



Disciplinary Procedure

Newly Qualified Nannies (NQNs) and Norlanders

Breach of the Norland Code of Professional Responsibilities

1 Introduction

- 1.1. All students sign a copy of the Norland Code of Professional Responsibilities ('the Norland Code') and receive lectures on the Norland Code to ensure that they fully understand what conduct is required of them both during their NQN placement and after leaving Norland College (the College) while working in a professional capacity as an early years professional.
- 1.2. This Disciplinary Procedure will be triggered only after notification of an allegation of misconduct regarding a NQN or Norlander as defined below. Its purpose is to conduct a fair investigation into whether there has been a breach of the Norland Code by the NQN or Norlander and, if so, to determine the sanction (if any) that should be applied.
- 1.3. This procedure operates entirely separately from, without reference to, and subsequent to, any disciplinary enquiry or procedure that the employer decides to undertake in accordance with statutory obligation and/or the contract of employment between the employer and NQN/Norlander and it is not to be taken as a substitution for any such enquiry or procedure. However, should the investigation conducted by the employer be of a legal nature then the College will normally wait until any legal proceedings have been completed. The responsibility for conducting a disciplinary procedure or enquiry under the contract of employment or in accordance with statute remains solely that of the employer.
- 1.4. The outcome of any disciplinary process resulting from a complaint received, for example from an employer, will be considered confidential between the College and the NQN/Norlander. If the complaint is upheld, the employer will be notified that appropriate action has been taken. Details of the action taken will only be disclosed if there is a continuing risk to any child, for example if the NQN/Norlander continues to be employed by the complainant. Future employers will be notified of written warnings/action plans in place within the period of time specified on the NQN's/Norlander's records (to be determined by the Disciplinary Panel).

2 Definitions

- 2.1. In the context of this Procedure the '**NQN**' or '**Norlander**' may be a former student of the College who is undergoing his or her NQN post of employment/placement or a qualified Norlander. '**Complainant**' means the person from whom the complaint has been received. This may be the person by whom the NQN/Norlander is employed or engaged, whether under a contract of employment or otherwise, another NQN or Norlander, or any other person.



- **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.
- **Harassment** is usually sexual or racial although it may also be related to disability, age, sexuality or religion. An essential characteristic of harassment is that it is unwanted by the recipient and/or any witness to it. It is up to each individual to decide what behaviour is acceptable to him or her. Behaviour which one person may accept may be regarded by another as harassment. Harassment makes a person feel offended, humiliated, compromised or threatened. It is legally defined as conduct that:
 - Has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
 - Is reasonably considered by that person to have the effect of violating their dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

2.2 The following examples illustrate conduct which may be deemed to be a disciplinary concern as a breach of the Norland Code of Professional Responsibilities. This list is not exhaustive.

- 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 work and study, professional misconduct, serious incapability through alcohol, serious negligence which causes unacceptable loss, damage or injury, serious act of insubordination, disclosure of confidential information.
- Inappropriate behaviour, including bullying, cyber-bullying, harassment and unprofessional conduct.
- 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.
- The following types of behaviour may amount to harassment: Unwanted physical contact, ranging from touching to serious assault; 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 time-keeping
- Failure to keep accurate and complete records as required by your employer, for example, financial records
- Inappropriate use of the computer or mobile devices e.g. e-mail, internet, breach of data protection or computer security rule.
- 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 drugs theft, fraud, deliberate falsification of records, fighting, assault on another person, deliberate damage to property.



- Conduct contrary to professional regulatory body guidance.

