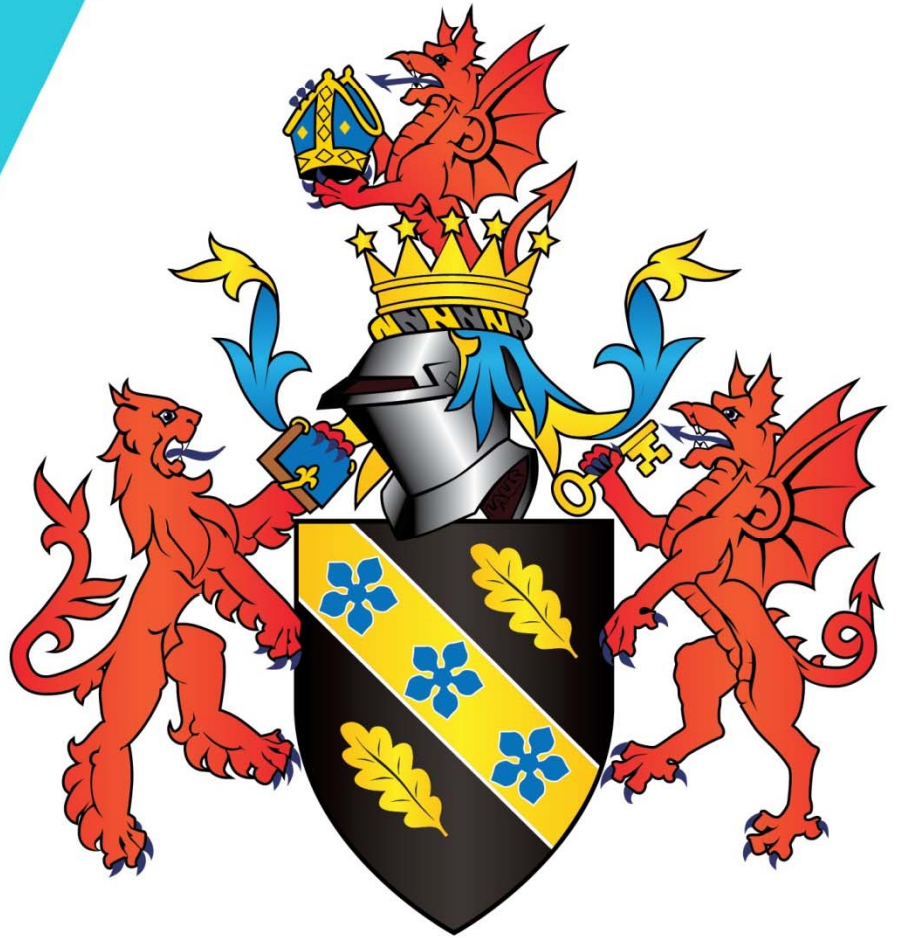




Prifysgol Cymru
Y Drindod Dewi Sant
University of Wales
Trinity Saint David



Third Party Involvement

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1. Purpose and Scope

- 1.1. The University of Wales Trinity Saint David (UWTSD) recognises that students may wish to be advised, supported or represented by a third party during formal University processes. This policy and procedure applies to UWTSD staff, students and any third party who may be advising, supporting or representing a student during a UWTSD procedure. It provides guidance on the procedure to be followed across the University if a third party is involved. This will facilitate a consistent approach across Institutes and Professional Services and help ensure that students are treated fairly and equitably.
- 1.2. The University makes a distinction between third party advice and/or support and formal third party representation. This distinction is defined through the policy.
- 1.3. This document will apply to all University policies and procedures including, but not limited to, Complaints, Appeals, Fitness to Practise, Support to Study, Academic and Non-Academic Misconduct and Mitigating Circumstances policies. It should be read in conjunction with the relevant policy and procedure which details the process and stages to be followed.
- 1.4. For students registered on programmes of study at collaborative partnership institutions or at Constituent Colleges of the University, normally procedures from that institution are followed in the first instance.

2. Relationship and interface with other policies and strategies

- 2.1. There are a number of strategies, policies and procedures that are connected to this procedure, including, but not limited to:
 - a. Mitigating Circumstances Policy;
 - b. Support for Study Policy;
 - c. Fitness to Practise Policy;
 - d. Health and Safety Policy;
 - e. Placement Protocol;
 - f. Prevent procedures;
 - g. Safeguarding Policy;
 - h. Student Harassment and Bullying Policy;
 - i. Student Disciplinary Policy (Non-Academic Misconduct);
 - j. The Strategic Equality Plan;
 - k. Academic Misconduct Policy.

