

Governance in Small and Specialist HE Students' Unions

**A report commissioned by NUS
Charity and Guild HE**

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Contents

Foreword	2
Introduction	4
Institutions with no students' union	4
Executive Summary	7
Key findings	7
Staffing in students' unions	7
Board processes	7
Methodology	9
Primary research	9
Secondary research	9
Independence, legal status and compliance	11
Charities Act 2011 and exempt status	11
The 1994 Education Act	11
Oversight and compliance risks	12
Independence risks	12
Staffing	15
Overreliance on key staff	15
Who oversees key staff	15
Supporting staff	15
Hierarchy of governance	18
Structures	18
Processes	19
Independent or lay trustees	19
Effective meetings	19
Board effectiveness	20
Strategic engagement and planning	20
Meetings	21
Behaviours	21
Diversity	25
Challenges for smaller unions	25
Work being undertaken	26
Relationship Culture	28
Appendix: Tools and references	30

Foreword

GuildHE members are passionate about engaging their students and rightly proud of the sense of community that it is possible to develop in our smaller institutions.

The benefits of this informal engagement and sense of students being able to know all staff right up to the vice chancellor should rightly be treasured. However, there are some challenges, particularly on the size and resources of the students' union which can impact on more structured engagement that is consistent over several years.

This timely report explores the experiences in a number of smaller institutions and helps to draw some wider lessons that we can share across our members so that we can better support and enhance the governance of our students' unions to ensure that we are able to have robust student engagement.

Anthony McClaran

Chair, GuildHE and Vice Chancellor, St Mary's University Twickenham

We are proud to work with Guild HE to commission this research and to provide resources to our small and specialist members on good governance in their students' unions/associations.

We've been working for years with our small and specialist members to support the sharing of good practice, as well as provide guidance and advice on the development of their organisations.

Good governance is crucial in the running of any organisation, and the democratic aspect of SU governance adds another layer of complexity and collaboration to processes and practices. We know that a 'one size fits all' approach to governance support is unlikely to suit every students' union, and so we're pleased to be highlighting the unique experiences of our smaller members to further tailor our support going forward.

Sam Harris

Deputy Director of NUS Charity

Introduction

Introduction

The higher education sector is incredibly diverse and this extends to the students' unions, guilds and associations that operate within it. Institutions come in all shapes and sizes, from very large to very small, from highly specialised to covering the full diversity of subjects. They are based in cities or rural locations and teach a variety of qualifications in a variety of ways; all of which impacts on the composition and culture of the student body.

There a multitude of other ways to express the diversity of the higher education sector and yet all institutions are all subject to the same regulation. The same is true of students' unions who have the identical oversight requirements through legislation and charity law despite their differences. There are tools and methods to support them in this work; to allow them to be governed effectively but these do not always reflect the diversity – including differing resources - of the sector.

Students' unions have identical oversight requirements through legislation and charity law despite their differences

This project originated through a course that we ran on improving students' union governance. In this course, we work with staff members from across the students' union sector who want to get experience and information about improving their local organisations. It was during this work we noted that some of the smaller unions did not fit into the models we were used to. They didn't have much staff support and often, they had only one student officer on their trustee board.

Capacity was incredibly limited and the diversity of the student body made many of the

review tools in this area ineffective. We knew that these unions would not be alone and we wanted to look at such very small unions – those who are often not able to fully engage with national projects due to resource implications.

We were very pleased to be able to work with GuildHE and the National Union of Students' Charity on this project and their support has helped us to reach a wider group of smaller and specialist students' unions to consider some of the broader lessons. This report brings together the findings of interviews and desk research with several different unions from across the UK as well as their institutions. We are of course incredibly thankful for the time and effort given to us from all those interviewed, especially as we know the strains on capacity that smaller institutions face.

We will be building on this report throughout 2023 to develop practical resources for improving smaller unions governance and so improve the provision of student voice for these institutions.

Institutions with no students' union

This research was based on institutions who already have a students' union. For newer providers, there may not yet be an identifiable organisation or group that fulfil a student led advocacy function. How to start a students' union would be out of scope for this project though NUS would be able to offer support in this situation.

Some things for institution governing bodies to think about however could include:

- How to resource at levels so tangible improvements to the student experience can be achieved and so that the students' union can engage in strategic thinking and activity.
- How to ensure that because you have resourced the students' union well you will recruit staff and students who recognise they

are empowered to voice their views and work in partnership with the university, building trust.

- How to ensure that this trust means the institution doesn't get in the way of the independence of the entity even though you might be doing some of the basic HR/finance functions for it. They should decide how they spend their money - but you can look out for legal risk.
- How all staff in the institution respect the belief that student autonomy is vital to a healthy relationship and an authentic student engagement strategy – even when that means student views disagree with the institution's view.

