



Student Disciplinary Policy and Procedure

1. Introduction

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. The Student Cause for Action and Disciplinary Policy and Procedures sets out a framework to address non-academic issues which may prevent a student from meeting the requirements of the Norland Degree and Diploma and/or regarding alleged misconduct.

1.1 Purpose

It has been written to comply with OfS Sector Recognised Standards, the UK Quality Code, the Universities UK Guidance for Higher Education Institutions 'How to handle alleged student misconduct', the Good Practice Guidance published by the Office for the Independent Adjudicator (OIA) and the Norland Code of Professional Responsibilities.

1.2 Scope

This policy and procedure applies to all Norland students on the undergraduate degree and diploma and postgraduate courses.

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 procedure will trigger this procedure, although we reserve the right to move straight to this procedure if deemed appropriate.

This policy and procedure will be triggered after notification of an allegation of misconduct regarding a student as defined below and, usually, on referral from the Cause for Action policy and procedure. 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 or a concern. The purpose of this procedure is to conduct a fair investigation into whether there has been a breach of the Norland Code of Professional Responsibilities (**the Norland Code / Code**) by the student or whether the student has behaved in such a way as to impact upon their progress or achievement, and, if so, to determine the appropriate reparation and/or sanction (if any) that should be applied. Allegations of bullying, harassment, or sexual misconduct or sexual harassment are likely to bypass the Cause for Action procedure and are likely to be investigated under this policy. Please note Norland will also follow the Preventing Harassment and Sexual Misconduct Policy. 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](#), if upheld, is likely to proceed to a Formal Investigation and Disciplinary Panel.



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 Policy and Procedure which may then signpost the complaint to this procedure.

2. POLICY

This Disciplinary Policy and Procedure replaces any and all previous disciplinary procedures, policies, and practices, whether written or unwritten.

The Norland Code

All undergraduate students sign a copy of and receive lectures on the Norland Code to ensure that they fully understand what conduct is required of them both during their training and after leaving Norland whilst working as an early years professional.

By signing the Code and/or by studying at Norland, undergraduate students are agreeing to comply with the Code and any alleged breaches may trigger this procedure. Norland will take any alleged misconduct or breach as a Cause for Action which may lead to action being taken or lead to full disciplinary proceedings unless the allegation is of a safeguarding or serious nature as outlined above, in which case the matter is likely to proceed to a formal investigation and panel hearing. The Code is also available prior to application to Norland through the website.

Misconduct that may also be a criminal offence

The OIA good practice framework states that behaviour that may amount to a criminal offence is usually best dealt with by the police, the Crown Prosecution Service and the criminal courts in the first instance. See [here](#) for further details. Criminal behaviour is likely to also breach the Norland Code and Norland therefore reserves the right to take action against a student whether or not they have been subject to any criminal proceedings and irrespective of the outcome of the criminal process. Should the misconduct result in an investigation by the Police or other external agency, Norland may have to stay this process until any such enquiries and/or legal proceedings have been completed.

Norland will follow the Universities UK Guidance for HEIs 'How to handle alleged student misconduct', in particular section 7 - <https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2016/guidance-for-higher-education-institutions.pdf>. We will ensure that students who wish to report an offence understand their options when they report behaviour that may amount to a criminal offence and will support the student whatever action they choose to take.

The student's options may include reporting the matter to the police, asking Norland to report it on their behalf, asking Norland to investigate, or taking no further action. If the student decides to report the matter to the police, Norland will help and support them to do so. Should the student decide not to report the offence to the police but we deem it to be necessary, we reserve the right to refer the matter to the police. Any decision to refer will be made by the Pro Vice Chancellor

(Student Experience) (PVCSE) or nominee in consultation with the Vice Chancellor and/or Executive and/or Norland Board on a case by case basis. Such decisions will depend on the nature and seriousness of the case and whether there is any risk to the health, safety and wellbeing to students, staff, the Norland community or other stakeholders.

