

PROCEDURE FOR REQUESTS FOR LEGAL REPRESENTATION

General principles

1. The University of South Wales' Procedures are internal University Procedures and are not formal legal processes. Consequently, students should not need to have a legal representative. Students can seek preliminary advice without prejudice but do not have an automatic right to legal representation in relation to the University's procedures.
2. If a student wishes to be represented at a meeting, hearing, or in general correspondence with the University, under any of its Procedures, they must apply for permission in writing to the Student Casework Unit (studentcasework@southwales.ac.uk). The student must include in the request the name, status and contact details of the proposed representative and the rationale for the request.
3. In some cases, the engagement of legal advice or representation may add additional time or complexity to a case, which may impact procedural timeframes.
4. The student should make the request to the Student Casework Unit at least five working days before the date of the meeting where they are requesting that a legally qualified person is in attendance, or ten working days before the date of the hearing.
5. It is at the discretion of the Head of Student Casework (or nominee) whether to grant permission for legal representation. The student will be informed of the decision within three working days of receipt of the request. The decision of the Head of Student Casework (or nominee) is final and there is no right of appeal under this Procedure against the decision. *NB. Please note different timescales apply for responding to requests for legal representation at hearings (see point 11 onwards).*
6. The following considerations will be made when reviewing such a request:

In disciplinary cases:
 - The seriousness of the charge and whether the outcome could result in the student being deprived of their right to practise their chosen profession, or whether it could irretrievably prejudice that right, and/or if a potential outcome could be expulsion;
 - The capacity of the student to understand the case against them;
 - The need for fairness between a Responding Student and a Reporting Party.
In all cases:
 - Whether any points of law are likely to arise;
 - Procedural difficulties.
7. Legally qualified support persons/representatives will be clearly informed of the nature of the proceedings, ie, that they are not a legal process and will not be conducted as such.
8. The University will not be responsible for paying the costs for any legal advice a student engages concerning their case, nor the costs associated with any permitted legal representation.

9. The refusal of permission for legal representation does not prohibit or limit a student's right to seek legal advice. The University also reserves the right to seek legal advice on any internal student casework procedure, if deemed necessary to do so, which may include a case where a student has not been granted legal representation.
10. In relation to hearings and meetings, where permission is not granted, we recognise that students may require additional time to find alternative support. The student must submit any request to delay any scheduled hearing/meeting to the Student Casework Unit within five working days of the date of the notification that permission for legal representation has not been granted.

Legal representation for hearings

11. The Head of Student Casework (or nominee) in consultation with the Chair of the Disciplinary Committee will reach a decision on the request within five working days of receipt. The decision of the Head of Student Casework (or nominee) is final and there is no right of appeal under this Procedure against the decision.
12. Where permission is granted, the University may also be legally represented. The student will be notified in writing whether the University will also have its own legally qualified person in attendance.
13. In the event of a Responding Student being legally represented during a hearing, the University's legally qualified person may also provide guidance to the Reporting Student, if they are not legally represented and should this be required.
14. The role of the University's legally qualified person at a hearing will include:
 - Providing the Committee with any advice and guidance required for it to properly perform its function (whether or not advice is requested) including on any questions of law, evidence, procedure and its powers;
 - Assisting the Committee to record the reasons for its decision;
 - Ensuring that the case is conducted fairly;
 - Assisting with questioning witnesses and/or the parties in order to clarify any issues in the case;
 - Assisting unrepresented parties to present their case (without acting as advocate); and,
 - Raising any concerns about possible irregularities in the conduct of proceedings.

The role will not extend to:

- Playing any part in the making of findings of fact; or,
 - Directing the Committee on outcomes.
15. Permission for legal representation may be accompanied by conditions (depending on the circumstances) to preserve the informal nature of the internal procedure. For example, the legal representative may be asked to:
 - attend in a supportive capacity only (ie, not ask or answer questions for the student);
 - pre-submit their questions;
 - address any questions/advocacy through the Chair where questions directly to witnesses may be deemed distressing.