

This week's webinars

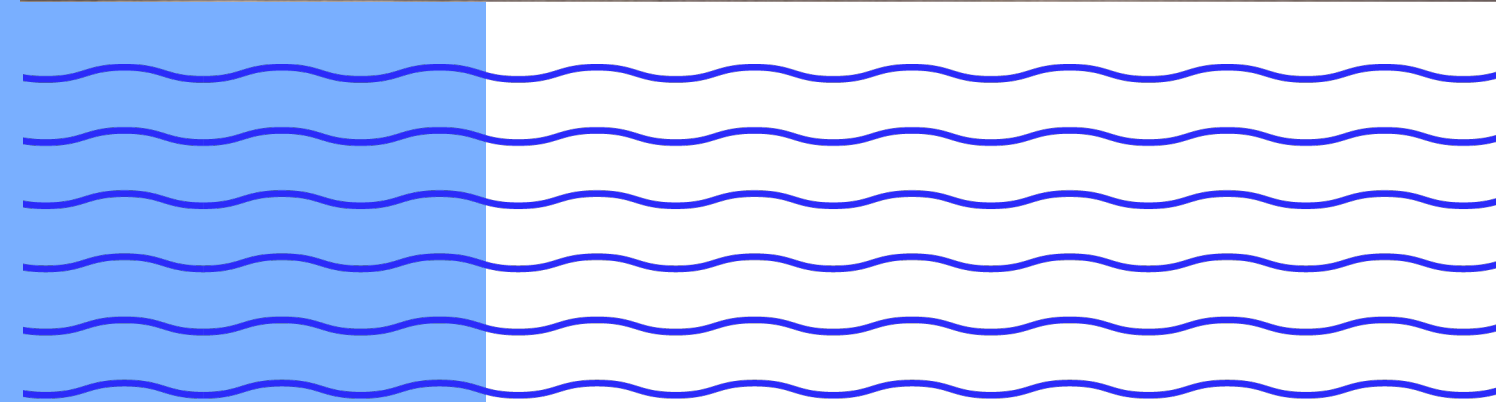
Monday: How does student representation work?

Tuesday: How higher education works

Wednesday: Students' Unions and the Law

Thursday: Harassment and sexual misconduct

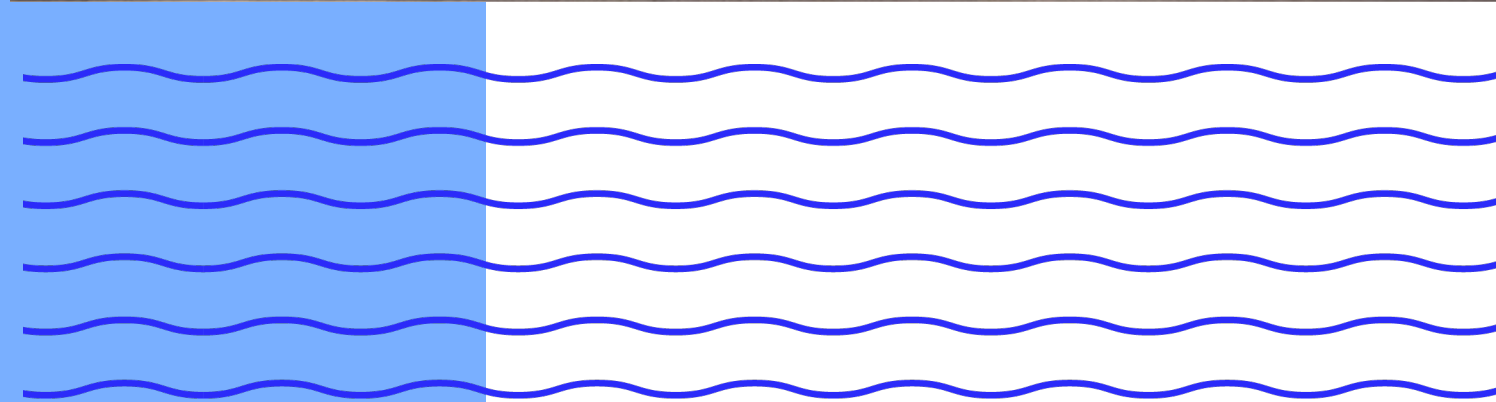
Friday: Understanding SU governance



WONKHE
SUs

About

- Designed to get you up to speed over the summer
- Around 30-45 mins of content plus questions and guests
- Try to keep your mic muted
- Do have some questions and comments lined up as we go
- Slides, recording and some light further reading available afterwards



WONKHE
SUs

Today

Irrational and discriminatory

A psychology student has been granted permission to challenge regulations that prevent him and thousands of other disabled students from claiming universal credit while they are full-time students. Flinn Kays claims that new regulations that stop disabled students having a work capability assessment (WCA) and thus claiming universal credit, are unlawful, and is asking the court to quash 2020 regulations on the grounds that the Secretary of State unlawfully failed to consult, they are discriminatory under Article 14 ECHR, they are irrational and they breach public sector equality duty under the Equality Act 2010.

Meanwhile students with vision impairments experience failure from institutions to put agreed reasonable adjustments for exams and assessments into place, and a lack of expertise in accessibility, according to [new research](#) into the post-school experiences of young people with vision impairments from the Vision Impairment Centre for Teaching and Research at the University of Birmingham and the Thomas Pocklington Trust.

[Lost in Transition?](#) also found limited understanding of vision impairment by some staff at institutions at the time of application, difficulties with the accessibility of the UCAS admissions system, and various issues with the Disabled Students' Allowance (DSA), including assessors not having the necessary expertise to assess students, delays in the processing of assessments and equipment being provided that did not meet students' needs.

Read more on Wonkhe

Stacey Lyons and Julie Hulme consider the barriers faced by disabled students during and post-pandemic - [and find a lot still to](#)



WONKHE

Understanding SU Governance

How it works, why it doesn't and
what we can do to improve it

JIM DICKINSON | WONKHE SUs
NICK SMITH | SU GOVERNANCE CONSULTANT



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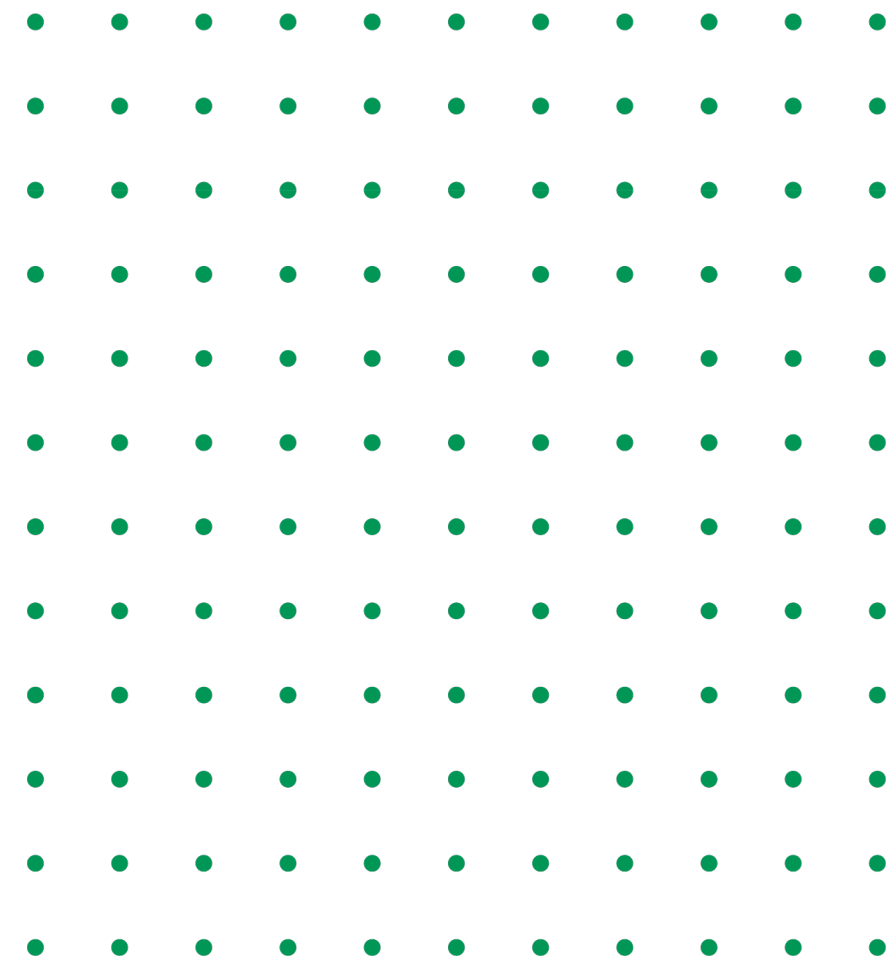
In the beginning