Suspension

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

Norland reserves the right to suspend students as a neutral act and makes no presumption of guilt; 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 and suspension of access to the Student JobShop and Marvellous Babysitting app. Where necessary, suitable support will be given to the student. We will explain to the student why they are being suspended, and for how long. The suspension will be reviewed periodically. In normal circumstances a suspension will be actioned by the Vice Chancellor or PVCSE. 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 disciplinary investigation. The length of a suspension will always be proportionate to the individual situation.

Where a request is made to extend a suspension beyond 10 working days, a Deputy Vice Chancellor or their nominee 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.

Students have the right to challenge a suspension or its length. They may do so by meeting with a Deputy Vice Chancellor or nominee and explaining why they feel the suspension imposed on them is not justified. The Deputy Vice Chancellor or nominee 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 onsite.

Fitness to Practise and Fitness to Study

Where the Cause for Action and/or its associated behaviours relate to a condition that is affecting the student's ability to study or practice effectively, the matter may be referred at any stage of the proceedings to Norland's Occupational Health Advisors, which may lead to policies and procedures under the [Fitness to Practise](#), [Fitness to Study](#) and/or [Safeguarding and Child Protection Policy and Procedure](#) and [Prevention of Harassment and Sexual Misconduct Policy and Procedure](#).

Please note that there may also be a need to move between the Disciplinary, Fitness to Practise or Fitness to Study Policy and Procedures during a Disciplinary hearing.

Where concerns about a student's fitness to practise are substantiated, it may be necessary to report this to the Local Area Designated Officer (LADO) and/or the Disclosure and Barring Service (DBS) at any point in the process.

Information Sharing and Security

Student disciplinary 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

- There are some specific circumstances where we may be required to disclose your personal information without your consent. These include:
 - If there is 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.
 - Situations where we are required to meet our statutory safeguarding duties or duty of care to students, for example protection from harm.
 - Circumstances where there are fitness to practise concerns relating to students registered on programmes leading to awards by relevant statutory bodies for example medicine, dentistry, nursing, pharmacy, social work, clinical/educational psychology and teaching.
 - Where we are legally required to do so as part of a criminal investigation under the Criminal Procedure and Investigations Act (1966).

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.

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.

Where assistance by a third party has been provided as part of the process, for example support writing or preparing statements or evidence, this needs to be disclosed to Norland in advance.

Support

Both the Complainant and any student(s) under investigation can be supported by their personal tutor at all stages of the process. The Student Support team/counselling service is also available to all parties and the [Exceptional Assessment Circumstances Policy and](#)

[Procedure](#) may apply if any learning, teaching or assessments are impacted.

Where allegations of harassment or sexual misconduct have been made, Sexual Violence Liaison Officers (SVLOs) are available to support both the reporting and reported parties during all stages of the process.

Outcome

At the conclusion of the Cause for Action and/or Disciplinary process, the student or stakeholder who made the complaint should be given some resolution to their complaint, 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 unsatisfied, they may make a formal complaint to Norland following the [Student Complaints Procedure](#) or the [Complaints Procedure for External Stakeholders](#).

The only exception to this would be in cases where there have been allegations of harassment and/or sexual misconduct. In these instances, the reporting party will be informed of the outcome and given the option to appeal.

If the student(s) under investigation make a counter-complaint against the complainant, this matter will be addressed separately and is likely to take place following the conclusion of the proceedings.

DEFINITIONS

In the context of this procedure:

- the **'student'** is unless otherwise stated, an enrolled undergraduate or postgraduate student of Norland who has not completed their studies. And in the case of an undergraduate student who has not yet commenced their NQN position.
- **'Complainant' or 'Notifier'** means the person from whom the complaint or 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 disciplinary 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**
 - **Behaviour** that is unwelcome, uninvited and causes a detrimental effect on the student

or others, including bullying and harassment, sexual misconduct or disruption of or improper interference with the proper functioning of Norland whether on Norland's premises or elsewhere.

