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## INTRODUCTION

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This report has emerged from an intensive period of close collaborative working between the University of Warwick and its Students' Union. Whilst covering a time span of around nine months of activity, it actually represents the product of considerable earlier work and also forms the basis of ongoing discussions between the Union and the University.

The report focuses on a series of visits to other institutions, includes an examination of different forms of collaboration at Warwick and offers a range of pointers and issues to consider for others going down this road. Along our journey, we have been privileged to meet with a wide range of individuals at all levels within universities and students' unions and their comments, observations and input have been invaluable in shaping this document.

The project team's visits to other institutions, the Seminar Day in January 2006 and the invitations received to speak on this topic have all demonstrated the huge interest which exists in this area.<sup>1</sup>

Some of the key themes which emerged from the project and which are evidenced throughout this report include:

- Trust, mutual confidence, collaboration and sharing expertise are essential.
- Clarity about the strategic alignment of the two parties' interests is a key starting point. Beyond this, each needs to understand the other's perspective.
- Working together is about much more than improving the bottom line or efficient commercial development – universities gain many intangible benefits from a vibrant students' union.
- There needs to be clarity and real understanding of the meaning of formal agreements.
- Open communication channels are critical, and not just at times of crisis.
- Working together is in the mutual interest of unions and universities.

Legal developments in recent years and, although unresolved at the time of writing, the likely implications of the Charities Bill, seem to be pushing unions and universities apart. Whilst this may still be the right direction, structurally, in some cases our view is that all of the other factors highlighted in this report, including the critical need for sustainability of unions' operations, actually imply a strong need for closer convergence. Such convergence, we would argue, has to happen in terms of relationships and activities at least, even if it is not also structural. We are aware that our views on these matters are not uncontroversial. However, the only conclusion we can draw from all that we have seen and learned is that the university: union relationship is a vital but often underdeveloped and under-investigated dimension of higher education in the UK. But it is an essential feature of the landscape.

These remain therefore extremely interesting times for universities and unions. Our starting point was that university: union relationships matter. This project has reinforced that view immeasurably. They matter enormously to all involved in higher education. We hope that this report offers some assistance to those involved both directly and indirectly in university: union relations.

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<sup>1</sup> It is widely recognised that difficulties between a given university and its union is likely to repeat itself throughout the UK. A few recent examples of such issues are outlined below: 'Financial Row Engulfs Queen Mary Students', The Guardian 26 April, 2005, <http://education.guardian.co.uk/students/politics/story/0,,1470833,00.html> ; 'University Bails Out Student Company', The Guardian, 4 August 2005 <http://education.guardian.co.uk/higher/news/story/0,,1542645,00.html> 'Student Union to Defy Ban on Islamist Debate', The Guardian 20 September 2005, <http://education.guardian.co.uk/higher/news/story/0,,1573689,00.html> .

# 1 AIMS AND CONTEXT OF THE PROJECT

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The aim of the project was to continue and conclude a process of ‘developmental engagement’ between the University and its Students’ Union. This project, it was intended, would lead to a major development in the relationship between the University and its Students’ Union and contribute significantly to the development of institutional governance and management at Warwick.

The programme outcomes, as reported here, provide valuable relevant information and a transferable framework for other universities and students’ unions, many of which are known to be facing similar issues. The external elements of this project, that is Warwick’s Seminar Day and exploratory visits to a select group of UK universities and their students’ unions, are now complete. The internal component of the project at Warwick continues to make progress with definite end points in sight.

## Objectives

The original objectives as set out for the project are as follows:

At the end of the process the project will have:

- (1) Completed an extended dialogue between University representatives and SU Staff and sabbaticals.
- (2) Concluded detailed investigation of the opportunities for convergence in each of the following areas:
  - Support functions, from housekeeping and IT to HR and finance
  - Financial and financial reporting arrangements
  - Buildings usage and plans for major refurbishment
  - Representation, reporting, liaison and co-operation
  - Student welfare and support
  - Co-ordination of food and beverage provision on campus.
- (3) Undertaken detailed exploration of constitutional matters from the University and Students’ Union perspectives.
- (4) Discussed the means of taking forward the various elements of the *Framework for Good Governance* (the framework which structures the relationship between the University and the Union).
- (5) Reached a conclusion about the feasibility and desirability of closer structural alignment between the University and the Students’ Union and prepared formal proposals for consideration (a) by the student body at a General Meeting or through a Referendum and (b) by the University Council.
- (6) Examined examples of Union: University relationships from other institutions.
- (7) With reference to other institutions as appropriate, explored all legal issues around the relationship between the University and the Union including in relation to VAT, Corporation Tax, charities law, staff status and in respect of the Union’s subsidiary companies.

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- (8) Explored the implications for the University and Union if the Union's accounts were to be consolidated into the University's.
  - (9) Built stronger relationships between senior staff in the Union and the University's central administration.
  - (10) Produced a report on the outcomes of the project for the University and the Union which will be made available in appropriate forms and through appropriate channels to other institutions and students' unions.

## **Context**

Many of the issues under investigation were (and remain) potentially delicate and sensitive to Warwick's Students' Union and its members. It was seen as extremely important therefore that those involved in the project remained aware of the need to ensure that the student body, through its elected representatives, was kept properly informed about the progress of discussions.

The University of Warwick Students' Union is one of the largest and most active in the country. It has an annual turnover of in excess of £5m and provides services to 20,000 students, undergraduate and postgraduate, home and overseas. Beyond representation and communication with the University the Union aims to provide for the educational, cultural, recreational, sporting, social and welfare needs of its members. Employing over 100 permanent staff it has eight bars, five catering outlets and a number of large-scale event facilities, including three nightclubs. The Union supports over 200 student societies and more than 70 different sports clubs.

Recent history has seen ever closer collaboration between the Union and the University – most recently in relation to volunteering activity and through the formation of Warwick Sport.

In terms of volunteering, the HEFCE's Higher Education Active Community Fund-sponsored Warwick Volunteers programme is physically based in the Union, is built on pre-existing Student Community Action infrastructure and has successfully engaged over 2,000 volunteers in the past two years. With Warwick Sport the Department of Physical Education and Sport and the Students' Union have united their administrative operations in order that all University members can benefit from a more cohesive, cost-effective and user-friendly approach to sport. All members of the University and Union, including staff are entitled to membership of Warwick Sport (subject to an annual charge) and can then benefit from a significantly enhanced range of classes, sports therapy treatment, specific sports training and club membership, taking advantage of services provided by the Students' Union, the Sports Federation and the Department of Physical Education and Sport. Further details on Warwick Volunteers and Warwick Sport can be found in Section 3.

Earlier investigations into the relationship between the Union and the University highlighted a number of issues which have previously been explored at some length, including: the wide range of agreements, generally unconnected, which existed between the University and the Union; the limited oversight which the University had over the expenditure of the large annual allocation to the Union; and the minimal reporting arrangements which existed historically. Proposals approved by the Senate at its meeting on 18 June 2003 to begin to address some of these items sought to clarify the legal position of the Students'



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Union, to render more transparent the implicit 'compact' with the Union and established a framework to govern the relationship, the *Framework of Good Governance* (see Annex D). The essential spirit of this approach remains today, i.e. to ensure that oversight is sufficient and that the necessary safeguards and controls are in place to permit the Union the flexibility it wishes in delivering the services expected by its members.

It is important in looking at the context of this project to note the point made in the June 2003 paper to Senate that it remains:

*"in the best interest of the University to retain a strong and financially viable Students' Union."*

At Warwick the Union serves a valuable purpose to students in terms of representation, student societies and activities and general support. It is not seen to be in anyone's interest that the University should seek to manage directly the day-to-day affairs of the Union and it is essential that the Union's representational function remains entirely a matter for the Union and is, in effect, sacrosanct (although that does not prevent the University commenting on representational matters where this is felt to be appropriate or necessary). However, building on the *Framework of Good Governance*, the University wishes to ensure that, from 2006, additional fees income which may be targeted at student developments of various kinds has a real impact in enhancing the student experience at Warwick – at least some of these developments and expenditure will inevitably directly involve the Union. This therefore represented another key driver for this project.

The purpose of this project was to enable a detailed investigation to be undertaken and a dialogue sustained on possible additional structural change to the position of the Union within the University. One of the objectives of this approach was to ensure that additional expenditure and any savings which may be possible can be guaranteed to offer improved facilities, activities and benefits for students. Initial discussions, prior to the project's commencement and building on dialogue started several years ago, focused on the possible establishment of the Students' Union as a 'devolved department' of the University. However, the terminology seemed unhelpful for advancing matters, and also the concept and rules for a 'devolved department' in a Warwick context applies to *academic* departments. The proposal for the project therefore evolved into a 'process of developmental engagement' (a term borrowed from an entirely different context, the QAA regime, but nevertheless appropriate in relation to this process) which was concerned with exploring the same issues with a view to some convergence but without seeking to pre-determine a definitive endpoint.

This approach was believed to offer the best long term prospect in terms of ensuring the highest quality provision for students, retaining a sufficient degree of independence for the Union and enabling the University to exercise reasonable control over expenditure. It also appeared to provide the best route to guaranteeing that both savings and future allocations of additional income from fees would be duly spent on services and support, which were of direct and tangible benefit to students. The Union values its independence and the major challenge for the project was to develop an approach which protected the autonomy of the Union but established a new relationship with the University which was fit for the future.

Thanks to the resources provided to support the project by the Leadership Foundation, we were able to appoint a Project Officer, Dr Tom Bell, to undertake much of the detailed work, visit a number of other universities and unions, commission legal advice from Nicola Hart of Pinsent Masons, and to host a seminar day in January 2006 to share our findings and elicit contributions from participants from around the UK.

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## Project activities

In seeking to achieve the aims and objectives set out at the beginning of this section, the following areas were identified as the main foci for project activities:

- Building on and taking forward the *Framework for Good Governance*.
- Means of ensuring University confidence in expenditure whilst leaving the Union largely autonomous.
- Exploration of feasibility of shared provision of services, including personnel, finance, housekeeping, facilities and IT.
- Closer collaboration on food and beverage provision.
- How to permit similar levels of discretion and autonomy to the Students' Union as previously but within a clearer University framework.
- Means of ensuring that the democratic and representational functions of the Students' Union remained sacrosanct.
- Investigation of the positions of a reasonable sample of other Students' Unions in relation to their institutions through fieldwork by the Project Officer and members of the Project Steering Group.

## Activities outstanding

The project was ambitious in scope and, whilst many of the areas originally set out in the objectives were covered fully or in part by the project team, the following items have yet to be fully investigated. It is our intention to look at them but it simply proved impossible within a tight project timescale.

- Detailed advice would have to be taken on the issue of the status of Union staff (including TUPE and pension issues) in the event that the discussions lead to consideration of a possible change of primary employer.
- The details of the Union's subsidiary company structure need to be explored along with the implications for VAT and Corporation Tax of any changes which might be suggested.
- The implications for the University if the Union's accounts were to be consolidated into the University's (which some or many of the steps towards re-alignment would seem likely to trigger).

## 2 UNIVERSITIES AND THEIR STUDENTS' UNIONS – UNDERSTANDING THE RELATIONSHIPS

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As part of our review of the University: Union relationship and campus service provision, visits to five Universities and their Students' Unions were carried out. The visits provided the Project Team with valuable insights into how institutions were tackling practical and political issues and how they were planning for the medium- and long-term future. In addition to the specific issues highlighted below, the visits also served as an exercise in 'gauging the temperature' of relations between universities and students' unions throughout the UK. The participating institutions spoke to us frankly on many sensitive issues with the understanding that their comments would be anonymised and therefore the names of the personnel and institutions have been withheld. It should also be stressed that the items which follow are simply *examples* of various aspects of the relationships between the unions and universities visited and should not be seen as a comprehensive guide to their operations or of those in the sector generally.

Note that the specific examples from the participating institutions appear in *italics* in the following sections.

### 2.1 University: Union Relationship and Governance

Although there are many common principles (often reflected in similar statutes and ordinances) which shape the relationships between unions and universities throughout the UK, interactions between the two bodies on British campuses have developed quite organically and as a consequence have produced their own idiosyncrasies. With this in mind, it was important to determine the state of the relationships in the institutions visited from both the university and students' union perspectives and to establish in what future direction, if any, the respective bodies intended to move. In addition our meetings sought to ascertain not only what governance structures were in place, but also the levels of communication and understanding between the unions and their universities. The following examples were of particular interest:

- *The view was expressed by a senior member of university staff that SUs should remain independent, but have a formal financial memorandum, which would be an agreed framework with provisions on accounting, governance, contracts for services, insurance etc. It was further ventured that the University: Union relationship should be one governed by legislation to ensure good practices, but should be 'at arm's length'.*
- *The Union is more formally integrated with the University in comparison with other institutions. That said, the SU does have room to manoeuvre and the University recognises its strengths. However, traditional tensions persist (in the smaller partner at least), that the SU must justify its allocation and activities on the one hand whereas the University does not have to scrutinize or justify to the Union its service provision on the other. University staff were generally very impressed by the Union, and it was widely recognised that what the SU does, it does well. The Union would like to see its annual allocation attached to the delivery of University: Union specific business goals, in something very similar to a Service Level Agreement. The University formally employs all the SU staff, although the Union handles the actual appointments. With regard to annual planning, the SU does not formally participate in the planning process, but does feed into it. According to the General Manager of the Union it receives the same treatment as 'any other department'. Despite these arrangements, the SU does consider itself to be independent and does not see itself as part of the University.*

