

# **Students' Union Advice Service Level Agreement**

Birkbeck, University of London

## **Service Standards and User Agreement**

The Service Standards and User Agreement outlines what can be expected from Birkbeck Students' Union Advice Service (BBKSU), as well as what will be expected from Clients (BBK students) who use the service.

When a client contacts the service and completes the BBKSU Advice Case Consent form, they agree to abide by this agreement.

### **1 Aims of the Service**

#### **A Free service**

The BBKSU Advice Service is a free service providing advice and support on academic issues to all students who are studying at Birkbeck, University of London. This includes distance learning students but does not include students at partner institutions.

#### **An Independent service**

Birkbeck Students' Union is its own charitable organisation and all advice offered from the service is independent of all external and third parties including Birkbeck, University of London.

#### **An Impartial service**

BBKSU Advice Service will give impartial advice to clients and ensure that all available options are explored. Any consequences that may arise from each option will be explained without prejudicing the client into a viewpoint.

#### **An Empowering service**

We will make sure that the advice we give is informative, allowing the client to make their own decisions about the best way forward. We will support and empower the client to take control of their situation. We will not usually act on a client's behalf but will support them to act for themselves.

#### **A Non-judgmental service**

We will assist and advise clients and consider all cases regardless of their current situation and how it arose. We will only ask questions and seek information that we believe is relevant to the case.

#### **An Equal and respectful service**

We provide equal access to all clients and do not discriminate on any grounds.

An Honest service

Advisers will provide honest advice and guidance on academic issues and college procedures based on experience and knowledge of the regulations. Advisers cannot guarantee a successful outcome for any case they deal with. They will only provide guidance and advice based on criteria and rules set out in the regulations of Birkbeck, University of London.

## **2 Legislative Overview**

- BBKSU Advice Service works within the framework outlined through the BBKSU Constitution and the Constitutional Regulations
- BBKSU are in certificate of Employers' Liability Insurance, underwritten by Endsleigh Insurance Ltd
- BBKSU is a member of Advice UK and works within their membership requirements.

## **3 Service Limitations**

- We only provide appointments and advice to current Birkbeck, University of London students.
- If a student has withdrawn from their studies, been withdrawn/terminated or graduated, we can only offer advice if you open a case within 12 months of the date that you ceased to be a Birkbeck student. This allows for students who have or intend to complain to the Office of Independent Adjudicators of Higher Education (OIAHE), to seek representation and support from the BBKSU Advice Service. This time cannot be extended
- We do not provide advice to students who study at Birkbeck partner institutions.
- We have a dual representation rule which means we cannot advise students who are already being represented by someone else e.g. those who have sought formal legal advice and representation
- We are unable to support students studying at any Birkbeck partner institutions or parents, relatives or friends of students.

## **4 Eligibility to use the service**

The Advice Service is free to use for current students studying at Birkbeck, University of London. If you have withdrawn from your studies, been terminated or graduated we can only offer you advice if you open a case (via our Case Contact form) within 3 months of the date that you ceased to be a Birkbeck University student.

The following students are eligible to use the service:

- Full time, Part time and Distance Learning students
- Undergraduate Taught, Postgraduate Taught and Postgraduate Research students
- UK, EU and International students

- Students who have been terminated (within 3 months of last date of attendance)
- Students who need advice on taking their case to the OIA (this needs to be done within 12 months of receiving a Completion of Procedures letter)

## **5 Expectations and Conduct**

### **Commitment**

It is important that the client arrives to any appointments in good time (appointments are of a maximum 30-minute duration). Failure to attend an appointment or arrive on time may result in the loss of the appointment and the client will need to re-book with an Advisor.

We will deem an appointment to be cancelled if the client does not show after 10 minutes of the start time. Where possible a client should notify BBKSU Advice if they know they cannot attend or are going to be late. If a client informs us that they will be late to the appointment, we may not be in a position to keep the time slot open (depending on the demands on the Service at that time) and we may need to reschedule the appointment.

Three or more missed appointments can result in the access to advice being restricted to email only communication.

Clients should bring or send, ahead of time, any documents, e-mails, letters and other materials that are relevant to the case as the details in these items may be central to the advice we provide. We expect clients to fulfil any course of action agreed between them and an Adviser. Failure to carry out agreed actions or to present relevant documents and information can considerably delay any action needed in a case. This could also lead us to withdrawing our services (see section 7: Case Closure and Withdrawal).