- **Bullying** is defined as offensive, intimidating, malicious or insulting behaviour, and/or abuse or misuse of power that is meant to undermine, humiliate or injure the person on the receiving end, for example, verbal or physical aggression or sending abusive or threatening messages on social media.
- **Harassment**
 - Unwanted conduct related to a protected characteristic (like race, gender, or disability) that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating, or offensive environment. It can also be defined as conduct that causes alarm or distress. This can include a range of behaviours, from verbal abuse to physical intimidation, that violates a person's dignity or creates a hostile environment. It can occur in various settings, including the workplace and public spaces.
 - The Protection from Harassment Act 1997 provides a broader definition of harassment which covers any course of conduct causing distress or alarm, without requiring a protected characteristic to be involved
 - Sexual misconduct is any unwanted or attempted unwanted conduct of a sexual nature including physical and/or non-physical behaviours. It is characterised by a lack of consent, meaning the behaviour is unwelcome and the individual does not agree to it, either verbally or non-verbally.

The following examples illustrate other conduct which may be deemed to be a disciplinary concern. This list is not exhaustive.

- **Breaches of the Norland Code**, including failure to treat people with kindness, respect and compassion and/or failure to uphold the human rights (dignity, fairness, equality, respect and independence) of all those with whom you live, work and study.
- **Breaches of Norland's Regulations** [including where this relates to attempts to deceive or gain unfair advantage], including threats to the Norland Brand which may damage its reputation. For example, professional misconduct, failure to comply with Norland rules and procedures including the Norland dress code, breach of Norland's data protection or computer rules, incapability through alcohol or any illegal substance (including misuse of medication not prescribed to the student), negligence which causes unacceptable loss, damage or injury, act of insubordination, disclosure of confidential information, misconduct within the wider community, or any other acts that are deemed to be a threat to the Norland brand and damage its reputation.
- **Inappropriate behaviour**, including bullying, cyber-bullying, harassment and unprofessional conduct. This may include behaviour intended to be a prank but not perceived as such by the victim.
- **Anti-social behaviour**, including damage to property or abuse of facilities.
- **The following types of behaviour, particularly directed towards an individual repeatedly, may amount to bullying** (whether in person, online or other means): demeaning language; threats; verbal abuse; outbursts or anger or aggression; physical or verbal intimidation; excluding or isolating; and ganging up. This may be in person or online.
- **The following types of behaviour may amount to harassment**; offensive jokes, banter, language, gossip, slander, racist or sexist songs; offensive posters, pictures, written material,

graffiti, obscene gestures, flags or emblems; pressure for sexual favours or pressure to participate in political, religious or social groups; isolating, excluding or not co-operating with individual/s; unjustified pestering; unjustified intimidation in meetings, in writing, over the telephone, via e-mail or other electronic means.

- **Unauthorised absence and poor timekeeping.**
- **Inappropriate use of the computer** e.g. e-mail, internet, breach of data protection or computer security rule, visiting inappropriate sites, uploading/downloading inappropriate content, propagation of computer viruses.
- **Compromising the safety of and/or wellbeing of staff, students, children and families, placement staff or visitors.**
- **Sexual harassment/misconduct.** for example, engaging in or attempting to engage in a sexual act with another individual without consent, spiking, upskirting, stealthing, staking, cyberflashing, sexual assault or sexual violence.
- **Behaviour likely to bring Norland into disrepute**, such as disruptive behaviour in the community.
- **Failure to declare a criminal conviction/ caution.**
- **Criminal activity and/or an on-going or pending criminal investigation.** For example, use of and/or being under the influence of illegal substances (including misuse of medication not prescribed to the student), theft, fraud, deliberate falsification of records, fighting, assault on another person, deliberate damage to Norland property.
- **Conduct contrary to professional regulatory body guidance.**
- **Conduct contrary to a work based placement code of conduct, policies and/or procedures.**

FAILURE TO MEET ACADEMIC REQUIREMENTS OF THE DEGREE OR DIPLOMA PROGRAMME

This policy does not relate to failure to meet Academic Requirements of the Degree or Diploma Programmes, unless offences are deliberately repeated. Incidents of academic misconduct on the Degree or Diploma programme are subject to the academic regulations of Norland, details of which are recorded in the Programme Handbooks.

PROCEDURE

STAGE 1: CAUSE FOR ACTION

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.

