

11L - Third Party Involvement: Procedure

1 SCOPE AND PURPOSE

- 1.1 Bournemouth University (BU) recognises that students may wish to be advised, supported or represented by a third party during formal University processes. This procedure applies to BU staff, students and any third party who may be advising, supporting or representing a student during a BU 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 Faculties and Professional Services and help ensure that students are treated fairly and equitably.
- 1.2 Where the University makes a distinction between third party advice/support and formal third party representation, this is identified in the procedure.
- 1.3 This document will apply to all University procedures including, but not limited to, Academic and Non-Academic Complaints, Appeals, Fitness to Practise/Study, Disciplinary and Welfare procedures. It should be read in conjunction with the relevant policy and procedure which details the process and stages to be followed.

2 KEY RESPONSIBILITIES

- 2.1 **Academic Services/Academic Quality:** Academic Services owns this procedural document on behalf of the University and is responsible for reviewing its implementation periodically. Academic Quality manages the Central University Stages for Academic related Appeals/Complaints and Academic Offences and provides advice and guidance on these procedures.
- 2.2 **Student Services:** Student Services is responsible for Student Welfare and Discipline and all Non-Academic Appeals and Complaints and Student Services manages the Central University Stages for these procedures. Advice and guidance on procedures can be obtained via askBU in the first instance.
- 2.3 **Nominated Faculty staff:** Faculties are responsible for managing Local Stage procedures for Appeals, Complaints and any Disciplinary issues. One named member of Faculty staff will be required to liaise with Academic Services or Student Services (depending upon the procedure) should the case proceed to a Central University Stage.
- 2.4 **Partners:** Partners are responsible for managing their own student processes in line with the relevant partnership model and as detailed in the Partnership Agreement. If BU processes apply to partner students, these are managed in accordance with the relevant University policy and procedure.
- 2.5 **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 *Unacceptable Behaviour Policy*, the *Academic Regulations, Policies and Procedures* and the Regulations of the Programme on which they are enrolled.

- 2.6 **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, the *Unacceptable Behaviour Policy* and all other University policies including those relating to behaviour and harassment.
- 2.7 **The Students' Union at Bournemouth University (SUBU) Advice:** [SUBU Advice](#) is available to offer expert advice and support to students before, during and after all formal procedures.
- 2.8 The *Third Party Involvement: procedure Policy and Procedure* is an internal procedure and is not a legal process. The University advises students to use the services of the [SUBU Advice](#) team who are independent from the University and have a full understanding of the university's processes and procedures. BU 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.

3 ACCESSING OTHER RELEVANT BU DOCUMENTS

- 3.1 All documents can be accessed [here](#)
- 3.2 Other documents with direct relevance to this are:
- *6H - Academic Offences: Policy and Procedure for Taught Awards*
 - *11A - Academic Appeals: Policy and Procedure for Taught Awards*
 - *11E - Student Financial Support and Fee Status Appeals: Procedure*
 - *11F - Student Complaints: Policy and Procedure*
 - *11H - Fitness to Practise: Procedure*
 - *11J - Support to Study: Policy and Procedure*
 - *11K - Student Disciplinary: Procedure*
 - *Dignity and Respect (Harassment) Policy and Procedure*
 - *Important Information (Student-facing Policies and Procedures)*

Procedure

4 DEFINITIONS AND GUIDANCE

- 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 **Support:** 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 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. A student may also wish to give consent for the University to discuss their case with a third party (e.g. a parent/guardian), but the third party will not be taking over representation (as described in section 4.4) – see section 7 for the procedure in this case.
- 4.3 **SUBU Advice:** The SUBU Advice service 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 [SUBU Advice](#) 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.
- 4.4 **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 5 below. SUBU Advice may also agree to formally represent a student in some circumstances.

- 4.5 **Students who are under 18 years old.** If the student is under 18 then they **must** provide a named third party representative.
- 4.6 **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 procedure. 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 or unable to do so themselves because of illness or disability and has appointed a formal third party representative as set out in this document.
- 4.7 **Academic Offences, Disciplinary and Fitness to Practise/Study procedures:** Students are expected to attend any meeting to discuss or consider allegations of an Academic Offence, Disciplinary issue or Fitness to Practise/Study 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.
- 4.8 **Student confidentiality and data protection:** BU 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 APPOINTING A FORMAL THIRD PARTY REPRESENTATIVE

- 5.1 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 1). The form must be dated and signed by the student and the third party representative and returned to the University via email to appeals@bournemouth.ac.uk.

