and/or the concern was historical. The Investigation Report will outline the rationale for the recommendation based on the Civil Standard of Proof. The PVCSE will implement a ‘[Support Plan for Improvement](#)’. A Support Plan for Improvement will require the student to show demonstrable improvement in the area of concern over a suitable period of time. Normally this will be overseen by the student’s Tutor or Placement Officer. When complete, it will be signed off by the PVCSE. The Support Plan for Improvement will be reviewed regularly and, if unsatisfactory progress has been made, the PVCSE will decide whether to extend the time period and/or amend the Support Plan for Improvement or may escalate the

matter to Fitness to Practise proceedings. If relevant, the Formal Conditions will be added to the student's file until they have been met.

- c) An internal record will be kept of the Formal Resolution process on the Investigation Report and its outcome. The Support Plan for Improvement will be put on the student's online record and removed once the PVCSE (or nominee) is satisfied the student has met the conditions of the Support Plan for Improvement. Thereafter, the Support Plan for Improvement will be removed from the student's file.
- d) **Proceed to Fitness to Practise Panel** - If the PVCSE (or nominee) determines the case needs to proceed, the Head of SAS (or nominee) will refer the matter to a Deputy Vice Chancellor to hold a panel hearing.

2.12 The PVCSE (or nominee) will inform the student within **5 working days** of completing the report about what the next steps will be and who, if anyone, will be in touch with the student to make the necessary arrangements for the implementation of the decision. The student will be sent a copy of the final report and evidence (which may be redacted or summarised depending on the circumstances - for example, if a witness is a whistleblower and their identity needs to be withheld).

3. STAGE 3: FITNESS TO PRACTISE PANEL HEARING

3.1 The DVC (or nominee) will convene a Fitness to Practise Panel (either in person or via video call) to hear the details of the alleged concern and decide the outcome. Guidance notes on conducting a formal meeting [are available](#).

3.2 The Fitness to Practise Panel will be composed of at least two members of the Senior Leadership Team, one of whom must be the DVC as Chair, or nominee, and include a Student Representative, usually the Head of Students or nominee. The majority of the membership should be made up of those who can exercise professional judgement over the concern. This may mean that additional members of the panel are needed, and these will be appointed by the DVC or nominee. No one who has previously been involved in the allegations or investigation will be included on the Panel wherever possible, so the PVCSE (or nominee) will not be part of the Panel, although they may be required to provide any necessary clarification of the evidence.

3.3 The meeting should be held without unreasonable delay, unless there is a legitimate reason for a delay, whilst allowing the student reasonable time to prepare their case. Usually this will mean giving the student 10 working days' notice.

3.4 The student is entitled to be accompanied at the hearing by a parent or friend of their choice. The student should inform the Chair of the Panel of the name of their companion at the earliest opportunity and no later than 24 hours before the hearing is due to take place.



It is not normally necessary for the student or Norland to have legal representation at the hearing.

- 3.5** The student is entitled to call witnesses to support their case. The student should inform the Chair of the Panel of the name/s of their witness/es at the earliest opportunity and no later than 24 hours before the hearing is due to take place. Witnesses may attend in person or via video call.
- 3.6** The student (and their companion) should make every effort to attend the meeting. At the meeting the Chair should explain the Cause for Action accusation against the student and go through the evidence that has been gathered.
- 3.7** The Chair of the Panel may invite the IO to present the case against the student, giving the student the opportunity to ask questions of the IO as part of the hearing. The Chair will consider the evidence contained within the report, whether the allegations are contested and whether the student has requested the attendance of the IO, when deciding whether it is appropriate to ask the IO to attend.
- 3.8** If the student wishes to ask questions of the IO, they should inform the Chair prior to the Panel hearing so that arrangements can be made to ensure attendance.
- 3.9** If the student decides during the panel hearing that they would like to ask questions of the IO, and the IO is not present, the Chair will adjourn the hearing until such time that the IO is available to attend.
- 3.10** The student should be allowed to set out their case and answer any allegations that have been made. The student should also be given a reasonable opportunity to ask questions, present evidence and, if appropriate, call relevant witnesses. They should also be given an opportunity to raise points about any information provided by any witnesses. Where a student intends to call one or more witnesses, they must give advance notice that they intend to do this.
- 3.11** The companion to the student may be allowed to address the hearing to put and sum up the student's case. The companion will not, however, have the right to answer or ask questions on the student's behalf, address the hearing if the student does not wish it or prevent the student from explaining their case.
- 3.12** Where necessary, the Chair may decide to suspend the deliberations of the Panel and reconvene pending further information or in order to access legal advice.

