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Summary of policy

This policy describes how The Open University enables a student to be represented by someone else on their behalf, called an Advocate, for times when a student is unable or unavailable to represent themselves.

For example, a student may require an Advocate when they are under the age of 18 at registration (and then no longer need an Advocate after they reach the age of 18); when they have a disability or long term health condition which remains in place throughout their studies (including prior to registration); when they become impacted by a disability or health condition part-way through their studies; when they are in the Armed Forces and deployed to theatre where they will be unable to maintain contact with the University for an indeterminate period.

It outlines the procedure to follow in order to establish a designated individual as a student's Advocate, and to indicate when a student no longer requires an Advocate.

Policies superseded by this document

This is a new policy, based on previous Advocacy: guidelines and procedures, dated June 2017.

Scope

What this document covers

This policy and its related procedures apply to:

- Situations where an individual seeking to study or is in the process of studying at The Open University¹ requires representation to communicate their interests under what we call using an Advocate. There is a distinction between receiving and discussing information, advice and guidance on behalf of a student and contractual commitments which require evidence of the student's consent/confirmation.

¹ This includes all prospective students at all levels of study who have embarked on the process of registering, or are registered for, or have completed Open University study; including the Apprenticeship Programme, non-credit bearing study, students under 18 years old, students in secure environments (see Section 1.9) and students studying vocational qualifications.

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- Situations where an appointed Advocate is deemed by either the student, The Open University or other parties to be acting outside of the student's interests that they represent.
- Situations where an appointed Advocate conducts communications between the student and The Open University on behalf of the student and with the student's consent to enter into contractual agreements.

What this document does not cover

- The appointment of an Advocate with regard to Open University study is not for the purposes of appointing a representative to act for the student in a legal capacity.
- An Advocate appointed by a student is not related to lasting power of attorney (England) or continuing and welfare power of attorney (Scotland).

Related Documentation

Other documentation relevant to appointing an Advocate at The Open University include:

- [Admission of applicants under the age of 18](#)
- [Code of Practice for Student Discipline](#)
- [Complaints and Appeals Procedure](#)
- [Information Advice and Guidance](#)
- [Student Computing Policy](#)
- [Open University Students Association Relationship Agreement](#)
- [Safeguarding Policy](#)
- [Fitness to Study Policy](#)

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Relevant legislation and guidance

This policy is informed by safeguarding legislation and guidance from the four UK nations including:

- [Equality Act 2010](#)
 - [Keeping Children Safe in Education 2019](#)
 - [National Guidance for Child Protection in Scotland 2014](#)
 - [Special educational needs and disability \(SEND\) code of practice: 0-25 years – Statutory guidance 2014](#)
-

The Open University Student Charter Principles

This policy aligns with the following [Open University Student Charter Principles](#):

- Principle 1: We treat each other with dignity and respect
- Principle 2: We aim to inspire and enable learning

Introduction

The Open University recognises that there are times when it may be easier for a student to communicate with the University through a representative we call an Advocate. Students requiring Advocates may include:

- Individuals with short- or long-term health or disability challenges such as mental health issues or communication difficulties.
- Students who have unstructured work schedules and commitments, such as members of the armed forces.
- Students under 18 years of age.

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Policy

1. Policy principles

- 1.1 An Advocate is any person who is appointed by the student to speak and/or otherwise act on their behalf.
- 1.2 An Advocate's role is to empower a student to communicate independently and make informed decisions regarding their studies. Advocates serve a role distinct from that of an Associate Lecturer/Practice Tutor/Supervisor or member of advisory staff.
- 1.3 A disabled student may apply for an Advocacy agreement (for example, for a support worker and by exception, support workers) in order that their reasonable adjustments can be accommodated.
- 1.4 A company name, such as a legal practice, cannot be appointed as an Advocate. A named representative of a company, who is familiar with the student's circumstances, is acceptable.
- 1.5 An Advocate may be a relative, friend, or support worker employed by the student or a member of an advocacy organisation. We recommend identifying someone who is reasonably impartial and is available at short notice. The Advocate is expected to display the competencies described in Appendix 1 and have a clear understanding of the role and responsibilities of an Advocate.
- 1.6 More information about required competencies of an Advocate and the relationship between a student and their Advocate are described in Appendix 1.
- 1.7 An Advocate should not bring any other person to attend a meeting (either online or in person) on behalf of the student except by prior arrangement with Open University staff.
- 1.8 By signing and returning the form to appoint an Advocate (see Appendix 2) the student gives their consent to The Open University to communicate with their appointed Advocate including disclosing to the Advocate and/or receiving from the Advocate personal data and/or sensitive personal data relating to the student for identified purposes.