NB a form is not required if a student is representing themselves but seeks advice or support from a third party (e.g. SUBU Advice). 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 parent/guardian) - See section 7 for more details of the procedure that applies.

- 5.2 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 5.5 below).
- 5.3 If the University receives communication regarding an ongoing student case directly from a third party, the relevant 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 1).
- 5.4 **Communication with the third party representative:** BU 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.
- 5.5 **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.
- 5.6 **Time limits:** permission to act as a formal third party representative is time limited to **three months** from the date of the third party representative 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.

6 REVOCATION OF THIRD PARTY REPRESENTATIVE'S RESPONSIBILITY

- 6.1 **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.
- 6.2 **The third party representative** may choose to end their involvement **at any time** (in writing). If this happens, the University will inform the student.
- 6.3 **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 8). 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 1.

7 OTHER THIRD PARTY CONTACTS

- 7.1 A student may also approach a third party, such as a Member of Parliament, for support with a Complaint or Appeal. They may in turn write to us requesting information and/or asking the University to take action. We may also be contacted by parents/guardians or other relatives or third parties on behalf of students.
- 7.2 If the third party is intending to take over the case on behalf of the student then the procedure outlined in section 5 above will apply and the third party must be appointed as a representative using the form in Appendix 1.
- 7.3 If, however, the third party is seeking information or action but is not intending to take over the Complaint or Appeal, BU 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. BU 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 4.8.
- 7.4 BU may take the following into account when considering whether to respond to the third party:
- i. whether the third party has a legitimate interest in contacting BU;
 - ii. the number of contacts the University received in relation to the matter and the level of information sought by the third party;
 - iii. whether legal proceedings have been initiated or are contemplated;
 - iv. previous contact with the third party relating to any matter, including any unacceptable behaviour; and
 - v. any other matters that BU believes are relevant.
- 7.5 Other than in very exceptional circumstances, only one third party may be involved in supporting the student through the formal process.
- 7.6 All third parties must comply with the University policies relating to the Appeal or Complaint and they may only contact one named member of staff (depending upon the stage of the appeal/complaint reached). They must also comply with this document and the *Dignity and Respect (Harassment) Policy and Procedure*.

8 UNACCEPTABLE BEHAVIOUR

- 8.1 BU is committed to providing a fair, consistent and accessible service for all students and staff. However, BU 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.
- 8.2 BU 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.

- 8.3 However, the actions of third parties who are angry, demanding, or persistent may result in unreasonable demands on, or unacceptable behaviour towards BU staff. It is these actions or behaviour that the University considers unacceptable and aim to manage under this procedure.
- 8.4 **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 *Dignity and Respect (Harassment) Policy and Procedure*.
- 8.5 BU may, at its discretion, refuse to deal with third party representatives who do not comply with section 8 of this procedure.
- 8.6 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.

General

9 REFERENCES AND FURTHER INFORMATION

- 9.1 [Bournemouth University Student privacy notice](#)
- 9.2 **Office of the Independent Adjudicator for Higher Education:**
[Office of the Independent Adjudicator – Good Practice Framework](#)
- 9.3 **The Quality Assurance Agency for Higher Education:**
<https://www.qaa.ac.uk/the-quality-code>
- 9.4 **The Office for Students:**
[Office for Students - complaints and notifications](#)

10 APPENDICES

Appendix 1 Third Party Representative Form.

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).

It is **not required** if you are representing yourself but wish to seek advice or support from a third party (e.g. SUBU Advice).

It is also **not required** if you wish to give consent for the University to discuss your case with a third party (e.g. a parent/guardian). In this case, you should email the person dealing with the matter at the University.

1. Additional notes

If you have any queries regarding completing this form, please email appeals@bournemouth.ac.uk or contact [SUBU Advice](#) (Email subuadvice@bournemouth.ac.uk, telephone (01202) 965779).

If this document is not in an accessible format to you, please contact Academic Quality (academicquality@bournemouth.ac.uk) who will endeavour to supply the information in a more suitable format.

2. Student details

Print Name in CAPITALS:	
Student ID number:	
Course:	
Level/Year:	
Reason for appointment (e.g. appeal, complaint, disciplinary):	
Have you sought support and guidance from SUBU Advice (Yes/No)	

I confirm that I agree to the terms outlined in this procedure:

- 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 (appeals@bournemouth.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 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:

3. Third party representative details

Name and title:	
Daytime telephone number:	
Email address:	

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

Signed:

Date:

(For University use only)

In support of appointing a 3rd party representative

Form complete ☐

Date received: ____ / ____ / ____

Date of first expiry: ____ / ____ / ____

Date of second expiry: ____ / ____ / ____