Executive Summary

Executive Summary

Key findings

- The **status** of students' unions is often unclear in smaller unions. This lack of clarity raises risks on oversight, accountability and financial decision making.
- **Union/ university relationships** are often based on informal structures which, whilst helpful, are often not sufficiently resilient.
- Genuine **student engagement** practices, that is to say the amplification of student voice, was seen as an area of strategic importance for trustee boards requiring significant improvement if unions are able to harness their ability to support change in student experience.
- **Diversity** of student representatives (and therefore diversity of trustee boards) is a challenge due to the small pool from which to recruit and there can also be particular challenges resulting from the demographics of the student body as a product of their geography or industry. Unions wish to be diverse and representative but this can be a struggle using conventional resources.
- There are unions where advice or representation is described as **independent** but in practice is under the same systems as the institution, which could cause issues during complaints processes.
- **Scarcity of resources** can drive innovation; it also can drive a reliance on minimising cost rather than a broader balance of cost and opportunity. Ensuring a well-resourced union is likely to drive substantive improvements in the student experience.

Staffing in students' unions

- **Staffing oversight**, especially where employees are expected to work across both institution and union, can be unclear
- There is heavy reliance on the most **senior students' union staff member** and their role is extremely broad whilst often commanding a relatively modest salary in return. There is a mismatch between expectation and reward.
- This **reliance** can often be seen in the passive way that board members interact with senior staff, receiving information rather than initiating and driving discussion.

Board processes

- Support is needed for **board processes** to relieve the burden on administration but also to help decision makers focus on key areas.
- **Compliance and performance** areas often need improvement – there is a focus on reporting rather than preparation or mitigation in many cases.
- There is a tendency to focus business on **operational rather than strategic** matters; more on activity and outputs than longer term impact.
- Board members feel that they are not positioned to add value and provide **direction for the students' union**.

Methodology

Methodology

Primary research

In order to explore the governance practices in some of the smallest UK HE students' unions, GuildHE and NUS Charity identified 7 students' unions who would be the subject of primary research.

This was to deliver the following research objectives:

- To review the applicability of the relevant sector Codes of Governance in the context of the capacity of these students' unions
- To identify and understand the key factors influencing and inhibiting effective governance for small students' unions in the context of the Code of Governance and the Education Act 1994.
- To provide the sector with core resources and guidance to support effective governance for small students' unions and their respective institutions, including good practice for institutions fulfilling their obligations under section 22 of the Education Act 1994.

The participants covered the different nations of the UK, various models (fully independent, not at all independent and hybrid) as well as different institution specialisms (agricultural, conservatoire, Cathedrals Group members and vocational led). The full list of participants is set out in the appendices.

Unfortunately, as the project progressed, one of the Institutions was unable to meet the project timescales and as a consequence, the research is based on input from 6 participants out of the 7 initially planned.

The primary research comprised a series of semi-structured interviews based on the principles set out in the sector Code of Governance, involving the following key personnel from each students' union and institution:

- The most senior/lead staff member in the students' union
- The Chair of the students' union Trustees Board (if applicable)
- Up to 2 elected student officers

- Up to 2 lay (or external) students' union trustees (if applicable)
- Up to 2 student trustees (if applicable)
- Up to 3 engaged students
- Up to 2 members of institutional staff with critical links to students' union governance and student experience. (Postholders varied – some were line managers of students' union staff employed by the institution, some were members of the Trustee Board, some were key links between the students' union and the institution).

Not all unions were able to provide contacts or time for interviews for all of these areas but we feel a wide spread on input was available to us.

In addition, the lead/senior staff member was asked to complete an initial questionnaire which gave the researchers data regarding awareness of the Code of Governance, presence of basic governance recommended practice (documents such as governing document, role descriptors, conflicts of interest policies, financial procedures, safeguarding policies) and also a view of the effectiveness of governance across key trustee responsibilities such as finance, strategy and compliance.

Secondary research

A review of the 6 students' unions governance documents, agendas, sample board papers and policies was undertaken in the context of the prevailing Codes of Governance along with existing sector guidance and good practice. The students' union Code of Governance and the Charity Governance Code for Smaller Charities were used as a framework to aid identification of themes and sector good practice shaped many of the recommendations.

Independence, Legal status and Compliance

Independence, legal status and compliance

We found the relationships between unions and universities were generally very positive and based on a desire for student focused improvements. Much of the concerns we raise below are based on considering what would happen if that relationship broke down or an external body raised a compliance question where the lines of accountability are unclear.

Across the cohort interviewed there were a range of approaches to the legal status of the students' unions and the level of independence from their partner institutions. This was far more varied than larger students' union where the approach is relatively uniform; students' unions are independent charities with their own trustee boards and arms-length regulation with the university.

Students' unions' status is governed by two main acts, the Charities Act 2011 and the 1994 Education Act (some will also be subject to company law where incorporated). We aren't offering a legal view on this legislation and, because the 1994 Education Act is untested in the courts, discussion of it is often approached with caution. However, to discuss the complexity of the different approaches we found, we believe it is useful to outline these acts in relation to students' unions.

Charities Act 2011 and exempt status

Students' unions were recognised as charities before the 2011 Charities Act. They were exempt charities and so did not have to register with the Charity Commission. However, they still complied with the expectations of a charity in relation to governance. This applied across the sector from the smallest unions to large ones with turnovers of several million and large trading arms. Trustees of students' unions were normally made up solely of student officers but still had to exercise the duties expected of

trustees – including areas such as long-term sustainability and appropriate use of resources.

As part of the 2011 Act students' unions lost their exempt status and so registered with the Charity Commission. Any charity with an income over £5,000 (or if they are a Charitable Incorporated Organisation) does so. In some cases for the smallest students' unions in the UK they will not have this £5,000 income and so will remain exempt – though it is hard to see how they are not still charities if their larger scale partners are too.