- Club constitutions – President, Treasurer, Secretary
- (A)GM elects and instructs the committee
- SUs were “exempt charities” regulated through the link with “parent” institution – case law to back this up
- 1994 Education Act created University regulatory burden/compliance
- 2006 Charity Act repealed exempt status – enacted on 1st June 2011



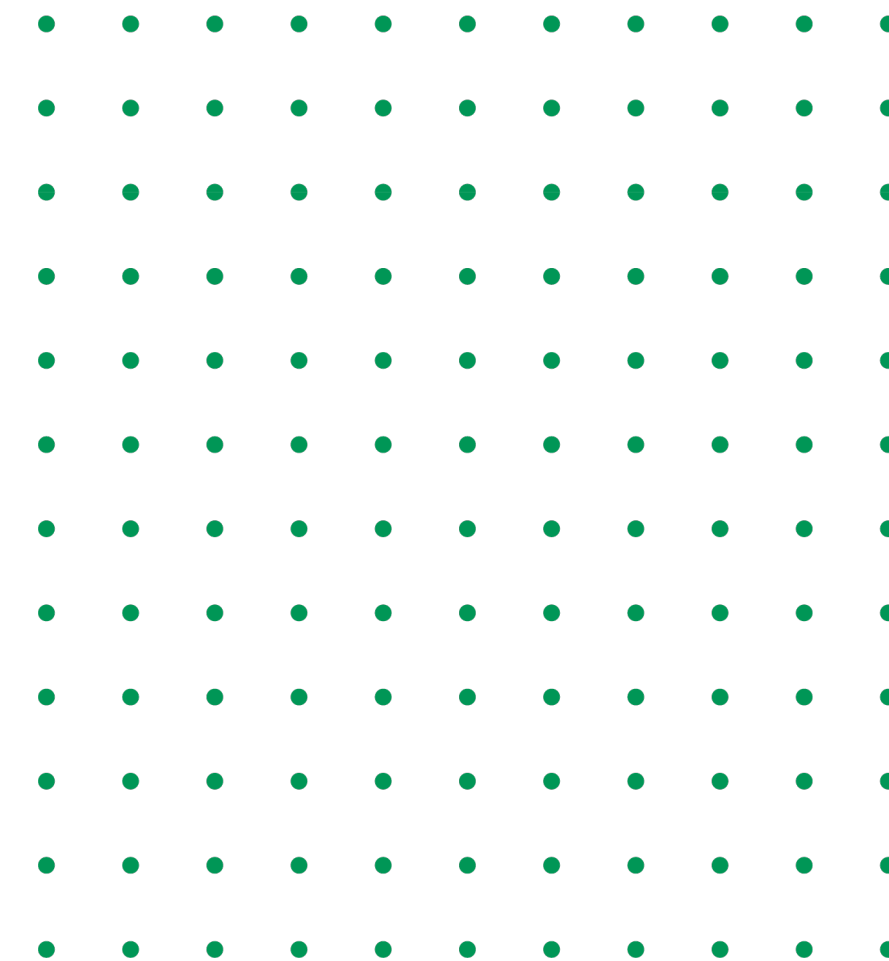
Growth

- Student body grows
- Complexity in “mandating” body – elections and representative councils
- Complexity in executive body – portfolios and people
- Complexity in functions – riskier activity and activity whose risks were recognised
- Complexity in surrounding (and regulatory and legal) expectations



Mid 00s

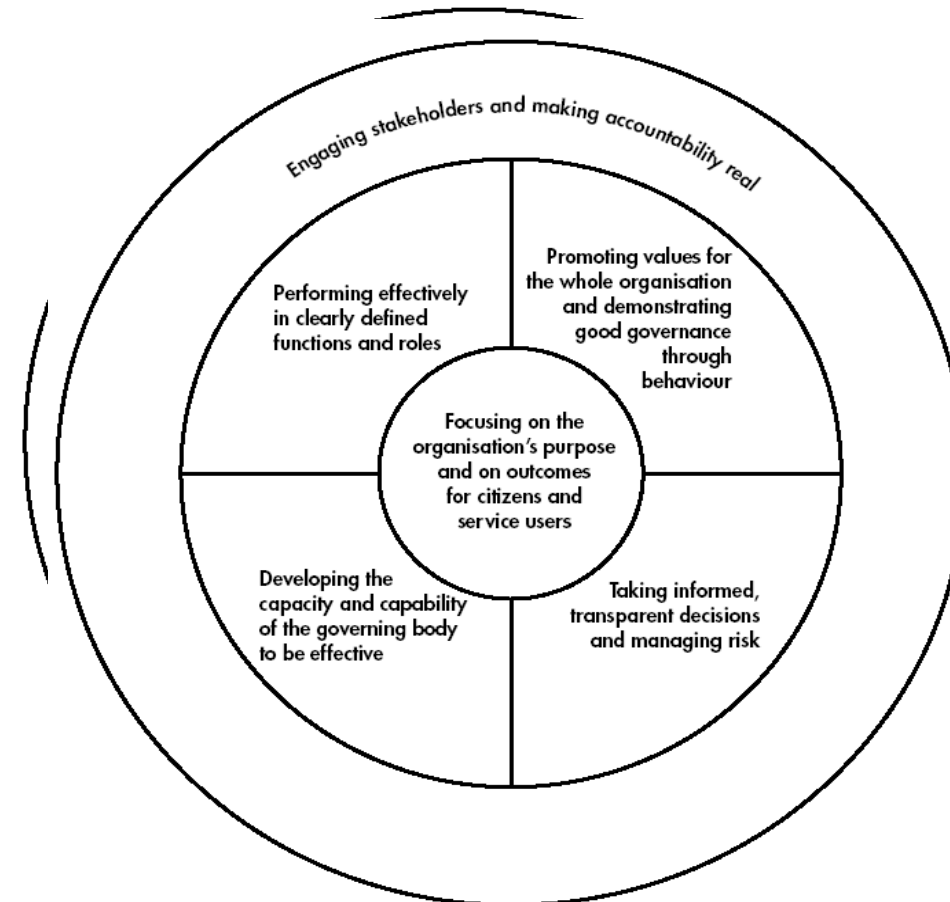
- Several SUs close to bankruptcy
- 2006 Charity Act repealed exempt status – enacted on 1st June 2011
- Caused mass of governance reviews in SU sector
- Many chose to *incorporate* at same time
- Result: 3 branches of relevant legislation: Education, Company & Charity