### **Responsibility**

We encourage clients to take responsibility for their studies. This means that clients should write their own statements and correspondence and speak for themselves in meetings and hearings. The ultimate responsibility for moving the case forward rests with the client.

Clients should complete any necessary paperwork and actions involved in their case within the prescribed timeframes as per the Birkbeck regulations or those outlined by an Advisor or university authorities.

We will do our best to ensure that clients feel confident to act on their case, by providing guidance, support and feedback every step of the way.

### **Honesty**

We need to be informed of all the facts and information surrounding a client's circumstances and the situation that has led them to seek advice from our Service.

We fully appreciate that circumstances can include sensitive information and are mindful of this. Any information shared with us will be stored securely and remain confidential.

Failure to disclose relevant information in good time may affect the advice we are able to give or the outcome of the case.

### **Communication**

It is important that clients keep us up to date with any developments. If they receive correspondence relating to their case from the University or another relevant third party, they should inform the BBKSU Advice Service. Being kept up to date is necessary for us to continue to advise appropriately and as Birkbeck Student Services will communicate with clients directly, we urge clients to please keep us informed throughout the duration of their case.

### **Respect**

We ask that clients be patient when corresponding with an Adviser who may be managing a high number of other urgent cases. If clients are waiting for an email response or call back, please bear this in mind and allow the Advisers reasonable time to respond.

We expect all clients to treat our staff with respect. Clients are expected to adhere to all relevant Birkbeck policies around conduct and our Service can be withdrawn if this is not adhered to (please see section 7: Case Closure and Withdrawal).

## **6 Service Operations**

- BBKSU Advice Service is open five days a week, Monday – Friday between 10:00-18:00 (excluding BBKSU and University closure days, national holidays and staff development days). Appointments are available between these times for a period of 30 minutes
- All students requiring advice must fill in our Advice Case Consent form on the main page of our website: <http://www.birkbeckunion.org/bbksu-advice>. This is essential when a client accesses the service for the first time
- We aim to respond to all Case Consent Forms and emails within three to five working days. This may not always be possible during busy periods, times of office closure or staff annual leave.
- We will provide written confirmation of an appointment to the client's preferred e-mail account. The email address used by the Service is: [su-advice@bbk.ac.uk](mailto:su-advice@bbk.ac.uk)
- An Adviser is available to make face-to-face, MS Teams or telephone appointments
- Where a client is required to attend a panel or a hearing such as Academic Misconduct, and would like a member of the BBKSU Advice Service to accompany them, we would ask that this request is made at the earliest opportunity in order to maximise the

chance of having an adviser available. Unfortunately, there may be occasions where we cannot attend meetings due to staff availability

- No single Adviser will be able to represent different clients involved in the same case
- We reserve the right to cancel an appointment at short notice but will offer an alternative date and time if this occurs.

## **7. Representation at a Disciplinary Hearing**

We aim to support your interests and gain the best possible outcome for you by helping you make the right choices.

If you are required to attend a Disciplinary Hearing then the Advice Service is able to offer the following:

1. The adviser will be able to meet with you before the hearing and discuss the allegation.
2. Help you understand the University Student Discipline Procedures and University processes.
3. Discuss the possible outcomes (eg - what penalties the University may apply to you).
4. We cannot write statements on your behalf but can advise on how to prepare a written statement in advance of the hearing.
5. We can attend the hearing with you.
6. During the hearing the Advisor in attendance will ensure that the Panel is following the University procedures and provide moral support.
7. The Adviser cannot contribute in any part to the Hearing unless invited to do so by the Panel.
8. The Adviser can meet to debrief you after the panel meeting and discuss next steps.

If you would like an BBKSU Adviser to support you with a disciplinary hearing, please send an email to [\*\*su-advice@bbk.ac.uk\*\*](mailto:su-advice@bbk.ac.uk).

## **7 Case Closure and Withdrawal of Service**

A case closure is conducted when there is either:

- a) no further action needed;
- b) the case has concluded successfully;
- c) the case has been referred to another, more appropriate service;
- d) the client is no longer engaging with the Service.

Before a case is closed, the client will be notified in advance giving them two weeks' notice of closure. This will take the form of an email which will explain the reason for case closure and the process that has been followed. If the client still requires support from the Service then the case can be kept open or re-opened as necessary.