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- 1.9 A signature from the student is required on the appointment form in all cases, unless evidence is provided that this is not possible (for example, due to a disability), and alternative arrangements can be considered.
- 1.10 The Advocate's contact details will be used for communications between The Open University and the student, which is necessary to The Open University supporting students. The Advocate's details will be retained for the length of the student's duration of study. Visit [Privacy at the OU](#) or the [Student Privacy Notice](#) for information on how The Open University processes personal data.
- 1.11 The student is responsible for passing communications from The Open University to their Advocate.
- 1.12 Students in secure environments are able to nominate an Advocate to communicate on their behalf with The Open University. Nominating an Advocate will not supersede or be instead of the established and agreed communication arrangements between secure environment (such as a prison or secure hospital) and The Open University. For more information, contact SiSE-General@open.ac.uk.
- 1.13 A student can continue to contact The Open University whilst using an Advocate. If The Open University receives communications from both the student and their Advocate, the student's communications will take precedent over the Advocate's.
- 1.14 The Advocate should:
- i) Raise any issues, as directed by the student relating to the student's studies.
 - ii) Only raise issues as directed by the student.
 - iii) Only communicate with Open University staff as agreed by the student.
 - iv) Accurately represent the student.
 - v) Accurately report back to the student the response of The Open University.
 - vi) Communicate with impartiality with regard to the student's interests, even if the Advocate does not share the same opinion.
 - vii) Agree clear guidelines with the student in relation to confidentiality.
 - viii) Treat all individuals with respect in relation to the student's Open University studies.

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- 1.15 The Open University will:
- i) Treat communication with an Advocate in the same way as communicating with all students.
 - ii) Respect the concerns of the student.
 - iii) Record any communication between the Advocate and the University in our customer relationship management system in the same way as for all students.
 - iv) The Advocate will be subject to data protection checks by the University to confirm, for example, the student's personal identification number and study details, as well as the Advocate's own name and contact details, before a student record can be discussed.
- 1.16 The Advocate cannot inform The Open University of changes of personal information or enter into contractual circumstances on behalf of the student without a signed letter of authorisation being received.
- 1.17 Activities which the Advocate may request, which require a signed letter of authorisation to be in place, include:
- i) change of contact details
 - ii) change of gender identity
 - iii) booking a graduation ceremony
 - iv) registration on, or deferral from, a module
 - v) accepting a qualification.
- 1.18 If a student becomes unable to study and communicate and it would be in their best interests to postpone or defer study, evidence is required to facilitate this, such as a letter from a hospital or doctor on letter headed paper.
- 1.19 In cases where an Advocate indicates to the University that the student they represent wishes to change their study intentions, additional evidence regarding this request may be required from the student, as appropriate.

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- 1.19.1 If a student is incapacitated but can indicate permission for an Advocate (or other party) to communicate on their behalf to discuss study status, this will be considered on a case-by-case basis so long as evidence of their incapacitation is provided.
- 1.20 Employees of The Open University cannot be appointed as an Advocate.
- 1.21 The student can stop using an Advocate at any time and must inform the University in writing if they do not wish The Open University to communicate with the Advocate at any time.
- 1.22 The Open University can terminate an Advocacy agreement when this is considered to be in the best interests of the student to do so.
- 1.23 The Open University can terminate or refuse an Advocacy agreement with a parent of a student under 18. Such circumstances will be addressed on a case-by-case basis in the interests of the student.
- 1.24 The student is expected to adhere to the [Code of Practice for Student Discipline](#), and the Advocate is expected to behave in a respectful manner in accordance with the [Student Charter](#) principles and the Competencies indicated in Appendix 1.
- 1.25 Any safeguarding concerns, for example, regarding students under the age of 18, will be referred to The Open University Safeguarding Referrals Team at safeguarding-referrals@open.ac.uk. This is a statutory and legal obligation informed by legislation across the UK nations.
- 1.26 An Advocate may submit a [complaint or appeal](#) on behalf of the student and represent them throughout the process. The Advocate can also support a student through the disciplinary process, subject to the conditions set out within paragraphs SD7 (Nominated friend of representative) SD9.1 (At the hearing) and SD12.2 (At the appeal hearing) of the [Code of Practice for Student Discipline](#).