3 Stage 1: Establish the facts of the case

- 3.1. On receipt of a complaint where misconduct is suspected, an investigating officer will be appointed by the Vice Principal (or nominee). The investigating officer will be a manager or senior member of staff. Every effort will be made to appoint an investigating officer who does not have prior knowledge of or involvement in the circumstances of the complaint – this may mean appointing an investigating officer from outside the department; for example, an allegation of misconduct by a Norlander may be investigated by a manager from the academic team and an allegation of misconduct by a NQN may be investigated by a manager from the ECA or RCT department. If the matter is related to early years practice, the investigating officer will have the relevant occupational knowledge to be able to assess the allegations made. The Principal will not be involved at this stage as she leads Stage 2 and beyond.
- 3.2. During the period of investigation, the NQN team / Agency will not work with the NQN/ Norlander. In addition, no reference will be given by the Agency except to confirm the dates of training together with notice that the NQN / Norlander is under investigation and that no further information can be given until the disciplinary process has concluded.
- 3.3. It is important to carry out necessary investigations of potential disciplinary matters without unreasonable delay to establish the facts of the case. In some cases this will require the holding of an investigatory meeting with the NQN/Norlander before proceeding to any disciplinary hearing. In others, the investigatory stage will be the collation of evidence by the investigating officer for use at any disciplinary hearing. The College will endeavour to complete its investigation within one month of the receipt of the complaint. Where it is not possible to operate to this timeline, a new date for completion of the investigation will be provided.
- 3.4. An investigatory meeting will not automatically result in any disciplinary action. The purpose of the investigatory meeting is to establish the facts of the matter in an objective and non-judgemental manner. In advance of any such meeting, a summary of the complaint and any relevant documents will be sent to the NQN / Norlander.
- 3.5. The NQN/Norlander will be permitted to be accompanied at an investigatory meeting by a friend, relative, work colleague or trade union representative should he/she wish to be.

4 Stage 2: Take action based on the investigation

- 4.1. Once complete, the investigation report (based on a pro-forma template – see Appendix 1) will be forwarded to the Vice Principal (or nominee), along with any evidence gathered.
- 4.2. The Vice Principal (or nominee) will decide whether there is a disciplinary case to answer or not. Judgements will be made based on the Balance of Probability Standard; that is, whether the events in questions were more likely than not to have happened, based on the investigation report and the evidence presented. If the decision is that there is no case to



answer, the Vice Principal (or nominee) will write to the NQN/Norlander, normally within 5 working days of the report being received.

- 4.3. Where the decision is made that there is a case to answer but that it is a 'cause for concern' only rather than a more serious case of misconduct (level 1 / level 2 sanction), the case need not proceed to a disciplinary hearing. The Vice Principal (or nominee) will write to the NQN/Norlander to inform him/her of the decision normally within 5 working days of receiving the report. Suitable actions to be taken as a result of the investigation will be agreed between a nominated person within the relevant department and the NQN/Norlander. These may include, but are not limited to, no further action, some CPD, suitable reparation, apology, and/or a time-bound action plan.
- 4.4. If it is decided that there is a serious disciplinary case to answer, the NQN/Norlander will be notified of this in writing normally within 5 working days of the report being passed to the Principal. This notification will contain sufficient information about the alleged misconduct or poor performance and its possible consequences to enable the NQN/Norlander to prepare to answer the case at a disciplinary hearing. It would normally be appropriate to provide copies of any written evidence, which may include any witness statements, with the notification.
- 4.5. The notification will give details of the time and venue for the disciplinary hearing and advise the NQN/Norlander of his/her right to be accompanied by a friend, relative, work colleague or trade union representative.