3. Responsibilities

- 3.1. The **Academic Office** owns this procedural document on behalf of the University and is responsible for reviewing its implementation periodically.
- 3.2. The **Academic Office** manages the central University Stages for Academic related Appeals/Complaints and Academic and Non-Academic Misconduct, as well as Fitness to Practise and Support for Study and provides advice and guidance on these procedures.
- 3.3. **Case Officers** fulfil a range of roles in relation to the relevant procedure, including undertaking any preliminary risk assessment, completing an investigation, and making recommendations. A case may have more than one Case Officer, each with a specific role in relation to the case.

- 3.4. **Students:** Students may choose to be advised, supported or represented by a third party during a formal University process. Regardless of any support or representation arrangements, students are still subject to University rules, especially regarding the Student Code of Conduct, the Academic Regulations, Policies and Procedures and the Regulations of the Programme on which they are enrolled.
- 3.5. **Third Parties:** Any third party involved in advising, supporting or representing a student through a formal University process must comply with the terms of this document, and all other University policies including those relating to behaviour and harassment.
- 3.6. **The University of Wales Trinity Saint David Students' Union (TSDSU):** The TSDSU is available to offer expert advice and support to students before, during and after all formal procedures.
- 3.7. The Third Party Involvement Policy and Procedure is an internal procedure and is not a legal process. The University advises students to use the services of the TSDSU who are independent from the University and have a full understanding of the university's processes and procedures. UWTSD does not normally use legal professionals in the handling of cases, and does not expect that students will need to do so either. The engagement of legal professionals by students is normally not permitted.

4. Definitions

- 4.1. **Third Party:** For the purposes of this procedure, a third party is defined as a person who is not directly involved in the issues relating to the formal processes but who is advising, supporting or representing the student through the process. The University will only recognise a formal third party representative with the student's express written permission (see section 5 and Appendix 1). The University will normally only permit one third party representative to be involved in any case at any one time.
- 4.2. **The student** = the student who is involved in the relevant policy or procedure. This covers all students directly involved with a procedure (e.g. the reporting student, reported student, student against whom an allegation is made or about whom a concern is raised) but not witnesses.
- 4.3. **Supporting Person:** The University respects the right for students to be advised and supported through any formal University procedure should they wish. In this respect, the University defines support as accompanying a student, receiving copies of communications, but not corresponding directly with the University or presenting a case on the student's behalf. The University will normally only allow one person to accompany the student to a meeting or be copied into communications. A student may also wish to give consent for the University to respond to enquiries from a third party (e.g. a parent/guardian), but the third party will not be taking over representation (as described in section 4.5) – see section 8 for the procedure in this case.
- 4.4. **TSDSU:** TSDSU is independent from the University and provides support for students in a number of areas including those involving formal University processes. Because of their expertise, it is strongly recommended that students wishing to be supported through any University procedure consider accessing TSDSU in preference to another third party. However, students have the right to be supported by an alternative third party such as a friend or a relevant professional body representative.

- 4.5. **Representation:** The University strongly encourages students to represent themselves and communicate directly with the University on all matters including those relating to formal University procedures. Students may occasionally prefer to appoint a representative. If this third party representative explicitly acts on behalf of the student, they will need to be formally nominated in line with section 6 below. TSDSU may also agree to formally represent a student in some circumstances.
- 4.6. **Students who are under 18 years old:** If the student is under 18 then they must provide a named third party representative.
- 4.7. **Submission of an Appeal or Complaint:** Any Complaint or Appeal must be submitted by the student themselves and within published deadlines as outlined in the relevant policy. Complaints and Appeals submitted by a third party on behalf of the student will not be accepted unless the student is under 18 years old.
- 4.8. **Academic and non-Academic Misconduct, Support for Study, and Fitness to Practise Policies:** Students are expected to attend any meeting to discuss or consider allegations of an Academic or non-Academic Misconduct, Support for Study or Fitness to Practise issue. Should a student fail to engage, regardless of any third party involvement, the University reserves the discretion to reach a decision in their absence.
- 4.9. **Student confidentiality and data protection:** UWTSD discharges its duty to confidentiality and addresses data protection issues by requiring written authorisation from the student before any disclosure/discussion with third parties. This consent will include permission to share sensitive personal data about the student, such as health and other issues that may be relevant to the circumstances.

5. Supporting Person

- 5.1. A student may also approach a third party, such as a TSDSU/parent/partner/friend/religious authority, for support with a university process.
- 5.2. If the third party is intending to take over the case on behalf of the student then the procedure outlined in section 6 below will apply and the third party must be appointed as a representative using the form (Appendix SC13).
- 5.3. The supporting person will be able to accompany the student to any meetings and will be copied into any correspondence. The supporting person shall not normally contribute to the discussions.
- 5.4. Taking account of the general principle set out above to allow only one point of contact to represent the student, UWTSD will only provide information to a third party in these circumstances if the University has received signed permission to share personal information (which may include sensitive personal data) with that person as described in section 4.9.
- 5.5. Other than in very exceptional circumstances, only one third party may be involved in supporting the student through the formal process.
- 5.6. All third parties must comply with the University policies relating to the case and they may only contact one named member of staff (depending upon the stage of the process reached). They must also comply with this document and the Harassment and Bullying Policy and the Student Code of Conduct.