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Procedure

2. What to do if you wish to appoint an Advocate

- 2.1 An Advocate can be set up at any time from the point of first enquiry and at any time through a student's journey with the University. This can be done using the form provided in Appendix 2.
- 2.2 The signed consent form in Appendix 2 must be received by The Open University in order to activate the Advocate mechanism. In situations where the student's signature is unavailable, due to, for example, disability, a reasonable alternative will be negotiated and agreed. Scanned copies are accepted.
- 2.3 The form should be emailed (in scanned form, as necessary) to general-enquiries@open.ac.uk or posted to:
- Student Recruitment and Support
The Open University
Walton Hall
Milton Keynes
MK6 7AA
- 2.4 The Advocate can undertake contractual arrangements on behalf of the student if the Letter of Authorisation for a Student's Advocate in Appendix 3 is completed and received by The Open University (with reasonable adjustment considerations as in 2.2, above).
- 2.5 The Advocate's contact details will be uploaded into the student's profile so that the Associate Lecturer and other Open University business functions, such as Student Support, can see this for teaching and contact purposes.
- 2.6 If a student is in a secure environment, such as a secure hospital or prison, and wishes to nominate an Advocate, the forms will be sent to the student via the designated contact in the prison or secure hospital. It is the student's responsibility to ensure that the form is completed with the necessary details before the University can accept it.

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3. Students under the age of 18

- 3.1 The Open University has procedures in place to help children and young people who are considering applying to study according to the [Admission of Applicants under the age of 18](#).
- 3.2 We strongly recommend that applicants under the age of 18 have an appointed Advocate at the time they commence their studies, using the Appointing an Advocate form in Appendix 2.
-

4. Implementation and enforcement of procedure

- 4.1 Open University staff can only discuss elements of a student's study or circumstances with another individual when that individual has been identified as the student's Advocate.
- 4.2 There may be times when a student (who may or may not have an appointed Advocate) is unable to communicate their requirements, for example, during sudden illness.
- 4.3 Depending on circumstances, a student may verbally confirm that an individual who is not an appointed Advocate can speak on their behalf, for example, on the telephone, provided that data protection checks have been completed and on the understanding that it will be for that incidence of contact only. In such cases, staff will endeavour to accommodate these circumstances in order to address an issue.
- 4.4 If evidence becomes available indicating that an appointed Advocate is not acting in a student's interest, Open University staff will take appropriate action to address this, in order to clarify and respond specifically to the student's needs and requirements. For example, the Advocacy agreement may be terminated by the University in the best interests of the student.

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5. Non-compliance

5.1 If evidence of the Advocate’s conduct emerges which indicates that an Advocate is not acting in the interests of the student that they represent, The Open University will investigate and take appropriate action. This may include conduct by the Advocate that disrupts or interferes with the teaching, learning, research or administration of The Open University, whether on University premises, elsewhere, or in virtual environments such as forums, social networks or electronic correspondence. This may include, but not be limited to, the following:

- i) Conduct that obstructs or improperly interferes with the functions, duties or activities of any student, member of staff or other employee of The Open University, agent or associate acting on behalf of The Open University, or any authorised visitor to The Open University and which is: a) contrary to Principle 1 of the Student Charter “treating each other with dignity and respect” or; b) violent, indecent, disorderly, discriminatory or threatening, or involves behaviour or language that is intended to or has the effect of creating an intimidating or hostile environment for others during any Open University activity or on Open University premises or; c) likely to cause injury or jeopardise safety during any Open University activity or on Open University premises.
- ii) Conduct that breaches The Open University’s [Safeguarding Policy - Protecting children and vulnerable adults](#), or that breaches the Open University’s duty to provide a safe environment for vulnerable/protected adults, including grooming and/or sexual exploitation. This also includes conduct that amounts to bullying or harassment.