STAGE 2: FORMAL INVESTIGATION

In certain circumstances, the student who is the subject of the Cause for Action may be offered the opportunity to forego the formal investigation and go straight to Stage 3. This is likely to happen in cases where the offence is admitted, it is unlikely that any further evidence could be uncovered by an investigation and/or where further delay may cause unreasonable distress for the student, or anyone else involved, impacting on their mental health.



In all other cases, an Investigating Officer (**IO**) will be appointed by the Pro Vice Chancellor (Student Experience) (PVCSE) or nominee will investigate to establish the facts of the case for the Cause for Action. The PVCSE will provide the IO with the Cause for Action Notification Report which will become an Appendix to the Investigation Report. The IO will usually be a manager or senior member of staff. Section 2.4 of the Preventing Harassment and Sexual Misconduct Policy must be referred to when investigating a formal report of harassment and/or sexual misconduct.

The investigation will follow the Formal Investigation procedure and a report written will be using the [Investigation Report template](#).

The PVCSE will notify the student(s) that a Formal Investigation will be carried out clarifying the process, timeframes and details of the appointed IO.

The purpose of the investigation is to establish the facts of the case in an objective and non-judgmental manner.

The IO will carry out the necessary investigations of the Cause for Action and potential disciplinary 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 complainant 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 IO for use within the report.

The student is permitted to be accompanied at an investigatory meeting by a friend or relative should they wish to be. They 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 allegations made in this meeting. The student's comment will be part of the report.

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 within the original timeframe.

In all cases, a record will be made of the process. This may include notes made of the initial complaint/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.

All relevant tutors will be informed of any complaint or 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 or concerns regarding the conduct of the investigation can only be made after the investigation has concluded. The student(s) will be given the opportunity to provide their own evidence and view regarding the allegations against them during the course of the investigation. This may require the IO to have further meetings and gather further evidence. However, the IO reserves the right to draw a halt to enabling the student/s to provide further evidence. They will

be given an opportunity to raise additional evidence during the course of the Disciplinary Panel should this be the outcome, ensuring their opportunity for 'right of reply'.

Once complete, the Investigation Report will be forwarded to the PVCSE (or nominee), along with any evidence gathered. The IO will ensure will determine the next steps based on the Standard of Proof and will provide a rationale for the decision made. The next steps will be one of the following options:

- a) **No further action** - If the IO believes that there is no case to answer due to, for example, they have been unable to find sufficient evidence to meet the Standard of Proof, a recommendation of no further action will be made and a record will be made of the complaint/concern for internal records only and for a period of one year. An example of this would be where two students give different accounts of a minor incident and it remains impossible to corroborate either account through witnesses or other evidence. The Investigation Report will outline the rationale for the recommendation based on the Standard of Proof. No record will be made in the student's file. If appropriate, the PVCSE will offer support to the students in order to resolve any outstanding difficulties. However, should a similar Cause for Action be investigated again, the PVCSE may take into account the previous record when deciding which option for next steps to pursue.
- b) **Informal Resolution with an Informal Warning and/or other action** – if the IO 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 Warning or Disciplinary stage, the recommendation can be an informal resolution with an informal warning and/or action. 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. Outcomes regarding the sufficiency or nature of the evidence and misdemeanour will be conducted in an objective and non-judgemental manner. -Outcomes may include an apology or reparation of some kind. The Investigation Report will outline the rationale for the outcome based on the Standard of Proof. The PVCSE will, in consultation with relevant Senior Staff member(s) if necessary, implement an Informal Warning and/or other action such as generating a '[Notice for Improvement](#)'. A Notice for Improvement will require the student to show demonstrable improvement in the area of concern over a suitable period of time and will normally be outlined via an Action Plan. Normally, this Action Plan will be overseen by the student's Tutor. When complete, it will be signed off by the PVCSE. The Action Plan will be reviewed regularly and, if unsatisfactory progress has been made, the person overseeing it will refer the matter back to the PVCSE, who will decide whether to extend the time period, amend the Notice for Improvement and/or may escalate the matter to a 'Formal Resolution with a Formal Warning and/or other action'. The PVCSE may also refer the matter directly to the Vice Chancellor and recommend a Disciplinary Panel hearing commence. An internal record will be kept of the Informal Resolution process on the Investigation Report. The Informal Warning and Notice 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 Notice for Improvement. Thereafter, the Informal Warning and any Notice for Improvement will be removed from the student's file.
- c) **Formal Resolution with a Formal Warning and/or other action** – if the IO 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 a Formal Warning and/or other action, but does not merit proceeding to the Disciplinary stage, the IO may recommend a Formal Warning and/or other action. For example, if the misdemeanour was acknowledged, intentional and/or a breach of the Code, but the perpetrator has admitted their guilt and the matter has been resolved amicably and/or the misdemeanour was acknowledged and a breach of the Code has occurred but the perpetrator's conduct is otherwise exemplary and there is evidence that the misdemeanour has not been repeated, and/or the misdemeanour was historical. Other actions made regarding the sufficiency or nature of the evidence and misdemeanour will be conducted in an objective and non-judgemental manner. Other actions regarding other actions might include an apology, reparation of some kind and/or a time-bound action plan. The Investigation Report will outline the rationale for the recommendation based on the Standard of Proof. The PVCSE will, in consultation with relevant Senior Staff member(s) if necessary, implement a Formal Warning and/or other action such as generating a 'Notice for Improvement' A Notice for Improvement will require the student to show demonstrable improvement in the area of concern over a suitable period of time and will normally be outlined via an Action Plan. Normally this Action Plan will be overseen by the student's Tutor. When complete, it will be signed off by the PVCSE. The Action Plan will be reviewed regularly and, if unsatisfactory progress has been made, the person overseeing it will refer the matter back to the PVCSE, who will decide whether to extend the time period, amend the Notice for Improvement and/or may escalate the matter to Disciplinary proceedings. A record will be kept of the Formal Resolution process on the Investigation Report. The Formal Warning and Notice 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 Notice for Improvement. Thereafter, the Formal Warning and any Notice for Improvement will be removed from the student's file.