4. STAGE 4: DECIDE ON APPROPRIATE ACTION

- 4.1** Judgements about a student's fitness to practise will be made based on the Balance of Probability Standard of Proof; that is, whether the events in question were more likely than

not to have happened, based on the evidence presented in the form of the Investigation Report and any evidence presented at the hearing. The student's response and conduct during the investigation and hearing, and any admission or remorse shown will also be taken into consideration.

- 4.2** Where the Fitness to Practise Panel finds that there is insufficient evidence to uphold the concern, the Panel may dismiss the case or refer it back to one of the Informal Resolution options outlined above.
- 4.3** Where the concern is justified, the Fitness to Practise Panel will decide whether [level 1 or level 2](#) support will be applied.
- 4.4** If a student's first misconduct/concern is sufficiently serious, **level 2** support may be applied. This might occur where their actions have had, or are liable to have, a serious or harmful impact on Norland, other students, staff, placements, the children or families with whom they work or any other person, or where, in the Panel's reasonable judgment, the concern remains and there is no reasonable expectation that it will improve. The Child Protection and Safeguarding Policy process or Disciplinary process may also need to be invoked.
- 4.5** The support and/or conditions applied will be communicated to the student in writing via the Fitness to Practise Report which will set out the outcome of the formal stage and give a clear explanation of, and setting out the reasons for, each decision and any penalty in straightforward language. It will also outline the change in behaviour or improvement in performance required (with timescale) such as suggesting a Notice of Improvement.
- 4.6** The support and any conditions imposed must be reasonable and proportionate to the concerns. In addition to clarifying the rationale behind the level of support and/or conditions imposed, the report must also state why other levels of support or conditions have not been applied.
- 4.7** In the report, the Fitness to Practise Panel must set out the timeline for the support and/or conditions and the circumstances under which the record can be removed from the student's file.
- 4.8** There may be an immediate, verbal notification of any decisions and any support to be applied which will be followed up in writing. This will happen where there has been sufficient discussion and a decision reached based on the evidence during the hearing and/or the facts are undisputed. Written notification of the outcome will normally be provided within 20 working days of the Fitness to Practise hearing in the form of a [Fitness to Practise Report](#).
- 4.9** The student will also be informed of the consequences of further concerns within a set period, for instance that it may ultimately result in expulsion from Norland. The set period will be determined by the Panel.

4.10 As well as making a decision about the validity of the concern, the Fitness to Practise Panel will also make the following decisions:

- 4.10.1** If and how the outcome of the hearing is communicated to various stakeholders, including the notifier/s, the tutor, the student support team and any future placements. Stakeholders will be told that 'appropriate action has been taken'. Details of the outcome or any support or conditions applied will not be disclosed to any of the stakeholders.
- 4.10.2** Whether any support or conditions should be applied and, if so, what they should be.
- 4.10.3** Where necessary, for example for safeguarding purposes, the Panel reserves the right to inform the student's placements or future NQN employers of any details that they may need in order to support the student further. The student will be notified of any information to be passed on.
- 4.10.4** Whether or not a DBS and/or LADO referral is required.

4.11 When the Fitness to Practise Panel sends the report to the student, the communication will give information about the student's right to appeal, the grounds on which they can do so, the time limit for submitting an appeal, the appropriate procedure and where and how to access support.

4.12 Some concerns are so serious in themselves or have such serious consequences that they may call for expulsion from Norland immediately.