The 2011 Act expects the trustee board to have control over the administration of the charity including its finances and legal activity. They may choose to share functions, space and resources with other organisations (and students' unions often do this with the university) but ultimately the decision to do so rests with the union trustees.

The 1994 Education Act

Some institutions in the research do not view their unions as separate from the partner university, treating them as a department. As mentioned, the 1994 Education Act is untested in the courts but one thing that seems uncontroversial is that it describes a students' union and a university as separate entities. Section 22.2 of the act requests that the university ensures a range of compliance that broadly protects student interest (such as a limit on the terms of full-time representatives, the requirement for full suffrage in elections and transparency with finances). However, these are usually exercised through adherence to the union's governing documents and soft power approaches from the university towards the union.

Oversight and compliance risks

Where the relationship between the institution and the students' union is unclear there are a number of potential risks. If compliance is not followed in an area it is important to know who is responsible for this. An example could be a students' union that is treated as an institution department but has a constitution that requires it to have a trustee board in ultimate control. Alternatively a union could be in a situation where their expenditure could be halted by the university even when authorised by the trustees.

There are also concerns about the use of policy and the exercise of general compliance duties. Partly as a result of the low capacity, many students' unions used their institution's policies and procedures. The concern is that where accountability is unclear, decisions or oversight may fall between the organisations, especially when a heightened risk is involved.

Consider a mountaineering society which operates as part of the students' union. The union does not have a board and is treated as part of the institution. Is the institution's audit and risk subcommittee monitoring the society's activity? Is the expectation that the officers have oversight of social activity? If a student does not want their data shared with the students' union when they join an institution, can the data policy deal with this situation?

In some instances, unions we interviewed did not have significant control over their finances. This questions whether the trustees can fulfil their duties to ensure that resources are properly allocated for their charitable work. It also means that there is no ability to put money aside for strategic projects that would enable the union to grow or develop new initiatives for students or that built capacity.

The forthcoming Freedom of Speech (Higher Education) legislation may again create areas of confusion. Who makes the decisions for a society on who they can invite to speak? If the union does not have oversight over these processes and a complaint is raised where does the penalty lie?

Risk monitoring was an area that was generally ambiguous in the research. It would be a shame if events and activities did not happen as a result of risk aversion and if nuance was lost for students such as in the data storage example. The use, suitability and oversight of policies and procedures should be an area of work for smaller unions and their institutions. This could mean separate but similar policies for each organisation or a shared policy across both that properly considers what has to be different for union activity.

Independence risks

The general sector view of students' unions is that they are separate organisations. The role of officers in giving a learner view is seen as being critical (often in both senses of the word). In the area of advice too, the fact that a student can be supported in their academic appeal by an advisor from the students' union is seen as beneficial. Within our cohort of interviewees this was also a common view, and the advice and advocacy of the students' union was often advertised to students as being independent.

If the students' union's advisors are employed and managed by the institution to what extent can they be said to meet a test of independence? Staff support for union officers are often employees of the institution with additional roles within student services. Their job descriptions are often vague about how their workload is set, especially in their split role. This may not cause concern where no issues arise but if there is a conflict that needs to be resolved a lack of clarity on this separation may lead to further problems.

Our thought experiments took us to a situation where a student officer wishes to complain about the university's student services strategy. This is led by the head of student services. The officer can call on a staff advisor to help them organise their arguments and research what happens elsewhere, but the advisor is managed by the head of student services. The extent to which the advisor can manage this conflict or

can be directed to undertake work by their officer rather than their manager is unclear. A second possible scenario is a student who is upset with their course. They complain to the university with support from what is described to them as an independent advisor from the students' union but is, in fact, a staff member in student complaints. They are unhappy with both the outcome and the advice they are given from the "students' union". They complain to the OIA about their original issue and want to use the 1994 Education Act provisions to say that they are upset with the students' union too. It is hard to see how this can be dealt with in a way that will not cause additional complaint to the student and the perception they have not been offered the independent advice they sought.

Strategic development is a key responsibility for any governing board, and while the strategy of the students' union and the institution will often be aligned there may be times where student interest and institutional interest are approached from slightly different angles. As learners are increasingly demanding of their institutions it is important that their representatives (and representative organisations) are able to support them and help parent universities and colleges improve.

If a student officer is a paid employee of the institution, it may be harder for them to speak out on behalf of their members. It is more difficult to speak truth to power when it is that power who ensures that your rent is covered. There may also need to be greater leniency for officers to complain, in public, about actions of others compared to other staff members. Student representatives may need to be able to offer criticism and reveal uncomfortable truths that may be considered "reputational damage" to reflect student views.

An officer or officer team that cannot demonstrate independence is in danger as being regarded as toothless or impotent by the student body. This leaves students without a champion, but also creates difficulties for institutions that cannot rely on student officers to collate views or offer leadership on solutions for their peers.

Reflective questions:

- Is there an agreed memorandum of understanding between the students' union and the institution where staff are located in the students' unions but officially employed by the institution?
- Is there a jointly agreed policy on budgets and expenditure levels and in what circumstances the institution can intervene?
- Are there clear policies for data protection and health and safety where the students' union is formally part of the institution?
- How does the institution know the extent to which they comply with section 22 of the Education Act 1994?
- Where the students' union uses university policies, have you reviewed the policies to see where there are conflicts or risks?