- d) Proceed to Disciplinary Panel** - if the IO has sufficient evidence against the Standard of Proof to merit further action and/or the Cause for Action is deemed to be sufficiently serious to merit further action, and/or there are conflicting accounts given by the parties concerned and/or the perpetrator denies culpability despite the evidence to the contrary, and/or where the Cause for Action has also resulted in a police investigation, the IO may recommend proceeding to the Disciplinary stage. Recommendations made regarding the sufficiency or nature of the evidence and misdemeanour will be conducted in an objective and non-judgemental manner. The Investigation Report will outline the rationale for the recommendation based on the Standard of Proof.

The PVCSE will inform the student within 5 working days of receiving 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 disciplinary report and evidence, but evidence may be redacted depending on the circumstances. For example, if a witness is a whistleblower and their identity needs to be withheld.

STAGE 3: DISCIPLINARY PANEL HEARING

A Deputy Vice Chancellor (or nominee) will convene a Disciplinary Panel to hear the details of the alleged misconduct and decide the outcome. Guidance notes on conducting a formal meeting are [available](#).

The Disciplinary Panel will be composed of at least two members of the senior staff, one of whom



must be a Deputy Vice Chancellor as Chair, or their nominee, and include a Student Representative, usually the Head of Students or nominee. No one who has previously been involved in the allegations or investigation will be included on the Disciplinary Panel wherever possible (so the IO and/or PVCSE), although they may be required to provide any necessary clarification of the evidence.

The meeting should be held without unreasonable delay whilst allowing the student reasonable time to prepare their case. Usually this will mean giving the student 10 working days' notice.

The student is entitled to be accompanied at the hearing by a fellow student, member of SSLC or a member of staff. 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.

Due to the nature of the alleged misconduct, panels hearing cases about harassment and/or sexual misconduct will not include a student representative. This is because specific training is required to hear these types of cases.

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.

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.

The Chair of the Panel may invite the IO or PVCSE to present the case against the student, giving the student the opportunity to ask questions of the IO or PVCSE 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 or PVCSE to attend.

If the student wishes to ask questions of the IO or PVCSE, they should inform the Chair prior to the panel hearing so that arrangements can be made to ensure attendance.

If the student decides during the panel hearing that they would like to ask questions of the IO PVCSE, and the IO or PVCSE is not present, the Chair will adjourn the hearing until such time that the IO or PVCSE or their nominees are available to attend.

