



PROCEDURE FOR REQUESTS FOR LEGAL REPRESENTATION

1. The University of South Wales' Procedures are **internal University Procedures and are not formal legal processes** and consequently, students should not need to have a legal representative at hearings/meetings. It is strongly recommended that students seek support and guidance from the Students' Union or Chaplaincy Services as they are independent and familiar with the Regulations and Procedures of the University.
2. Students do not have an automatic right to legal representation. If they wish to be represented at a hearing/meeting, they must apply for permission in writing to the Student Casework Unit (studentcasework@southwales.ac.uk) at least five working days before the scheduled date of the hearing/meeting. Students must include in their representation the name of the proposed representative and the rationale for their request.
3. It is at the discretion of the Chair whether or not to grant permission for legal representation, advised by appropriate colleagues. The Chair will take into account the reason for the request, for example:
 - 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.
 - Whether any points of law are likely to rise.
 - The capacity of the student to understand the case against them.
 - Procedural difficulties.
 - The need for fairness between the Responding Student and the Reporting Party.
4. The Chair will reach a decision on the request for legal representation within 10 working days of receipt by the Student Casework Unit of the representation.
5. Students are reminded that engagement of legal advice or representation may add additional time or complexity to their case, which may impact procedural timeframes. The decision of the Chair is final and there is no right of appeal under this Procedure against the decision.
6. Where permission is granted, the University may also be represented at the hearing/meeting by an individual who is legally qualified. The student will be notified in writing within five working days of permission being granted whether the University will also have its own legally qualified person in attendance.
7. In the event of a Responding Student being legally represented, the University's legally qualified person may also provide guidance to the Reporting Student during a hearing, if they are not legally represented and should this be required.

Mae'r ddogfen hon ar gael yn Gymraeg / This document is available in Welsh

The role of the University's legally qualified person will be to:

- Provide 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
- Assist the Committee to formulate its reasons and the recording of those reasons
- Ensure that the case is conducted fairly
- Assist with questioning witnesses and/or the parties in order to clarify any issues in the case
- Assist unrepresented parties to present their case (without acting as advocate)
- Raise 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
- Directing the Committee on law or summing up facts

8. 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 you);
 - pre-submit their questions;
 - address any questions/advocacy through the Chair where questions directly to witnesses may be deemed distressing.
9. 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.
10. Where permission is not granted, we recognise that the student may require additional time to find alternative support. They must submit any request to delay any scheduled hearing/meeting to the Student Casework Unit within five working days of the date of notification that permission for legal representation has not been granted.
11. 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.
12. The student will be responsible for paying all costs for any legal advice they engage concerning their case including the costs associated with any permitted legal representation; the University will not reimburse these legal costs.

Related Regulations and Procedures

Non-academic Misconduct Regulations

Procedure for Disciplinary Investigations

Procedure for Disciplinary/Fitness to Practise Hearings

Procedure for Requests for Review

Risk Assessment Procedure

Support to Study Regulations and Procedure