Proposed work to be included in the resource

- Support for unions and institutions to provide clarity on their status and what this means for accountability, control and the use of policies.
- Support for use of shared staff including the management of their workload and development.
- Example memorandums of understanding for the allocation of budget and oversight of expenditure.

Staffing

Staffing

Overreliance on key staff

Small and specialist students' unions rely heavily on either their sole staff member or their most senior staff member regardless of their job title (of which there are many). All stakeholders acknowledge that these roles are the lynchpin for the success of the organisation; potentially the single point of failure or success. *"We're very reliant on X, they prepare everything for us, we would be lost without them"* (Trustee Board member).

These senior staff reported feeling vulnerable in terms of how much is placed on their shoulders. Role descriptions are extremely broad and often include everything that a much larger students' union would expect of their Chief Executive (finance, HR, student voice, advice, officer support and governance for example) whilst offering a modest salary and often targeting someone looking for their first senior role. This relative inexperience means that many do not have strategic development skills which are in demand for these students' unions.

In addition to trustee boards' and officers' reliance on senior staff, universities often measure engagement with the students' union in terms of the level and nature of engagement with the senior staff member, seemingly placing more emphasis on this than in larger student organisations. These appointments are critical and yet there is a huge variation in how the postholders are inducted, developed and supported and who takes responsibility for this.

Who oversees key staff

Where the staff role is employed by the institution it is often unclear as to who directs the staff member's workload. Is it the students' union board, is it their university line manager, is it the officer team? To what extent are these objectives driven by student need or by university strategy? There were few examples of these objectives deriving from trustee board strategy or from evidence-based insight into student need. These staff however, did seem to

have better experiences of induction and more structured access to development, though this was largely funded through separate university budgets.

Where the students' union employs the staff member directly, it is usually much clearer who is responsible for objective setting; although the process is inconsistent within this cohort too. Many board members seemed unsure how to do this well. Induction was patchy and there were few examples of collaboration with or support from the university in this, despite the risks to the institution arising from poor induction.

Supporting staff

Poor people management processes can leave staff feeling unsupported and demotivated resulting in absence or, more likely, employee turnover. Alternatively, of course, a lack of adequate support can lead to poor performance, toxic work environments and potentially serious governance and compliance risks with a senior staff member operating unchecked.

Good human resource management practices can enhance engagement, performance and commitment. Not only do small and specialist students' unions struggle with expertise in these areas, their resources are minimal with student facing expenditure and other fixed costs taking priority over the recruitment and development of senior staff. It is worth noting that at least two of the students' unions in our research were towards the bottom of the lowest quartile of institutional grant per capita according to the NUS Survey 2021.

Salary levels are comparatively low and respondents reported finding it difficult to attract the breadth of skill and knowledge required for these critical roles. The project cohort had many examples of talented early career leaders; in these cases respondents noted that retention of great staff was a

concern and a challenge as a result of role expectations not matching the financial reward.

What is clear is that university colleagues recognise that they have a role to play in ensuring that this students' union senior role is well supported and that perhaps not enough attention has been given to this previously in order to ensure success and mitigate the potential risks if they don't.

As noted above, role descriptors are extremely broad; particularly where the students' union is an independent body. Independence often means having their own HR and finance infrastructures which the senior staff role is expected to be able to run and in some cases do themselves. Roles can be very admin heavy and yet, often, the students' union is reliant on them to provide the strategic drive as well as this operational and compliance delivery. Interestingly, independent students' unions tended to report greater focus on compliance for the students' union than those who were not; this seems likely to be due to reliance on the university's existing compliance frameworks.

Reflective questions:

- Does your 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?
- Who is involved in the induction 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?

Proposed work to be included in the resource

- Explore small and specialist shared services models
- Job description templates
- Models for providing additional capacity
- Guidance on how to contract for external resources/ capacity
- Networking for small and specialist students' union officers and staff members
- Guidance on setting objectives and conducting performance reviews
- Templates for senior staff reporting to board

Hierarchy of Governance

Hierarchy of governance

In the following sections we have presented our findings using the Hierarchy of Governance (Hudson & Ashworth, 2012). This sets out four areas that can improve board governance: structures, processes, meetings & behaviours.

Improvements in structures and processes are easier to achieve but have a lesser impact on the effectiveness. Behavioural change is the hardest to achieve but offers the greatest rewards. In collating the research we noticed some trends of board performance that fitted into these areas.

Structures

There was wide variance in the naming of the key compliance meeting for the students' union, but we were usually able to identify this whether named steering committee, advisory board, governing council or something else. For this purpose, we refer simply to the board. As discussed in the legislative section, the level to which independent activity could be undertaken by these boards also varied widely.

The use of sub-committees was extremely limited which is perhaps not unusual given the size of the organisations. Expectations in the current governance code on the use of sub-committees with delegated authority are not as applicable. In the absence of supporting governance structures for the board many of the oversight and compliance work was led by staff rather than, for example, an audit or finance subcommittee.