The companion to the student may be allowed to address the hearing to put and sum up the student's case, respond on their behalf to any views expressed at the meeting and confer with them during the hearing. 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.

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.

STAGE 4: DECIDE ON APPROPRIATE DISCIPLINARY ACTION

Judgements and any sanctions will be made based on the Balance of Probability Standard of Proof; that is, whether the events in questions 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.

There may be an immediate, verbal notification of any judgements and any sanctions to be applied which will be followed up in writing, or a written notification normally within 10 working days of the Disciplinary hearing in the form of a [Disciplinary Report](#).

Where the Disciplinary Panel finds that there is insufficient evidence to uphold the allegations, the Panel may dismiss the case or refer it back to one of the Informal Resolution options outlined above.

Where misconduct is confirmed, the Disciplinary Panel will decide whether level 1 or level 2 sanctions will be applied.

If a student's first misconduct is sufficiently serious, **level 2** sanctions 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 or the children or families with whom they work. The [Child Protection and Safeguarding Policy and Procedure](#) process or Fitness to Practise process may also need to be invoked.

The sanction(s) applied will be communicated to the student in writing via the Disciplinary 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.

The sanction imposed must be reasonable and proportionate to the misconduct which is found to have occurred. In addition to clarifying the rationale behind the level of sanction imposed, the report must also state why other levels of sanctions have not been applied.

In the report, the Disciplinary Panel must set out the timeline for the sanctions and the circumstances under which the record can be removed from the student's file.

The student will also be informed of the consequences of further misconduct within a set period, for instance that it may ultimately result in expulsion from Norland.

As well as making a judgment about the validity of the accusation, the Disciplinary Panel will also make the following decisions:

- If and how the outcome of the hearing is communicated to various stakeholders, including the complainant/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 sanction applied will not be disclosed to the complainant unless the case involves an allegation of harassment and/ or sexual misconduct.

- Whether any sanctions should be applied and, if so, what they should be.
- 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. It may also be necessary for Norland to make a referral to the DBS and/or LADO. Similarly, if Norland is asked for a reference, it may be required to mention cases of harassment and/or sexual misconduct.

When the Disciplinary 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. See Stage 6.

Some acts, termed gross misconduct, are so serious in themselves or have such serious consequences that they may call for expulsion from Norland immediately.

Gross misconduct includes but is not limited to, actions which have, or are likely to have, caused harm or injury to a child or fellow student or other person including sustained and serious bullying and/or harassment and sexual misconduct, 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.

Norland takes a zero-tolerance approach to illegal substances (including misuse of medication which is not prescribed to the student) and any instances of students buying, possessing, using or supplying illegal substances will be treated at gross misconduct. This approach would not apply if an allegation of spiking was found.

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

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 being disciplined and this will be decided by the Chair of the Disciplinary panel. Should a mediation process be deemed to be necessary in order to help resolve any discord, the student will be obliged to participate and this may be a condition of the judgement made by the Disciplinary Panel.

STAGE 5: SANCTIONS

A student's previous disciplinary record will not normally be relevant to whether they have committed an offence. However, it is likely to be relevant to decisions about sanctions. The Disciplinary Panel may therefore ask for information from either the student or the PVSE (or nominee) related to previous offences after their decision about culpability has been made and prior to their decision about sanctions to be applied. If relevant to the case, where a first warning has been previously issued, it is likely that a final warning (**Level 2**) will be issued or where a final warning has been previously issued, it is likely that expulsion will occur. In some circumstances, it

may be decided that the student is permitted to continue with their degree studies but is expelled from the Norland Diploma. The Disciplinary panel will decide whether the expulsion from the Norland Diploma is appropriate, but it is likely to be in circumstances where the student has not been able to demonstrate full commitment to the Code of Professional Responsibilities.

Level 1 sanctions should be applied where the complaint has been upheld but, in the judgement of the Disciplinary Panel, the outcome of the misdemeanour has not led to any long-term consequences for anyone involved and/or it is the student's first offence and/or the student has shown remorse and/or the offence 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 offence and/or there has been no damage to the Norland brand.