6. Procedure for Appointing a formal Third Party Representative (named representative)

- 6.1. A student may choose to formally appoint a third party representative (see 4.1 above) to act on their behalf at any stage during the process by completing the Third Party Representative Form (Appendix SC13). The form must be dated and signed by the student and the third party representative and returned to the University via email to aocases@uwtsd.ac.uk.
 - 6.1.1. A form is not required if a student is representing themselves but seeks advice or support from a third party (e.g. TSDSU).
 - 6.1.2. It is also not required if a student wishes to give consent for the University to discuss their case with a third party (e.g. a partner/parent/guardian) - See section 8 for more details of the procedure that applies.
- 6.2. The relevant University administrator will write to the third party representative providing copies of this document, other relevant University procedures and all the case documentation. The student will be copied into the initial correspondence and all future contact with the third party representative (see 6.5 below).
- 6.3. If the University receives communication regarding an ongoing student case directly from a third party, the relevant University Administrator will contact the student. The University will only consider the issue once it has received the written permission of the student to whom the case relates, including permission to share personal information (which may include sensitive personal data) with that person. If permission for formal representation is required as described in 4.4 and 5.1 above, the student must complete the Third Party Representative Form (Appendix SC13).
- 6.4. Communication with the third party representative: UWTSU will communicate with the one formally appointed individual in order to keep the channels of communication clear. Any exceptions must be agreed by all parties.
- 6.5. Communication with the student: Once the case is passed over to a third party representative, the University will only liaise through the third party representative but the student will be copied into all correspondence regarding their case.
- 6.6. Time limits: permission to act as a formal third party representative is time limited to three months from the date on the Third Party Representative Form or the completion of the University's internal procedure, whichever is shorter. Exceptionally, if required and if the internal procedure is still continuing, the appointment may be extended for a further three-month period but only if the student provides an updated Third Party Representative Form (Appendix SC13).

7. Revoking a Third Party Representative's responsibility

- 7.1. The student can revoke the appointment of the third party representative at any time (in writing), at which point the relevant Administrator dealing with the case will write to the third party representative to inform them that their appointment has ended and that the University will not continue to correspond with them.
- 7.2. The third party representative may choose to end their involvement at any time (in writing). If this happens, the University will inform the student.
- 7.3. The University may end the third party representative's appointment early if the University believes that there has been a breach of this or any other policy document (which has been provided to the third party representative) or if, in its reasonable opinion, the third party representative has behaved unacceptably (see section 9). In

this case, the University's decision is final. The University will notify the student before taking this action and will then notify the third party representative. If a third party arrangement is revoked, the running of the case will revert to the student unless a new appointment of an alternative representative is made using the form in Appendix SC13.

8. Third Party enquiries

- 8.1. Third parties may write to us requesting information and/or asking the University to take action. This includes contact by parents/guardians/Members of Parliament or other relatives or third parties on behalf of students.
- 8.2. If the third party is intending to take over the case on behalf of the student then the procedure outlined in section 6 above will apply and the third party must be appointed as a representative using the form (SC13).
- 8.3. If, however, the third party is seeking information or action but is not intending to take over the case, UWTSD has discretion, acting reasonably; to decide whether or not to enter into correspondence with the third party, taking account of the general principle set out above to allow only one point of contact to represent the student. UWTSD will only provide information to a third party in these circumstances if the University has received signed permission to share personal information (which may include sensitive personal data) with that person as described in section 4.9.
- 8.4. UWTSD may take the following into account when considering whether to respond to the third party:
 - 8.4.1. whether the third party has a legitimate interest in contacting UWTSD;
 - 8.4.2. the number of contacts the University received in relation to the matter and the level of information sought by the third party;
 - 8.4.3. whether legal proceedings have been initiated or are contemplated;
 - 8.4.4. previous contact with the third party relating to any matter, including any unacceptable behaviour; and
 - 8.4.5. any other matters that UWTSD believes are relevant.
- 8.5. Other than in very exceptional circumstances, only one third party may be involved in supporting the student through the formal process.
- 8.6. All third parties must comply with the University policies relating to the case and they may only contact one named member of staff (depending upon the stage of the process reached). They must also comply with this document and the Harassment and Bullying Policy and the Student Code of Conduct.

9. Unacceptable Behaviour

- 9.1. UWTSD is committed to providing a fair, consistent and accessible service for all students and staff. However, UWTSD must also provide a safe working environment for its staff and ensure that work is undertaken in an efficient and effective manner. The University believes that everyone who approaches it has the right to be heard, understood and respected.
- 9.2. UWTSD recognises that involvement with a formal University process can be a stressful experience. People may act out of character in times of frustration or distress. As such, the University would not necessarily view a student's or third party's actions or behaviour to be unacceptable solely because they appear to be assertive or determined.