As in larger unions, some had non-students chairing the board and others had an elected representative taking this position. Around 25% of students' unions have a non-student chair according to research from 2019. There are pros and cons of each model – both types of chair will need support and training usually on the students' union context or the general charity trustee chair requirements. In smaller unions with limited capacity for officers in their representative work and fewer opportunities to develop trustee leadership skills, the case for a

non-student in this role may be higher but ensuring that the board remains student led will need to be addressed. A common theme however was that officer chairs were rarely given specific training or guidance before starting their role and that where the officer as chair was successful it was more luck than by design.

The approach to board composition in larger unions is relatively set across the sector – with approximately equal numbers of officer, student and non-student trustees. In some instances (around 20%) there is a university staff member or appointee on the board. Several unions in the research had more than one university staff member on the union's governing body. This further confuses the level of the union's independence and if something went awry, it may be hard for the institution to argue it was arm's length when it has several members on the union's board.

Apart from the issues of independence of the union and the risk that there may be unconscious restrictions to free conversations, this presents conflicts of interest for those university staff members. They have to work in the best interests of the union and this may be at odds with their professional life at times. There is a risk that institutional voices may dominate the discussion, especially if a strong disagreement occurs and also that student voices may be inhibited. While the close working relationship with the institution is both positive and perhaps even more important for smaller unions than larger ones these dynamics should be considered.

Some unions have an unusually large number of alumni on their boards or specifically recruit from previous officers. While this had the advantage of understanding the culture of the institution and the positions that the representatives find themselves in, the lack of broad expertise is a risk – one that was often identified by the unions and trustees themselves. Additional work on how to recruit lay members into smaller unions may be

required, including expanding the networks that will be used.

Processes

With the pressures of everyday activity for both staff and officers in unions made worse by a context of limited resources and time, it is no surprise that many reported that support for the board was often at the bottom of their “to-do” lists. Faced with a student in crisis or an imminent university meeting to prepare for, thinking about the strategy paper for next week or board effectiveness, it is not unreasonable to put it aside. However, we believe adequate time and support for governance processes is vital to allow unions to operate effectively.

Independent or lay trustees

The experience of trustees and foundations for effectiveness starts with the recruitment & induction processes. Recruitment of lay trustees was often a struggle, with a strong dependence on the alumni networks of the parent institutions. Recruitment agencies were often costly, there was a lack of internal capacity to properly assess what was needed and so there were issues at the scoping stage.

Once recruited there were attempts at training and induction, though these often focused on trustee basics and a context for the union. It was difficult to find times to undertake this as a group and so some of the dynamics and focus on collective decision making was not embedded. Training tended to be led by senior union staff or using local providers who gave a general charity trustee induction but not considerate of the students’ union context (e.g. the high turnover of trustees, political context and unusual relationship with the major funder).

Trustees and staff saw the need for training and valued it but continued development opportunities after induction are rare. This led to some gaps in knowledge not just about governance and trusteeship but also around specific duties and compliance requirements; for example board members were not aware of requirements for serious incident reporting or

what was acceptable in terms of political activity and campaigning. Established non-student board members were well valued by their unions and retention of them when in place was seen to be a priority.

Effective meetings

Ongoing meeting support was generally provided by the union staff member or a member of the university. They often have multiple roles here – setting the agenda as well as providing the information for trustees and then preparing the minutes. As well as being difficult to do these three roles it could also lead to problems if, for example, discussions that need to be had are not on the agenda or there is a conflict in the official record. The chair and others were rarely included in agenda setting or thinking about the cycle of business for the year.

Cover sheets and paper templates that help to provide the context and provide clarity for the decisions of the trustees were not often used. Paper distribution was often relatively soon before meetings. In one case the union reported that they deliberately held their board meetings in the university holidays to provide capacity for the staff member supporting the board, so discussions were not driven by the reporting or financial cycles or the needs of the organisation but the operational ability to send out papers.

Standards of governance practice were missing from many unions in the research – processes such as risk registers, eligibility checks for trustees, skills audits and schemes of delegations were absent. When probed about important policies such as safeguarding or conflict of interest trustees were often unsure of what was in place, especially for student members. In some cases boards used the policies of the university or college in these areas but this was not always clearly evidenced. External audit or review was lacking and if the union was included as part of the institution’s audit the findings were not always reported back to them.

There was a reliance by trustees on staff members to have oversight of compliance issues and provide information for board decisions. No trustee felt they had sufficient foresight on upcoming issues and many reported a sense that they simply “did not know what they did not know”. Independent advice to trustees was rarely available and external members relied on their experiences in other charities and organisations. Sometime areas of concern were identified but not probed further due to lack of time or information.

Ensuring the board’s decisions were student focused mainly relied on the input from students and officers. This was mainly anecdotal (though still broad and welcome) and there was very little access to data to support decision from within the union or access to the university’s systems.

Board effectiveness

Unions reported that they had little capacity for ongoing review of board effectiveness and performance. Knowledge of tools, including the Students’ Union Governance Code, was poor though when questioned about this work it was agreed that it would be useful. Some members of the research considered reviews of board effectiveness to be focused on board composition (for example, the number or make up of alumni trustees) rather than considering the processes or culture in place for existing members.

Staffing issues are covered more broadly elsewhere in this report, but in consideration of the senior union member’s direct oversight by trustees there were several areas for improvement. It was unclear what support and development opportunities were in place for them, and appraisal or objective setting was often absent or did not include the union board at all and was led by the institution.