5 Stage 3 : Disciplinary hearing

- 5.1. The Principal (or nominee) will convene a Disciplinary Panel to hear the details of the alleged misconduct and decide the outcome.
- 5.2. The Disciplinary Panel will be composed of at least three members of the Senior Leadership Team (SLT), one of whom must be the Principal as Chair, or her nominee. The Panel will be made up of people with no prior involvement in the allegations or investigation, so the investigating officer and Vice Principal (or nominee) will not be part of the Disciplinary Panel.
- 5.3. The meeting should be held without unreasonable delay whilst allowing the NQN/Norlander reasonable time to prepare his/her case. Usually this will mean giving the NQN/Norlander 10 working days' notice.
- 5.4. The NQN/Norlander (and their companion) should make every effort to attend the meeting. At the meeting the Chair should explain the complaint against the NQN/Norlander and go through the evidence that has been gathered.
- 5.5. The Chair of the panel may decide to invite the investigating officer to present the case against the NQN/Norlander, giving the NQN/Norlander the opportunity to ask questions of the investigating officer as part of the hearing. The Chair will consider the evidence contained within the report, whether the allegations are contested and whether the NQN/Norlander has requested the attendance of the investigating officer, when deciding whether it is appropriate to ask the investigating officer to attend.



- 5.6. If the NQN/Norlander wishes to ask questions of the investigating officer, s/he should inform the Chair prior to the panel hearing so that arrangements may be made to ensure attendance.
- 5.7. If the NQN/Norlander decides during the panel that s/he would like to ask questions of the Investigating Officer, and the investigating officer is not present, the Chair will adjourn the hearing until such time that the investigating officer is available to attend.
- 5.8. The NQN/Norlander should be allowed to set out his/her case and answer any allegations that have been made. The NQN/Norlander should also be given a reasonable opportunity to ask questions, present evidence and, if appropriate, call relevant witnesses. He/she should also be given an opportunity to raise points about any information provided by any witnesses. Where a NQN/Norlander intends to call one or more witnesses they must give advance notice that he/she intends to do this.
- 5.9. The companion to the NQN/Norlander should be allowed to address the hearing to put and sum up the NQN's/Norlander's case, respond on his/her behalf to any views expressed at the meeting and confer with him/her during the hearing. The companion does not, however, have the right to answer questions on the NQN's/Norlander's behalf, address the hearing if the NQN/Norlander does not wish it or prevent the NQN/Norlander from explaining his/her case themselves.
- 5.10. Where necessary, the Chair may decide to suspend the deliberations of the Panel and reconvene pending further information.

6 Stage 4: Decide on appropriate action

- 6.1. After the hearing the Disciplinary Panel will decide whether or not disciplinary or any other action is justified and inform the NQN/Norlander as soon as possible after the hearing. This may be an immediate, verbal notification which will be followed up in writing, or a written notification normally within 10 working days of the disciplinary hearing.
- 6.2. Where misconduct is confirmed or the NQN/Norlander is found to be performing unsatisfactorily, the Disciplinary Panel will decide whether level 1 or level 2 (see stage 5) sanctions will be applied.
- 6.3. If a NQN's/Norlander's first misconduct or unsatisfactory performance is sufficiently serious, level 2 sanctions may be applied. This might occur where his/her actions have had, or are liable to have, a serious or harmful impact on the College or the children or families with whom he/she works.
- 6.4. The sanction(s) applied will be communicated to the NQN / Norlander in writing, setting out the nature of the misconduct or poor performance, the breach of the Code of Professional Responsibilities and the change in behaviour or improvement in performance required (with timescale). The NQN / Norlander will be informed of the consequences of further misconduct, or failure to improve performance, within a set period, for instance that it may ultimately result in expulsion from the NQN year or revocation of the Norlander badge and disqualification from the Norlander status. A note of the sanction applied will also be passed to the NQN team / Norland Agency together with relevant timescales and instructions as to



how future applications for positions should be dealt with. This will include confirmation of what information will be provided to prospective employers.

- 6.5. Some acts, termed gross misconduct, are so serious in themselves or have such serious consequences that they may call for expulsion from the NQN year or revocation of the Norlander badge and disqualification from Norlander status.
- 6.6. Gross misconduct includes but is not limited to actions which have, or are likely to have, caused harm or injury to a child, gross negligence, criminal offences which would prevent the NQN/Norlander working with children, actions which bring the College into disrepute, theft or fraud.

Failure to acknowledge notice of complaint and failure to attend.

