

Campaign Briefing: Representation and Redress

What's the campaign about?

All students in further and higher education deserve to know that they can access a students' union that puts the interests of students first. All students in further and higher education need to have the guaranteed safeguard of recourse to an independent complaints body if their institution fails to support their education properly.

What do I need to know?

NUS believes that every student should be guaranteed some core and fundamental rights, whether in further or higher education, wherever they study.

These include things like the right to know in advance the full cost of study, the right to reliable information about your institution of study and the right to protection in a case of course closure or institutional failure.

But among the most important student rights are:

- The right to independent recourse for complaints and appeals
- The right to advice, representation and advocacy from an independent collective representative body (normally a students' union)

Independent recourse for complaints and appeals

Currently some higher education providers are required to subscribe to the [Office of the Independent Adjudicator](#) (OIA) as a condition of receiving public funding, while others are not.



This is due to the failure of the Government to create new legislation to ensure a level playing field in the higher education sector in England. Students have different ability to seek recourse depending on where they study.

In further education, the [Skills Funding Agency](#) (SFA) will look at a student complaint but this is not well advertised to students, and the SFA is not independent of government.

This means students in further education have limited recourse if their college fails to tackle their complaint in an appropriate way.

Independent collective representation

Currently there is no guarantee that students in higher or further education in England, Wales or Northern Ireland will be able to access a students' union or other collective representative body.

In Scotland the government has made a commitment to autonomous, funded students' unions and we want to see the same guarantee for students in the rest of the UK. In England, there are a number of providers in the private part of the sector that do not have arrangements for students to associate and determine their interests collectively.

Students' unions make huge contributions to the quality of student learning, wellbeing and personal development and we want to see all students able to participate in decision-making and influence their institutions.

How does this affect your students?

If your students study at an institution that is already subscribed to the [OIA](#) and has a students' union they probably don't realize how lucky they are! In reality most students don't know they need these rights until they realize they don't have them.

What are we calling for?

We want the next government to introduce and enforce legislation that all students in further and higher education should have access to independent recourse for complaints and appeals, and to representation as a student. We also want to ensure students' unions are sufficiently funded to be able to provide the expert support that students need to be able to access their rights.

Who holds the power?

MPs do not always have a great understanding of the work that students' unions do to provide students with the necessary advice, advocacy and representation. If legislation is to be brought and won MPs will need to become champions of students' unions.

How can we win the arguments?

Q: What do student unions actually achieve?

Students' unions are vehicles for student engagement in learning and teaching. They coordinate student participation in quality assurance and enhancement. They are co-signatories to the student charter. Students' unions are the means by which students can have a voice in institutional governance and decision-making. Students' unions also contribute to student wellbeing through forging strong and active student communities. They raise money for charity and volunteer in the local community.

Q: Don't universities provide their own complaints system?

Students' unions ensure that students' rights are protected by offering advice and advocacy. There is no point in having a complaints system if students cannot navigate it effectively, or tackle their issue before it gets to the complaint stage. Stories of students who have sought advice and representation from the union, especially where they have brought a complaint to the OIA, show how valuable these provisions are for students.

How does this apply across the nations?

England

In England this policy is controlled by the UK government, and the 1994 Education Act.

Northern Ireland

This policy is devolved to Northern Ireland and legislation on this is vital, as the 1994 Education Act does not apply in Northern Ireland and students in Northern Ireland need an independent complaints system.

Scotland

The 1994 Education Act is UK wide, however more recent Scottish legislation and funding council guidance give much more rights to students and SUs, particularly in the college sector. Equally, the Scottish Public Services Ombudsman covers redress in Scotland, as a devolved service.

Wales

In Wales this policy is controlled by the UK government, and the 1994 Education Act. NUS Wales wants the UK Government to protect in law the rights of all students to independent representation in a students' union and the right to independent redress where students feel that they have not been fairly treated.

Where can I get further information?

NUS and Leadership Foundation for Higher Education report

w. www.lfhe.ac.uk/download.cfm/docid/41A265A5-D8A0-4698-A15DCA44A0432815

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