Not the only ones

Header

- Governance failures led to ‘obsessions’ with better governed charities/public bodies/companies
- Nolan principles/Post crash scandals/ODPM



“Clarity about objects, vision, mission and values
Efficient structures, policies and procedures
Clearly identifiable Trustee body, right balance of skills and experiences
Manages and uses resources to optimise potential
Accountable in a way that is transparent and understandable
Flexible enough to influence and adapt to change in the environment”

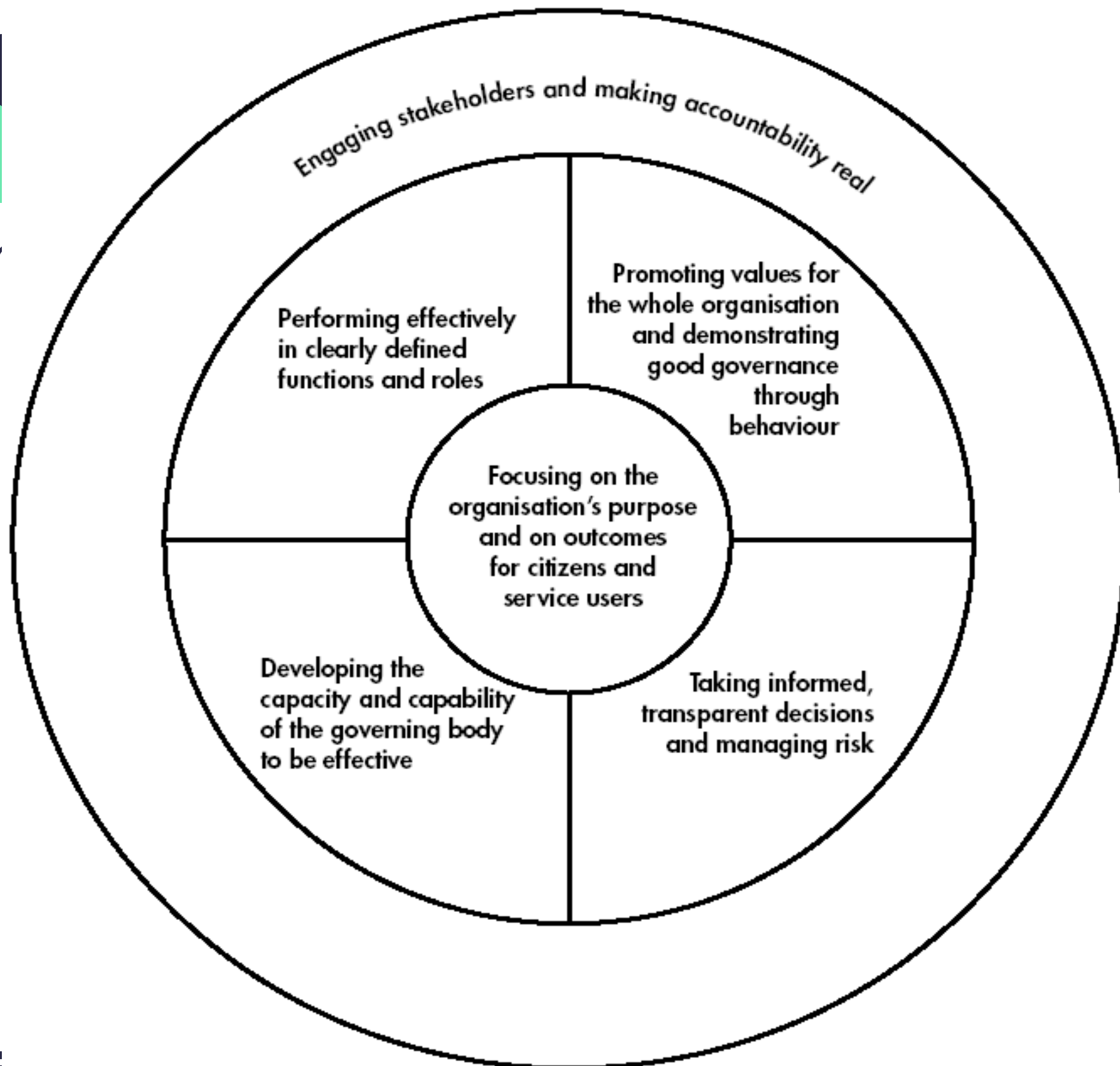
Charity Commission Hallmarks

“Good governance is a powerful tool in driving forward organisational goals; bad governance is fatal to performance and stability”
ACEVO: Rethinking Governance

Not 1

Header

- Govern better bodies
- Nolan



“Clarity about objects, vision, mission and values
Efficient structures, policies and procedures
Clearly identifiable Trustee body, right balance of skills and experiences
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Charity Commission Hallmarks

“Good governance is a powerful tool in driving forward organisational goals; bad governance is fatal to performance and stability”

ACEVO: Rethinking Governance

Discussion of...

- About leadership and those who work together to ensure delivery of aims and objectives and set the strategic direction.
- About the use of different skills, knowledge and experience to steer the organisation effectively.
- About effective delegation to other bodies (eg. Staff) and lines of accountability to ensure things are done.
- About acting with integrity and being open and responsive to stakeholders.

Discussion of...

- Focusing on the strategic direction of the organisation and separating out day to day operational issues.
- Undertake long term scanning and planning of organisational objectives.
- Managing and mitigating the risks faced by the organisation.
- Ensuring conformance of the internal rules (constitution) and the law.

The board

- Almost all discussions were about the Board – who was on it, what its role was and what it was doing
- Over the years, many unions had adapted structures around the traditional general meeting/union council model.
- Key question was about who are the trustees. Sabbs/Exec/Council?
- Little expertise on trustee boards, skills mix not evident.
- Many structures seen in unions are process driven and do not focus on outcomes.

Two traditions

- Self help/mutualism and
- Charity

Charity- Philanthropy by the well to do

Mutuality- Centred on working class traditions- credit unions/Co-op movement

Unincorporated associations

Mutuality dies out across 20C, Charity grows



Oh no! Trustees

- Those, according to the Governing document, in control of the management and administration of the Charity
- In Students' Unions:
 - Most elected
 - Many paid
 - Many beneficiaries
 - Mixing Governance with Management
 - Members can be seen to be “mandatable”
 - Many accidental!