- 6.7. If the NQN/Norlander fails to acknowledge notice of the complaint and subsequent invitation to help with the investigation, the Principal will write to the NQN/Norlander at his/her address as registered with the Agency and at any other address known to the Agency.
- 6.8. If, after all reasonable steps have been taken by the Principal, the NQN/Norlander fails to acknowledge the notice of the investigation or fails to attend any meeting arranged by the College without proper and reasonable excuse, the Principal will write to the NQN/Norlander notifying him/her that as the matter has not been properly discussed the following result will ensue:
 - A note of the NQN's/Norlander's failure to attend the meeting or acknowledge the investigation will be made on the NQN's/Norlander's file.
 - No reference will be given by the College for any subsequent employment sought by the NQN/Norlander until the allegation has been properly resolved in accordance with the provisions of this Procedure, save that the dates of training by the NQN/Norlander at the College will be given together with notice that the NQN / Norlander is currently under investigation and that no further information can be given at the time.
 - The matter will be referred to the Disciplinary Panel who will decide what action to take in NQN's/Norlander's absence. The Disciplinary Panel's decision will be final, subject to any Appeal lodged by the NQN/Norlander in accordance with the Appeals Procedure set out in this policy.

7 Stage 5: Sanctions

- 7.1 Level 1 sanctions may include (but are not limited to): first warning, appropriate reparation, apology, 1:1 support. A time-bound action plan to support improvement will be put in place. The level 1 sanctions will be recorded on the NQN's/Norlander's file for the duration of the time-bound action plan.
- 7.2 Level 2 'serious' sanctions may include (but are not limited to): suspension from placement / delay to the commencement of a NQN post until further activities are undertaken to improve practice, a final warning, a time-bound action plan to support improvement, suspension from studies, expulsion from the College. The panel will decide the duration for which the warning 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.



- 7.1. For any sanction apart from expulsion/disqualification, a time-bound action plan will be put in place to support the desired improvement in practice. If a time-bound action plan is imposed at either level, the Chair of the Disciplinary Panel will nominate a member of staff to develop the action plan in conjunction with the NQN/Norlander, taking into account any actions recommended by the Panel. The action plan must be signed off by the Chair of the Panel at the end of the allocated time period.
- 7.2. Non-completion or compliance with the action plan will result in referral back to the disciplinary process.
- 7.3. A decision to expel from the NQN process or revoke the Norland badge and disqualify from Norlander status can only be taken by the Principal. The NQN/Norlander should be informed as soon as possible of the reasons for the expulsion / revocation and his/her right of appeal.

8 Stage 6: Opportunity to appeal

Appeals against the decision of the Disciplinary Panel

8.1 Appeal against expulsion/disqualification:

- Where the recommendation of the Panel is that the NQN/Norlander should be expelled from the programme and/or the College or disqualified from working as a Norland Nanny, the NQN/Norlander has a right of appeal to the Board of Directors, once this recommendation has been confirmed by the Principal (or nominee).
- The request for such an appeal must be made in writing, providing full supporting evidence and grounds for appeal, to the Chair of the Board of Directors within 10 working days of receipt of the decision.

8.2 Appeal against other decisions of the Panel:

- The NQN/Norlander has the right to appeal against the decision of the Disciplinary Panel if he/she believes 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
 - 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 Chair of the Board of Directors within 10 working days of the receipt of the letter notifying the NQN/Norlander of the Disciplinary Panel decision.

8.4 The NQN/Norlander 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 Panel is not in itself sufficient reason to appeal.



8.5 The Appeals Panel will consist of 3 members of the Board of Directors 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.

8.6 If the NQN/Norlander, having been given the opportunity to attend the hearing, fails to do so without reasonable explanation, the Appeals Panel may proceed in his/her absence.