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- *The SU General Manager commented that the student body was as guilty as the University of maintaining artificial divides. He further stated that as a campus university 'ownership of culture' was an important issue. The Registrar and the General Manager met every month without any sabbatical officers present, which allowed for open discussion whilst avoiding any misinterpretation and sensationalist claims from the student body. Other, more formal, University: Union meetings were concerned with student matters, not with students' union matters as the SU had become more adept and integrated within University relationships. A University: Union consultative group met six times a year, with the Registrar in the chair and with the General Manager and sabbaticals present. Other University personnel, for example the Director of Accommodation, were invited as appropriate.*
  - *Having engaged the services of two consultancy firms the SU has undertaken a full scale review of its structure, its representation and status. The starting point of the process was a reassessment of the somewhat ambiguous status of the Students' Union. The perennial question as to whether or not it was a separate entity or essentially a part of the University very much depended upon the circumstances under which the question was asked. Both the University and the Union tended to decide its status to suit themselves at a given time. The governance of the SU itself was also something which was identified as in need of close examination. In some ways the SU had been treated as if it were a department of the University, particularly with regard to financial matters, including, for instance, being charged for the space it occupied (although the University handed over this money before it charged it back). A memorandum of understanding existed between the University and the SU. However, it was noted that it was only on occasions when things went wrong that the clear definition of the relationship became an issue. Following the consultants' review the SU had elected to become a company limited by guarantee and as such would become an independent legal entity and would be applying for separate charitable status. The existing relationship between the two institutions was not perfect and there were still areas of contention, but, broadly speaking, they were on very good terms. Now that the relationship had been clearly defined both sides felt themselves to have been further strengthened. However, it was stressed that the university and the union were not 'friendly' just for the sake of it, but that the relationship was both cordial and constructive, and could be captured by the expression 'critical friends'.*
  - *The university felt that the partnership was at present 'arm's length' but that it would like it be closer. The Pro-Vice-Chancellor was in contact with the General Manager, but other than this there was little communication between SU staff and the university. The General Manager of the SU was also very keen to forge closer working links and greater communication between himself and senior university staff. The university retained a degree of scepticism about whether a union with greater independence could be financially viable. Advice from the HEFCE was cited by the university which, it felt, suggested moving away from a more independent model. University staff also expressed some doubt about the accuracy of figures produced by the union which concerned the number of students using its various services. There was a feeling among some staff therefore that the SU sometimes painted a picture of its affairs to secure advantage.*

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**Points for consideration:**

- It is important to recognise that notions of student union autonomy and independence are relative to the local context. It is possible that a strong sense of independence in the Union may be at variance with formal governance structures, which have the SU essentially operating as an integral part of the University .
- A tradition of hostility or indeed of amicability in this context should not be underplayed. Despite the fact that, by necessity, SUs have an annual turnover of sabbatical officers and of course both unions and universities have a turnover of management and officers respectively, long-established conventions of ill will appear to persist no matter that the personnel might frequently change. One factor being that an SU's sense of identity may have been traditionally derived from an openly hostile attitude toward the parent body.
- When examining a relationship, taking into consideration or, indeed, directly confronting perceptions and time-honoured enmities may be a more important first step than a reassessment of the formal lines of reporting.
- A detailed legal analysis of the University: Union relationship, prepared by Nicola Hart of Pinsent Masons, can be found attached at Annex A. This paper, published here for the first time, is based on the presentation given by Nicola at the project Seminar in January 2006.

## 2.2 Financial matters

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A common feature over the past few years appears to have been that in cases where an SU has found itself in financial difficulties, the university concerned did not feel it had had adequate oversight of the Union's finances. Therefore, areas of discussion about finances with institutions visited focused on the lines of reporting between the SU and the university and on how financial risk was minimised:

- *The University was of the view that a financial memorandum should be drawn up between the two bodies. This would include formal reporting mechanisms (for example, regular reports to the university's Finance Committee), control over the formation of subsidiaries, rules governing insurance policies, and would prohibit external borrowing. The University also expressed a strong preference for there to be greater caution with regard to 'borderline' activities, particularly in terms of controls on the formation of subsidiary companies, in order to avoid 'invisible' risk.*
- *The role of Senior Treasurer, who was appointed by the university's Council to provide oversight of SU finances, was appreciated by the Union and was also a useful contact and source of financial advice. The Senior Treasurer sat on the Financial Services Committee and was very supportive of the SU, which was again appreciated by the Union. Until Spring 2005 there had been a formal university oversight of the union's accounts, but as the SU was now judged to be financially well-managed and stable, this had now ceased. Although the university now considered it to be unnecessary to inspect the accounts on an interim basis, they still formally scrutinised the annual accounts.*
- *The SU was subject to the same institution-wide process of financial checks as any other department or school of the university. However, apart from annual accounts, there was no other formal financial reporting.*

### **Points for consideration:**

- Needless to say, minimising financial risk is a desirable objective for both universities and unions, although there is a chequered history of achieving this end.
- Sensibilities with regard to financial reporting do need to be respected; an overbearing attitude from the parent institution being a reliable means of creating ill feeling. However, regular reporting and transparency in operations should not, in most cases, give the union undue reason for concern. Clearly, cultivating a healthy working relationship between the SU finance manager and senior finance figures at the university would be a sensible first step.
- Ultimately, the objective of both parties must be to ensure that the union is moving forward in a sustainable way. Historical funding problems can be an obstacle to a successful future and, if the university wishes to prevent an annual round of financial 'bailing out' of the union then working together to ensure a sustainable financial base makes considerable sense for both parties.

## 2.3 Commercial Services

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This was an area where institutions have responded quite differently to the same underlying issue, ie decreasing profits on campus. The extent of cooperation between the SU and university and the proximity of external competition were the two major issues here. Overall, success in commercial activities remains critical to delivering profit for investment in core services (for both unions and universities) and is therefore a major concern for both bodies.

The decline in bar sales at students' unions was felt by those spoken to during the course of the project to be endemic throughout the sector, with those unions located in close proximity to high street competition faring worst. Despite the fact that the 'good times' were over, many SU bars appeared to be holding their own in the market place. However, widely differing responses were received from university and union staff about whether they believed bar sales had 'plateaued', or would increase or decrease further in the future. The location of the university and its union appeared to be a key factor in these considerations, although changes in drinking habits were frequently referred to as an issue. Other observations noted from institutions visited:

- *With regard to who runs which commercial outlets on campus, there was some disagreement about whether it should be the university or the union which should deliver particular services. On one campus, disputes between the two bodies over who should be offering catering provision was felt to have resulted in a lost income stream for the union and had caused considerable bad feeling.*
- *At one institution the competition between the university and SU had been transformed into one of a managed duopoly. This arrangement had the General Manager operating as a management consultant for the university in relation to its catering operations for which he and the union received a fee.*
- *At some institutions the union buildings were no longer fit for purpose, which placed a significant restraint on commercial development.*

### **Points for consideration:**

- In general terms, greater emphasis needs to be placed on campus cooperation rather than campus competition. The off-campus marketplace has become very adept at parting students with their money and when university or student union commercial services cease meeting students' increasingly high expectations, revenue will be lost.
- Maximising the joint potential of the two institutions and recognising each other's strengths appears to be best way of ensuring that students spend their money on campus. Joint purchasing is clearly one area which can offer significant savings for both institutions.

## 2.4 Estates and Buildings

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The need for significant refurbishment or even replacement of SU buildings was identified as a major issue at some of the institutions visited. The substantial capital investment required for such undertakings clearly had the potential to be a contentious area of future planning.

- *The SU building which housed the union bars was designed and built in the 1960s and of a shape and design which was neither fit for modern usage nor easy to adapt. The possibility of a new building had been floated by the University (rather than the Union).*
- *The SU and university shared facilities and spaces, but there was no designated union building as such, meaning that this therefore not really an issue for the SU. All SU plans were discussed in advance with the University and indeed the two had recently redeveloped communal areas as a joint venture. This process was described as 'a difficult time' but was 'a huge learning process', with 'huge benefits achieved'.*
- *The space occupied by the SU was rented from the University, although the actual rent paid was actually part of the annual allocation and changed hands only for accounting purposes. One particular issue at this institution was the PFI arrangements which were in place in some buildings which meant that neither the SU nor the university had complete control of certain buildings and the commercial activities which took place within them. This represented a considerable source of frustration for both parties.*
- *The SU was in an almost unique situation in that it actually owned its own building. The building was held freehold in trust, overseen by a board of trustees, and had the added complication of being grade two listed. The building was divided into a large number of small rooms, with staircases occupying a significant percentage of its volume. In addition, although an attractive building, it was in need of substantial refurbishment which had to be sympathetic to its listed status. These factors had created a difficult situation for both the SU and University. The SU wanted a building fit for purpose, which could accommodate greater student numbers and provide more space for the services they needed, but the university was keen to ensure the best possible use of its estate overall.*



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**Points for consideration:**

- Expansion in student numbers and the changing needs of a more diverse student body mean that many SU buildings are less fit for purpose than they were, and in some cases are obsolete.
- It is difficult to imagine a university, or indeed any body, spending a large sum of money on another institution which may operate rival commercial services and may also be one its sternest critics. Therefore if a university chooses to invest several million pounds on a new building, some form of quid pro quo is likely to be expected. Clearer financial reporting, an agreement with regard to commercial outlets and guarantees of service may be areas which could come under consideration in this situation. Indeed there ought to be an opportunity for both institutions to reassess their relations and functions with regard to student and commercial services within the context of a new-build or extensive refurbishment.

## 2.5 Charities Bill

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In the institutions visited the uncertainty over the future charitable and legal status of students' unions (arising in large part from the extended debate over the Charities Bill) has been addressed in quite different ways.

**The points below relate to three of the institutions visited.**

- *The Charities Bill was recognised by the University as an important issue and, at the time of meeting (June, 2005), was seen as a medium-term rather than immediate consideration.*
- *The General Manager believed that the Charities Bill would require unions to become more independent and that this greater independence would be of benefit to most SUs. The Registrar held quite the opposite opinion and thought that it may well be in the union's best interest to become more closely incorporated within the university.*
- *Anticipating the Charities Bill, the SU was seeking to establish itself as a company limited by guarantee and as a separate legal entity would consequently be applying for its own charitable status.*

### **Points for consideration:**

- Again see Annex A, on the legal relationship between universities and unions, prepared by Nicola Hart of Pinsent Masons.
- Suffice to say that decisions relating to the Bill cannot be made unilaterally and so, when determining which route to follow, both institutions will need to take into consideration most of the key areas included in this report. Also, the benefits for a union of 'going it alone' need to be weighed against the potential perils, principally, any financial risk.

## 2.6 Post-2006: the new fees regime

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From September 2006 universities in England will be allowed to vary the fees they charge new students. Universities will be able to charge between zero and £3,000 per year. Although the maximum fee chargeable will not rise by more than the rate of inflation before 2010, many commentators expect significant rises thereafter (and possibly even before). Students will be required to pay more for their education, but in general many will have more cash to spend whilst they are studying (given that fee repayments will be post-graduation and substantial new bursary schemes are being introduced). It is reasonable to presume that these two factors will have consequences for students' expectations of the respective services offered by their university and SU, and also for the income streams of campus shops, union bars, catering etc.

- *One university visited expected that the introduction of higher fees from 2006 might lead to the Students' Union and the student body arguing that a higher level of funding was justified for better facilities. The idea of new capital investment and the size of the block grant were expected to be serious areas of discussion in the medium term.*
- *The introduction of variable fees did not seem to be regarded by either party as a major issue in terms of the university: union relationship, and there was little concern that it would become an issue in next couple of years.*
- *The General Manager believed that post-2006 the recruitment and retention of home students would become more important; this was, he felt, linked to the improvement of SU services.*
- *The issue of the new fees regime had made student feedback all the more important. The National Student Survey was seen by the SU as a 'warning sign' for the University.*
- *It was recognised that the £3,000 which students would be paying would affect their expectations. However, whether students would want more money invested in the SU was questioned. It was noted that students might prefer the University to spend the additional money on its core educational activities rather than allocating money to the SU for optional activities.*

### **Points for consideration:**

- Given the difficulties academic staff have found themselves in claiming a slice of the 'post-2006 pie', it is clear that universities are not going to be enjoying the cash bonanza some may have been expecting. Most of the additional income has already been earmarked; an appropriate portion of which will be needed to improve student services, although to what extent the university includes the SU in this equation is the moot point. It is inevitable that the union will be involved in the delivery of better services, however an increase to the annual allocation will need to be justified as rigorously as it is currently.
- Student spending may have an impact on the amount of money the union makes through its commercial services, although it should be noted that student habits have changed and it may not be simply the fact that students have less cash in their pockets which has led them to spend less at the union bar for example. Certainly, given the demographic shift in the student population, the coffers of both student union and university businesses are unlikely to swell by default.

## 2.7 Responding to Changing Student Demographics

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The traditional profile of students studying in the UK has changed dramatically in the last fifteen years. The huge increases in the numbers of mature, postgraduate, part-time, locally based (i.e. living at parental home), EU, international and students from the UK's ethnic minorities have shifted requirements and expectations. Many challenges remain in meeting the needs of a more varied student body for unions and universities alike. The location of a campus, whether the university is more 'traditional' or 'vocational' in the courses it offers, the prestige of the institution and many other factors are likely to determine student make-up at a given HEI and, consequently, the specific needs of the student body will vary around the country.

- *It was acknowledged that two groups of students which were sometimes neglected are postgraduates and international students. The university had a staff common room which was open to postgraduate students and had sitting and dining areas, and this space did meet a need. There was recognition that overseas students' requirements were different and that for example, there may need to be more space given over to a broader range of religious activities (which of course may also serve the needs of home students).*
- *On the changing student demographic, the Registrar was satisfied that Home/EU undergraduates were well served. With regard to international students there was a need 'to change the mindset'. The University did not have an International Office and therefore the responsibilities for supporting international students were spread across other departments. This meant that there was no single point of contact for the SU, or indeed for anyone else. International students were nevertheless very involved in university life, more so perhaps than at many other institutions. However, it was stated that it was easy to become complacent about this state of affairs as there was a large percentage of international students who were not being fully engaged. With regard to postgraduate students, it was noted that they were a 'neglected area', although it was observed that their problems tended to have an academic focus.*
- *The SU had asked itself for whose benefit it existed and in examining this question it had noted changing demographics, and the need to be more responsive to these changes. In particular, it had been observed that students who lived at the parental home and who followed a different social life, tended not to become as involved in SU life more broadly.*

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**Points for consideration:**

- Future planning needs to look at firstly at how the student demographic has changed, and then to examine how it is likely to change.
- Arguably no-one has a better understanding of the UK undergraduates' university experience than sabbatical officers. However, their appreciation of the postgraduate, international, mature and part-time student experience is quite naturally going to be more limited. Unions, quite sensibly, tend to adapt existing services to cope with the changing needs of students, yet the central model remains that of the 18-21 year-old British full-time student. Unless Unions actively restructure their executive and/or begin to demonstrate that they are catering for students beyond the 'traditional majority', they are going to find it ever more difficult to claim to represent the student body.
- Both institutions need to have a more comprehensive response to the challenges a more diverse student body presents them with, and it should be recognised that there remains a significant gap between identifying these particular challenges and meeting them.

