

Annual Review of Students' Union Governance and Institutional Relationship Guidance

Purpose

Students' unions and institutions are diverse and constantly changing. Many academics will have experiences of students' unions from their own time at university but this may have changed. What each students' union offers will be different – some provide advice or employability workshops, others put on events and represent students but do not have staff to advise students on academic activities. The level to which a students' union is expected to act and the level and type of resources it gets will be dependent on understanding what the expectations and relationships will be.

Partly due to their size and capacity we find that some of these areas of relationships aren't fully explored in smaller unions. While this can take time at first having a clear understanding of what is expected by each party and the support that each can rely on can improve efficiency by stopping issues before they start or understanding the boundaries of the work.

How to use this document

This document is aimed to be used in a meeting between an institution and the students' union. It is likely this would involve the institution leads for governance and student support as well as the senior staff member of the students' union and the lead student representative (often the President) though in some organisations there may not be all these roles.

Top Tip: Before the meeting the students' union and institution should prepare by thinking about whose input is needed either in the meeting itself or leading up to it to allow the decisions to be made. This may require some delegation to people to set out how to proceed.

Parts of this are designed to open up the conversation but other areas (such as the 1994 Education Act compliance) will need specific actions associated with them.

Timing of meetings

It is recommended that an annual meeting is set up in the spring to agree or reassess the different areas set out below that we think are fundamental to the students' union and institutional relationship.

The first time that you meet will be a longer meeting – we would recommend several hours but this should then create a document that can be easily revisited in subsequent years. It is worth spending time on this at first to avoid both misconceptions or areas arising that have not been covered.

Top Tip: The high turnover of student officers means that it may be useful to hold the discussion with both the President and President elect present. This means holding it soon after the elections (usually in the Spring term).

What to discuss in the meeting

There is a danger in both being broad in the meeting or too focused on the detail. The former means that the meeting's outcomes may not be practical enough. For example an institution may agree that it wants to support elections but if this is not accompanied by agreement on the pragmatic steps to share student data then this may not be accomplished. Similarly agreeing the dates of the payments to the students' union without agreeing what they should do with the money is equally likely to cause problems.

We suggest you approach the meeting in a number of steps.

- 1) High level agreement of purpose.
- 2) Successes & challenges from the past year
- 3) Compliance with the 1994 Education Act
- 4) Other compliance areas
- 5) Expectations for academic representation work from the Students' Union and university
- 6) Development of Memorandum of understanding and delegation matrix

High level agreement of purpose

What are the strategic things that the students' union and institution wish to achieve and how does this define their relationship? This may be based on the charitable goals of the two organisations and any strategic plans that they have in place. It shouldn't be based on tactical activity (this comes later). For example both the institution and students' union will want students to have sufficient information about how academic processes work and so can engage in the learning environment. The fact that the students' union may wish to employ an independent advisor is a tactic on how this is achieved rather than its purpose.

The reason for this section is to remember and reaffirm where the two organisations are similar and where they are different. For example, many institutions see their students' union as providing a sense of belonging through social activities but if the students' union sees their purpose as being more about welfare provision and signposting events being run by others the expectations may be quite different.

Top Tip: It is likely that student representation by the students' union will be the highest priority for both organisations.

Successes & challenges from the past year

After the broad agreement of purpose it can be useful to reflect on what has been positive and negative about the work of the two organisations and their relationship over the previous 12 months.

It's important that this isn't about complacency or trying to go over issues in a negative way but it does allow two main things. If there is something that is recent and a one-off event it is discussed early to allow everyone to concentrate on more fundamental things about the relationship. Alternatively it may be that a challenge has brought attention to a gap that was previously not thought about.

For example, if a students' union's grant from the institution is late and, as a result, they cannot pay an invoice and are charged additional costs for that. Can the students' union claim that charge from the university for making the late payment to them? This is a (real life) example of where a detail has been discovered in the day to day operation of the two organisations that later led to a change being made in the financial agreement.

Top Tip: You should think about this area in advance and let everyone know the areas that you want to discuss.

Compliance with 1994 Education Act

After the first two sections we move into some more detailed areas. The decisions you make can be used to make a memorandum of understanding because the process you go through should outline how the 1994 Education Act requirements are met and also what expectations there are for each organisation. You can also use it as a guide for setting the financial support for the union – if they are undertaking all compliance areas they may need more support than if they combine with the institution for example.

The 1994 Education Act

The 1994 Education Act is the main legislation that outlines the relationship between the institution and the students' union. It doesn't cover all areas (which are discussed in later sections) but these are ones that the institution has a legal duty to ensure. This duty lies ultimately with the institution's governing body. The table below outlines what the Act requires (in the left hand column) and the suggested documentation in the right. We have identified whether this is led by the **students' union (in red)** or the **institution (in blue)**.