Taken in the context of quality charity governance

= bad news

Taken in the context of mutualism

= good news

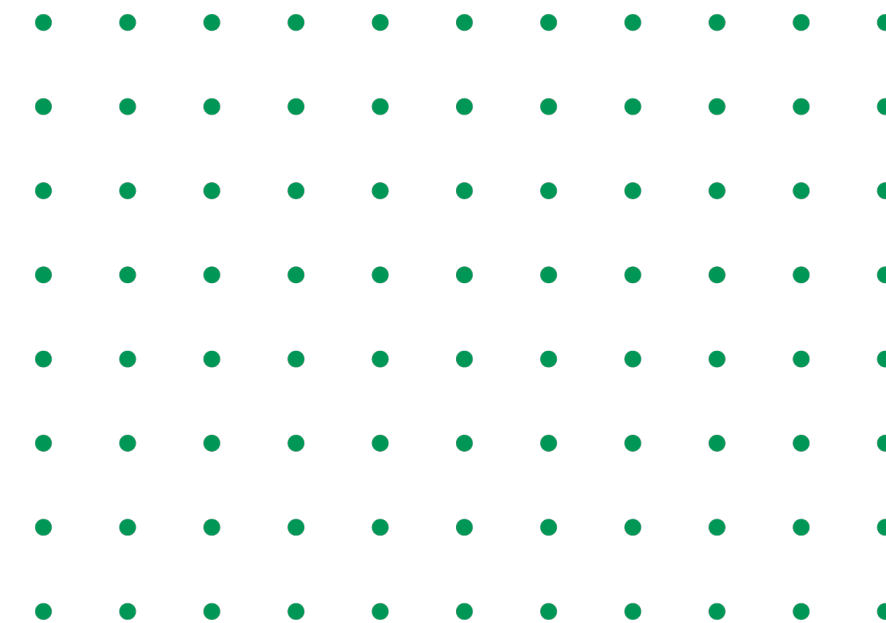
Two traditions

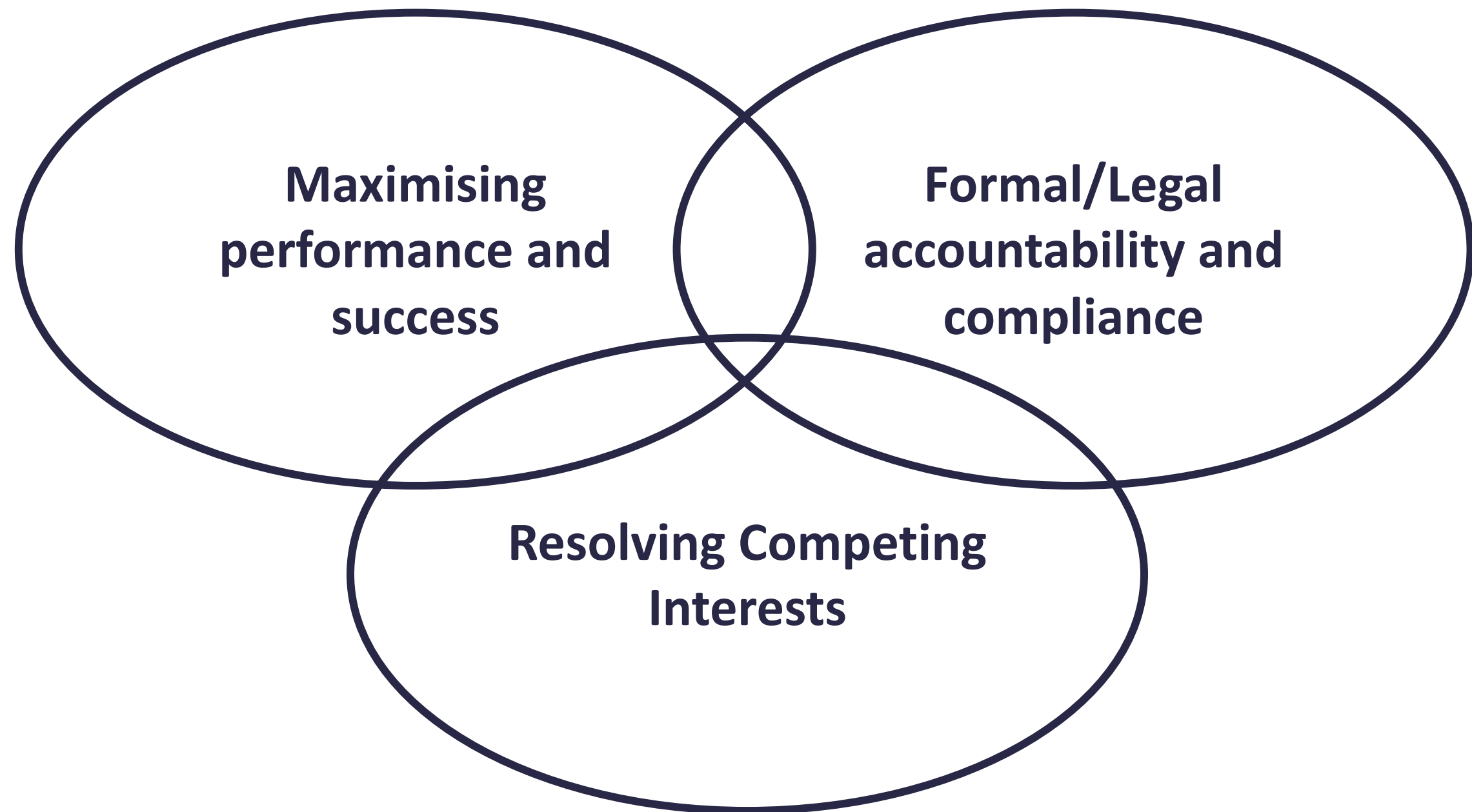
- Students' Unions have member control at the centre of their work
- Significant bodies of advice on "Governance" aimed from and at **Charity** Tradition (interestingly including Myners on the Co-op as well)
- Students unions are an "odd fit"- self organised, democratic, structurally based on mutualism
- Adoption of UA structure
- Recipients of "taxpayers" money- Charitable style grant funding
- Uneasy status- deemed charitable in 1980's in response to political activity