## 2.8 Student Services

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Student services provision was frequently split between the SU and the university and disputes sometimes appeared to arise over where it was more appropriate for one party to be offering a given service or where boundaries should lie, for instance with regard to welfare and advice services. As is detailed in the following sections, at Warwick the University and the Students' Union have successfully collaborated in Sport and Volunteering to enhance services for students, although the Union continues to offer a separate advice and welfare service.

- *The 'one-stop' job shop is a service which the SU took over from the University. The University takes a share of profit and provides resources for capital investment. In terms of provision of advice services to students, the university and the SU work together, in a generally harmonious fashion and the Union is trusted and supported by the University. The Head of Student Services, who has both an advice and co-ordination role, worked to ensure that services are 'joined up'. He stated that there was a need for the university to offer complementary rather than duplicative services across the institution. The Students' Union had its own help and advice team which tackled issues such as mental health. Regarding sport, the general opinion from the University staff was that a 'Warwick Sport scenario' was unlikely to occur given that the SU changed its priorities every year (although those met did agree that this was not the most desirable scenario). However, sport did have a high profile at the institution and it even offered US-style sports scholarships. Moreover, staff took a great pride in their students' sporting achievements. At the time of the visit the SU viewed the prospect of a Warwick Sport model as something of a threatening prospect and was resistant to the idea.*
- *On the distribution of services between SU and the University, it was emphasised that it was felt to be much more about the parties working together rather than competing with each other, and that informal discussions could usually resolve potential problems. There was no longer a welfare advisory service at the SU; rather they had adopted what they described a 'post-92 model'. Several years ago the General Manager had become concerned about the quality of welfare services offered by the SU and judged that the university offered better provision. The decision to cease offering an advisory welfare service at the SU was therefore a logical one.*

### **Points for consideration:**

- This is one area which demands some pragmatic thinking by both bodies. It ought to be that whichever institution is best placed to provide a given service, should provide it, or, that a comprehensive service is being delivered through cross-campus cooperation.
- Some services are traditionally located with one institution or the other and it is therefore 'ownership' of a service which has the potential to become the big issue rather than that service's aim, i.e. benefiting students. With an evermore diverse student body, creating appropriate, customer-focused, quality student services will necessarily demand greater levels of cross-campus collaboration.

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## **Building the relationship**

Across this broad range of areas then we could see, among many other things:

- The context of changing demographics and the impact of this on commercial activities.
- The financial stringencies faced by unions.
- We saw significant evidence of valuable collaboration but also examples of divergence. It remains our view that collaboration represents the best use of resources, leads to the best provision of services and is, ultimately, in the best interests of students, unions and universities. Nothing is straightforward though and effective collaboration requires a shared will to succeed and solid and trusting relationships.

### 3 COLLABORATION FOR EFFECT: SIGNIFICANT DEVELOPMENTS IN THE UNIVERSITY: UNION RELATIONSHIP AT WARWICK

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Having examined relationships at other institutions it was felt to be important to reflect on and record some of our own experiences at Warwick. In this chapter therefore we offer some examples of successful collaboration between the University and the Students' Union at Warwick which may be of interest to other institutions looking to improve services through co-operative working.

#### 3.1 Warwick Sport

##### Definition

Warwick Sport is a joint initiative between the University's Department of Physical Education and Sport and the Students' Union, the broad aim of which is to increase opportunities for every University member to engage in sport. Officially launched on 1<sup>st</sup> September 2005, this new partnership is intended to ensure that provision for sport is significantly enhanced including, for example, by the introduction of new classes, treatment and coaching for University students and staff. These improvements are to be paid for by the introduction of a flat annual membership fee of £30 for all students and staff.

##### Warwick Sport: Rationale and Motivation

The A-Z of sporting activities on offer at Warwick runs from Aerobics through to Zhuan Shu Kuan and in between these two extremes are 72 other highly varied sports clubs which afford thousands of students the opportunity to participate in sports at many different levels.

However, several years ago it became clear that the SU Sports Federation and sports clubs required more financial and human resources in order to meet higher customer expectations, to aid long-term planning and to prevent the Sports Sabbatical Officer being overloaded with administrative work. Moreover, it was evident that the SU and the Department of Physical Education and Sport were, to a degree, duplicating some services, and there was therefore the potential for making savings through collaboration.

Most significantly however, in almost all other UK Universities (apart from Warwick and only one other) paying for access to sports facilities had already been introduced. For Warwick Sport to succeed it needed the facility users to pay a charge, albeit a small one, for access. Convincing the student body that it was in their interest to pay more money was a significant challenge. A central argument though was that, as the introduction of charges had been much mooted in the past and existed almost everywhere else, at some point charges were inevitable. It would therefore be better for the SU to be involved fully from the start and to have Warwick Sport planned and managed as much on its terms as on the University's.



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The Director of Physical Education and Sport, Terry Monnington, also made the point that, rather like the NHS, sports facilities were not and never had been 'free'. Facilities had been free of charge for users at the point of delivery, but they had to be paid for (by the University) at some point. The argument followed that it was therefore reasonable for those who actually used the facilities to pay a contribution towards the real cost of provision. A decade or two ago, this kind of argument, one suspects, would have been either ignored or, more likely, angered the student body. However, the current generation of students seemed much more likely to accept this rationale given that they were, after all, a cohort which was paying towards their education at the point of delivery.

A critical element of the proposal was though that the money raised from new subscriptions would be ring-fenced for 'sporting opportunities for University members', i.e. it would not be used by the University for expenditure either on new facilities or maintenance. This income would therefore supplement and not replace the funding from the University and 'help to kick-start long-term development'. The University agreed to consider funding all future capital projects for sport on the same basis as any other capital investment, i.e. discounting income for Warwick Sport.

### Selling the Idea: the Students' Union

The SU sabbaticals and management were committed to the idea, but still needed to convince an as yet unengaged student body of its benefits. Sports club members were quick to see the obvious benefits of increased income. The acquisition of new equipment and the hiring of new coaches had long been considered necessary, but were simply unattainable without the additional revenue Warwick Sport promised to deliver. The existing (smaller) levy on Sports Federation members was amalgamated into the Warwick Sport fees structure, so that members would not end up paying twice. The SU made it clear to their membership that this was a joint initiative.

The SU's success at selling the joint venture was highlighted in the treatment the project received from the 'Warwick Boar', the independent weekly student newspaper. Despite its reputation for attacking both the University and the Union, the 'Boar' actually welcomed the creation of Warwick Sport.

### Selling the Idea: the University

Warwick Sport was immediately attractive to the University as there would be benefits for both staff and students. Some of the University's senior officers, particularly those with a keen interest in sport, were quickly convinced of the benefits of Warwick Sport and added their weight to the project. Others were interested in the plans because of other factors, including the marketing potential that a successful Warwick Sport set up would bring to the University. The promise of improved services with, if it were to be successful, a positive impact on the resources available for sport had obvious appeal to University management.

Perhaps the single greatest challenge in the creation of Warwick Sport though was the coming together of two bodies which had quite distinct organisational structures and cultures. The SU had its own committee structure and had to remain transparent in its operations to its members. The Department of Physical Education was managed quite differently and this led to some difficulties as, for example, the two bodies worked under different time constraints.

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## Conclusions

Thanks to the new resources flowing from subscriptions it is now possible for sports clubs to think strategically over a period of several years, rather than planning simply from one year to the next. The new money has also helped with the replacement of outdated equipment and allowed for the expansion of activities in some areas.

In many ways the success of Warwick Sport relied (and continues to depend) on the University and SU playing to their respective strengths for mutual benefit. The University has the management and administrative expertise to improve the efficiency of services, as well as the infrastructure necessary to support coherent planning and development. In addition to its experience in managing volunteers, the Union provides:

- the enthusiasm and engagement of the sports clubs themselves.
- expertise in dealing with sports clubs and developing their activities and structures.
- a sports staff team with expertise in dealing with student clubs, finance, trips and tours, development, personal relations, administration etc. (members of the Union's sport staff team have now joined the Warwick Sport administration and are based at the Sports Centre).
- management expertise; the Senior Manager responsible for Students Activities, and the Student Activities Manager both contribute hugely to Warwick Sport.
- the Union also has expertise in the area of democracy and membership focused administration; the Union was therefore able to shape how Warwick Sport could report to its members, and played a large role in developing the Warwick Sport constitution.

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**Points for consideration:**

- The success of the partnership highlights the importance of the Director of Physical Education and Sport's understanding of today's students that he could appeal to their judgement and good sense. The SU sabbatical officers not only recognised the potential economic benefits and were keen to negotiate with the University, but also had the confidence to persuade the broader student body of the merits of the new scheme.
- The development of Warwick Sport was not entirely trouble free, as noted above. One other point worth noting is that the IT system to govern the membership operation, which was identified as ideal for this purpose and which had been developed and provided by the Union, took some bedding down and required active management by the Union and the University in the early days of Warwick Sport in order to iron out operational difficulties.
- The successful fostering of good relations over the past few years between the SU and the University has in this case paid genuine dividends. The progressive attitude of SU staff and officers, coupled with greater clarity in SU financial reporting has meant that the University had confidence in entering into partnership with the Union, which in turn had assurances that this venture would not threaten its independence.

## 3.2 Warwick Volunteers

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### Inception

Warwick Volunteers was built on a former SU society, 'Community Action', and is now run by the University, the Union and student volunteers in order to 'provide opportunities for students and staff at then University to volunteer and help disadvantaged groups in the local community'. Community Action had been in existence for over two decades when, in 2002, it was agreed that it be reconstituted to make best use of new funding from the University through HEFCE's HE Active Community Fund which would enable it to 'develop new projects, increase the number of opportunities provided, and improve the training and support provided for volunteers'.

Prior to this Community Action had become overwhelmed by the sheer number of volunteers it was dealing with and was struggling to cope. Re-launched as Warwick Volunteers, the organisation now has three full-time members of staff, all of whom are University employees. They provide training and support for volunteers, and are responsible for developing new projects. However, given that the vast majority of volunteers are students, Warwick Volunteers is housed within the SU building, with the University paying rental for its office space.

Most HEIs have some kind of volunteering activities on campus, however, the distinctive nature of the collaboration between the SU and University at Warwick has led to a huge increase in student participation, with a subsequent improvement in benefits to the local community. From a position of around 250 volunteers in 2002, Warwick Volunteers has grown to the extent that, in early 2006, there were around 2,000 students on its books.

### Structure and Management

Warwick Volunteers' principal administrator is Project Manager Jamie Darwen who in a sense has 'a foot in both camps', having dealings with both SU and University staff, and of course students, on a daily basis. However, because he is employed by the University, this does allow him greater access to University infrastructure, support, resources and networks than if he had been solely employed by the Union.

The two other full-time roles are that of Project Developmental Worker and Project Co-ordinator. Along side the University-employed management team there is the Executive Committee made up of student volunteers. The Executive Committee decides which projects will run and also appoints Project Leaders. Working relations between the Executive Committee and the staff team are positive and relaxed, all responsibilities and roles being clearly defined. By and large during student vacation periods the University staff-run operations without the Executive's input. There is also a term-time administrator who is needed for instance to carry out Criminal Records Bureau (CRB) checking<sup>2</sup> which is a time-consuming activity.

The work of Warwick Volunteers is also actively supported by professional staff within the Students' Union, including the Student Activities Manager, as well as by the Societies and Student Development Officer, one of the Union's sabbatical officers. The project team and the Executive Committee report termly to a Steering Group, chaired by the Pro-Vice-Chancellor responsible for Campus Life and Community Affairs, which provides a means for recording formally the progress made and ensuring wider University support for Warwick Volunteers.

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<sup>2</sup> A necessary process as much of the voluntary work involves working with children and vulnerable adults.

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## Activities: an example

One staff position, that of Project Co-ordinator, and a similar role at Coventry University are funded by AimHigher West Midlands, as the result of a joint funding bid by Coventry and Warwick Universities. The Project Co-ordinator works almost exclusively on projects related to local schools and, although WV works with both Coventry and Warwickshire Councils to ensure student mentors are placed in appropriate schools and areas, not all schools are clamouring for help. It is one of the post-holder's major tasks to convince some schools of the benefits of mentoring for the aspirations of young people and also that the teachers and administrative staff will not be simply caught up in a new layer of bureaucracy.

The fundamental thrust of working within local schools is to contribute to the overall aim of widening participation activities, that is, to encourage more young people from less affluent backgrounds to enter Higher Education. Teenagers are encouraged to think about their futures, and the possibility of entering HE is seriously put to them perhaps for the first time in their lives.

## Benefits for Students

One of the most frequently reported gripes from employers (albeit an ill-founded one from the perspective of HEIs) concerns the preparedness of graduates for the world of work. Warwick Volunteers and organisations like it offer students not only the opportunity to do something worthwhile for the local community, they also acquire skills and experience which are valued by employers thus giving them a real advantage when entering the job market.

By its nature, volunteering demands a certain level of altruism in the participants, however, there is also some volunteers who are quite specific about the experience they need (management experience for example), and are looking for a very direct payback for the time and effort they are offering.

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## Benefits for the University

Student involvement in charitable projects is beneficial to participants and to the local community, but it is also a useful way of bridging the 'town and gown' divide that can occur in some areas. All too often the local press can find 'bad news' stories involving students and so it is very helpful to the University when it can present the positive contribution students make to local life. National recognition is also welcome and we were delighted with the success of one of our volunteering projects, the Jigsaw Refugee Youth Group, which received the HEACF Student Volunteering Award in 2005.

## Conclusion

Warwick Volunteers is one of the best examples of genuine and meaningful collaboration between the University and the Union at Warwick. The structure established retains proper student leadership but provides an enabling infrastructure through the University and the Union, all of which ultimately benefits not only students and the University but the local community too. For more information about Warwick Volunteers please see: [www.warwick.ac.uk/go/volunteers](http://www.warwick.ac.uk/go/volunteers)

### Points for consideration:

- The increasing importance which both students and their future employers place on life skills and work experience is being met by Warwick Volunteers.
- The University's valuable relationship to the local community is enhanced and the community itself is significantly benefited through the volunteers' work.
- The success of Warwick Volunteers has been founded on recognising the respective strengths and resources of both the University and Union and combining these most usefully, resulting in mutual benefit.

### 3.3 The International Office and the Students' Union

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#### Lines of Communication

Lines of direct communication between the University's International Office and the Students' Union fall between the two principal sabbatical officers concerned with student representation and welfare, these being the Welfare and Equal Opportunities Officer and the Education Officer and Deputy President. The Union's International Committee works closely with these two sabbaticals and with the International office. The Committee seeks to ensure that the Union caters for international students in its welfare, support, social provision and representational structures and processes.