4.13 Such concerns include but are not limited to actions which have, or are likely to have, caused harm or injury to a child or fellow student including sustained and serious bullying and/or harassment, serious breaches of confidentiality, serious insubordination, gross negligence, criminal offences which would prevent the student working with children, actions which bring Norland into disrepute, theft or fraud.

4.14 Where the student's actions have had a detrimental effect on another party, the Fitness to Practise Panel will decide what reparation is required. This may include a detailed apology, a request for participation in mediation where relationships have been damaged or any other action the Panel deems necessary.

4.15 If a mediator is appointed in order to help resolve a particular matter between relevant parties, such as a matter related to housing or serious conflicts between students, the cost of this may need to be met by the student/s causing the concerns and this will be decided by the Vice Chancellor. Should a mediation process be deemed necessary in order to help resolve any discord, the student will be expected to participate and this may be a condition of the decision made by the Fitness to Practise Panel.

5. Referral Back to the Panel

Where a student is referred back to the Panel for further consideration, the Chair (or nominee) may convene a formal meeting with two members of the original panel, rather than reconvening the full panel. This meeting shall have authority to consider the referral and make recommendations or determinations as appropriate. A written record of the meeting, including any decisions or actions agreed, will be added to the original record and will form part of the overall case file.

6. STAGE 5: OUTCOMES

- 6.1** The Fitness to Practise Panel will consider a student's previous disciplinary and fitness to practise record and, if relevant, their health record, when determining a student's overall fitness to practise. The Fitness to Practise Panel may ask for information from either the student or the PVCSE before their decision about fitness has been made and prior to their decision about support and/or conditions to be applied.
- 6.2** If a student is found unfit to practise, a range of outcomes is available to the Fitness to Practise Panel.
- 6.3 Level 1** support and/or Conditions should be applied where the concern about fitness to practise has been upheld but, in the judgement of the Fitness to Practise Panel, the outcome of the concern has not led to any long-term consequences for anyone involved and/or it is the first time a concern has been raised about the student and the student has acknowledged the issue and/or the concern is judged to be minor in nature and/or there are compelling personal circumstances that affected the student's judgement at the time of the concern which are no longer having an impact and/or there has been no damage to the Norland brand. Conditions to support the student to improve may be applied if the Panel deems the concern to be of sufficient concern, particularly if a breach of the Code has been committed. The Level 1 support and conditions will be recorded on the online student's file for the duration of the Support Plan for Improvement.
- 6.4** Level 1 support and/or conditions may include a series of supportive improvement measures to give students an opportunity to put right the issues identified and demonstrate fitness to practise, for example; regular meetings with the tutor, additional practical support sessions, referral to student support or an occupational health assessment. It may also include a [Support Plan for Improvement](#). The Level 1 support will be recorded on the online student's file for the duration of the Support Plan for Improvement.
- 6.5** Level 2 support and/or conditions should be applied where the concern has been upheld and, in the judgement of the Fitness to Practise panel, the outcome of the concern has led to long-term or serious consequences for anyone involved and/or it is not the first concern for the student and/or the student has previously been given Conditions to support

improvement of practise and/or the student has not acknowledged the issue and/or the concern is judged to be serious in nature and/or the student will not engage with the support offered and/or the concern is likely to continue over time and/or there has been damage to the Norland brand. Serious incidents of bullying and/or harassment are likely to attract level 2 support and/or Conditions.

- 6.6** Level 2 support may include further time-bound conditions, suspension from Norland or placement to allow the student to put right the issues identified with a Support Plan for Improvement, requiring the student to interrupt their studies, if necessary, to allow the student to put right the issues identified and demonstrate fitness to practise with a Support Plan for Improvement , or removal from one or both courses. The Level 2 outcome will be recorded on the online student's file for the duration of the Support Plan for Improvement.
- 6.7** If a Support Plan for Improvement is imposed at either level, the Chair of the Fitness to Practise Panel will nominate a member of staff to oversee and develop the plan in conjunction with the student, taking into account any actions recommended by the Panel. The Chair will set a review date, at which point it is expected that appropriate improvement will have been demonstrated.
- 6.8** A decision to remove a student from their course can be taken by the DVC (or nominee). The student should be informed as soon as reasonably practicable of the reasons for the expulsion and their right of appeal.
- 6.9** If the student does not appeal within the time limit for doing so, the matter will be closed, and a [Completion of Procedures Letter](#) will be issued.