Trustees understood the need for their staff members to be encouraged and have proper management but they weren’t sure how to do this. They showed an appreciation and kindness for their staff but officers in particular were

unsure how to give them the practical aspects of support they needed.

Strategic engagement and planning

The research showed that where plans were in existence, they were often annual workplans for staff and elected officers rather than strategic plans. Boards in the main seemed to have a short to medium term approach focused on activities and tasks.

In most cases the board were not involved in the development of these operational or strategic plans; in some cases the board did not know how the plans had been developed “*I don't know how the strategy was developed - the staff member does that*” (board member) and in others the board did not know the extent to which the plans were based on student needs or insight.

There were examples of workplans that were based the objectives set for the lead staff member by their university employed line manager with no input from the board or elected officers. “*The board does not lead the work of the students’ union*” (staff member). In addition, both board members and staff members noted that horizon scanning was left to the senior staff member and as such they were reliant on their proactivity and connections.

Where strategic plans were in place, officer board members noted feeling that they were the same as other students’ unions and not specific enough to their students.

Respondents also felt that where there were strategic plans, little time was spent on monitoring progress. Key performance indicators existed both for students’ unions with plans and without strategic plans; these were often based on outputs such as numbers attending events or training.

Meetings

Acknowledging that there are different models of students' union governance and different legal structures present in the research sample, experiences of board meetings did not differ greatly within the research sample.

The evidence showed a tendency in most (but not all) case study students' unions that meetings focused on operational and immediate matters rather than strategy. Respondents noted that the board received reports on the inputs and outputs of activity in the main, as well financial reporting and that items relating to longer term planning or direction were rare unless focused on future legal structures. This was particularly the case where the students' union was not a separate legal entity and also where there no staff members or board members who had experience with students' unions previously.

Where staff members either had no strategic delivery experience or, more commonly, no capacity to do this work this issue increased. Staff and officers have no headspace or time to think about strategy so can't produce papers for the Trustees who in turn don't have the opportunity to set a long-term direction. The Unions are concentrating on surviving before thriving.

Where this was not the case, the encouragement of more strategic conversations were often reliant on the lead staff member and/or a particularly experienced lay (external) trustee.

As a consequence, interviewees noted that meetings often could be mechanistic and very dry; board members noted feeling that they were not positioned well to add value and give the students' union direction. Coupled with perceptions of inadequate training and "*not knowing what you don't know*", there is a real danger that boards may not be equipped to deliver the organisation's purpose as effectively as the Code of Governance would expect.

Meetings are often quarterly, driven by organisational need and resources; these continue to be online in the main. Respondents

noted that whilst they understood this, it hindered the creation of effective relationships between board members and with staff members, meaning rapport, trust and engagement were held back. This in turn discourages more challenging, generative and strategic discussions.

Where boards had access to lay members, the infrequency of meetings left respondents feeling that the students' union did not get maximum benefit from the expertise and guidance that these members can bring. In many cases, respondents noted the talent of officer and student members of the boards; however there was a perception that, often, they were not able to contribute effectively in meetings because of inadequate training and support.

In most cases, officer and student board members were less likely to have had any prior understanding of what it means to be a trustee and what an effective role could look like.

Where there was prior experience of governance in any form, these board members appeared to contribute more and said they felt more confident in their roles.

As with many students' union's regardless of size, the experience of officers chairing boards varied immensely and this had an impact on the effectiveness of the meetings themselves (see above).

Almost all respondents understood their roles in relation to financial prudence and sustainability. This translated into discussions and monitoring of budgets and spend rather than examination of costs in the context of balancing those with benefits or opportunities and therefore making strategic decisions. Resources are so scarce in small and specialist students' unions and there is a real reliance on minimising cost and finding innovative ways to achieve objectives cost effectively.

Behaviours

Whilst there were varying degrees of understanding of the role of trustees and what good governance means in the context of students' unions, most board members had

common interest in supporting students and wanted to do the best job they could do. They were hindered often by lack of knowledge regarding the purpose of the board, the role of trustees and for some, the role and purpose of students' unions. Respondents noted that many board members "*don't know what they don't know*" in respect of their roles, of good governance practice, of what good students' unions look like.

The question of balance arose in relation to both numbers of alumni trustee board members and university nominated trustees. Staff and board members saw real value in having the insights from alumni and from university staff. They did however note some of the challenges they presented in relation to board culture and behaviours, largely as a consequence of the number and resultant reliance on them.

In students' unions where there were large numbers of alumni board members (or where the lay members were drawn exclusively from this pool), respondents noted a sense of this shared history sometimes holding back change. In the same vein, where there was more than one university nominated member, respondents noted "*inevitable conflict of loyalties*" (as noted by an officer board member) resulting in a perceived dampening of focus on the students' unions specific purpose and objects.

It was noted by some board members of independent students' unions (trustees) that as a result of the small staff team and lack of overall resources, greater involvement in day-to-day challenges was often needed from lay trustees. Examples of issues that trustees were getting involved with include: HR discipline and grievance, relationship building advice, crisis management in finance.

In some cases, it was noted that trustee boards had developed a passive culture where they relied heavily on students' union staff members to bring information or to initiate decisions. This was particularly the case where the Board largely comprised of inexperienced trustees. (Or in some cases, exclusively).