In some circumstances it may be necessary to withdraw a client's access to the service, these include. Reasons for this include:

- Where there is a Conflict of Interest for the Advisor or the Service
- Where the client refuses to agree to the BBKSU Advice Service Standards and User Agreement or complete the Advice Case Consent form
- Where a client deliberately withholds information material to their case or lies on issues related to their case. This can compromise the reputation of the Advisor and/or the service we provide
- Where a client exhibits behaviour which is abusive, threatening, discriminatory or violent towards any staff or students at Birkbeck. This can include behaviour where a client is rude or unpleasant or repeatedly uses inappropriate language
- Where a client attempts to involve an adviser in immoral or illegal pursuits
- Where a client, without good cause fails to keep to appointments or in other ways wastes staff time; such as by continually seeking advice on a topic but then not following up on actions and/or requests, we may close the case or limit communication to email only
- Where a client is also seeking advice and guidance from another agency such as legal counsel
- Where the level or type of service that is required is beyond the scope of the BBKSU Advice Service; in such cases the client will be signposted to alternative provision.
- Where the client has made a complaint against BBKSU and this is being investigated

Where an Adviser believes that a restriction to or withdrawal from the Service is necessary, this will be discussed with the SU Advice Manager and the Chief Executive Officer of Birkbeck Students' Union. Any client that is withdrawn from the service will be notified in writing and directed to the Union's Complaints Procedures and Disciplinary Regulations if they are dissatisfied.

## **7 Confidentiality Policy**

Birkbeck Students' Union Advice Service offers free, impartial and confidential guidance, information and advice. We believe all clients have the right to confidentiality to protect their interests and ensure a relationship of trust between the client and the Service is maintained.

Clients will be asked to complete an Advice Case Consent form online to add to their casefile when they access the Service for the first time. This form will confirm how we use personal data and gives consent for BBKSU Advice Service to record client details on AdvicePro.

Clients accessing telephone advice appointments will be asked for their full name and student ID number to confirm their identity. If there are concerns about the caller's identity, they will also be asked for further necessary identifying information such as course title and to state the date(s) of previous contact with the BBKSU Advice.

If clients are only accessing advice via email, the team will review their casefile and confirm the email addresses recorded on AdvicePro to confirm identity. Clients use personal and institutional email accounts which are both acceptable, however identity will be confirmed by emailing the original email address used to contact the Service. Emails are received through the BBKSU Advice Service shared inbox, which can only be accessed by staff within BBKSU Advice.

Case records are kept on AdvicePro which is a secure computerized case recording system. Correspondence between BBKSU Advice Service staff and clients is also kept in folders in the shared inbox, accessible to BBKSU Advice Service advisers only.

We ensure clients can talk freely in a comfortable environment by conducting face-to-face, online and telephone appointments in a private office dedicated to BBKSU Advice. Advisers will lock their computers when they are not present in their office to ensure security of electronic material.

### **Client's access to casefiles**

If disclosure does not compromise the privacy of another client, clients have the right to see their own case records and any documentation associated to their casefile.

### **Third parties**

A third party is considered as someone outside the confidential space of BBKSU Advice and the client. There will be instances where an Adviser will need to contact members of staff or services within Birkbeck to access a client's record for a better understanding of the case. They may speak to a member of staff on a client's behalf and/or to provide the client with further information and advice. This will only be done when permission is given through the Advice Case Consent form.

There will be no breach of confidentiality if the client gives permission for an Adviser to contact a third party on their behalf. If an Adviser telephones a third party on behalf of a client whilst the client is present, then they can give verbal authority to the third party to disclose information to the Adviser.

There will be no breach of confidentiality for members of staff within the BBKSU Advice Service to discuss cases or share information between themselves or where additional case support is provided by the Chief Executive Officer.

## **Breaching confidentiality in other circumstances**

Any breach in confidentiality may be treated as gross misconduct.

Therefore, if an Adviser is considering whether it would be appropriate to breach confidentiality, they should seek support from the SU Advice Manager or the Chief Executive Officer. The Adviser should explain why the breach may be justified and each case will be considered on an individual basis.

It is important that the Adviser reports to one of the Safeguarding Officers within the Union, if anything of the following nature arises:

- **Self-harm and risk of suicide**

There is no legal duty upon an Adviser to report any suspicions that a client has an intention to commit suicide or harm to themselves. However, there are several compelling reasons why it may be necessary to do so which must be balanced against the primary need for confidentiality.