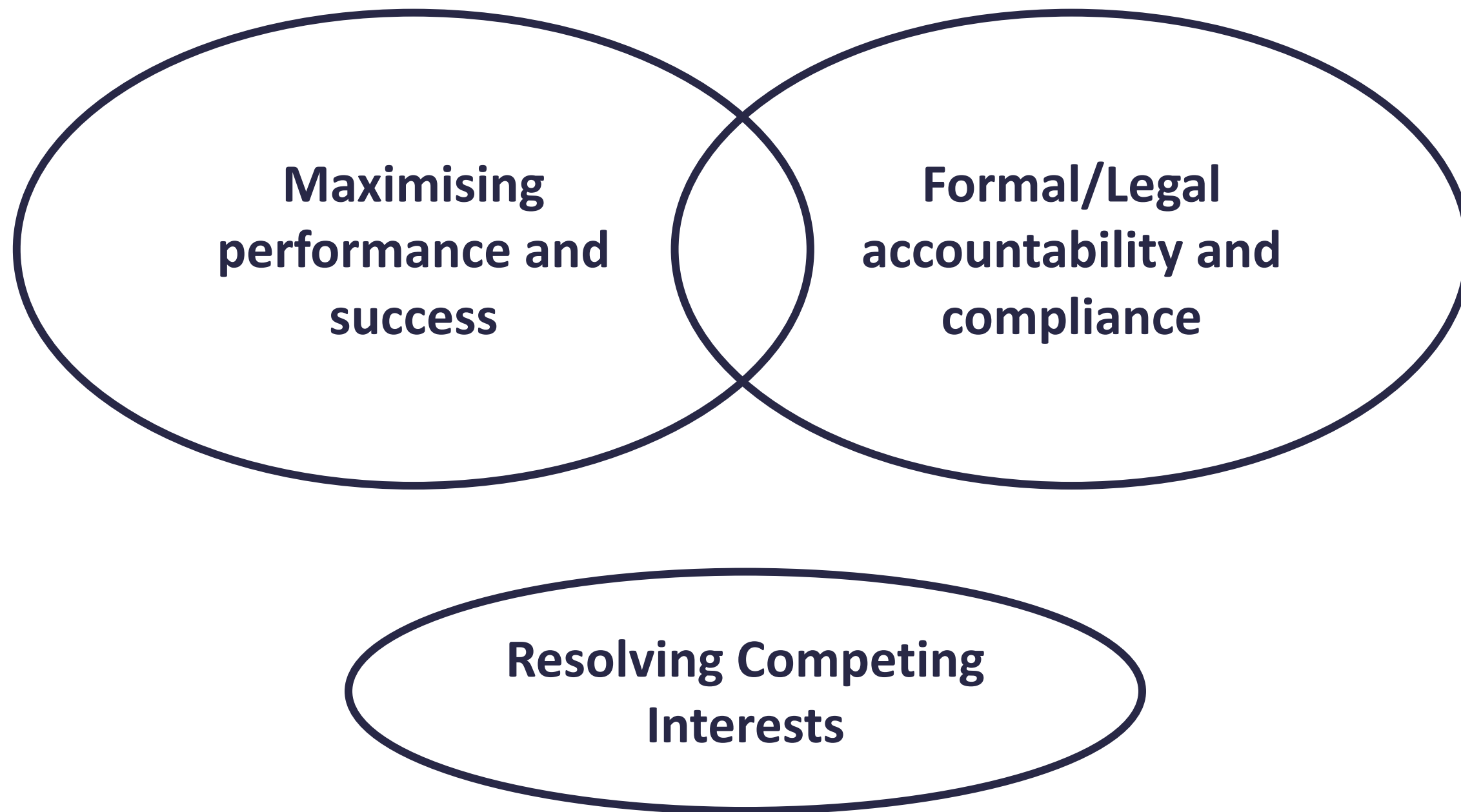


Two traditions

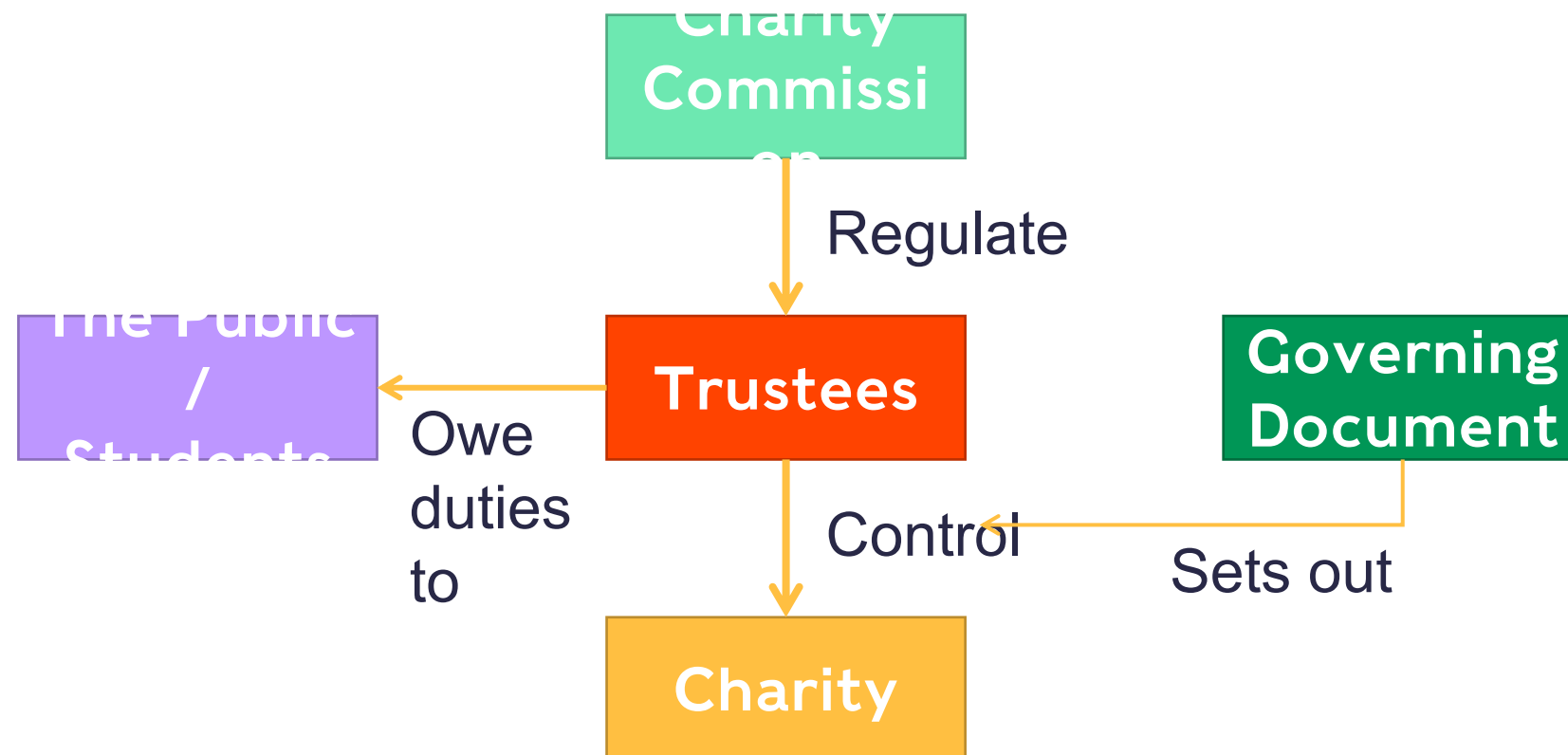
- Recent drive for **User Representation** on Charity Boards but still not common (LRTA)
- Key principle of **Charity** is that trustees do not benefit from involvement
- Selected for **skills and knowledge**
 - Complex organisations need sophisticated trustees able to deal with the responsibilities
- **Unpaid**
 - Key principle of volunteerism upheld by public
- **Not beneficiaries**
 - Conflict of Interest
- Trustees are **Trustees**
 - “Helicopter” involvement
 - Not mixing governance with management