1994 Act Requirement	Documentation
The union should have a written constitution;	Link to SU Governing Document
The provisions of the constitution should be subject to the approval of the governing body and to review by that body at intervals of not more than five years	Next review due: xxx
A student should have the right not to be a member and students who exercise that right should not be unfairly disadvantaged, with regard to the provision of services or otherwise, by reason of their having done so.	Link to SU Governing Document Comment from Institution – what safeguards in place that students are not unfairly disadvantaged by the Institution if students are not members of the SU
Appointment to major union offices should be by election in a secret ballot in which all members are entitled to vote;	Link to SU Governing Document or byelaws
The governing body should satisfy themselves that the elections are fairly and properly conducted	Comment from Institution – when do governing body receive information / is it delegated and how?

	Comment from SU – how is report made (usually from Returning Officer)
A person should not hold sabbatical union office, or paid elected union office, for more than two years in total at the establishment	Link to SU Governing Document
The financial affairs of the union should be properly conducted and appropriate arrangements should exist for the approval of the union’s budget, and the monitoring of its expenditure, by the governing body	Comment from Institution – when do governing body approve the budget and how do they monitor expenditure? Is it delegated?
The procedure for allocating resources to groups or clubs should be fair and should be set down in writing and freely accessible to all students	Link to SU Byelaws or document for allocating money
Financial reports of the union should be published annually or more frequently, and should be made available to the governing body and to all students, and each such report should contain, in particular a list of the external organisations to which the union has made donations in the period to which the report relates, and details of those donations	Link to SU Governing Document or byelaws
If the union decides to affiliate to an external organisation, it should publish notice of its decision stating the name of the organisation, and details of any subscription or similar fee paid or proposed to be paid, and of any donation made or proposed to be made, to the organisation, and any such notice should be made available to the governing body and to all students;	
where the union is affiliated to any external organisations, a report should be published annually or more frequently containing a list of the external organisations to which the union is currently affiliated, and details of subscriptions or similar fees paid, or donations made, to such organisations in the past year (or since the last report), and such reports should be made available to the governing body and to all students;	

1994 Act Requirement	Documentation
<p>there should be procedures for the review of affiliations to external organisations under which the current list of affiliations is submitted for approval by members annually or more frequently, and at such intervals of not more than a year as the governing body may determine, a requisition may be made by such proportion of members (not exceeding 5 per cent.) as the governing body may determine, that the question of continued affiliation to any particular organisation be decided upon by a secret ballot in which all members are entitled to vote;</p>	<p>Link to SU Governing Document or byelaws</p>
<p>there should be a complaints procedure available to all students or groups of students who—</p> <p>(i)are dissatisfied in their dealings with the union, or</p> <p>(ii)claim to be unfairly disadvantaged by reason of their having exercised the right referred to [not be a member],</p> <p>which should include provision for an independent person appointed by the governing body to investigate and report on complaints complaints should be dealt with promptly and fairly and where a complaint is upheld there should be an effective remedy</p>	<p>Link to SU Complaints Procedure</p> <p>Comment from Institution Complaints Procedure explaining how an independent person is approved</p>

Questions for other compliance areas

Although not areas within the 1994 Education Act there are a number of other compliance issues for both organisations to come to an agreement on. These apply to a greater or lesser extent to all students' unions and their institutions – for example some students' unions will run their own risk processes and so will not need institutional support in this area.

Policies and Risk

Do the Institution's policies all cover the students' union staff and volunteers?

- If not what are the institution and students' union confident all necessary policies are in place for the SU? Could they repurpose the institution's?
- If the policies cover all students' union staff and volunteers are they considered when drafted?

Is the students' union included under the institution's processes for internal audits, for example Health & Safety checks, equipment safety including student groups.

- If not how can these checks take place? Does the students' union have capacity or can the institution add these areas to their work?

What risk assessment and management strategies are in place? Does the students' union hold these or is students' union activity considered as part of the institutional procedures?

Data and data sharing

Is the students' union considered under the data protection regulations?

- Are there step in place to allow sharing of data to allow elections to run and students to be represented?
- Are arrangements compatible with the 1994 Education Act's requirements to opt-out of membership?

Finance

Is there a jointly agreed policy on budgets and expenditure levels?

- Is there a written agreement explaining whether the institution can intervene on expenditure and in what circumstances it does so?

Does the Union have its own external Audit (if required)?

- If the Union finances are counted as part of the Institution does the Union have access to audit issues relating to Union processes?