Level 1 sanctions may include (but are not limited to): First Warning, a reflective statement, appropriate reparation, apology, 1:1 support. It may also include a Notice for Improvement which is likely to include a time-bound action plan to support improvement. The Level 1 sanction/s will be recorded on the online student's file for the duration of the Notice of Improvement.

Level 2 sanctions should be applied where the complaint has been upheld and, in the judgement of the Disciplinary Panel, the outcome of the misdemeanour has led to long-term consequences for anyone involved and/or it is not the student's first offence and/or the student has not shown remorse and/or the offence is judged to be serious in nature and/or there has been damage to the Norland brand. Serious incidents of bullying, harassment, and or sexual misconduct/harassment, criminal activity and illegal drug taking or supplying are likely to attract level 2 sanctions.

Level 2 'serious' sanctions may include (but are not limited to): Final Warning, a reflective statement, suspension from placement/delay to the commencement of a NQN post until further activities are undertaken to improve practice, a Notice for Improvement report which is likely to include a time-bound action plan to support improvement, suspension from studies, expulsion from the Norland Diploma, expulsion from Norland. In cases where the student remains at Norland and the Disciplinary Panel issues a final written warning, the Final Warning will be held on the online student's file. The Disciplinary Panel will decide the duration for which the Warning and/or other outcomes such as a Notice for Improvement will remain in place, depending on the severity of the misdemeanour, but it will be for at least one year and will be considered in any further Disciplinary action during that time.

If a Notice for Improvement and time-bound action plan is imposed at either level, the Chair of the Disciplinary Panel will nominate a member of staff to oversee and develop the action 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.

A decision to expel from the Norland Diploma or Norland can only be taken by a DVC or nominee. The student should be informed as soon as possible of the reasons for the expulsion and their right of appeal. Any student expelled from Norland will be supported to find an alternative course more suited to them, as well as personalized support to help them address the areas of concern.

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.

Referral Back to the Disciplinary Panel

Where a student is referred back to the Disciplinary 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 disciplinary record** and will form part of the overall case file.

FAILURE TO ACKNOWLEDGE NOTICE OF COMPLAINT AND FAILURE TO ATTEND

If the student fails to acknowledge notice of the complaint, subsequent invitation to help with the investigation, or notification of the disciplinary hearing, a DVC (or nominee) will write to the student at their address as registered with Norland and at any other address known to Norland.

If, after all reasonable steps have been taken by the DVC or nominee, the student fails to acknowledge the notice of the investigation 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 or co-operate with the investigation will be made on the student's file.
- The student will be unable to attend classes or any placements until the matter has been fully investigated.
- The matter will be referred to the Disciplinary Panel who will decide what action to take in the student's absence. The Disciplinary 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 mitigating circumstances for this failure.

STAGE 6: OPPORTUNITY TO APPEAL

Appeal against the sanction decision of the Disciplinary Panel, including suspension/expulsion:

- Where the recommendation of the Panel is that the student should be suspended or expelled from the Norland Diploma and/or Norland, the student has a right of appeal to the 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 Vice Chancellor within 10 working days of receipt of the decision.

Appeal against other decisions of the Disciplinary Panel:

- The student has the right to appeal against non-sanction elements of the decision of the Disciplinary Panel if they believe and 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.

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 decision of the Disciplinary Panel is not in itself sufficient reason to appeal.

The Appeals Panel will consist of three members of senior staff and will convene to consider whether the documentation of the case suggests that the decision of the original Disciplinary Panel was reasonable and the procedure was followed correctly.

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.

The Appeals Panel may:

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

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

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 within 28 days. This will be accompanied by an explanation of the decision reached and the reasons for it.

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/>.

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

STAGE 7: MONITORING AND SIGN OFF

In all cases where a Notice for Improvement/action plan has been imposed, the issuing authority (Chair of the Disciplinary Panel, DVC or nominee) will appoint a member of staff, usually the personal tutor or Deputy Vice Chancellor (Education and Research) or the Pro Vice Chancellor (Learning and Teaching), to work with the student(s) to meet the requirements of the Notice of Improvement.