Another set of lines of communication exists between the International Office and representatives of the Union's many cultural and internationally focused societies.

Some examples of collaboration between the International Office and the Union:

#### Orientation Week

An important collaboration between the University and the SU is Orientation Week. This event is run by the International Office in the week prior to the start of the Autumn term each year so that international students can gain an understanding of living and studying in the UK. Some 850 students attend the week (paying a subsidised fee for the privilege) and in this time they have the opportunity to get to know both the campus and other students. The week is both instructive - talks on welfare, safety and studying - and fun - music concerts, social events and also trips to Stratford, Coventry Cathedral and Oxford.

In the past this event had been held in a marquee at a short distance from the SU. There were a number of problems with this arrangement, including temperature and deterioration of the ground underfoot, but the main one was that when the tent was dismantled at the end of the week, international students lost their focal point and had not been fully introduced to the SU

The SU has proved itself very capable at putting on major social events for Warwick and other universities, and therefore it was only natural for the University to want to work with the SU to provide an improved service for Orientation Week. In 2005 therefore, instead of hiring a marquee, the International Office rented space in the SU building for the week. This had many advantages for the orientation process, not least of which was that international students had a clear permanent physical reference point and were not isolated from the rest of the University and SU. It is also beneficial to the SU as international students were integrated into the Union from the outset and also understood what the SU is for, which is significant given that the concept may be quite unusual to some of them. This arrangement was also cheaper for the University because although the rent of the building for the week was more expensive than the marquee, the SU contained all the necessary apparatus and equipment, which therefore did not need to be hired, thus creating a net saving.

Sport is an area where international students are under-represented, so not only are the 'Orientation Games' held to encourage participation, but also 'taster sessions' for sports clubs are laid on, again to advance student involvement. In so doing Warwick Sport makes international students welcome, without making particularly special provision.

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## 'Summer students' and the hosting of events

A significant number of international students need to stay in the UK over the summer. Undergraduates generally have to move from one hall of residence to another which is designated for use in this period. However, the time they are expected to leave one residence on the last Saturday of their contract and permitted to enter the other can be up to 6 hours (10am - 4 pm). Rather than having the students sitting around all day with luggage, the SU now provides a room for them, the International Office offers lunch and the International Committee supplies helpers. In this way a potentially difficult situation has been turned into a more pleasant event through the participating bodies doing what they do best.

The above principle is also applied for the hosting of events. In the past the International Office offered tea parties and similar events for international students with varying degrees of success. Now the policy is for the University to take a back-seat and to support the SU cultural societies' activities. It makes more sense for the University to provide small amounts of cash and allow the societies, who understand the people they are catering for, to take control of these events.

## Union Events

The Warwick SU is adept at hosting events. Once a year the SU holds 'One World Week' – the largest event of its kind in Europe. One World Week was established in 1995 as an event celebrating cultural diversity at Warwick and has a number of major strands including a cultural festival, a forum and sporting and artistic activities. In 2005 it involved representatives of 132 nationalities, with over 200 student volunteers and more than 20,000 participants.

The Societies Federation hosts approximately 50 cultural societies. These societies are one of the main ways through which international students interact with the Students' Union and the International Office also works with the cultural societies offering both funding and support. Cultural societies contribute significantly to the University community: they provide a social environment for international students to meet each other, including frequent social events. This peer support is extremely beneficial to students arriving in Britain for the first time and contributes towards the University's high retention rates.

An example of a recent successful international student event is the Chinese Art and Culture Festival which was funded in part by the International Office. Part of the Union building was transformed during the day and night with Chinese stalls, food and information on China. This was extremely effective at raising awareness of China among home students but also engaged Chinese students with the Union more than has happened in the past.

## Welfare

In terms of welfare issues, international students have a port of call at the SU, namely Advice and Welfare Services (AWS), and in the International Office, which is not a counselling service itself, but can offer appropriate advice on matters relevant to international students. With the International Office students keep the same point of contact from when the marketing team first visit their country, through to when they are studying at Warwick, which means they have a familiar face who can deal with their concerns. Students sometimes contact the International Office regarding welfare issues or sometimes they go to AWS, thereafter they may be referred to the other party as appropriate or to the Senior Tutor's Office which includes the University Counselling Service.



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Students who are the only one or one of very few to arrive from their country of origin offer a particular challenge to the University as they lack the natural support of their peers, and again, supporting the cultural societies can be very useful in this regard. There are a number of other specific welfare issues on which the University and SU work closely together, for instance, on combating hate crimes.

AWS is impartial in all of its advice, and students often see its independence from the University as an advantage. The International Office will generally refer any in depth casework above administration or the batch scheme to the Students' Union, due to their expertise in the field and the dedicated staff employed to deal with welfare concerns.

### Transference of responsibility for the 'Batch' scheme to the University

The International Office now provides an immigration advice service for all international students and staff at the University. Primarily the Immigration Service advises and assists students with visa ('Leave to Remain') extension applications. Staff advise on the application process and when applications are complete they are submitted to the Home Office for processing. However, until fairly recently the University had very little direct engagement with immigration law and for much of the last decade AWS was the primary supplier of immigration advice on campus. Until three years ago, time dealing with immigration issues accounted for around 20% of inquiries. There was no specialist as such, every advisor provided counsel on this area.

However, a change of government policy led to an explosion of bureaucracy with regard to student visa extensions. Given that the new scheme was resulting in absurdly long waits for students to receive their replies, pressure was placed on government to make improvements, which resulted in the so-called 'Batch' scheme whereby HEIs were allowed to submit forms in batches.

There is, of course, little point in sending off applications that will be unsuccessful, so therefore the forms were vetted in advance by AWS. However, this meant that at its most extreme in the Autumn Term immigration activities was accounting for 80% of the AWS workload. Following consultation, the Director of the International Office agreed to pay for temporary staff to assist AWS and relieve the pressure. However, the immigration workload still remained almost unmanageable for AWS in the context of all of its other work and so, after further consultation with University staff, it was decided to transfer this service to the International Office. It should be added that AWS played a large part in assisting the University in developing this new role and has advised extensively on the new set up to ensure a smooth transition. Furthermore, AWS still retains a specialist immigration advisor.

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## Postgraduate International Students

A sizeable sector of Warwick's international students are taking taught postgraduate courses. This group, usually only in the UK for a year and with no previous experience of this country's HE system, face very specific challenges. In the past some of these students felt they were not as well equipped as home students when starting their Masters course. Their concerns were again flagged up by the SU, to which the University responded by providing tours of departments when students first arrive and delivering research skills training courses tailored to the needs of this group.

Across the UK SUs have historically not been geared towards providing the kind of services specifically needed by postgraduates, particularly those from overseas. SUs have generally been slow to take up the challenge, hampered by some fairly obvious factors including the fact that sabbatical officers are most commonly elected from among the home undergraduate population and have a limited understanding of the postgraduate community.

At Warwick, the Students' Union's social provision for postgraduates, both home and international students, is an area that has seen many recent changes. The recent restructuring of the Postgraduate Committee, the changes made to the Academic Satisfaction Review<sup>3</sup> and the priority that successive Union Education Officers have given to the postgraduate community has ensured some positive changes in both social provision and academic representation for Warwick postgraduate students.

## Conclusions

The perhaps justified complaint has been made recently in the national media that international students are viewed as highly desirable 'cash-generators', but that Universities do not necessarily take their responsibilities towards these students as seriously as they should<sup>4</sup>.

Warwick seeks to present a very positive and welcoming attitude towards its international students; it has a sizable number of them and complements this with a large International Office. As mentioned above the SU has worked closely with the International Office to improve services and given its close engagement with the student body, it can often more rapidly identify areas which require attention.

However, it is clear that the development of a more sophisticated approach towards supporting international students is a very desirable goal and one to which most universities and unions would wish to aspire. Certainly a greater emphasis needs to be put on provision of services for international (and home) postgraduate students and a close working relationship between the SU and the International Office undoubtedly contributes towards this.

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<sup>3</sup> The Academic Satisfaction Review, an annual survey of students' views of their courses and learning infrastructure, now includes a much stronger emphasis on postgraduates.

<sup>4</sup> For instance see 'Catch 'em while you can', Matthew Taylor, Tuesday February 8 2005, The Guardian, education, <http://education.guardian.co.uk/egweekly/story/0,,1407537,00.html>

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**Points for consideration:**

- Orientation Week – moving from Marquee to the Union: An improved service has been created, the University has saved money and the money which has been spent has not 'left campus'. The reasons for this are (a) that the SU was willing to be involved, motivated by both a desire to offer better services to its stakeholders and also a financial incentive; and (b) that the University had confidence in the SU's management of its events provision and also made a financial saving. This is therefore very much a 'win-win' situation.
- Hosting of events: The International Office and the SU have endeavoured to complement each other: in general terms the University provides money and administration and the SU provides the person power, i.e. the students. The University, like many others, appears occasionally to be guilty of deciding on their behalf what 19-year old students would want from a social event. Results are sometimes off-target and it is therefore an eminently sensible policy to trust the SU and its societies to host these kinds of events.
- Welfare support: The International Office complements rather than overlaps with the SU's Advice and Welfare Services. The AWS holds several advantages over the University in that it is run by the student body, has young people front of house, is less 'official' than the University and is a 'smaller step' than going to the University Senior Tutor's Office. The open dialogue between both bodies ensures that they cover as many areas as possible and are therefore offering a more comprehensive service. The fact that both parties offer welfare services has certain advantages, particularly for international students, who may, for all sorts of different cultural reasons, retain reservations about either one of them.
- Postgraduate international students: The SU has shown that it can work with the University in delivering better services to postgraduate international students. There exists the feeling, however, that this group is rather neglected. International postgraduates are a difficult group for the SU to cater for as their requirements can be very different from UK undergraduates towards which unions have been traditionally orientated. Even though provision may be more complicated to assess and supply, however, this does not mean it is not possible and this group is just as entitled to appropriate services as any other.

### 3.4 Relationships

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In recent years both individual and organisational relationships between the Students' Union and the University have developed significantly. The two bodies meet regularly at all levels and have established a significant degree of trust and understanding. Below are a number of the instances which reflect this relationship.

- The Union President, Kat Stark, sat on the appointment panel for the University's new Vice-Chancellor, and was also closely involved in Warwick's project investigating the option of developing a new campus in Singapore.
- The General Manager of the Union has undertaken a large amount of work for the University in addition to her own role, including sitting on the steering groups of three major events: the annual conference of the Association of University Administrators (AUA, held at Warwick in March 2005), the International Children's Games (ICG, hosted by Warwick in July 2005) and AC21 (a major international HE conference held at the University in July 2006). Indeed the Students' Union delivered a major contribution to the ICG by providing the internet café and much of the social programme but also co-ordinated the gala event for the AUA conference off site to a very high standard as well as hosting a range of social activities in the Union building for the 850 delegates.
- The University: Students' Union Liaison Group, historically a body which by its nature often served to reinforce divisions and differences between the parties, has come to a stage in its development where its termly meetings are now much more focused on areas for joint activities and collaboration than ever before.
- The General Manager has been deeply involved in preparing proposals for the creation of a Central Production Kitchen for the University and has also chaired the working group on bars/catering as part of the University's catering strategy review. She has also begun to work very closely with all of the University's commercial units in the development plans for future strategic direction of services. Furthermore the GM is working with Warwick Conferences and the City of Coventry to drive a wider community initiative for hotel, hospitality operators and providers and has brought a number of stakeholders to the table for this purpose.
- This project, thanks to the generous support of the Leadership Foundation, has enabled and accelerated collaborative relationships in a host of different ways – all were aspired to by the parties but it is only in the period of the project that many of them have come to fruition.

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### **New and Emerging Relationships at Warwick: management – the continuity factor.**

As well as the more usual and expected representations made by the Students' Union to the University, i.e. by sabbatical officers, part-time officers and students, the General Manager now plays an increased role in interdepartmental and cross-organisational communications often meeting University senior officers and managers independently. The need for and benefits of growing wider relationships which can facilitate the smooth day-to-day management of the Union and see it operate as a "business" have demanded that the General Manager take this role.

It is recognised that in many other Unions the General Manager would never meet University representatives alone and that for many, the lines and levels of communication are restricted to Sabbatical and Executive Union Officers only. In Warwick, however, due to the historical financial problems that the Union and University worked through together, the need for the two parties to secure stronger understandings of the other's operations, procedures and practices has been very apparent. The University needed to feel that the Union's ongoing operations and financial position were stable and well managed and the Union needed to secure continuity in relationships which transcended the annual changeover of the sabbatical team.

Students continue to be represented through sabbatical and part-time elected officers who between them, sit on almost every committee of the University. Indeed the President sits on the University's Senior Management team and takes an active part in higher level decision making; most notably, sitting on the appointment panel for a new Vice-Chancellor. The student voice is recognised as a vital and welcome contribution to University decision making.

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## Key New Relationships – the General Manager

Key, new relationships that operate at Warwick include the General Manager and the Registrar who meet on a one-to-one basis at least once a month. The General Manager and the Deputy Registrar speak frequently and meet usually once a fortnight. The aims of these relationships are to ensure that the “behind the scenes” day-to-day business of the Students` Union continues without too much interruption. These are strong, professional and sustained management relationships that continue to work over and above other aspects of union activity including sabbatical change, union campaigning and lobbying (albeit sometimes against the university on particular student issues).

The General Manager also meets once each term for lunch with the Vice-Chancellor. Whilst the meeting has been made deliberately social, it is seen as the opportunity for both parties to develop a long-term and deep understanding of organisational culture, structure and operational requirements through direct communication with the University’s most senior executive.

Over the course of the past four years, the Students` Union General Manager has been given open access to all of the University’s senior officers through the development of shared services, involvement in mutually beneficial projects and through the University’s desire to support the Union in every way it can.

This use of shared expertise has been beneficial to both organisations as the General Manager has been asked to sit on University conference and major event organising committees, chair commercial strategy groups and advise on commercial developments. The University has, in its turn, supported the Union with access to its legal advisor as well as senior finance managers and provided new business and enterprise support through Warwick Ventures.