7. FAILURE TO ACKNOWLEDGE NOTICE OF CONCERN AND FAILURE TO ATTEND

- 7.1** If the student fails to acknowledge notice of the concern and subsequent invitation to help with the investigation, the DVC (or nominee) will write to the student at their address as registered with Norland and at any other address known to Norland.
- 7.2** If, after all reasonable steps have been taken by the DVC, the student fails to acknowledge the notice of the concern or fails to attend any meeting arranged by Norland without proper and reasonable excuse, the DVC will write to the student notifying him/her that as the matter has not been properly discussed the following result will ensue:
- A note of the student's failure to attend the meeting or acknowledge the investigation will be made on the student's file.
 - The student will be unable to attend Norland or any placements until the matter has been fully investigated.
 - The matter will be referred to the Fitness to Practise Panel who will decide what action to take in the student's absence. The Fitness to Practise Panel's decision will be final, subject to any Appeal lodged by the student in accordance with the Appeals Procedure



set out in this policy. This Appeal may not be on the basis of non-attendance if this was due to the student's failure to acknowledge or failure to attend unless there are extraordinary assessment circumstances for this failure.

8. STAGE 6: OPPORTUNITY TO APPEAL

8.1 Appeals against the decision of the Fitness to Practise Panel

Appeal against suspension/expulsion:

- Where the recommendation of the Panel is that the student should be suspended or expelled from one of the programmes and/or Norland, the student has a right of appeal to Vice Chancellor (VC), once this recommendation has been confirmed by the DVC (or nominee).
- The request for such an appeal must be made in writing, providing full supporting evidence and grounds for appeal, to the VC within 10 working days of receipt of the decision.

8.2 Appeal against other decisions of the Fitness to Practise Panel:

- Students may not appeal against the professional judgement of the Panel unless they can demonstrate that:
 - The process has not been conducted correctly, in accordance with the procedures;
 - There has been a material administrative error;
 - The decision of the Panel is unreasonable based on the evidence available to the panel and the Standard of Proof;
 - There was evidence that was available at the time of the original hearing that was not considered by the Panel;
 - New evidence has come to light that could not have been considered previously.

8.3 Appeals should be made in writing, with full supporting evidence, to the VC within 10 working days of the receipt of the letter notifying the student of the Fitness to Practise Panel decision.

8.4 The student should be made aware that this is not a re-opening of the investigation and that they must provide reasonable evidence to substantiate their appeal. Disagreement with the professional judgment of the Fitness to Practise Panel is not in itself sufficient reason to appeal.

8.5 The Appeals Panel will consist of three members of the senior Norland staff and wherever possible those not involved in the original decision. The Panel will convene to consider whether the documentation of the case suggests that the decision of the original Fitness to Practise Panel was reasonable, and the procedure was followed correctly.

8.6 If the student, having been given the opportunity to attend the hearing, fails to do so without reasonable explanation, the Appeals Panel may proceed in their absence.

8.7 The Appeals Panel may:

- Amend the decision of the original Fitness to Practise Panel
- Uphold the decision of the original Fitness to Practise Panel
- Refer the case back for reconsideration by the original Fitness to Practise Panel
- Defer the decision pending further information and advice
- Reject the Appeal.

8.8 The decision and any recommendations of the Appeals Panel will be notified to the student and to the original Fitness to Practise Panel. There will be no further right of appeal within Norland.

8.9 If the appeal is rejected or is not permitted to proceed under the grounds of appeal, a [Completion of Procedures Letter](#) will be sent to the student from the Vice Chancellor within 28 days. This will be accompanied by an explanation of the decision reached and the reasons for it.