Students' union boards were designed to maximise the positive impact of diverse perspectives and skills. The students' unions involved in this project amplified some characteristics of Boards in larger student organisations, in that there seemed to be varying degree of understanding of the role of students' unions with most consistent levels of understanding coming from students' union staff and elected officers. The degree of understanding seems to have a direct impact on the likelihood of a Board taking a more strategic perspective and setting direction outside of day-to-day activity.

Staff and officers noted a number of examples of really proactive and supportive lay trustees who actively promoted the students' union on social media and in professional forums as well as those lay trustees who made a point of regularly checking in from a pastoral support perspective.

There were a number of examples of student officers noting isolation in their roles and how this then played out in relation to the trustee board. They often cited lack of networks outside of their institutions (or at least lack of awareness of any existing networks for officers in their position). Indeed, the traditional officer teamworking relationships with staff and trustees seemed to be much more individualised in the students' unions involved in the research.

That is to say, officer trustees were more likely to report working directly with staff members than working with their officer colleagues as a team to deliver their objectives or the students' union strategic objectives.

Reflective questions

- Have you reflected on the purpose of your board and therefore considered the ideal make-up in terms of mix of students' union officers, students and independent members?
- Does your board focus enough on strategic issues?
- Is there an induction and ongoing development of trustee members, including the chair?
- When recruiting trustee members do you use a skills matrix for independent trustees?
- Does the board have a risk register or scheme of delegation?
- Are board meeting discussions sufficiently challenging to support good decision-making?

Proposed work to be included in the resource

- Tools to help reflect on board structure and what could be useful for unions to achieve their goals
- Support for unions to plan a cycle of work for the board and find capacity to support meetings
- Templates for board papers and cover sheets
- Simple templates for key documents including delegation frameworks, skills audits and risk registers
- Standard concise training resources (chairing, questions to ask, signposting to CC guidance)
- Revision of the code for small and specialist students' union
- Guidance on team objective setting for officers
- See guidance on recruitment of trustees (in order to get broader skills and experiences)
- Resources to help objective setting and support of senior staff members

Diversity

Diversity

The recent review of the Voluntary Sector Code of Governance placed even greater emphasis on Equality, Diversity and Inclusion, recognising the moral and ethical responsibilities of trustee boards in this area. The evidence points to the fact that having a range of different voices as part of the decision-making process enhances effectiveness and builds trust. For membership organisations such as students' unions in particular, there is a need for the beneficiary voice to be heard clearly and that this voice is reflective of the different types of students at each institution. We speak of hard to reach, traditionally unengaged or marginalised learners, but whatever the term the importance of listening to all students is widely accepted.

In cohort unions and institutions, we saw a desire to try and diversify their boards and organisations – they were aware of issues and tried to undertake initiatives where possible. There were often representative structures that sought to engage with marginalised students.

Challenges for smaller unions

In smaller unions, there are specific challenges however, that their larger sister organisations in the sector do not have. Students' unions have famously diverse trustee boards due to their high number of student members, who tend to be more diverse than the general population. However, in the case of some smaller unions, the student bodies themselves are not diverse, especially where they are vocational and their industry has challenges.

To give one example for the agriculture industry, there are campaigns to improve the number of black farmers and organisations such as Agrespect do the same for LGBTQ+ agricultural workers, but where the number of people studying to work in these industries is so low it is sometimes difficult to have representatives or projects for them. One union outside of the research project commented that they had two black students at the institution and so electing one student to represent the other seemed somewhat ridiculous. Institutions with a high number of local students could find

it difficult to have a diverse range of volunteers or representatives where the local area was itself lacking in diversity.

Some unions develop such an association with the industry that they are part of that they found it difficult to consider trustees from outside of it to improve diversity. If the performing arts industry struggles to include disabled performers and a creative arts union only seeks performers to be part of its board then they will not be able to build the diversity they seek.

Specialist institutions may also have unusual demographics. Members of one cohort union described their demographic as being around 50% commuting students who were broadly in lower social economic classes but wanted to access the university for its geography, and 50% students who were coming to do a masters for the institution's prestige and tended to be richer. Supporting this student body would be a challenge for a highly resourced students' union, let alone one with more limited means.

Barriers to engagement take time to be removed, working with marginalised communities generally and students from those communities as individuals. Where the institutions offer mainly one or two year courses the window for this engagement to take place is dramatically reduced, making it harder still for barriers to be removed.

Appreciating what being a Trustee entails is a challenge for recruitment or election of student trustees in many students' unions. Explaining the position's responsibilities for organisational leadership rather than representative leadership is something many struggle with and smaller unions are no exception, especially where the board may not always practise some of the same level of compliance and oversight tasks compared to larger students' unions.

Work being undertaken

Given the above, unions often promoted projects that emphasis “allyship”. It is often harder for the unions to quantify this work however in terms of impact or evidence what they were doing. Unions rarely undertook diversity audits of their boards or work through a lack of capacity. Some unions did work with their institution on schemes such as the race equality charter but felt that they would never be able to achieve a level beyond satisfactory because they did not have the time to dedicate to these projects. Specific EDI plans and strategies were extremely limited among the cohort.