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## Wider Departmental Relationships

Some other relationships are worthy of note in this context:

- The Union's HR department has developed relationships with the University's personnel function that has facilitated mutual training support and new lines of communication. It is hoped that both will benefit further in the future from shared policy development and implementation where practical.
- The Union's Finance and IT teams both have access to their counterpart departments in the University again with improved consultation and sharing of ideas and development.
- The Union's Entertainments team meets regularly with the Arts Centre management to share events programming ideas, make use of their ticket sales outlet and develop increasingly complementary event plans to assure wider audience attraction for both parties.
- The Union's Food and Beverage department, whilst still "in competition" with the University's hospitality operation, works hard to ensure that the parties do not engage in price wars, duplicate offers or drive competition so hard that neither can sustain its operations. The mutually shared objective of providing the "best provision for campus" assures good, ongoing communication between both parties.
- The Union's Advice and Welfare Services (AWS) works closely with the University's counselling services and the International Office to ensure that all student needs are met.

## 4 WARWICK'S INTERNAL DISCUSSIONS

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This brief section is provided simply to highlight some of the issues which have arisen in discussions between the University and the Union at Warwick in the course of the Leadership Foundation-funded project. The aim is to offer a sense of the areas covered and the kind of questions posed when investigating closer working practices across four main service areas: Human Resources, IT, Finance and Estates.

Discussions in each of these areas aimed at promoting collaboration and improving SU and University services at Warwick have taken place over some months. Although some pointers from the dialogue are included, discussions between the Students' Union and University are continuing but are at a delicate stage and have therefore been provided in outline rather than detailed.

Those involved in the project though would be happy to meet with representatives of Unions and Universities to talk through any of these matters in more detail.<sup>5</sup>

### 4.1 Students' Union HR and University Personnel Department

#### HR Policy Development

- Regular meetings are proposed - either one-to-one or team meetings between University Personnel and SU HR manager and team. There is potential for the Students' Union to share in delivery of training and policy development
- There is potential for joint working in this area and also to look at costs of subscription rates (and usefulness of training products) to see if there are any possible savings to be made.

#### Employee Relations

Are the SU and University duplicating the same meetings and negotiations with Trade Unions?  
Could there be potential for joint policy negotiation?

What would happen if there were a major dispute which could spill over from the University to the Union or vice versa?

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<sup>5</sup> For instance see 'Catch 'em while you can', Matthew Taylor, Tuesday February 8 2005, The Guardian, education, <http://education.guardian.co.uk/egweekly/story/0,,1407537,00.html>



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## Training

- Places on training sessions held by the University could be offered to SU. Instead of charging a fee to the SU, the Union could offer some other arrangement in return. SU staff are already entitled to full access to University IT training provided by IT Services.
- Shadowing and secondments. Positive discussion about the possibilities of SU staff shadowing University staff, and vice versa to gain understanding of culture. Secondments might be possible, e.g. for maternity cover.
- Agreement that a round table discussion forum would be mutually beneficial.
- General agreement that training is an area where a good deal of closer working is possible.

## Health and Safety and Occupational Health

- SU HR already works closely with the University Safety Team.
- Personnel and SU HR to look into costs of long-term absences.

## Payroll/HR information systems

- No significant cost savings in University taking over SU payroll and therefore no benefit of looking at this at this juncture.
- SU HR is interested in looking at the University's staff information system.

## Recruitment

- Issues regarding the lower rates of casual pay at the SU. Even a lower rate negotiated with Warwick's own recruitment and temping agency, Unitemps, would be more expensive for SU.

## 4.2 Students' Union IT Department and University IT Services

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### Licensing

- Does the SU use University's licensed software when it can? There is a need to review licensing agreements as usually in University licences there exists a clause stating that the SU is part of the University.
- Many University products would not have an application at SU although some may do – this needs to be investigated further.

### Training

- The University offers European Computer Driving Licence (ECDL) courses to staff and students, which could be of interest to SU.

### General

- SU staff should be included on IT Technical Staff mailing list for notifying changes and warnings.
- From the SU point of view, standardisation and clearly defined procedures are crucial and the SU was therefore keen to know more about the changes to University procedures when they take place.
- SU IT staff should be invited to the University IT technical staff group which meets quarterly.
- Regarding the Student Computer Purchase scheme, University has had a big take-up this year. The Students' Union was involved in the setup and launch of this scheme (the SU General Manager was on the steering board).

### 4.3 Students' Union Finance and University Finance

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- Thanks to the efforts of the Students' Union senior management, since 2002 SU Finance has enjoyed credibility with the University which was previously lacking. With regard to the future, the University's concern is to ensure that any new staff in post can be relied upon to continue the progress which has been made in recent years, and that perhaps improved structures need to be in place to ensure continuity. Good governance rules should help to safeguard the system.
- The University and the Union have to ensure that sabbatical officers do not seek to exert too much influence over the detail of commercial operations. Although very clear controls are in place to prevent wrong decisions being made, difficulties can still arise because of the differing approaches of sabbatical officers from year to year.
- The University and SU are agreed that procurement is the biggest area where real savings can be made.
- It was agreed that developing 'goal-congruence' at the operational level was *the* major issue on commercial matters and that most benefits will be operational.
- The scale of the businesses involved needed to be taken into consideration, so that smaller enterprises on both sides were not ignored. Furthermore, the fact that some businesses were services whilst others were income-generators, had to be taken into account.

#### Reporting

- The SU believed that more discussions over the quarterly accounts would be helpful but that the SU accounts should be taken at face value. This does raise the question as to what is the University's role when it checks the SU's accounts: the University will inevitably be questioning whether they are correct and challenging assumptions.
- Although significant progress has been made there remains a need for the Union to be specific and clear about what expenditure is included within the annual allocation to the SU.

## 4.4 Students' Union and Estates Office

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In broad terms the discussions here related to: service provision; areas of commonality; and benefits and disadvantages of closer collaboration.

The specific areas under discussion included the following:

- Housekeeping: Teams; resourcing, including recruitment/retention; specific duties; particular problems experienced by both parties.
- Maintenance: the composition and duties of staff teams; resource matters, including recruitment/retention of staff; common problems.
- The potential for shared/contracted services, including BICS training and asbestos surveying.
- Outsourcing of Union Services to the University, looking at the potential, the costs and benefits of the approach and some of the key issues arising.

## CONCLUSION

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### Reviewing the University:Union Relationship

Offering conclusions in relation to what is a continuing journey is always going to be problematic. What is set out in this section though are some of the key areas which might be considered when reviewing the relationship between the union and the university. Some additional and more specific points are attached at Annex B but the nature of the issues under consideration here means that this section is inevitably somewhat discursive.

### Governance

Formal governance structures are the obvious place to start and an examination of them is clearly necessary, but they may not be a fully accurate reflection of the current state of play. The relationship beyond that which is formally agreed is more likely to evidence the positives and negatives and the current level of mutual understanding. See Annex C for a complicated and not altogether helpful diagrammatic representation of the University: Union relationship at Warwick. Attached at Annex D is the Framework of Good Governance which is intended as the overarching policy document to govern the relationship at Warwick.

Frequently both universities and unions flout formal agreements and, although this does not mean that the relationship is in a critical condition, if the contravention of agreements is recurrent it would suggest that the relationship is in poor shape and/or that the current agreements are not workable. However, it is clearly not desirable to tear up agreements and start again every twelve months and so it is likely to be more profitable to have a full-scale review of the university: union relationship, rather than indulge in annual 'fire-fighting.' University: union relationships tend to be characterised by organic growth, which inevitably leads to ambiguities with regard to responsibilities, and disputes over roles and management control. If the relationship has been under-managed in the past, it may well be that it is almost geared towards disagreement and conflict.

The drawing up of a formal financial memorandum, which would be an agreed framework with provisions on accounting, governance and contracts for services, has obvious advantages for the university and it could form the bedrock of a new relationship. However, what a memorandum cannot easily do is determine a reasonable and justified level of increment to the block grant or annual allocation which, under any scenario, is always going to be a point of debate (and rightly so, financial plans of any unit are proper subjects for scrutiny at institutional level).

When looking to revise existing agreements and governance, comparison with similar universities and their unions provides context and examples of good practice. It does not however offer precise blueprints or recipes for success – ways of working will need to be adapted as well as adopted. Context matters.

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The relative scale of the two bodies means that the university may seek to assume a dominant, if not domineering, role in the relationship with the expectation that edicts will travel in one direction. It is a repeated complaint from unions that the approach taken by universities is high-handed and dismissive. SUs though are very unlikely to engage in serious dialogue with the university if they are not treated as partners with a meaningful contribution to make. Furthermore, an authoritarian approach from the university can be seen as a threat to the SU's independence. It is important that the university is particularly sensitive even to the suspicion of a 'takeover' when reviewing its relationship; not understanding how highly the SU values its autonomy is likely to stifle further cooperation.

Most SUs consider themselves to be independent of their parent institution, but it is necessary to establish what 'independence' actually means in this context. The block grant (or annual allocation as it is now titled at Warwick) from the HEI, coupled with its formal responsibilities, for example annual financial reporting, mean that this term is always going to be a relative one. It is also worth remembering that to the world outside of the campus (and perhaps in the legal realm) students' unions are seen as part of their universities. It is also important to note that the level of independence felt by the Union is not necessarily linked to the formal governance structures, and may be more determined by personalities and/or historical attitudes. In the course of this project, it has been noted that one 'fiercely' independent SU is actually quite formally integrated within the parent institution and another SU with a very good working relationship with the HEI is seeking to become more formally independent (with its university's support).

Some areas of union activity are more intrinsic to the notion of independence than others. For example, if a university were to start running the SU's payroll or provide its IT services, it would be difficult to claim that the Union would be any less independent than it was before, as these activities do not interfere with student representation. Those areas where the SU is, or should be, independent are in its student representation, both formal and informal, in supporting its clubs and societies, and in some form of provision for student advice. If a Union were not self-governing in these areas, it would essentially cease to fulfil most of its purpose.

Given that the HEI relies upon its union to provide certain student services, it could be helpful to describe the relationship as 'interdependent', but given the relative sizes of the two institutions this may be misleading.

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## **Establishing Trust and a Productive Relationship**

How do you establish trust between two organisations which share a long history of mutual suspicion? Perhaps 'trust' in this sense is better expressed by the word 'confidence'. In the first instance each party needs to have confidence in the other's willingness to become a more effective partner and secondly there must be some level of confidence in the other's ability to deliver. Of course key to the latter point is evidence of competency, and without wishing to stereotype the relationship, this usually means the SU demonstrating its capabilities to the HEI. Understandably, SUs and the professionals who work within them can become quite aggrieved at having to justify their working practices and levels of competence to other professionals who are not obliged to do the same in return. An incremental approach to closer working might be a model which is established with the agreement of both parties, allowing mutual confidence to develop at a measured pace. This may take the form of including more union officers on university committees, seeking greater consultation with union managers on campus food and beverage provision or establishing new means of formal and informal dialogue.

Being on 'good terms' may be a desirable way of working for many reasons, but from the perspective of an improved campus, a healthy relationship is not an end in itself but needs to be driving forward better services. Rightly or wrongly, some relationships have been described as being too 'cosy', the feeling being that an arrangement may suit union and university managers and the service providers rather than students. It may be that such suspicions are unfounded but, for some members of the student body, closer working will always be anathema as it undermines a notion of independence.

## **Clarifying and understanding the role of the Students' Union**

It may be an obvious point to make, that a students' union will have a clear definition of its own role and purpose, but the parent institution may have a very different conception of what its SU is and what it does. It is incumbent upon the university to have a full and up-to-date understanding of what the SU achieves and how it operates. Part of this understanding can be developed over time by establishing new formal and informal means of interaction but there are initial short cuts, including the idea of having some kind of 'away day' involving key university and union managers and officers or inviting sabbaticals and union managers to offer presentations on aspects of the SU's work at appropriate university meetings.

Once the range and level of services offered by the SU, for example, or the degree of SU's commercial activities have been established, potential harmonisation of the strategic imperatives of both the SU and HEI can be examined. With regard to some areas, particularly commercial, it may be that it is not appropriate to share information regarding future objectives and projects. During the course of this project it was noted that a lack of communication can sometimes result in rather costly mistakes.

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## Favourite old chestnuts

Some arguments from both universities and unions are predictable and generally overstated. They lose none of their ability to delight from repetition and below are three typical examples of such lines picked up at most institutions we visited or spoke to:

- It is often argued that the university or students' union should be providing a given commercial service because it's what students want. Students, like anyone else, are really interested in better services and generally care not a jot whether it is the university, the SU or indeed an external source which is providing that service. There is a strange duality to the argument that students would prefer to support their union or university bar when at the same time everyone recognises that so much bar trade has been lost by campuses to high street pubs and bars.
- University officers have a generally positive attitude to the sabbaticals at their SU. However, when a Union officer has been 'over exuberant' in carrying out their duties, this one-off incident can be held up as a gold-plated example of why the SU cannot be fully trusted, despite the fact that in the overall context of the relationship and of campus life, the incident is extremely minor.
- Union management and sabbaticals will frequently argue that the additional funds it is seeking in its block grant or for a particular purpose (£50K being a typical figure) are 'trivial' or 'insignificant' within the University's overall budget, and the SU subsequently sees itself as being slighted by the University's perceived parsimony. However, this line of reasoning ignores the rather obvious fact that the University has a large number of competing priorities, and that within an individual academic or administrative department's budget, such sums are highly significant in carrying out the university's core activities.

As will be clear, the above arguments are generally untenable, but can be made to serve as barriers to a more straightforward relationship between union and university. It would be fair to say that unions frequently feel patronised, frustrated that they are expected to justify themselves to the HEI and annoyed that their opinions and contributions are not considered as seriously as they would like. It is also worthy of note that the union, although it engages with many different areas of the university, ultimately deals with one 'parent' institution. By contrast, the university will naturally see the SU in the context of the many academic, administrative and ancillary departments on campus. Recognising these facts and gaining an insight in to the other party's perspective is ultimately more helpful than entering in to the 'poker game' scenario where little is given away and standard arguments such as those outlined above are used to obfuscate the issues at hand.



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## Culture

The structure and scale of the two bodies are key factors for consideration when looking at joint working. However, it is easy to overemphasise the importance of the different working cultures of the two organisations. The 'culture' of the SU is frequently referred to as something unique to that organisation but what, in reality, does this mean? If an SU and a university were considering merging some or all support functions for example, differing rates of pay and pension issues are much more likely to be the key issues rather than the perceived cultural difference. If, for example, the SU had an area of activity governed absolutely by committees whereas the University's equivalent was line-managed, then this could create issues were the two sides to work together, but this would still not genuinely be a 'cultural' issue (see the discussion on Warwick Sport above for an example akin to this).