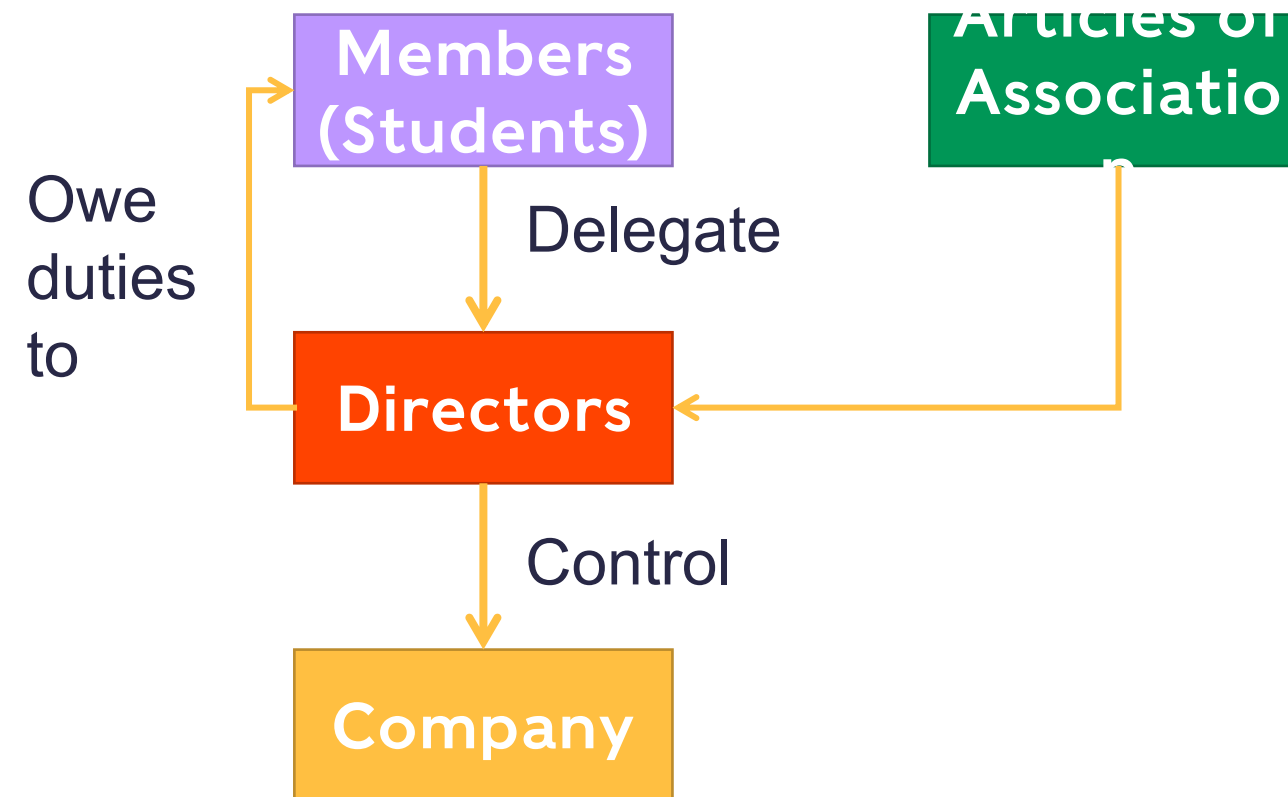




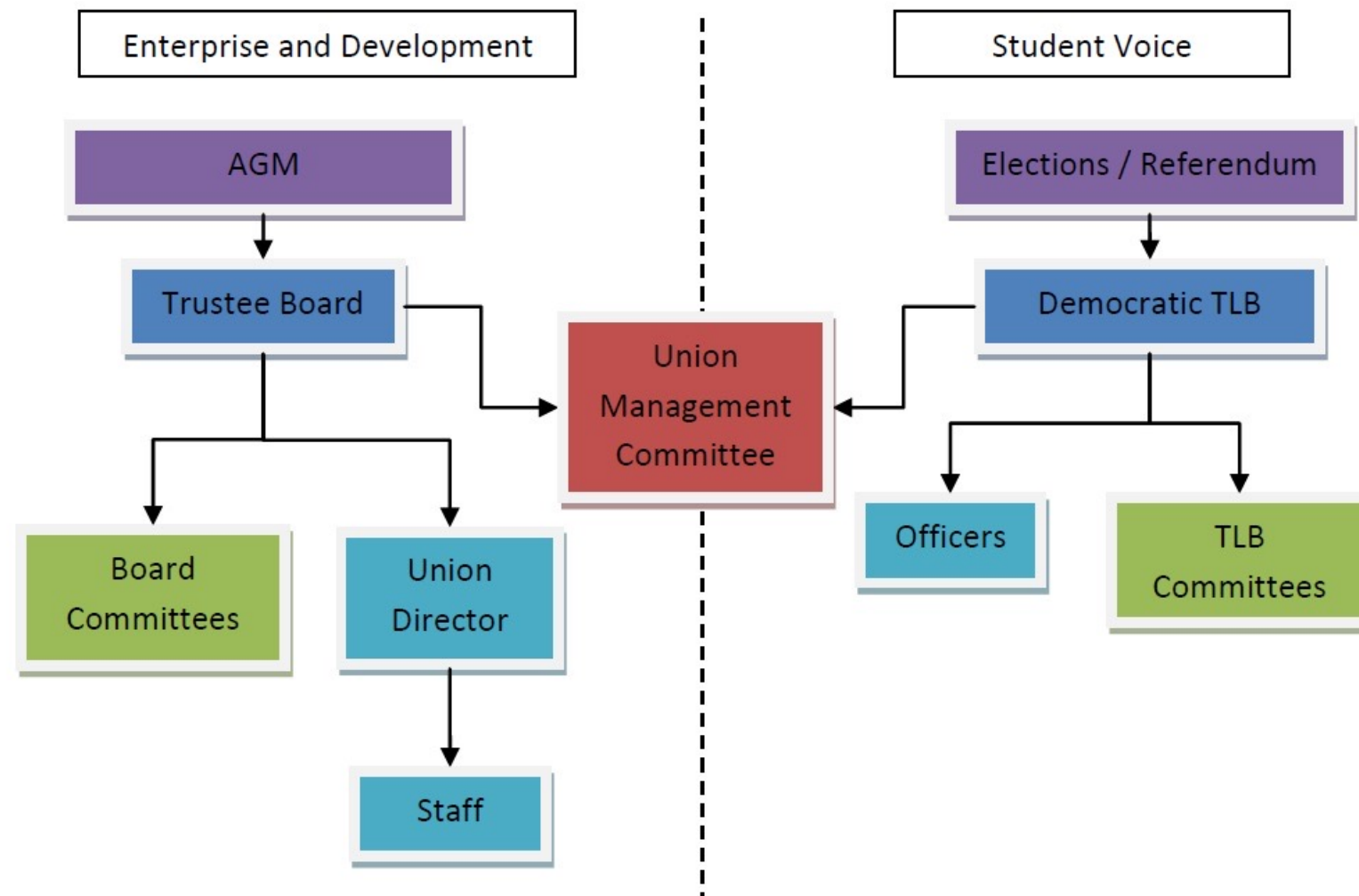
Charities (E&W)



Companies



So how do SUs work?!



Commonalities

- Almost all SUs are companies (some with a subsidiary trading company)
- (Sabbatical) officer trustees (ex officio)
- (“Ordinary”) student trustees (elected, appointed by democracy, appointed)
- Lay/External trustees (some “alumni/university”, most appointed)
- Some chaired by President (or other officer) some not