Some unions had considered the ways they could open up their structures and processes for a more diverse range of trustees such as using online meetings and changing the timings for meetings as well as whether appointing student trustees could improve diversity because a student wouldn't need to undertake an election to be part of the board.

Reflective questions

- Do you know whether there are particular protected characteristics that are not regularly engaging in the students' union?
- Do you track the demographics of trustees?
- Do you know whether board members feel the board and its meeting are accessible and inclusive?
- Has the Board had any training on diversity and inclusion?

Proposed work to be included in the resource

- Templates to support unions in the recruitment of lay (external) trustees, especially with a consideration on diversity
- Signposting to existing recruitment resources on diversity on boards
- Examples of online data gathering tools to assess diversity on boards and within structures
- Templates to explain the student trustee role to aid recruitment / candidates for election

Relationship Culture

Relationship Culture

Throughout the project, both unions and university staff shared examples of great relationships between institutions and the respective unions. These relationships often appeared to be friendly and helpful, frequently based on strong but informal individual relationships and sometimes due to proximity (working from the same offices or because of departmental line management structures where students' union staff were employed by the university).

Where these relationships had improved over time, strategies to support this included authentic and honest dialogue directly between students' union staff and officers and university governing bodies; for example, presentations that shared the challenges and objectives of the students' union, not just activities or successes.

There were, however, challenges identified and, notably, a view that these relationships were underpinned sometimes by a feeling that the students' union had little power to influence change that would add real value to the student experience. This view came from university staff as well as students' union staff, officers and trustees. Respondents talked about the extent to which student voice within institutions might be performative and how deep and genuine student engagement should and could develop. However, the research found that, in most cases, there was a real willingness to shift in order to impact positively on student experience.

University staff acknowledged that just having students on committees, seeing "*positive and fluffy reports*" (as noted by a university staff member) is not enough and that on occasion, the intentions of university governing bodies was not "*trickling down into what happens on the ground*" (also noted by a university staff member and students' union trustee) when it comes to student voice.

In one example, a student officer talked about it not being their place to raise concerns with the institution about the impact of COVID rules on students; that it was "*a conversation that*

takes place above my head" and that they did not feel equipped to act in that role. Students' union staff, officers and student trustees noted frustration at not being able to influence change for students. There was a sense that conversations were "*at surface level*" (student officer), that they were "*treading on eggshells*" that "*lip service*" was being paid to the students' union's voice and that, in one example noted by an students' union staff member, there was a greater focus on "*reputation and potential litigation rather than listening to and acting on legitimate criticism or concerns*". This led to officers reporting feeling disengaged on occasion and undervalued when they felt they could support improvement through evidence-based student voice.

Student voice was described by both university and students' union respondents as crucial for any institution that was focused on student need leading to genuine collaboration whilst also enabling the students' union to act as a valuable critical friend. Indeed, in some examples, reference was made by university staff and students' union staff to the culture "*improving*" as a consequence of change in leadership or strategy with things being "*much better than they used to be*" and an evident drive to be more consultative.

The potential contribution of student organisations was described by many respondents; representation, advocacy, wellbeing, community building, leadership opportunities for example. It was noted by some respondents that despite the very limited resources of small and specialist students' unions, they were expected to deliver services in all of these areas, particularly by university departmental colleagues.

Understandably, institutions are mindful of their financial oversight responsibilities under the Education Act 1994. It is no surprise therefore that when finances (and linked, any commercial activities) are problematic in any way, there is an impact on the tone of the students' union/university relationship.

Reflective questions

- Is the role with oversight of the institution's relationship with the students' union the right role and do they have the knowledge they need to do this well in light of the institution's responsibilities?
- Is there a robust memorandum of understanding between the students' union and the institution?
- How does the institution's governing body interact with the students' union, what is the relationship like? Does it support genuine student engagement?
- Does the senior staff role do both the clerking and secretarial work for board and is this sustainable?
- Have you considered holding joint Trustee/ university governing body away-days?

Proposed work to be included in the resource

- Clarity on role of university nominated trustees
- Template for block grant bidding
- Guidance for effective students' union/university relationships (based on existing guidance but with a focus on practicalities)
- Templates for compliance reporting / data sharing and MOU's with university
- Annual university/ students' union review format

Other resources:

- Tool to help them signpost to demographic data (better understand their members)
- How to do an external three yearly review of governance
- How to do an annual review of governance
- Recommendations for the sector on the code
- Model for stages of students' union development
- Quarterly trustees guidance newsletter from NUS

Appendix: Tools and references

Codes

Charity Governance Code

<https://www.charitygovernancecode.org/en>

Micro Charity Governance Code

<https://www.ncvo.org.uk/help-and-guidance/governance/board-basics/tools-and-guidance/charity-governance-code-guide-for-micro-charities/#/>

Students' Union Charity Governance Code (for NUS Members)

<https://www.nusconnect.org.uk/resources/the-su-governance-code>

Governance Models

Delivering Effective Governance (with the Hierarchy of Governance included)

<https://compasspartnership.co.uk/wp-content/uploads/2019/12/Delivering-Effective-Governance-pdf-download.pdf>

Student Engagement

GuildHE & The Student Engagement Partnership (TSEP) Report, Making Student Engagement and Reality: Turning theory into practice (2015)

<https://guildhe.ac.uk/making-student-engagement-a-reality-turning-theory-into-practice/>

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