### **At the end of the day, it's all about relationships**

It might sound a little trite but our over-riding conclusion from this part of the (ongoing) project would be that it really is all about relationships at every level, personal and political, structural and intangible. Relationships which are built on trust, earned over a period of years rather than months, relationships which are characterised by a free exchange of information and ideas and relationships which are founded on a mutual confidence in each others' attitude, disposition and approach. What gives the relationship its texture, its fibre and its strength is the vast range of day-to-day decisions, interactions, conversations and activities, many apparently unrelated, but all of which ultimately combine to provide a shared understanding of a way forward. If many of these seem to be inconsistent or appear capricious or opportunistic then one or both parties will quickly become distrustful and the foundations of the relationship will start to crumble.

What we have tried to offer here is a set of pointers, suggestions, observations and comments, some novel but mostly common sense. We hope that others will find something, however small, of value in this report and that, ultimately, we will have contributed a little to the improvement of management and leadership within universities and helped universities and students' unions to work together a bit better than they have done in the past.



### Universities and Students' Unions: the legal basis of the relationship

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#### 1. Introduction

- 1.1 This paper sets out the legal framework of the relationship between universities and students' unions in England and Wales. It is intended to lay the foundations for discussion of issues in more detail and for decision-making in future.
- 1.2 Bearing in mind that all students' unions, like all universities, are different, the paper deals with, in broad terms: the legal status of students' unions; how they relate and link in to the university; the legal obligations on both sides; and the implications of the Charities Bill for the future of the relationship.
- 1.3 This paper only covers the law of England and Wales.

#### 2. What is a students' union in legal terms? (and how is it related to the university?)

- 2.1 A students' union can be defined as an association representing and promoting the interests of its student members.
- 2.2 Most students' unions are unincorporated associations. As such, they have no legal personality. The set-up is like a members' club, and is unlike a company, which does have a legal personality of its own. This has tended to cause confusion around the issue of whether students' unions can be independent of their university if they don't have a legal personality. Clearly students' unions do have an identity as such and are able to exist independently, just as a members' club does. What they cannot do is enter into contracts as a legal "person" in the way that a company can. So the status of unincorporated association, while it might be less definitely separate than an incorporated company, need not affect the answer to the question of whether the students' union is part of the university.
- 2.3 Some students' unions (such as UCE's) are established as limited companies, but this is relatively unusual. Limited company status sets clear boundaries between the university and the students' union. In even less usual cases, the students' union is treated as an integral part of the university (we understand that this is the case at London Met for example).
- 2.4 It is more common for the status of the students' union to be somewhere in between completely independent and totally integrated. Students' unions would not exist but for their universities; a students' union will be set up under the university's governing documents; it will usually be substantially funded by the university; often occupy university premises; and there will be a range of different arrangements between the two parties, as documented in the Warwick Report.

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2.5 Students' unions are charitable bodies in their own right, accepted as such by the Charity Commission provided they are set up and regulated in accordance with the Education Act 1994, Part II ("the 1994 Act"). They have exempt charitable status by virtue of the Charities Act 1993 in that they are treated as being "administered by or on behalf of [a university]". (Universities are themselves exempt charities). Being exempt charities means that students' unions are at present exempt from the supervision of the Charity Commission, although they are still subject to charity law and ultimately the supervision of the High Court.

2.6 Students' unions have their own constitution and "trustees" who are in effect charity trustees. The constitution sets out the rules by which the students' union will operate and run elections, and it is supervised at present by the university's governing body. The trustees will usually be the executive officers of the students' union, or the directors of the company if it is incorporated. They will be subject to charity law duties.

### 3. **University constitutions**

3.1 In pre-1992 universities, provisions regarding students' unions are usually found in the charter and statutes. Typical wording is: "There shall be a Union of Students of the University" – effectively obliging the university to establish and if necessary support the continued existence of a students' union.

3.2 In the post-1992 universities, the articles of government typically state: "A students' union shall conduct and manage its own affairs and funds in accordance with a constitution approved by the Board of Governors..."

3.3 These provisions are neutral as to whether or not the students' union is part of the university or not.

3.4 As noted above, universities are also exempt charities. Both bodies are governed by charity law as separate charities. The objects of the university include the promotion of education and there will be a power or object, along the lines set out above, to set up and run a students' union. It is accepted for charity law purposes that a students' union, with its promotion of recreation and leisure facilities for students, and representation of students, is integral to the promotion of education. This is the basis for the legal use in charity law terms of (charitable) funds of the university to support the students' union – as it is furthering a main objective of the university.

### 4. **Statutory requirements**

4.1 The 1994 Act sets out the university's obligations in relation to its students' union. The Education (No 2) Act 1986, covering freedom of speech in universities, also brings students' unions into its remit. These two Acts effectively bind universities and students' unions together into a close relationship, while treating them as separate bodies.

4.2 The Further and Higher Education Act 1992 deals with the use of university funding from the two funding councils in England and Wales. Activities eligible for funding include the provision of education and the undertaking of research in the relevant council's area; the provision of facilities and carrying on of activities, in the area, which governing bodies consider necessary or desirable for the purpose of or in connection with education or research. This would include supporting a students' union.

### 5. **University obligations**

Under section 22 of the 1994 Act, the university's governing body must take all reasonably practical steps to ensure that the students' union operates fairly and democratically and accounts for its finances, and must ensure, in summary: that the students' union has a written constitution, approved by the governing body and reviewed by the governing body every five years; the students' union's financial affairs are properly conducted and its budget and expenditure are approved and monitored by the governing body; the students' union's financial reports are published annually; there is an effective and fair complaints procedure; elections to major union office are held by secret ballot; and sabbatical officers and paid elected officers serve a maximum of two years.

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6. **Freedom of speech**

Under the Education (No 2) Act 1986 there is an obligation on governing bodies to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees, and for visiting speakers. The use of premises (including students' union premises) is not to be denied on grounds connected with beliefs, views, policy or objectives of a body or individual.

7. **Students' union constitutions**

If the students' union is incorporated, its constitution will be embedded in the company's memorandum and articles of association. If it is unincorporated, the constitution is likely to resemble the rules of a club, with elections for officers. "Trustees" act on behalf of the students' union and enter into contracts on its behalf (if it is unincorporated), and they are likely to be indemnified under the constitution. The constitution can only be amended with the consent of the governing body and has to be reviewed at least every five years.

8. **Duties and responsibilities of "trustees"**

8.1 As noted earlier, executive officers or directors of the students' union are likely to have the status of charity trustees. Trustees are those who have the management and control of the charity, whatever their title. They have the same duties and responsibilities as the trustees of any other charity, are responsible for the administration, use and protection of the charity's assets, and accountable if things go wrong.

8.2 Under the present regime there is no formal requirement for trustees to be inducted or even informed that they are trustees. Under the new regime set out in the Charities Bill (see further below), as registered charities, students' unions will be required by the Charity Commission to put in place more formal induction procedures covering the duties and responsibilities of the trustees.

8.3 Charity Commission guidance on students' unions sets out that trustees are required to: act reasonably and prudently and in the interests of the students' union and its members; ensure the assets are applied only in furtherance of its stated objects (such as representing students as students and promoting their interests); and not engage in improper political pressure group or campaigning activities.

8.4 There is potential for conflicts of interest in relation to the first of these duties, if the university is represented on the board of directors of an incorporated students' union. If a university member of staff or governing body member is on the students' union board, he or she must act in the interests of the students' union, and not in the interests of the university.

9. **Social and political activities**

9.1 The Charity Commission provides guidance for students' unions in relation to "recreation and leisure" and on political and public causes. The provision of recreation and leisure facilities is recognised as furthering the interests of students and educational purposes; and running bars, catering and concerts are acceptable activities for a students' union as a charity. (Other risks may of course be associated with such activities and if they form a substantial element of the students' union's turnover or activities it is usually advisable to run them through a subsidiary trading company established for the purpose; this will have tax advantages and provide the protection of limited liability).

9.2 In relation to political activity, the same rules apply to students' unions as apply to any other charity. The purpose should be to further and serve the students' union's stated objects. Activities encouraging students to develop political awareness and to debate political issues are acceptable, but not supporting a particular party or cause. Commenting on public issues is only acceptable to the extent that the issues affect the students' union or relate to its purposes (such as campaigning on the issue of higher tuition fees). Students' unions may make grants to political clubs and societies but should do so in an even-handed and non-discriminatory way.

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## 10. Degrees of separation

- 10.1 Up until the early 1990's, it was often assumed that students' unions were part of their parent university, very much like a department of the university. A line of cases in the High Court attached the charitable status of students' unions to this integral relationship, ensuring that students' unions were charities and therefore limited in the political activities they could get involved in.
- 10.2 The Charities Act 1993 then changed the position by giving students' unions exempt charitable status in their own right as institutions administered by or on behalf of universities. This was then followed by the 1994 Act which, as noted above, established a regime for supervision of students' unions and their constitutions which effectively treated them as separate entities from the universities.
- 10.3 The law has progressively moved students' unions and their "parent" universities further apart. Case law has reflected this. In most cases involving students' unions in recent years there has been no argument on the question, and it is nearly always taken as read that students' unions are independent of their universities and able to bring or defend legal proceedings in their own right. (Technically, as unincorporated associations, most students' unions can in fact only do so through their officers, but this is often ignored in practice). In one recent case involving the University of Leicester the issue of whether the students' union was a separate entity for VAT purposes was considered by the High Court. The Court took many of the common features of the relationship between the two parties to be evidence of their status as separate entities, notwithstanding the elements of close supervision and control by the University.
- 10.4 Nevertheless, ambiguity still lingers in many cases, especially in areas of potential liability. There are often questions about who is responsible for premises, health and safety, activities, insurance or the employment conditions of staff. A fairly typical scenario of the *"fudged status of the students' union"* is described in the University of Warwick's Report (page [9]): *"The perennial question as whether or not it was a separate entity or essentially a part of the University, very much depended on the circumstances under which the question was asked. Both institutions tended to decide its status to suit themselves at a given time. . . . In some ways the SU has been treated as a department of the University, particularly with regard to financial areas, for instance, being charged for its space. . . . However, it was noted that it is only on occasions when things go wrong that the clear definition of the relationship becomes an issue."*
- 10.5 The new legal regime proposed by the Charities Bill will encourage greater clarity, particularly over financial arrangements, and will probably in most cases lead to a more formal degree of separation. From the university's point of view, one feature of the new regime is that, unless it has given a guarantee, the involvement of the Charity Commission as regulator distances the university from formal responsibility if the students' union gets into financial difficulty.
- 10.6 If the university and union are formally separate, it becomes straightforward to set up binding contractual relationships between them, leases of buildings from university to union, and clarity over who is responsible for what. At present these relationships are often documented, if at all, through informal and overlapping "codes of practice" or "memoranda of understanding". More formality could be of benefit to both sides in terms of clarity, but on the other hand both sides in the past have sometimes found an element of ambiguity to be quite useful. An increase in formality and clarity would certainly increase the focus on questions such as whether the university would be obliged to take responsibility for any financial difficulties of the students' union, as noted above.

## 11. Could the students' union become integrated into the university?

- 11.1 In the context of the Charities Bill requiring students' unions to register separately as charities, the question has been raised of whether, as an alternative to this, students' unions could be fully absorbed and become part of the university. This would not simply be a question of turning back the clock, as the reality in most cases has been that the students' union was not even prior to 1993 in the same position as a department of the university – in that it usually employed its own staff, elected its own leaders and officers, had its own constitutional rules and accounts, agreements with the university for the occupation of buildings, and generally operated fairly independently.

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11.2 While it might be possible for a students' union to be legally integrated into a university, there are some obstacles in the way of this happening. The definitions in the 1994 Act (treating the students' union as a "body" with its own constitution and representative function) are strongly suggestive of separation and independence; there would be the question of the transfer of staff employment and pension rights (and liabilities) and whether the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) would apply to protect staff terms and conditions and continuity of employment; the university would have to take on the risks associated with students' union activities (although the use of trading companies would be a protective measure for some activities); there may be VAT implications which would not necessarily be welcome; accounts would have to be consolidated; and there is the question of how a students' union can be a representative body if it is wholly part of the university.

11.3 In order to integrate a students' union into a university, there would need to be some kind of definite transfer in order to make the position clear.

## 12. **Charities Bill 2005**

12.1 The Bill is likely to be enacted in Spring 2006, coming into force no earlier than 2007.

12.2 Under the new Act when it comes in, students' unions will remain charities but will lose their exempt status. This means they will come under the Charity Commission regime in future, in terms of registration and regulation. It does not otherwise affect their status and there is no reason why students' unions cannot remain unincorporated if they so wish.

12.3 Students' unions will be required to register with the Charity Commission if their turnover exceeds £100,000. They will have to comply with annual reporting requirements. They will remain subject to charity law (as now) and in addition to the supervision and monitoring of the Charity Commission.

## 13. **Registration and compliance**

If a students' union satisfies the requirement noted above in respect of its turnover, and is an independent entity not subsumed within the university, registration with the Charity Commission will be compulsory. The process involves sending copies of constitutional documents to the Charity Commission, and completing a detailed application form with full financial information and full details of activities and background; and trustees/directors must all sign a declaration as charity trustees that they are aware of their duties and responsibilities.

## 14. **Regulation and compliance**

14.1 Once registered, students' unions must comply with Charity Commission requirements. This represents a significant increase in bureaucracy for students' unions which are presently exempt unincorporated associations. The following is a brief summary of the new requirements; more detail can be found on the Charity Commission's website.

14.2 Charity accounts must be filed, explaining all transactions, with a statement of financial activities showing the total incoming resources and their application and movements in total resources; and a balance sheet.

14.3 A professional audit of the accounts is required if gross income and expenditure exceed £500,000.

14.4 A charity annual return has to be completed, showing changes of officers and general information.

14.5 A charity annual report has to be submitted on the activities of that year, with a review of major risks and systems in place to mitigate risk.

14.6 If the students' union is also incorporated as a company limited by guarantee, Companies Acts requirements will also apply.

## 15. **Regulatory overlap under the Charities Bill**

15.1 In future there will be two regulators involved as far as students' unions are concerned – the university and the Charity Commission. In addition, in England, HEFCE will be regulating the universities in relation to their charitable activities.