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- iii) Conduct that involves misuse or abuse of equipment, materials or services that The Open University has provided to students, including: a) conduct that contravenes instructions relating to use of this equipment or these materials or services. b) conduct that breaks a software licensing agreement signed by the student. c) conduct that involves unauthorised use of The Open University's computing or network resources. d) abusing copyright: this specifically includes, but is not limited to, any breach or infringement of copyright or licence, whether owned or controlled by The Open University or by a third party, by copying, distributing or offering for sale module or assessment materials.
- iv) Conduct on premises provided by another institution for the use of Open University students that breaks the regulations of that institution, including health and safety matters. These premises include any that are used for a tutorial, residential or day school, or as a study or examination centre, or as the location for a graduation ceremony. They also include any library, laboratory, research or other facility.

5.2 Breaches of codes of student conduct may lead to disciplinary action according to the [Code of Practice for Student Discipline](#).

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Glossary of terms/Definitions

Advocate

An Advocate appointed by an Open University student helps the student to say what the student wants, secure their rights, represent their interests and obtain services that the student needs. This is not the same as 'power of attorney' in legal terms.

Child

A child is a person who is under the age of 18 (or under 16 in Scotland). The fact that a child has reached 16 years of age, is living independently or is in Further/Higher Education does not change their status for the purpose of this Policy.

Lasting power of attorney

A lasting power of attorney is a legal document which lets a person appoint one or more people to help them make decisions on the person's behalf.

Protected Adult

A protected adult is a person aged 16 or over in Scotland who is in receipt of one of four types of service:

- A support service
- Healthcare services
- Community Care Services
- Welfare Services

Safeguarding Referrals Team

The Safeguarding Referrals Team comprises staff who have been trained to handle queries from all parts of The Open University and other external sources regarding safeguarding concerns (relating to students or staff) and refers them to external agencies as appropriate (Safeguarding-Referrals@open.ac.uk).

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Students in Secure Environments (SiSE)

The SiSE team is responsible for supporting students who are resident in a secure environment, such as a prison, or who are resident in the community and are subject to restrictions such as a Sexual Harm Prevention Order.

Vulnerable Adult

A vulnerable adult is a person aged 18 or over in England, Wales and Northern Ireland who is, or may be, in need of services by reason of mental or other disability, age or illness, and who is, or may be, unable to take care of themselves, or unable to protect themselves against significant harm, abuse or exploitation, including being drawn into terrorism.

Further clarification

If you have any queries around the content provided within this document with regard to appointing an Advocate, please contact general-enquiries@open.ac.uk or Student Recruitment and Support Telephone +44 (0)300 303 5303.

Alternative format

If you require this document in an alternative format, please contact the Student Support Team via <http://www.open.ac.uk/contact/> (Telephone +44 (0)300 303 5303), or your dedicated Student Support Team via StudentHome if you are a current Open University student.

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Appendix 1

Competencies - What makes a good Advocate?

A good Advocate is someone who:

- Is clear about the role and its limits.
- Agrees a way forward with the student for the relationship to work.
- Abides by rules regarding the confidentiality of the student's personal information.
- Abides by The Open University's Codes of Conduct.
- Takes a view to the options of the student that is unaffected by their personal views or opinions but rather is solely influenced by those of the student.
- Only imparts advice from The Open University.
- Empowers the student.

An Advocate should:

- Listen to the student's views and act on these.
- Help the student explore the student's options and rights (without pressuring them).
- Help the student to access information from The Open University to assist in making informed decisions.
- Be able to explain in straightforward, clear language what the student's options are.
- Help the student to contact relevant people and departments within The Open University when necessary.
- Accompany the student or support the student in phone calls and meetings where necessary.
- Be able to support the student to ask all the questions the student wants to ask, and to relay The Open University's answers as clearly as possible.
- Make sure all the points the student wishes to be raised are covered and addressed.

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- Explain the student's options without giving the Advocate's opinion – decisions about study are the student's.
- Keep the student safe in a conversation or a meeting – for example, if the student is getting upset for whatever reason the Advocate can ask for a break until the student feels able to continue.
- Be encouraging and reassuring.