- 9.3. However, the actions of third parties who are angry, demanding, or persistent may result in unreasonable demands on, or unacceptable behaviour towards UWTSD staff. It is these actions or behaviour that the University considers unacceptable and aim to manage under this procedure.
- 9.4. **Bullying and Harassment:** The University will not tolerate behaviour which it or its staff perceive to amount to bullying or harassment, whether in the form of verbal or written abuse or otherwise in accordance with the UWTSD Non-Academic Misconduct Policy and UWTSD Dignity at Work Statement.
- 9.5. UWTSD may, at its discretion, refuse to deal with third party representatives who do not comply with section 9 of this procedure.
- 9.6. When the University considers that the actions or behaviour of a third party is unacceptable the University will give the third party the opportunity to modify their actions or behaviour. If the unacceptable actions or behaviour continue, the University will refuse to deal with the named third party and revoke an appointment in line with section 6 above. The University reserves the right to involve its lawyers or the police in any case of serious or persistent unacceptable behaviour.

10. Impact Assessment

Implication	Impact considered (Yes/No)	Impact Identified
Legal	Yes	<i>The policy conforms with:</i> <ul style="list-style-type: none"> - Contract and consumer law - The Human Rights Act 1998 - The Equality Act 2010 - Natural Justice (fairness) - Data Protection Act 2018 (and GDPR)
Contribution to the Strategic Plan	Yes	<i>The policy aligns with the values expressed in the Strategic Plan.</i>
Risk analysis	Yes	<i>Policy compliance mitigates against complaints to the OIA and complaints to the ICO.</i>
Equality	Yes	<i>The policy will ensure adherence to provisions of the Equality Act.</i>
Welsh language	Yes	<i>The policy aligns with principles expressed by the Welsh Language Act.</i>
Environmental and sustainability	Yes	<i>None identified.</i>
Communication / Media / Marketing	Yes	<i>The policy will be made available to staff and students via Hwb and the website.</i>

11. Policy author

- 11.1. Dr Kyle Erickson, Director of Academic Experience

12. Document version control

Version No.	Reason for change	Author	Date of Change
0.1	Draft policy	KE	25.08.2020

Current status of Policy: DRAFT

Is the Policy applicable to: HE

Date ratified by Student Experience Committee:

Date effective from: 01/09/2020

Policy review date: 01/09/2021

For publication: on UWTSD website

Third Party Representative Form

Request to have a third party represent you during a University process (e.g. Academic Appeal; Academic Misconduct; Fitness to Study or Practise; Mitigating Circumstances; Non-Academic Misconduct; or Student Complaint Policies)

This form must be completed if you wish to formally appoint a third party to represent you during a University process (e.g. a friend) or a supporting person.

It is not required if you are representing yourself but wish to seek advice or support from a third party (e.g. TSDSU) but do not wish them to be copied into correspondence or to attend meetings with you.

Before completing this form, you should read the Third Party Involvement Policy.

You are reminded that the Students' Union can be approached at any time for advice and support on any issue.

This form should be typed, or completed in black ink, and sent to the Academic Office (aocases@uwtsd.ac.uk) (Ref: Third Party Representative)

All communications relating to this request for review during its process must be in writing and either emailed or posted to:

(for email)

Email: aocases@uwtsd.ac.uk

Subject: Third Party representative

(for post)

Academic Office

(Ref: Third Party representative)

University of Wales Trinity Saint David

College Road

Carmarthen

SA31 3EP

SECTION A: Student Details

Student Name:	
Student Number:	
Contact Address:	
Contact Telephone Number:	
E-mail address:	
Programme of Study:	
Institute:	
Campus:	

SECTION B: Agreement

- I confirm that I agree to the terms outlined in the Third Party Involvement Policy.
- I am appointing the named third party as my representative to deal with this matter on my behalf.
- I understand that the University will deal with my representative regarding this matter unless I end this arrangement by writing to the University (aocases@uwtsd.ac.uk).
- I give permission to the University to provide information to the third party relating to this matter. I agree that the University may release my personal data to the third party, including sensitive personal data.
- I confirm that my nominated third party representative is not a legal representative. I understand that this appointment will be in place for 3 calendar months from the date that the University receives it.
- If I wish to extend this arrangement, I will need to complete this form again and send it to the University.

Signed:	Date:
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SECTION C: Third Party Details

Role:	Supporting Person <input type="checkbox"/>	Third Party Representative <input type="checkbox"/>
Name and Title:		
Contact Phone Number:		
Email Address:		

I confirm that I agree to the terms outlined in this policy.

Signed:	Date:
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