8.10 The COPL will also advise the student about their right to submit a complaint to the OIA for review. Any complaint to the OIA must be brought within 12 months and further information about this can be found at <https://www.oiahe.org.uk/students/>.

8.11 Where an appeal is upheld, a written statement will be provided to the student that explains what action will be taken.

9. STAGE 7: MONITORING AND SIGN OFF

9.1 In all cases where a Support Plan or Improvement has been imposed, the issuing authority (Chair of the Fitness to Practise Panel, PVCSE or nominee) will appoint a member of staff, usually the personal tutor or PVC (Learning and Teaching) to work with the student/s to meet the requirements of the Support Plan for Improvement.

9.2 Once the Support Plan for Improvement requirements have been met or at the review date set (whichever happens first), the person appointed to oversee the process will report progress to the issuing authority (Chair of the Fitness to Practise Panel, PVCSE or nominee).

9.3 If all requirements have been met, the Support Plan for Improvement will be removed from the student's file along with any conditions, if relevant. Only internal records will be kept for the purposes of programme monitoring and improvement and anonymised reporting to stakeholders.

9.4 If all requirements have not been met by the review date, the issuing authority will extend the time or consider further Fitness to Practise action.

10. RECORD KEEPING

10.1 All records associated with Norland's fitness to practise proceedings will be stored within a restricted access folder on Norland's internal SharePoint hub. This is a password-protected, cloud-based document storage facility. Access permissions to specific folders are only given to the investigating officer and the members of the disciplinary panel (if required).

10.2 Reports will be kept on the student and / or the internal record as follows:

Report and/or record	Location	Timeframe
Cause for action Notification report (stage 1)	Internal	6 years
Cause for action Notification report (stage 1) - Informal Resolution	Internal	6 years
Informal [Warning] Conditions and Support Plan for Improvement (stage 1)	Student file	Once conditions have been met. No more than 12 months.
	Internal	6 years
Investigation Report (stage 2) – No further Action	Student file	12 months
	Internal	6 years
Investigation Report (stage 2) – Informal Resolution and any conditions applied	Student file	12 months
	Internal	6 years
Investigation Report (stage 2) – Formal Resolution and any conditions applied	Student file	12 months
	Internal	6 years
Investigation Report (stage 2) – Fitness to Practise Panel No further action Informal resolution and any conditions applied Formal resolution and any conditions applied and support plan for improvement	All – internal	6 years
	Student file	12 months
	Student file	Once conditions have been met. No more than 12 months.
	Student file	Once conditions have been met. No more than 12 months.
Fitness to Practise Panel Hearing (stage 3 – 4)	Internal	6 years
	Student file	12 – 36 months
Fitness to Practise Panel Outcomes –(stage 5)	All – internal	6 years
Level 1 and 2 outcomes	Student file	12 months
Level 2 suspension or requirement to withdraw from the programme	Student file	12 – 36 months

10.3 Records will be kept according Norland's [Data Protection Policy and Procedure](#) and the [Student Privacy Notice](#).

10.4 In order to ensure consistency of approach and procedural fairness, Norland records all fitness to practise matters in a log which includes basic details such as:



- Date
- The reason for fitness to practise action
- Stage 1 cause for action outcome i.e. no further action; informal resolution; formal investigation, including the reason as to why a specific outcome was reached
- Stage 2 formal investigation outcome i.e. no further action; informal resolution; formal resolution; Fitness to Practise Panel, including the reason as to why a specific outcome was reached
- Stage 3 Fitness to Practise Panel hearing outcome including the reason as to why a specific outcome was reached
- Appeal outcome
- Completion of Procedure letter issued

As this is an internal record, it will be kept for a minimum of 6 years. It will be stored within the restricted access folder for fitness to practise hearings.

Document Control Information	
Policy title:	Fitness to Practise Policy and Procedure
Summary description:	Students are required to undertake external placements and Norland has a duty to both the student and to the public to ensure that any risk of harm is minimised. Fitness to practise is the ability to meet professional standards; it is about character, professional competence and health.
Relates to staff/ student (include Set), NQN or Norlander:	This relates to all students, NQNs and Norlanders
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