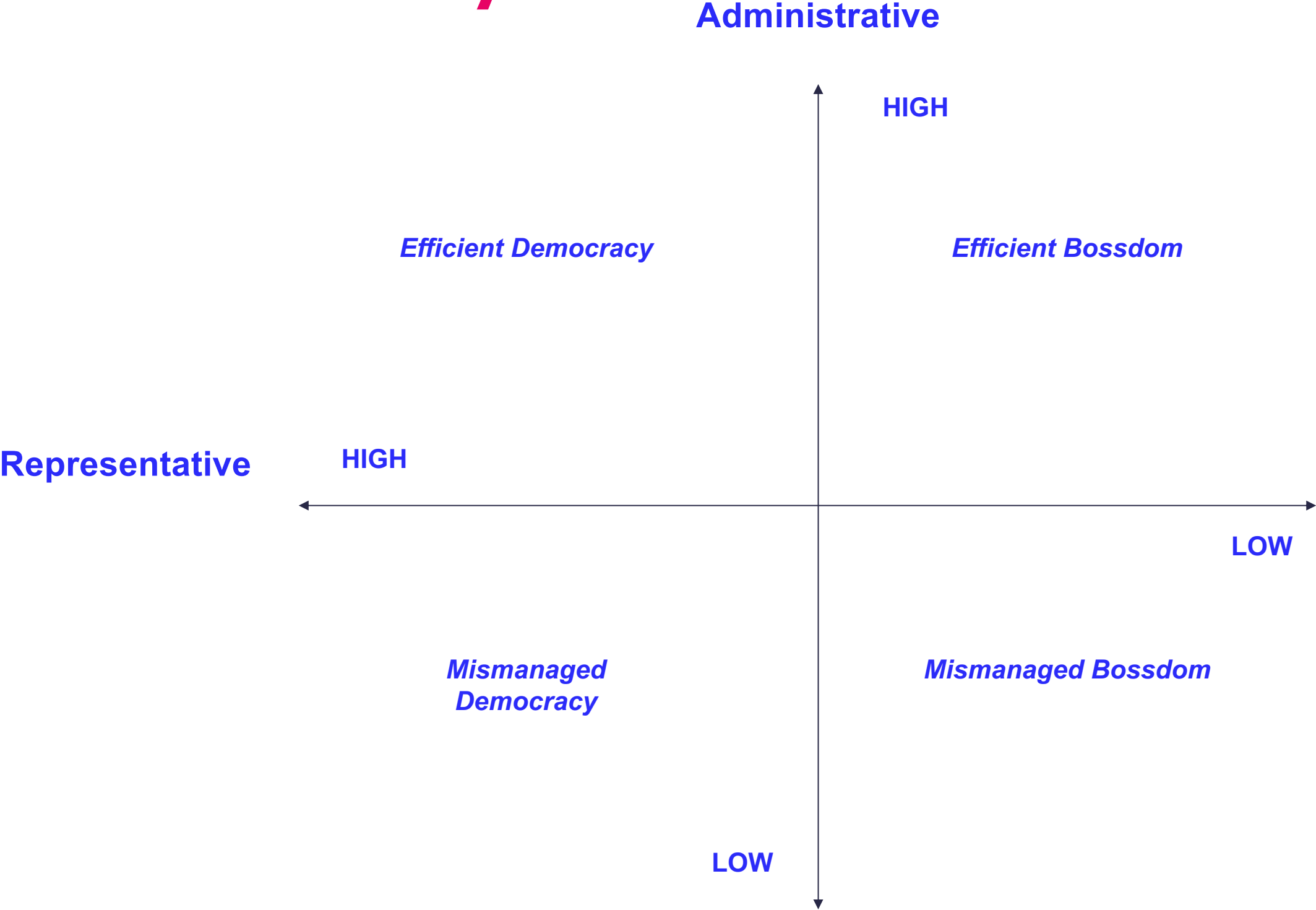
But vast differences

- Who the principle object of focus is
- What they would discuss (and would not discuss)
- Frequency of meeting
- Culture
- Complexity of decision making
- Deference to politics/student officers

Interests

- Homeless charity in Watford
- North or South?
- Long term or short term?
- Prevention or Cure?
- Homes? Blankets? Shelter? Toothbrushes?
Love?
- Who determines what is in students' interest?

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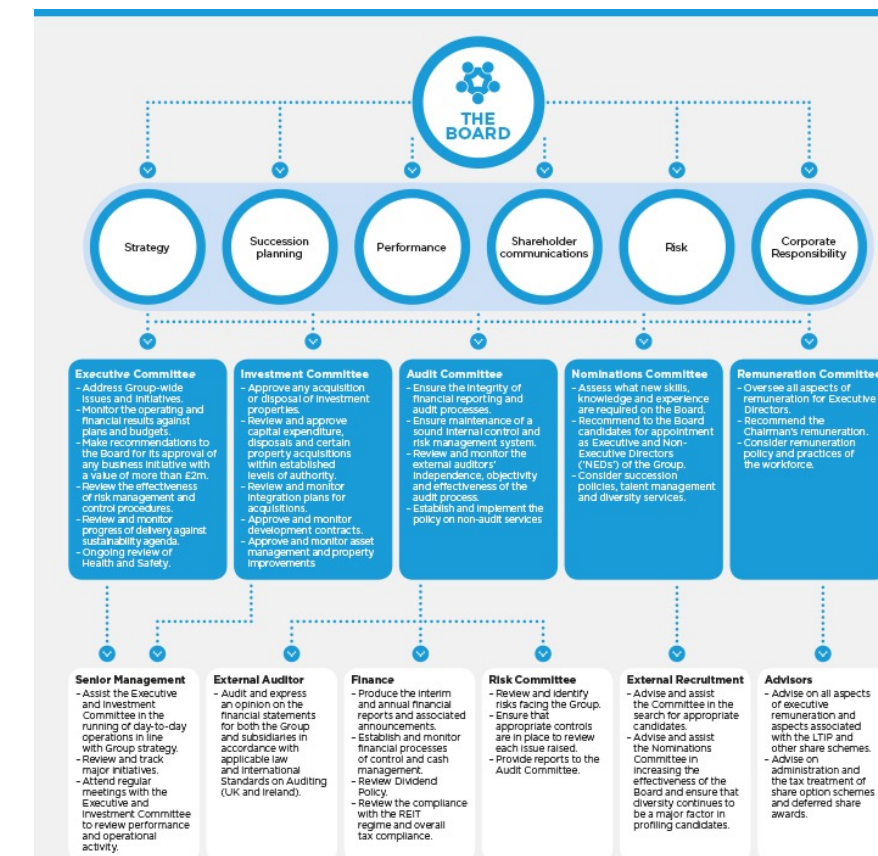
Measuring performance

Zimmerman and Dart (2007) examination of “commercialisation” in the not for profit sector:

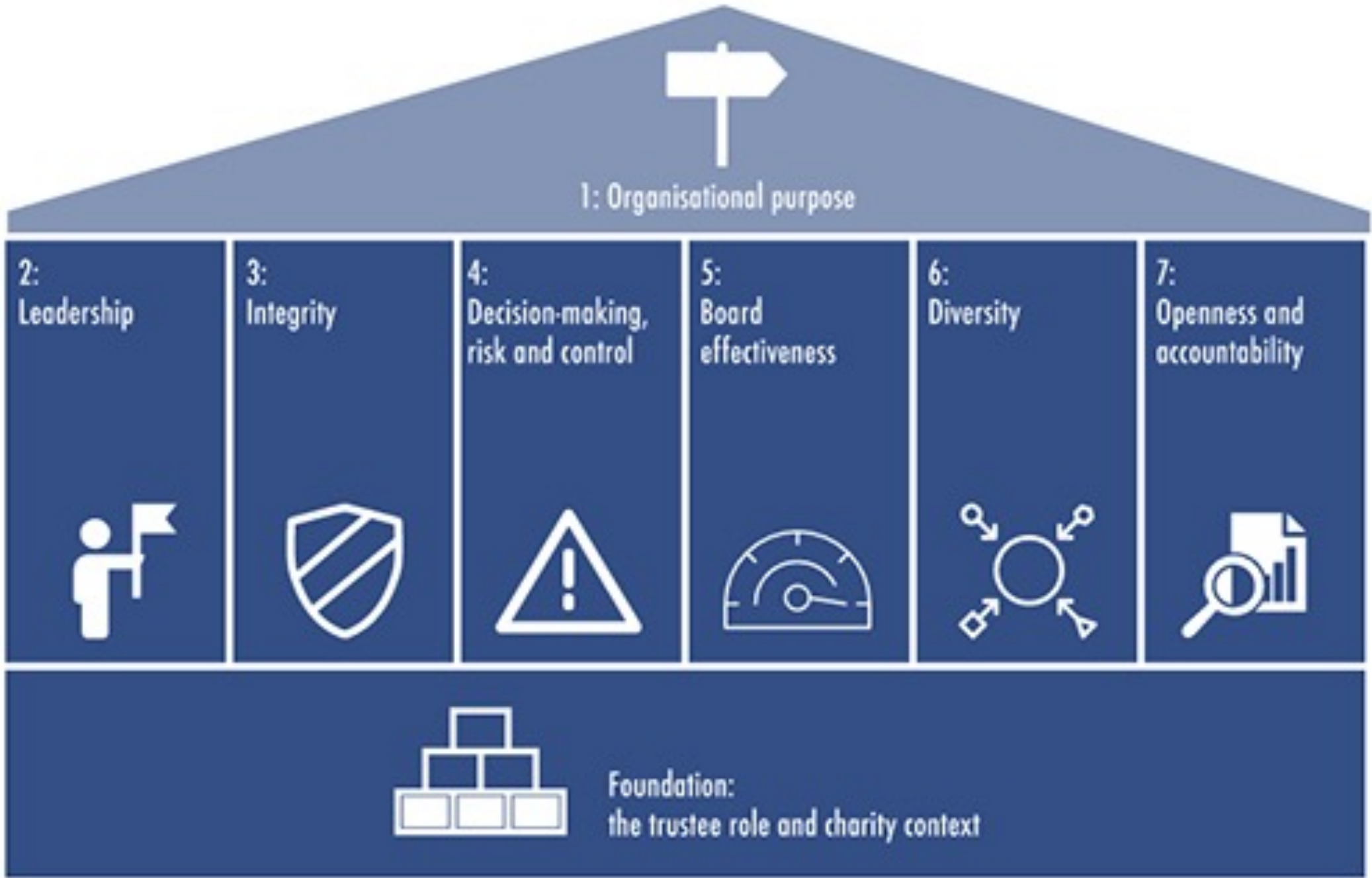
- “Governance can become less responsive to community needs and more concerned with issues such as productivity and accountability”, and
- “they focus too much on output measures of effectiveness” (e.g. are we serving more people than we were last year?) and ignore other measures- such as which people it is best to serve.

Codes

- Combined Code (1998 & 2006) reviewed (2011)
- Lord Myners Review into the Co-op (2013)
- Governance Hub for the voluntary Sector – Code of Good Governance (2005-2009)
- NUS Code of Good Governance (2011)



Codey Mc Code face



DMOs

- **Democratic** implies agitation over and resolution of competing interests, along with openness
- **Representative** implies some success based on opportunities and threats which are rarely plannable
- **Mutual** implies shared ownership and beneficiaries working for their own group
- None of these are reflected in traditional charity Governance advice
- This includes the new Charity Code

Each time there is...

Principle

- The board is clear about the charity’s aims and ensures that these are being delivered effectively and sustainably.

Rationale

- Charities exist to fulfil their charitable purposes. Trustees have a responsibility to understand the environment in which the charity is operating and to lead the charity in fulfilling its purposes as effectively as possible with the resources available. To do otherwise would be failing beneficiaries, funders and supporters.
- The board’s core role is a focus on strategy, performance and assurance.

Key outcomes

- The board has a shared understanding of and commitment to the charity’s purposes and can articulate these clearly.
- The board can demonstrate that the charity is effective in achieving its charitable purposes and agreed outcomes.

Recommended practice

a. Determining organisational purpose

- The board periodically reviews the organisation’s charitable purposes, and the external environment in which it works, to make sure that the charity, and its purposes, stay relevant and valid.
- The board leads the development of, and agrees, a strategy that aims to achieve the organisation’s charitable purposes and is clear about the desired outputs, outcomes and impacts.

1. Purpose

Principle

- The board is clear about the charity's aims and ensures that these are being delivered effectively and sustainably.

Rationale

- Charities exist to fulfil their charitable purposes. Trustees have a responsibility to understand the environment in which the charity is operating and to lead the charity in fulfilling its purposes as effectively as possible with the resources available. To do otherwise would be failing beneficiaries, funders and supporters.
- The board's core role is a focus on strategy, performance and assurance.

2. Leadership

Principle

- Every charity is headed by an effective board that provides strategic leadership in line with the charity's aims and values.

Rationale

- Strong and effective leadership helps the charity adopt an appropriate strategy for effectively delivering its aims. It also sets the tone for the charity, including its vision, values and reputation.

3. Integrity

Principle

- The board acts with integrity, adopting values and creating a culture which helps achieve the organisation's charitable purposes. The board is aware of the importance of the public's confidence and trust in charities, and trustees undertake their duties accordingly.

Rationale

- Trustees, and the board members collectively, have ultimate responsibility for the charity's funds and assets, including its reputation. Trustees should maintain the respect of beneficiaries, other stakeholders and the public by behaving with integrity, even where difficult or unpopular decisions are required. Not doing this risks bringing the charity and its work into disrepute.

4. Decision making, risk, control

Principle

- The board makes sure that its decision-making processes are informed, rigorous and timely, and that effective delegation, control and risk-assessment, and management systems are set up and monitored.

Rationale

- The board is ultimately responsible for the decisions and actions of the charity but it cannot and should not do everything. The board may be required by statute or the charity's governing document to make certain decisions but, beyond this, it needs to decide which other matters it will make decisions about and which it can and will delegate.
- Trustees delegate authority but not ultimate responsibility, so the board needs to implement suitable financial and related controls and reporting arrangements to make sure it oversees these delegated matters. Trustees must also identify and assess risks and opportunities for the organisation and decide how best to deal with them, including assessing whether they are manageable or worth taking.

5. Board effectiveness

Principle

- The board works as an effective team, using the appropriate balance of skills, experience, backgrounds and knowledge to make informed decisions.

Rationale

- The board has a key impact on whether a charity thrives. The tone the board sets through its leadership, behaviour, culture and overall performance is critical to the charity's success. It is important to have a rigorous approach to trustee recruitment, performance and development, and to the board's conduct. In an effective team, board members feel it is safe to suggest, question and challenge ideas and address, rather than avoid, difficult topics.

6. Diversity

Principle

- The board's approach to diversity supports its effectiveness, leadership and decision making.

Rationale

- Diversity, in the widest sense, is essential for boards to stay informed and responsive and to navigate the fast-paced and complex changes facing the voluntary sector. Boards whose trustees have different backgrounds and experience are more likely to encourage debate and to make better decisions.
- The term 'diversity' includes the nine protected characteristics of the Equality Act 2010 as well as different backgrounds, life experiences, career paths and diversity of thought. Boards should try to recruit people who think in different ways, as well as those who have different backgrounds.

7. Openness & Accountability

Principle

- The board leads the organisation in being transparent and accountable. The charity is open in its work, unless there is good reason for it not to be.

Rationale

- The public's trust that a charity is delivering public benefit is fundamental to its reputation and success, and by extension, the success of the wider sector. Making accountability real, through genuine and open two-way communication that celebrates successes and demonstrates willingness to learn from mistakes, helps to build this trust and confidence and earn legitimacy.

You should...

- Consider where sits with other decision making
- Mix between regulatory power and activity power
- Review regularly
- Review externally
- Reconcile with DMO

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