Once the Notice 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 Disciplinary Panel, PVCSE or nominee).

If all requirements have been met, the Notice for Improvement and/or warning will be removed from the student's file with the exception of when the case involves a safeguarding, harassment or sexual misconduct matter. In these cases, the investigation report and warning will be stored centrally for at least three years where there is a risk of enforcement action and/ or criminal prosecution and/or a civil claim.

If all requirements have not been met by the review date, or there is evidence to suggest that sufficient progress towards meeting the requirements is not being made, or further breaches of the Code are reported through the Cause for Action process or other means, the issuing authority will extend the time or refer the matter for further disciplinary action. This may mean the student being referred back to the Disciplinary Panel. This may not result in another formal hearing as Norland reserves the right to consider this decision without a formal hearing, through a private panel meeting. Where a private panel meeting takes place, the student will have a right to reply through a written reflective statement which will be considered by the panel. Wherever possible, the panel meeting will consist of at least two of the original panel who considered the original decision; where this is not possible, the DVC will appoint another member and ensure they have full access to the original evidence and papers. If the private panel meeting decides that suspension, expulsion, withdrawal from the programme/s may be required, the student will be invited to a meeting to discuss the matter.

RECORD KEEPING

All records associated with Norland disciplinary 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).

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 (anonymised)	6 years
Cause for Action Notification report (stage 1) - Informal Resolution	Internal (anonymised)	6 years
Informal Warning and Notice for Improvement (stage 1)	Student file	Once conditions have been met. No more than 12 months.
	Internal (anonymised)	6 years
Investigation Report (stage 2) – No further Action	Student file	12 months
	Internal (anonymised)	6 years
Investigation Report (stage 2) – Informal Resolution and Informal Warning	Student file	12 months
	Internal (anonymised)	6 years
Investigation Report (stage 2) – Formal Resolution and Formal Warning	Student file	12 months
	Internal (anonymised)	6 years
Investigation Report (stage 2) – Disciplinary Panel - No further action - Informal resolution and informal warning - Formal resolution and formal warning and notice for improvement	All – internal (anonymised)	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.
Disciplinary Panel Hearing (stage 3 – 4)	Internal (anonymised)	6 years
	Student file	12 – 48 months

Disciplinary Panel Outcomes – Sanctions (stage 5)	All – internal (anonymised)	6 years
• Level 1 and 2 sanctions	Student file	12 months
• Level 2 serious sanctions	Student file	12 – 36 months

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

In order to ensure consistency of approach and procedural fairness, Norland records all disciplinary matters in an anonymised log which includes basic details such as:

- Date.
- The reason for disciplinary 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; Disciplinary Panel, including the reason as to why a specific outcome was reached.
- Stage 3 Disciplinary Panel hearing outcome i.e. sanctions applied, including the reason as to why a specific outcome was reached.
- Appeal outcome.
- Completion of Procedure letter issued.

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

Document Control Information	
Policy title:	Student Disciplinary Policy and Procedure
Summary description:	The Student Cause for Action and Disciplinary Policy and Procedure (Procedure) sets out a framework to address non-academic issues which may prevent a student from meeting the requirements of the Norland Degree and Diploma and/or regarding alleged misconduct.
Relates to staff/ student (include Set), NQN or Norlander:	This relates to all students enrolled at Norland.
Version number (e.g. V1.0/EB/DD-MM-YY):	V10.0/EM/17-09-26
Owner:	Pro Vice Chancellor (Student Experience)
Housekeeping updates only:	No
Approving body:	Academic Board
Related Norland documents:	Cause for Action Policy and Procedure. Norland Code of Professional Responsibilities. Fitness to Practice Policy and Procedure. Child Protection & Safeguarding Policy and Procedure. Exceptional Assessment Circumstances Policy and Procedure. Student Complaints Policy and Procedure. Complaints Procedure for External Stakeholders. Data Protection Policy and Procedure. Student Privacy Notice. Data Retention Schedule.
Date of approval:	17 th September 2026
Date of effect:	As above
Frequency of review (i.e. annually or every 2 years):	Annually
Date of next review:	September 2027
Upload to website:	Yes