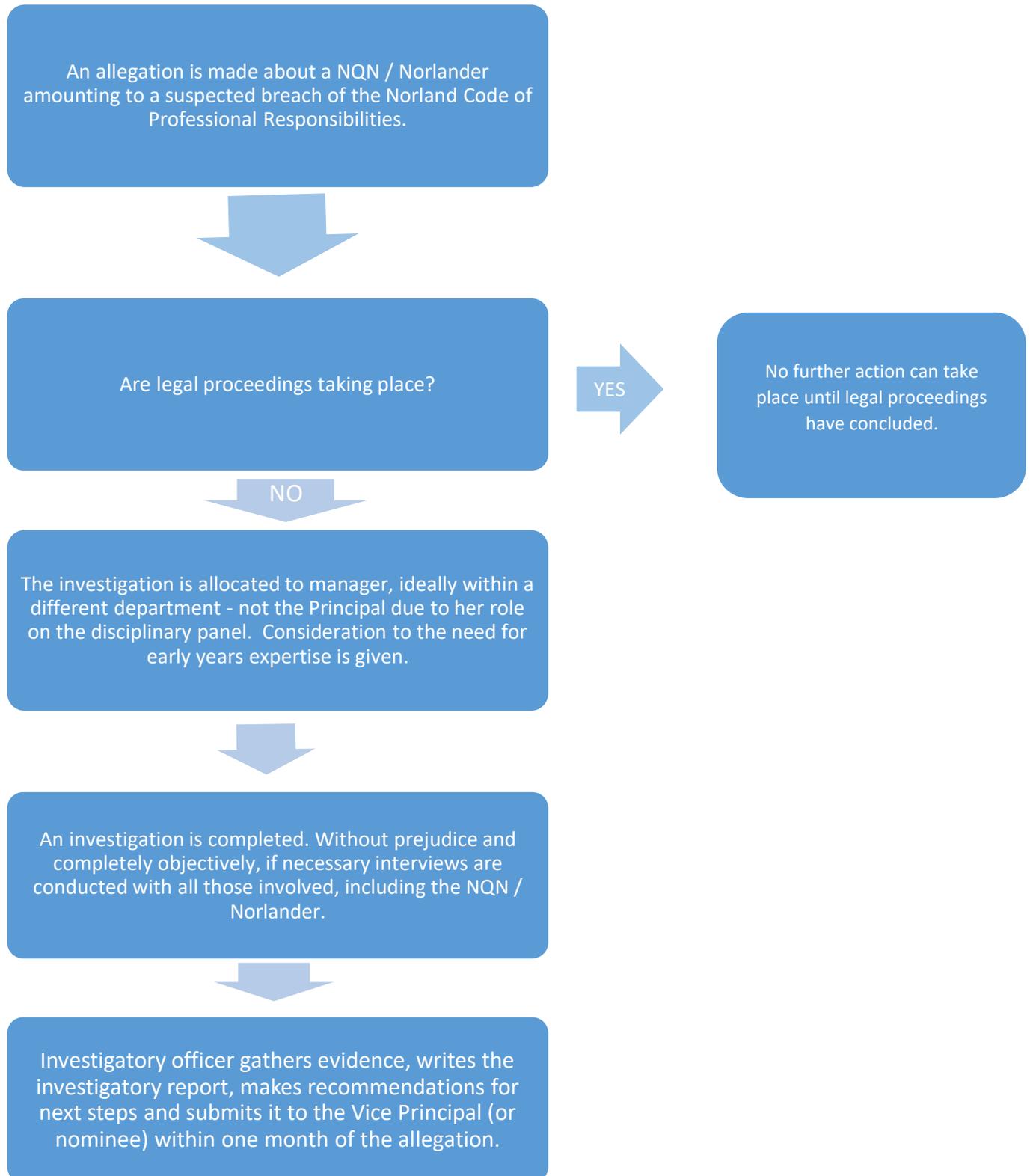
8.7 The Appeals Panel may:

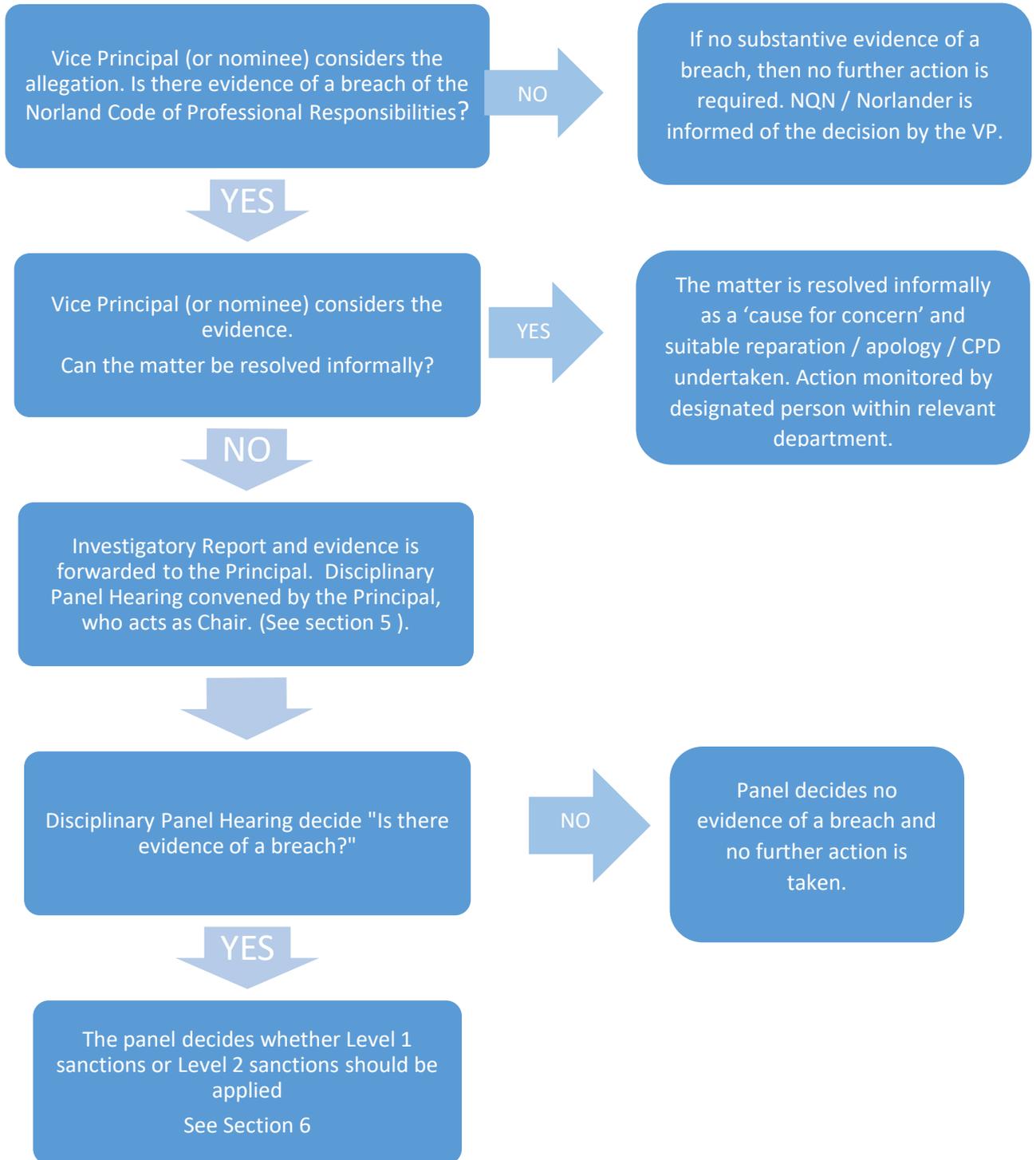
- Amend the decision of the original Disciplinary Panel
- Uphold the decision of the original Disciplinary Panel
- Refer the case back for reconsideration by the original Disciplinary Panel
- Defer the decision pending further information and advice
- Reject the Appeal.