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- 15.2 There will be a degree of overlap in regulation between universities and the Charity Commission in relation to students' unions. Both have responsibilities for monitoring the students' union constitution, for its financial affairs and for complaints.
- 15.3 In respect of the constitution, the 1994 Act obliges the governing body of the university to review and approve it at least every five years; under the Charities Bill, on registration, the Charity Commission will review it and all significant changes will require their consent. There will therefore be two bodies with the same responsibility, and no priority between them. The likely outcome is that supervision on specific wording of the constitution will pass to the Charity Commission, and for the governing body to follow their advice.
- 15.4 In respect of financial affairs, the governing body has the responsibility under the 1994 Act to ensure that the students' union properly conducts its budget and expenditure; it has a monitoring role and has to ensure the students' union publishes annual financial reports. As a registered charity, the students' union will have to comply with the requirements noted above. In addition the Charity Commission has a monitoring role: it tends to use the review of filed accounts and returns as first indication of any problems. It is likely that the outcome of the overlap will be to pass some supervision to the Charity Commission – however day-to-day monitoring and early stages such as budgeting will still fall to the governing body.
- 15.5 As far as complaints in respect of the students' union are concerned, the 1994 Act requires the governing body to ensure that a complaints procedure exists and there is an independent person who can investigate. The Charity Commission already sets out guidance for students' unions which are registered and this points complainants in the first instance to the governing body; complaints will only go to the Charity Commission if the governing body cannot resolve them.
- 15.6 There is another potential area of overlap for universities and students' unions in England as a result of HEFCE's involvement in regulating the charitable activities of universities. This could arise in relation to activities which are jointly run or jointly funded, or both. This is more likely to arise where the students' union is unincorporated, in that the boundaries are less clear. Where the students' union is incorporated, there should be a clearer demarcation of activities which will be easier to supervise separately.
- 15.7 The main concern of regulators will be the financial relationship between the university and the students' union, and cash flowing between them.
16. **Clarifying the relationship**
- 16.1 If it is accepted that the students' union is and should remain separate from its university, some may consider ensuring a more formal legal separation either by incorporating as a company limited by guarantee or by forming a charitable incorporated organisation (CIO). A CIO is a new legal entity proposed in the Charities Bill which will be specific to charities. It will have limited liability and avoids the dual regulation of the regimes of the Charity Commission and Companies House.
- 16.2 If this is done it will be important to show clearly which funds, assets and employees are held or working for the university and which for the students' union – and to be clear about which regulator has authority over them.
- 16.3 A clear degree of separation should reduce any possible regulatory overlap.
17. **Further guidance**
- 17.1 In the course of consultations with the Higher Education Charities Bill Review Group, the Charity Commission have undertaken to prepare a fresh Guidance Note which will be available in due course on their website. We understand it is to address options for universities and students' unions under the new Charities Act; explain what it will mean for the students' union to register as a charity; and how registration would interface with the university's responsibilities under the 1994 Act.

## ANNEX B

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### Further Questions

#### Points for consideration:

- It is important to recognise that notions of student union autonomy and independence are relative to the local context. It is possible that a strong sense of independence in the Union may be at variance with formal governance structures, which have the SU essentially operating as an integral part of the University .
- A tradition of hostility or indeed of amicability in this context should not be underplayed. Despite the fact that, by necessity, SUs have an annual turnover of sabbatical officers and of course both unions and universities have a turnover of management and officers respectively, long-established conventions of ill will appear to persist no matter that the personnel might frequently change. One factor being that an SU's sense of identity may have been traditionally derived from an openly hostile attitude toward the parent body.
- When examining a relationship, taking into consideration or, indeed, directly confronting perceptions and time-honoured enmities may be a more important first step than a reassessment of the formal lines of reporting.
- A detailed legal analysis of the University: Union relationship, prepared by Nicola Hart of Pinsent Masons, can be found attached at Annex A. This paper, published here for the first time, is based on the presentation given by Nicola at the project Seminar in January 2006.
- Needless to say, minimising financial risk is a desirable objective for both universities and Unions, although there is a chequered history of achieving this end.
- Sensibilities with regard to financial reporting do need to be respected; an overbearing attitude from the parent institution being a reliable means of creating bad-blood. However, regular reporting and transparency in operations should not, in most cases, give the Union undue reason for concern. Clearly, cultivating a healthy working relationship between the SU finance manager and senior finance figures at the University would be a sensible first step.
- In general terms, greater emphasis needs to be placed on campus cooperation rather than campus competition. The off-campus marketplace has become very adept at parting students with their money and when university or student union commercial services cease meeting students' increasingly high expectations, revenue will be lost.
- Maximising the joint potential of the two institutions and recognising each other's strengths appears to be best way of ensuring that students spend their money on campus. Joint purchasing is clearly one area which can make significant savings for both institutions
- Expansion in student numbers and the changing needs of a more diverse student body mean that many SU buildings are less fit for purpose than they were, and in some cases are obsolete.
- It is difficult to imagine a university, or indeed any body, spending a large sum of money on another institution which may operate rival commercial services and may also be one its sternest critics. Therefore if a university chooses to invest several million pounds on a new building, some form of quid pro quo is likely to be expected. Clearer financial reporting, an agreement with regard to commercial outlets and guarantees of service may be areas which could come under consideration in this situation. Indeed there ought to be an opportunity for both institutions to reassess their relations and functions with regard to student and commercial services within the context of a new-build or extensive refurbishment.



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- Again see Annex A, on the legal relationship between universities and unions, prepared by Nicola Hart of Pinsent Masons.
  - Suffice to say that decisions relating to the Bill cannot be made unilaterally and so, when determining which route to follow, both institutions will need to take into consideration most of the key areas included in this report. Also, the benefits for a Union of 'going it alone' need to be weighed against the potential perils, principally, any financial risk.
  - Given the difficulties academic staff have found themselves in claiming a slice of the 'post-2006 pie', it is clear that universities are not going to be enjoying the cash bonanza some may have been expecting. Most of the additional income has already been earmarked; an appropriate portion of which will be needed to improve student services, although to what extent the University includes the SU in this equation is the moot point. It is inevitable that the Union will be involved in the delivery of better services, however an increase to the annual allocation will need to be justified as rigorously as it is currently.
  - Student spending may have an impact on the amount of money the Union makes through its commercial services, although it should be noted that student habits have changed and it may not be simply the fact that students have less cash in their pockets which has led them to spend less at the Union bar for example. Certainly, given the demographic shift in the student population, the coffers of both student union and university businesses are unlikely to swell by default.
  - Future planning needs to look at firstly at how the student demographic has changed, and then to examine how it is likely to change.
  - Arguably no-one has a better understanding of the UK undergraduates' university experience than sabbatical officers. However, their appreciation of the postgraduate, international, mature and part-time student experience is quite naturally going to be more limited. Unions, quite sensibly, tend to adapt existing services to cope with the changing needs of students, yet the central model remains that of the 18-21 year-old British full-time student. Unless Unions actively restructure their executive and/or begin to demonstrate that they are catering for students beyond the 'traditional majority', they are going to find it ever more difficult to claim to represent the student body.
  - Both institutions need to have a more comprehensive response to the challenges a more diverse student body presents them with, and it should be recognised that there remains a significant gap between identifying these particular challenges and meeting them.
  - This is one area which demands some pragmatic thinking by both bodies. It ought to be that whichever institution is best placed to provide a given service, should provide it, or, that a comprehensive service is being delivered through cross-campus cooperation.
  - Some services are traditionally located with one institution or the other and it is therefore 'ownership' of a service which has the potential to become the big issue rather than that service's aim, i.e. benefiting students. With an evermore diverse student body, creating appropriate, customer-focused, quality student services will necessarily demand greater levels of cross-campus collaboration.

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Below are further questions and issues which were raised during Warwick's Seminar Day and not included above.

### ***Commercial Service Provision***

Location and lay out of campus are major factors when considering the level of university: union collaboration on commercial activities: campus and 'town centre' sites have very different competition issues.

Challenging private 'fiefdoms' and commercial empire building is difficult and there can be concerns that personalities seem more important to institutions than logical commercial realities.

Bringing all commercial activities together may offer huge savings.

Some SU commercial activity is more than transactional and is necessary to provide a safe space for students and to offer service delivery in a socially responsible way (but there also has to be a strategic reason to do it)

### **Non-Commercial Service Provision**

Establishing under what criteria (if any) the distribution of services between SU and the HEI has been made.

Have political factors played a part in determining which body provides given services?

Is best practice/quality of provision the most important factor in determining the service-provider?

### **Relationships, structures and perspectives**

It seems sensible that both parties keep reminding themselves of the other's perspective, particularly with regard to the relative scale and nature of each part of the institution.

Are existing problems related to structural issues at all? It may be that a structural realignment is not appropriate.

How do university senior officers liaise with new sabbatical officers? What is the level of interaction? Are university staff sufficiently involved in the induction of new sabbaticals and new staff?

Does the union's constitution actually work? Are committees active and effective, or are they mainly 'talking shops'?

Structural change elsewhere in the institution, eg merger, can provide an opportunity to review and document the university: union relationship.

How can the union overcome university indifference to serious dialogue? What are the drivers for university engagement? Some institutions might be persuaded by the need to present a positive position for QAA institutional audit.

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## **Block grant**

Should the SU expect a larger allocation to improve student services or should higher fees post-2006 be spent on core educational activities?

Might both parties benefit from an explicit discussion about how the block grant is used? What does the university actually expect the union to do with the money?

Does the university feel that, in reality, the SU has significant resources available to it?

Does the university really understand what the SU does and its full range of activities?

## **Structures and strategies**

How independent is it desirable for the Union to be?

Do universities really understand the constitutional issues around the union?

Does the SU itself really understand its own constitution and how it relates to its key constituencies

What is the university structure and how well are students represented in the key areas?

It is important to decide on the overall direction of collaboration in order to determine the most sensible funding arrangements for particular initiatives.

Creating and sustaining the conditions for collaboration is a necessary pre-requisite but will lead to only pockets of success unless the most senior university staff buy in.

**The 1994 Education Act Covers:**

Definition of a students' union and the obligations of the governing body of the institution to ensure, inter alia, that:

- The students' union has a written constitution, which is reviewed every five years.
- A student can opt out of students' union membership.
- Elections to major offices are fair and by secret ballot.
- The students' union financial affairs are properly conducted.
- The students' union financial reports are published and presented to the governing body at least annually.
- There are proper procedures for allocating resources to clubs and societies is fair.
- There are proper procedures for affiliation to external bodies.
- There is a complaints procedure.

**The Education (No 2) Act 1986 – Covers freedom of speech**

**Statute 18(20) - Powers of the Council:**

"To take such steps as it thinks proper for supervising organisations of students and to approve any amendments to the constitution of the Union of Students...[taking] into consideration any recommendation or report by the Senate."

**Statute 20(30) Powers of the Senate:**

"To make recommendations to the Council concerning the constitution of the Union of Students and on any other matter relating to supervising organisations of students."

**Statute 25:**

- (1) There shall be a Union of Students of the University.
- (2) The Constitution shall be approved by the Council...[taking] into consideration any recommendation or report by the Senate
- (3) The Constitution of the Union of Students shall provide for the election of a President of the Union.

**Ordinance 24:**

- Code of Practice re 1994 Act, covering:
- SU written constitution and review
  - Membership of SU
  - Elections to offices
  - Financial reporting
  - Affiliations to external organisations
  - Restrictions under charities law
  - Freedom of speech (Ref to Reg 31)

**Regulation 31: Re 1986 (No 2) Act:**

No premises "of the University" to be denied to "any individual or body of persons" on grounds of "beliefs or views" or "policy or objectives".

**Other Regulations:**

- Regulation 4 - Election of Student Members of Committees
- Regulation 26 - Leave of Absence for Sabbaticals

**The University**

Formally, signatory to lease with Union for the old Union Building.

**Lease – Old Students' Union Building**

Lease, between the University and the Students' Union, signed 24<sup>th</sup> February 1975.

**The University of Warwick Foundation**

Landlord for lease to WSUS for the new Union Building and provider of loan for the building of £1.527m

**Lease – New Students' Union Building**

Lease, between the University of Warwick Foundation and WSUS, signed 11<sup>th</sup> March 1997.

**Students' Union**

- Is an exempt charity, by virtue of the University's status.
- Has the wholly owned subsidiary trading company SUSW Ltd and the dormant WSUS (Company Ltd by Guarantee).
- Is formally the lessee of the old Students' Union Building.
- Its financial regulations give it power to lend and borrow money (although implicitly constrained by need for University approval under Ordinance 24(7)(e)).

**Warwick Students' Union Services (Limited by Guarantee)**

Now dormant except for the lease of the new Union building and the servicing of the loan for the building.

**Students' Union Services Warwick Ltd.**

Trading company, established in 1995 to avoid Corporation Tax – profits are gift-aided to the Union.

**Code of Practice Regulating the Use and Management of the Buildings Allocated to the Students' Union**

- Replaced the previous Building Agreement (which covered the old Students' Union building only).
- University is described as the owner of the old Students' Union building and superior landlord of the new building.
- Covers building management, commercial and staffing practices, inspection, repair and maintenance responsibilities, retail services and catering, bars and entertainment services.

**Finance & General Purposes Committee**

- Considers the Students' Union and Company accounts each Autumn Term (Ordinance 24(7)(b)).
- Formal responsibility for annual review of Regulation 31.

**Students' Union Liaison Group**

Oversees Code of Practice on buildings.

**Council**

**Senate**

**Steering**

## ANNEX D

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### University of Warwick and University of Warwick Students' Union

#### Framework of Good Governance

This Framework of Good Governance is established to clarify the relationship between the University of Warwick (the University) and its Students' Union (the Union). References to the Union here cover both the Union itself and all of its subsidiary companies.

#### 1. Principles

- 1.1 It is in the best interest of the University and its members to retain a strong and financially viable Students' Union. The Union serves a valuable purpose to students in terms of representation, student societies and activities and general support.
- 1.2 This Agreement is intended to ensure that the University remains confident that the Union's operations are being run to best effect, that its finances are sound, that the annual grant is being used properly, that the University is meeting its legal obligations and that the Union is playing a full and appropriate part in the life of the campus community. It is not the intention of the University to seek to manage directly the day-to-day affairs of the Union.
- 1.3 Responsibility for oversight of the implementation of this Agreement lies formally with the Council of the University.