If the situation arises where a client informs an adviser of (intended) serious self-harm the adviser should follow this process:

- The adviser should warn the client that they will discuss this with the SU Advice Manager, Chief Executive Officer or Birkbeck Safeguarding Officer that the confidentiality policy may be breached. The client should also be told that the manager may report the issue externally
- The Adviser should try to find out whether the client has any dependents or intends to self-harm in a way that is hazardous to others
- The Adviser should provide the client with information about the range of available support for those at risk of self-harm/suicide
- Seek to refer the client to the [BBK Counselling service](#), the [Samaritans](#) and other services for counselling support
- Ask the client if there is a friend or family member who is already aware of the self-harm or someone who they feel they could trust with this knowledge
- The Adviser must report this aspect of the case to the SU Advice Manager and the Chief Executive Officer at the earliest possibility
- The SU Advice Manager should consult with the Chief Executive Officer, Birkbeck Safeguarding Officer, Advice UK or insurers so they can consider any further actions on a case-by-case basis.

This process allows for the BBKSU Advice Service to maintain an appropriate balance between confidentiality standards and assuring key stakeholders such as the University and the Charity Commission that sensitive issues are being properly managed.

## **Unauthorised breaches**

If an Adviser discovers an unauthorised breach of confidentiality, they should inform the SU Advice Manager immediately. The SU Advice Manager will seek support as to the potential consequences and the best method to mitigate them from the Chief Executive Officer, Advice UK or the insurers.



The majority of unauthorised breaches of confidentiality are accidental, e.g. letters sent to the wrong postal or email address, nevertheless any such breach should still be discussed between the SU Advice Manager and the Adviser who should reflect on how the breach arose and how to avoid any repetition in the future. Persistent accidental breaches of confidentiality due to carelessness or a lack of appreciation of the required standards will be considered as misconduct and an investigation may be initiated.

In extreme cases, where confidentiality has been breached willfully or maliciously or if an Adviser has repeatedly breached confidentiality despite warnings, a formal investigation must be carried out and disciplinary action may be required. Such breaches of confidentiality are likely to be considered gross misconduct.

Where confidentiality is breached and a complaint is raised against the Service, this will be deemed to be a Conflict of Interest and the Service must withdraw from assisting the client involved.

### **Client is committing a crime**

A member of staff may become aware, or suspect that a client has been involved or may become involved in criminal activity. No criminal offence is committed by someone who fails to pass on knowledge of a crime unless they do so for some form of reward or if the crime could be construed as an Act of Terrorism. If such a situation arises, it must be treated with the utmost seriousness and consultation with the SU Advice Manager and the Chief Executive Officer must be sought at the earliest opportunity. Advisers must not decide to breach confidentiality without the support of these managers.

There may be times when very assertive requests or demands for information are received by the Service. These may include the issue of a search warrant or a witness summons. Whether it is correct to release information will depend upon the circumstances of the case and whether the Service is protected by legal professional privilege. In such situations, advice should be sought from the SU solicitors as a matter of urgency and these communications will not be viewed as a breach of confidentiality.

### **Terrorism**

If a member of staff believes that a client has given information relating to a (potential) act of terrorism they must discuss this with the SU Advice Manager without delay, who will consult with the Chief Executive Officer, the Students' Union's solicitors and Advice UK or insurer.

The Terrorism Act 2000 makes it a criminal offence for a person to withhold information or fail to act without reasonable justification to disclose. It should be noted that this obligation is placed upon the individual Adviser not BBKSU Advice. However, an Adviser may seek to rely upon the defense that they were following Service policies. It will be considered potential gross misconduct if any Adviser fails to consult with a manager at the earliest opportunity if they have reasonable cause to suspect a client is involved in any (potential) act of terrorism.

### **Police visits**

The BBKSU Advice Service casefiles are not open to Police inspection and there is generally no legal duty for staff to give information to the Police. They should be informed about the

BBKSU Advice Service Confidentiality Policy and it should be explained that under this policy they are unable to answer any questions about clients. The SU Advice Manager or if they are not available the Chief Executive Officer should be informed if the Police contact the BBKSU Advice Service.

If an Adviser is asked to discuss a client with the Police, provide a witness statement, or they receive a summons they must immediately report the matter to the SU Advice Manager. Birkbeck Students' Union will seek legal advice on the matter, however, the default position will be that the information and documents are covered by legal professional privilege as is the communications between BBKSU Advice Service and their solicitors. As the privilege belongs to the client rather than the service, only they can authorise disclosure. If the client permits this, the casefile must be updated with an accurate account of the situation and what actions have been taken.