8.8 The decision and any recommendations of the Appeals Panel will be notified to the NQN/Norlander and to the original Disciplinary Panel. There will be no further right of appeal within the College.



Flowchart for Disciplinary Investigation







Appendix 1 – Template for Investigation Report

Investigation report [This is a template investigation report that an investigator may adapt to suit the particular circumstances of their investigation]

Name of NQN/Norlander under investigation	
Introduction	Investigation authorised by: [Name and role]
	Investigator: [Name and role]
	Date investigation began:
	Background to the investigation: [Brief overview of the matter]

Process of investigation	The investigation process: [Explain how the investigation was authorised]
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	Evidence collected: [List all evidence collected]
	Evidence not collected: [List all evidence that could not be collected and why]
	Persons interviewed: [List all people interviewed]
	Persons not interviewed: [List any witnesses that could not be interviewed and why]
	Anonymised statements: [If any, explain why and provide details of any enquiries into witness]

The investigation findings	Summary of written and physical evidence: [name and summarise each document contained, set out how the evidence supported or did not support your findings and why]
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	<p>Summary of witness evidence: [name and summarise each witness statement, quote from statement where relevant, set out how the witness statement supported or did not support your findings and why]</p>
	<p>Facts established: [detail what the investigation has established]</p>
	<p>Facts that could not be established: [detail any part of the investigation that was inconclusive]</p>
	<p>Mitigating factors: [detail if there were any mitigating factors uncovered that are relevant to the investigation]</p>
	<p>Other relevant information: [detail any other information that is relevant to the matter]</p>

<p>Conclusion [if required]</p>	<p>Recommendation:</p> <p>Formal action/Informal action/No action required</p>
	<p>Further details on recommendation: [such as the type of action suggested for example, formal disciplinary meeting, and if there are any other recommendations related to the matter. In disciplinary matters, the investigator should not recommend a possible sanction. This should only be considered at a disciplinary hearing]</p>
	<p>Investigator's signature:</p> <p>Date:</p>

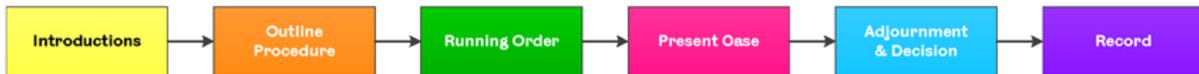


Supporting documents	[List all documents collected as part of investigation and included in report]
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Appendix 2 - Guidance notes on Chairing formal proceedings

The below checklist is for guidance purposes only, as it is recognised that the Chair will need to determine how best to manage any hearing given the individual circumstances of the case.

Please ensure that all discussions during this process are fair, appropriate and above reproach.



Introductions

- Welcome attendees.
- **Request that all attendees turn off any electronic devices to avoid unnecessary interruptions during the meeting**
- Introduce those present and their roles, (see guidance re: roles/responsibilities); this may include: panel members, investigating officer, note-taker, NQN/Norlander and his/her representative etc.
- Discuss whether the meeting is to be recorded and, if this is necessary, gain recorded consent from all participants.
- Representation of NQN/Norlander – If accompanied confirm the role of the companion, i.e. that they will be able to address the hearing in order to: put the NQN's/Norlander's case forward; sum up the case; respond to any view expressed at the hearing; and confer with the NQN/Norlander. However, the representative will not usually answer questions on behalf of the NQN/Norlander, but may do so with the agreement of the panel.
- If not accompanied note that the NQN/Norlander has been advised of their right to be accompanied but has chosen to attend unaccompanied.
- Ask the NQN/Norlander to introduce themselves and any companion they may have with them. Check whether the participants are happy with use of first names.
- Confirm with the NQN/Norlander that they have received the letter notifying them of the hearing and the associated documentation providing advanced disclosure of the case.
- Confirm with the NQN/Norlander that they understand that it is a formal disciplinary/FTP hearing which will be conducted in line with the College's Disciplinary or FTP procedure.
- Ask that all communications go through you as the Chair during the hearing.