#### 2. Scope

- 2.1 Several pieces of legislation, Statutes, Ordinances and Regulations, together with leases and a Code of Practice governing the use of buildings currently provide the formal structure for the relationship between the University and the Union. This Framework is intended to provide a clear structure for the relationship between the University and the Union, to ensure effective co-operation and to assist with the implementation of each of the areas covered and the general objectives of the University and the Union overall. All of the existing documents which govern operations are therefore appended to this Agreement and subordinate to it except that, for the avoidance of doubt, the legal requirements placed on the University and the University's Charter, Statutes, Ordinances and Regulations take precedence over the terms of this Framework.
- 2.2 This Framework covers:
  - Legal requirements
  - Financial arrangements
  - Buildings
  - Representation, reporting, liaison and co-operation
  - Student welfare and support
  - Constitutional matters
  - Review

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- 2.1 A diagram summarising the areas covered by the Framework is at Attachment 1. Extracts from the University Calendar are at Attachment 2. The Code of Practice regulating the use of the buildings allocated to the Students' Union is at Attachment 3.

### **3. Legal Requirements**

- 3.1 The University and the Union are bound by the terms of the 1986 (No 2) Education Act (covering freedom of speech issues), the 1992 Education Act (in terms of funds provided by the Higher Education Funding Council for England) and the 1994 Education Act (covering, in relation to students' unions: definitions; constitution; membership; elections to offices; financial affairs and reporting; funding of clubs and societies; affiliation to external bodies; and complaints).
- 3.2 These (and other) legal requirements are addressed in the Statutes, Ordinances and Regulations of the University and shall be adhered to by the University and the Union.

### **4. Financial arrangements**

- 4.1 The University is bound by the terms of its Financial Memorandum with the Higher Education Funding Council for England to ensure that the public funds it receives are properly used within the legal and other requirements placed on it.
- 4.2 In allocating an annual grant to the Union, the University must be satisfied that the Union has appropriate arrangements for financial management, accounting and control and that the University's funds are used for the purposes for which they were given. The Finance Director shall inform the Council of the University if he/she has serious concerns about the Union's financial affairs and the Council may suspend the payment of grant if in its opinion it is appropriate and reasonable to do so.
- 4.3 The Union is responsible for ensuring that funds from the University are used in accordance with the purposes for which they were allocated, the terms of this Framework, the Statutes, Ordinances and Regulations of the University and the 1994 Education Act.
- 4.4 The Union, within the terms of the annual grant, has considerable discretion over its use of funds and is responsible for the proper stewardship of those funds. It must therefore ensure it exercises its discretion reasonably, and takes into account such requirements or guidelines which may be laid down from time to time by the University Council.
- 4.5 The General Manager and the President of the Union will be responsible for ensuring that the terms of this Framework are complied with and shall advise the Registrar of the University if, at any time, any action or policy under consideration by the Union appears to be incompatible with the terms of this Framework. They may be required to appear before relevant University bodies on matters relating to the grant to the Union or any other issues covered in this Framework.

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- 4.6 The Union shall plan its affairs such that it remains solvent and that its total expenditure is not greater than its total income. The Union is responsible for delivering value for money from the funds it receives.
- 4.7 The Union shall provide the University with whatever information it requires to exercise its responsibilities under its legal obligations, the *Financial Memorandum* with the HEFCE<sup>6</sup> and its Statutes, Ordinances and Regulations. This includes providing access to the University's Internal Auditor.
- 4.8 The University will determine the funds to be allocated to the Union in any year on the basis of an annual financial and strategic plan from the Union specifying the uses to which such funds will be put thereby setting the request in the context of the overall Union budget for the following year. The bid for the next financial year shall be submitted by the Union to the Registrar by no later than the end of the Spring Term in the preceding financial year and shall be considered as part of the University's normal planning processes and approved by the University Council.
- 4.9 The Union may continue to operate such subsidiary companies as are appropriate to enable it to achieve its objectives provided that the establishment, operation and continuation or dissolution of these companies is undertaken under the terms of this Agreement. It is expected that the Union will follow the good practice published by the HEFCE as 00/58 *Related companies: recommended practice guidelines*<sup>7</sup> in the operation of its subsidiaries.
- 4.10 The Union shall make the necessary insurance arrangements for all of its activities and provide information on these to the University on request.
- 4.11 The Union shall make appropriate pension arrangements for its staff and those employed by its subsidiary companies. Such pension arrangements are subject to the approval of the University Council.
- 4.12 The review of remuneration arrangements for Union sabbatical officers must be undertaken in accordance with the principles of good governance followed by the University and will be subject to approval by the University Council.
- 4.13 Neither the Union nor its subsidiary companies may undertake any borrowing or lending of monies without the approval of the Council of the University.

## 5. Buildings

- 5.1 The Code of Practice regulating the use and management of buildings allocated to the Students' Union (Attachment 3) shall be used to ensure appropriate use of space allocated to the Union.

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<sup>6</sup> Available at: [http://www.hefce.ac.uk/pubs/hefce/2000/00\\_25.htm](http://www.hefce.ac.uk/pubs/hefce/2000/00_25.htm)

<sup>7</sup> Available at: [http://www.hefce.ac.uk/pubs/hefce/2000/00\\_58.htm](http://www.hefce.ac.uk/pubs/hefce/2000/00_58.htm)

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## 6. Representation, reporting, liaison and co-operation

- 6.1 Many channels for representation, reporting, liaison and co-operation exist. Students are well represented on many key University Committees and the University:Students' Union Liaison Group is an important and valuable means of sharing issues of common concern.
- 6.2 The following specific reporting and review arrangements are already in place:
- Amendments to the Constitution of the Union are approved by the Council (under Statute 18) and the Constitution is reviewed by the Council at least every five years (under Ordinance 24).
  - Annual review of Regulation 31 (which governs freedom of speech) is undertaken by the Finance and General Purposes Committee.
  - Oversight of Code of Practice governing buildings used by the Union is undertaken by the University: Students' Union Liaison Group.
  - An annual report on bans imposed on groups and organisations by the Union is received by the University:Students' Union Liaison Group.
- 6.3 Clarity of financial reporting arrangements is particularly important and the following reports will be provided by the Union:
- Union and Union's subsidiary company annual accounts to be received by the Finance and General Purposes Committee each Autumn Term.
  - An annual pension scheme report to be provided by the Union.
  - Quarterly management accounts to be submitted by the Union to the Budget Steering Group of the Finance and General Purposes Committee.
  - An annual financial and strategic plan from the Union incorporating a bid for its annual block grant specifying the uses to which such funds will be put and setting the request in the context of the overall Union budget for the following year.
- 6.4 In order to ensure the most effective co-operation between the University and the Union these reporting arrangements will be fully implemented. Where other formal reports are required the normal route for these will be via the University:Students' Union Liaison Group to the appropriate University Committee unless otherwise agreed.
- 6.5 To assist with reporting arrangements, the Union's General Manager will provide, at least quarterly, written reports and information on areas covered by this Framework and other matters to the Registrar. The General Manager shall also be invited to attend meetings of the Finance and General Purposes Committee and to be in attendance at such other University Committees as may be specified from time to time. The Union's Finance Manager shall also provide reports as appropriate to the University's Finance Director. These arrangements are intended to assist with ensuring continuity and stability but also help to maintain a sound relationship with and offer greater assistance to the General Manager in ensuring effective operation of the terms of this Framework.



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## **7. Student welfare and support**

- 7.1 In order to promote the well-being and assist with the retention of students the University and the Union will continue to work together to provide the best possible student support and welfare services. The Campus Life Committee, the University: Students' Union Liaison Group, meetings of Heads of Student Services, the Responsible Drinking Group and regular meetings of licensees on campus are the main fora for the discussion of these matters.

## **8. Constitutional Matters**

- 8.1 The University and the Union will continue to work together (under the terms of Statute 25) to ensure the effective operation of the Union's Constitution.

## **9. Review**

- 9.1 The terms of this Framework shall be reviewed annually by the University: Students' Union Liaison Group and any recommendations for changes submitted to the University Council.

### ***Attachments [not attached here – for information only]***

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|--------------|--|
| Attachment 1 | Diagram summarising areas covered by the Agreement   |
| Attachment 2 | Extracts from the University Calendar  |
| Attachment 3 | Code of Practice regulating the use and management of buildings allocated to the Students' Union |

Seminar Programme



# The Future Relationship between Universities and Students' Unions

## Seminar Day

University of Warwick, 13 January 2006

- Examining good governance practice
- Collaborative working
- Ensuring quality of service provision
- Managing for future change

### The Project

Thanks to a Leadership Foundation Fellowship ([www.lfhe.ac.uk](http://www.lfhe.ac.uk)) awarded to Dr Paul Greatrix, Director of Academic and Student Affairs, the University of Warwick and its Students' Union are in the final stages of a groundbreaking project.

This project has not only explored new ways of collaborative working between the two institutions, but has researched other University:Union relationships throughout the UK.

Areas which have been analysed include: Commercial Services; Governance and Structural issues; Student Service provision; Estates issues; Support Functions, eg IT and HR.

### Aims of the Seminar Day

Colleagues from universities and students' unions are invited to share in the project's findings and to participate in discussions in this area.

The seminar will appeal to all those involved in student matters and the developing agenda in union:university relations.

Participants will be provided with draft findings of the Warwick Leadership Foundation Project in advance of the seminar to help shape the agenda and contributions.

It is intended that comments and contributions from those present will also be included in the final report.

### Guest Speaker: Nicola Hart, Pinsent Masons

Nicola Hart is a Partner and National Head of the Universities Group at Pinsent Masons. She specialises in education law, advising leading universities throughout the UK on strategic issues. Nicola is named as a leading expert on the field of higher education in both the Legal 500 and Chambers.

Her talk will provide guidance on the sometimes ambiguous legal position of universities vis-à-vis their student unions, and particularly on the implications of the Charities Bill.

**Leadership  
Foundation**  
for Higher Education

**STUDENTS' UNION**  
UNIVERSITY OF WARWICK 

# The Future Relationship between Universities and Students' Unions

Friday 13 January 2006 - Scarman House, University of Warwick

10.00-10.15	Coffee		
10.15-10.30	Welcome address by Jon Baldwin, Registrar, University of Warwick		
10.30-10.45	Background and nature of project by Paul Greatrix, Director of Academic and Student Affairs and Kat Stark, President of the Students' Union		
10.45-11.15	'Legal Issues relating to the SU:University Relationship' by Nicola Hart, Pinsent Masons		
11.15-11.30	Coffee Break		
11.30-12.30	Workshops		
	Constitutional and Structural Issues	Collaborative Approaches to Students Services	Capital Ideas: Dealing with Buildings and Estates Issues
12.30-13.30	Lunch		
13.30-14.30	Workshops		
	Constitutional and Structural Issues	A Moveable Feast? The Challenges of Catering and Bars Provision	Aligning Support Functions: HR, Finance, IT
14.30-15.30	Workshops		
	Constitutional and Structural Issues	Collaborative Activities: Working Together to Support Student Engagement	Representation and Feedback: Building Mechanisms Fit for the Future
15.30-15.45	Conclusions and Way Forward		

## ANNEX F

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### Attendees of 'The Future Relationship between Universities and Students' Unions' Seminar, Warwick, 13 January 2006

Joe Weir	President	UADSA
Mark Crowhurst	Sabbatical Officer	UADSA
Louise Riddell	Vice President	UADSA
Steven Symonds	General Manager	Cardiff University Students' Union
Jo Halliday	Deputy Secretary	SOAS
Catharine Baxter	Registrar and Secretary	North East Wales Institute
Thomas Roderick	Registrar and Secretary	University of Wales, Lampeter
Julie Clark	Academic Registrar	The Royal Veterinary College
David Faux	Deputy Dean of Students	The University of Surrey
Vince Mayne	Student Services	Coventry University
Neil Hurran	Student Services	Coventry University
Hannah Topping	Student Services	University of Wales, Newport
Joanna Darby	Student Services	Coventry University
Paul McHugh	Director of Student Affairs	Anglia Ruskin University
Joanna M Nyirenda	Student Services Building Liaison Officer	Reading University
Jan Hulme	Academic Secretary	University of Glasgow
Lyn Beverley	Head of Student Services	Newman College of Higher Education
SU President	SU President	Newman College of Higher Education
Nicky Goldthorpe	Sabbatical Officer	York St John Students' Union
Jack Woodhams	President	York St John Students' Union
Helen West	Director of Academic and Student Affairs	Oxford Brookes University
Howard Parkinson	General Manager	University of Northampton SU
James Kemp	President	University of Northampton SU
Phil Sturgeon	Finance Manager	University of Northampton SU
Ben Elger	General Manager	Reading Students' Union
Pamela Bell-Ashe	Director of Student Services	UCE
Izobel McAuliffe	Senior Administrator CELT	University of Glamorgan
Peter Shelley	General Manager	University of Glamorgan
Richard Ellis	President	University of Glamorgan
Martin Davey	General Manager	University of Luton Student Union
Jo Thomas	General Manager	Coventry University Students' Union
Peter Elliott	General Manager	Lancaster University Students' Union
Dwayne Branch	President	Lancaster University Students' Union
Phil Kirk	General Manager	University of Leicester Students' Union
Martin Cullen	President	University of Leicester Students' Union
A Kumaran	Advisory Services Manager	University of Leicester Students' Union
Les Rees	Director of Student Support	Cardiff University
Matt Sims	Director of Student Experience Unit	Cardiff University
Pat Sponder	Head of Student Support and Services	University of Manchester
Ian Robinson	General Manager	University of Bath Students' Union
Tamara Johnson	President	University of Bath Students' Union
Raywen Ford	Director of Students Services	Roehampton University
Michael Corin	Deputy University Secretary	University of Leicester
Sue Spencer	Student Services Manager	University of Liverpool
Peter Robertson	General Manager	KCLSU
Matt Pusey	President	KCLSU

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Julia Poole	General Manager	University of Birmingham Guild of Students
Richard Angell	President	University of Birmingham Guild of Students
Brian China	Director of Student Services	Queen Mary
Ellie Clewlow	Learning and Teaching Enhancement	University of Bath
Andrew Duffield	General Manager	The Union Society, University of Newcastle
Ally Robson	President	The Union Society, University of Newcastle
Peter Baran	General Manager	Soas SU
Paul Lloyd	General Manager	University of Huddersfield SU
John Haywood	Assistant Director of Student Services	University of Northampton
David Everett	Head of Campus Services	London Metropolitan University
Ruth Wilson	General Manager	Sheffield Hallam University S U
Amanda Chetwynd	Pro-Vice-Chancellor	University of Lancaster
Wendy Llewellyn	Director of Student Guidance and Welfare	Loughborough University
Michael Hogg	General Manager	London South Bank University SU
Anthony Blackshaw	General Manager	University of Essex SU
Tony Rich	Registrar	University of Essex