An Advocate should not:

- Assume that they already know what the student wants, or what is best for the student – decisions about the student's studies are for the student
- Give the student the Advocate's personal opinion.
- Tell the student what the student should do.
- Solve problems or make decisions for the student without asking the student first.
- Argue with the student about decisions that the student has made.

Things to think through in advance for a good working relationship

- How the student will contact the Advocate.
- How often and when the Advocate will be available.
- Be clear about the issues the Advocate can help the student with.
- Be clear about issues that the Advocate cannot help the student with.
- Confidentiality about the student's study and information related to it.
- How the student will let the Advocate know if they are not happy with the Advocate's support.

It is possible to have a family member or friend as an Advocate, but it is important to be aware that being an Advocate for someone is a different relationship to being a friend or family member. This difference may put the relationship with the family member or friend under pressure, and it may be challenging for both at times, and needs careful consideration.

If a student wishes to use a family member or friend as their Advocate it is important to set some boundaries at the beginning so that both are clear about what is expected, and what is not, and what it means for both.

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Appendix 2

Authority for appointing an Advocate

Please fill in this form to appoint an Advocate to communicate with The Open University on behalf of a student.

Then email a scanned copy of this signed form (ideally from the student's email address) to: general-enquiries@open.ac.uk

Alternatively, post the form to:

Student Recruitment and Support
The Open University
Walton Hall
Milton Keynes
MK6 7AA

Student's details

Student name

OU Personal Identifier

Address

Postcode

Email

Mobile/telephone

I authorise The Open University to communicate with the person named below as my Advocate and to disclose to and/or receive from them my personal data and/or sensitive personal data.

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I understand that:

- i) The information I have provided on this form and other areas (for example, a disability profile) will be treated as confidential, and will be passed to Open University staff and the University's agents, as appropriate, as well as the Advocate, for the purpose of providing me with services and facilities as an Open University student.
- ii) My information may be used as a basis for inviting me to take part in research. I can change my preferences for research and marketing contact when I sign into [The Open University website](#).
- iii) It is my responsibility as a student to inform the Advocate of The Open University's policies, procedures and guidelines.
- iv) I can withdraw from using an appointed Advocate at any time through contacting my Student Support Team via StudentHome or emailing general-enquiries@open.ac.uk

Student's signature

Date

To be completed by the Advocate

Name of Advocate

Address

Postcode

Email

Mobile/telephone

Relationship to student

I agree to be the contact point for the above-named student and to act as their appointed Advocate for the above purposes during their studies with The Open University until otherwise arranged.

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I understand that:

- i) The information I have provided on this form will be treated as confidential, and will be passed to Open University staff and the University's agents, as appropriate, for the purpose of providing me with services and facilities as the Advocate of an Open University student.
- ii) There is more information on how The Open University processes personal data available on [Privacy at the OU](#). My contact details provided above will be used for communications between The Open University and the student, which is necessary to The Open University's task of supporting students. My contact details will be retained for the length of the student's duration of study, after which time it will be deleted from the customer relationship database.
- iii) I am obliged to pass on any information in its entirety relayed to me by Open University staff in relation to the student whose interests I represent.
- iv) I am required to adhere to the [Student Charter](#) principles and the Competencies indicated in Appendix 1.

Advocate's signature

Date

Notes:

The University will only use this information to contact an Advocate in connection with the above-named person's studies with The Open University.

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Appendix 3

Letter of Authorisation for Student's Advocate

To Student Recruitment and Support
The Open University
Walton Hall
Milton Keynes
MK6 7AA

From

Student name

OU Personal Identifier

Address

Postcode

Email

Mobile

Other telephone

This is my consent to give authority to the person named below to discuss all aspects of my study with The Open University on my behalf, and enter my name into contracts with The Open University. This includes (but is not limited to) registration on, deferral or withdrawal from modules, change of address or other personal data, attendance at events such as residential school or a graduation event.

This authority is to remain in place until such time as I ask for it to be revoked or The Open University revokes it in my interest.

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The Open University is incorporated by Royal Charter (RC 000391), an exempt charity in England & Wales and a charity registered in Scotland (SC 038302). The Open University is authorised and regulated by the Financial Conduct Authority in relation to its secondary activity of credit broking.

Advocate name

Address

Postcode

Email

Mobile

Other telephone

Student's signature

Date

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