Outline Procedure



- Advise of the procedure.
- Confirm Documentation provided – Identifying, if appropriate, any other documentation the panel has at their disposal for reference purposes. Also confirm if the panel received any additional information/evidence from the NQN/Norlander.
- Adjournments - Advise that should any party consider an adjournment necessary requests should be made via the chair. Identify the location of the rooms available.
- Taking of Notes – Advise that the note-taker will take summary notes to support the panel's consideration. Should the NQN/Norlander want a summary of these notes these can be provided on request. Advise that both the NQN/Norlander and their representative would be welcome to make their own notes.
- Respond to any procedural concerns/queries that may arise.

Running Order

1. The investigating officer may be invited in to present the case against the NQN/Norlander and the evidence upon which this is based, which may include calling witnesses.
2. If the investigating officer is in attendance, the NQN/Norlander, their representative if applicable and the panel will be given the opportunity to ask questions of the investigating officer and any witnesses, and to query the evidence provided.
3. The NQN/Norlander and their representative are then invited to present their case, which again may rely on witnesses.
4. The panel will correspondingly be allowed to ask questions of the NQN/Norlander and any witnesses.
5. Both the NQN/Norlander and the Chair will be invited to provide a brief concluding statement.
6. The Panel will adjourn for the Panel to consider the decision.

Present Case

- Hear case based on the above running order.

Adjournment & Decision

- Panel either adjourns or closes the hearing to consider the case
- If the panel is unable to make a decision as further information/time is required, inform the NQN/Norlander as to when they can expect written notification of the decision (or if further action was deemed necessary what this would entail)
- When closing the hearing, ensure that everyone understands what is going to happen.
- Panel makes a decision
- Advise that the outcome of the hearing should be confirmed to the NQN/Norlander in writing, usually within 10 working days of the hearing. Include notification of their right to appeal and to whom any such appeal should be addressed.

Record



- Record summary of the discussions, (including any agreed actions and timescales for improvement etc).
- Ensure that the records are factual, unambiguous and constructive (assume that the NQN/Norlander may see these).
- Write to NQN/Norlander summarising the outcome of hearing and any next steps.
- Store records securely, as these may be subsequently required within later procedural stages and shared with all relevant parties, including the NQN/Norlander.

Appendix 3 – **Template for Hearing Report**

Hearing report [This is a template hearing report that a note taker may adapt to suit the particular circumstances of the hearing]

Introduction	Hearing panel and other attendees: [Name and role]
	Date of hearing:
	Reference (normally the investigation report):

Process of hearing	Presentation of case by investigating officer: [Summary of investigation report by investigating officer which may include calling of witnesses]
	Response from NQN/Norlander: [May include clarification questions to investigating officer/witnesses]
	Response from panel: [May include clarification questions to investigating officer/witnesses]
	Presentation of case by NQN/Norlander: [May include witnesses and presentation of additional evidence]
	Response from panel: [May include clarification questions to NQN/Norlander and/or witnesses]



	Concluding statement by NQN/Norlander:
	Concluding statement by the Chair:

The hearing findings	Summary of panel's decision regarding outcome and any conditions: [This should detail the following: <ul style="list-style-type: none">• whether or not any disciplinary action will be taken and, if so,• state nature of misconduct or poor performance,• which level of sanction will be applied,• the nature of the sanction,• and the details of any conditions, such as expected improvements in behaviour and a time-bound action plan• in the case of level 2 sanctions, the duration of the warning]
	Other relevant information: [detail any other information that is relevant to the matter]