How can Union finances be accessed? Are there single points of failure (for example requiring the senior staff to sign off all activity)?

Staffing

Are staff employed by the institution or students' union?

- If located in the students' unions but officially employed by the institution Is there an agreed memorandum of understanding between the students' union and the institution on how staff are managed and workload is directed?
- If jointly employed or managed (for example 0.4FTE for the students' union) how are conflicts in the direction of the staff member resolved?

Staff development

- Do students' union staff member receive induction, professional development, annual review or mentoring? Is this adequate and does it take account of their skills and experience?
- Are students' union staff able to access institution training and development opportunities?

Students' Union Senior staff member

- Who is involved in the induction, appraisal and support for the students' union senior staff member?
- Do you have a succession plan for if/when the senior staff member leaves?

- When did you last review the job description, person specification and salary of the students' union senior staff member?

Pay and rewards

- Are students' union staff considered as part of the institution

Freedom of Speech

- The Freedom of Speech (Higher Education) Bill is likely to create an obligation on the SU and the institution to promote and report on activity surrounding free speech and external speakers. This Bill has not been passed into law yet as of April 2023.

Institutional relationships

How are conflicts in supplying services from one organisation to another resolved? For example, if a payment isn't made on time how is this escalated and dealt with?

Do members of the institution governing body and the students' union governing body have regular opportunities to meet informally and formally?

Expectations for academic representation work from the Students' Union and university

Academic representation is the core purpose of students' unions. Understanding what the student body want from the institution and feeding that back to them is vitally important to any college or university. The students' unions representatives should be able to take a range of views across the student body and reflect trends, opinions and passions to the institution to take on board. A students' union that is well regulated in terms of compliance but does not achieve its representative purpose will be of reduced benefit to students or the institution.

1. What does good academic representation look like in terms of what it achieves and how it operates (for example being a 'critical friend' or helping the institution understand changing student lifestyles)?
2. Are there specific academic representation activities that need to be done in the upcoming year (for example reviews of courses or a TEF student written submission)?
3. What would help good academic representation take place in terms of areas such as training and support, provision of information to the representatives and the capacity of the students' union (for example have you mapped out the meetings that student officers sit on, do they have enough support in preparing and induction at the beginning of their year)?

Development of memorandum of understanding and delegation matrix

Using the discussions from the above will give you the basis for creating two documents – the memorandum of understanding and the delegation matrix.

The first of these sets out what can be expected of both organisations to achieve shared goals and fulfil the purpose that was discussed in the first section. The aim of this is to have in writing an agreement of what should be happening – a bit like a contract. This gives clarity of purpose to the institution and the students' union.

The second is more detailed and explains the specifics for each area. For example, the memorandum may say that the institution will fund the students' union for its activities. The delegation matrix will set out who in the institution will make this happen. The memorandum could say that the students' union will provide representation at all meetings. The delegation matrix will show which meetings are attended by an officer and which by another representative. Again this is to give clarity.

When this is first done it will take time. However once prepared we think it will help resolve potential issues and allow everyone to understand what is expected of them.

There are a number of ways that these can be prepared but in the appendix we offer a template for the memorandum of understanding and in a separate excel sheet we have an example delegation matrix.

Model Memorandum of Understanding

Memorandum of Understanding between [Institution name] and [Students' Union name] last updated [date]		
Purpose		
The purpose of the institution is		
The purpose of the students' union is		
Principles		
To help achieve our joint and separate purposes the institution and students' union will always seek to work using the following principles (from the NUS / CUC guidance)		
<ol style="list-style-type: none"> 1) Strategic Partnership 2) Student Centred 3) Respect and Understanding 4) Openness and Trust 5) Mutual Support and Commitment 6) Independence 7) Accountability 8) Diversity and Equality 		
NB: These are taken from the Committee of University Chairs guidance on institution and students' union relationships. You may wish to adopt these or others.		
Expectations		
For the two organisations		
Compliance Area	Institutional responsibilities	Students' Union responsibilities
1994 Education Act		
Policies & Risk		

Data & Data Sharing		
Finance		
Staffing		
Freedom of Speech		
Academic Representation		

Resolving Disputes

Where possible both organisations will seek to resolve disagreements through dialogue and considering the values and principles outlined in this document.

Should a conflict of interpretation or delivery of this memorandum occur, the first attempt at resolution will be between the xxx on behalf of the Institution senior leadership team and xxx at the students’ union.

Should such informal resolution not be successful a resolution will be sought between the governing body chair (on behalf of the institution) and the Chair of the Trustee Board (on behalf of the students’ union).