Who are our Students?

This is important for at least two reasons:

- Most institutions have very diverse student populations – much more so than in the past; this has implications for how learning and teaching is conducted.
- Institutional values and how students are seen within their institutions also vary.

So far as the diversity of the student body is concerned, for many institutions the ‘norm’ is no longer the full time undergraduate student aged between 18 and 22. Rather, higher education is characterised by huge diversity of learners, many of whom are mature and studying part time. The profile of each institution is different. The position nationally is described in Patterns of Higher Education Institutions in the UK: 10th Report, published by Universities UK. Paper copies can be obtained from UUK. There will also be copies in your institution.

How an institution regards students is intangible but important. It is possible for an institution to see students as full participants in a collegial learning process or as fee-paying customers of educational services. Either approach is possible and many institutions may have both in different departments, but they have different implications for how an institution sees and relates to its students.

The Student Experience

An important distinction needs to be made between the student experience and the student learning experience.

The student experience includes all aspects of students’ experiences at their institutions, and is a high-profile theme of the new coalition government’s statements on higher education:

- The provision of student services.
- Student accommodation and campus life.
- Student sport and recreation.
- For some institutions (e.g. church colleges) ensuring that the student experience is consistent with mission.

For many institutions an important component of the student experience is the international student experience. The UK International Unit has produced a Guide to Enhancing the International Student Experience and Catherine Montgomery of Northumbria University has published Understanding the International Student Experience.

The student learning experience is more restricted to academic issues of learning, teaching and associated activities. This is unlikely to be the direct responsibility of the governing body and is generally in the remit of the academic board or senate. The governing body can expect to receive regular reports.

Many student issues are primarily operational and therefore a management responsibility, but the governing body has a role in relation to strategy, for example ensuring that the learning and teaching strategy is achievable within existing resources and is fully compatible with other strategies, and monitoring performance.

A good starting point for more information about the student experience is the Higher Education Academy. More information about the student learning experience may be found from the Quality Assurance Agency.

Hefcw has published a circular to its institutions, reflecting that the student experience is one of the 5 strategic themes in its corporate strategy (Hefcw's strategic approach to the student experience 2010-11 to 2012-13). The Wales Initiative for Student Engagement (WISE), set up in 2009, is intended to help students to play an active role in shaping their higher education experience.
Student Unions

Under the 1994 Education Act, all universities and colleges in England and Wales (and post-1992 universities and designated institutions in Scotland) are obliged to provide a student union and are responsible for its financial probity. Student unions are operated autonomously, but the governing body must approve the union’s constitution at least every five years, and must have in place a formal agreement about how the union and the governing body will interact. The institution provides funding to the union and should receive its report and accounts. The parent institution must also ensure that union elections are run on a fair and legal basis.

There must also be effective and transparent mechanisms in place to monitor the finances and general activities of the union on a regular basis, for example quarterly. These reports will probably be to a student liaison committee and/or the finance committee, but the governing body must be assured that the principles laid down in the approved constitution are being met.

As a result of the Charities Act 2006, the status of most student unions in England and Wales is changing. Student unions ceased being exempt charities (a status that derived from that of their parent institution) on 1 June 2010. Most have applied to the Charity Commission to become registered charities. Some are choosing to incorporate as companies limited by guarantee, and this is putting more emphasis on their governance. A project to strengthen Student Union governance, the Good Governance project, has led to the development of some useful resources.

The CUC and NUS have published the CUC Supplementary Guide (to the CUC Guide) covering the role of the governing body in relation to its Student’s Union.

Hefcow has published guidance to institutions on best practice in funding Student Unions in Wales (Guidance on good practice in funding of effective, democratic student unions, and student representation), which should be based on a published Relationship Agreement.

The Charities and Trustee Investment (Scotland) Act 2005 has different provisions. Student unions in Scotland are due to be reviewed by the Office of the Scottish Charities Regulator (OSCR).

Student Appeals, Complaints and Discipline

All institutions in the UK have procedures in place for the handling of appeals against academic decisions, other student complaints and disciplinary matters generally.

Academic appeal processes will usually include at least two stages: the first should be carried out as near to the point of impact as possible (e.g. the head of department or the exams office), and if an issue cannot be resolved, then a second stage is likely which will become increasingly formalised and may involve a panel or tribunal. Academic appeals are usually the responsibility of the academic board or senate. Student complaints and disciplinary procedures are usually dealt with in a similar way, in many cases by the registrar or clerk.

In some institutions individual governors may be expected to take part in the final stage of student disciplinary or grievance procedures.

Since 2004, students in England and Wales have had the right to appeal to the Office of the Independent Adjudicator for Higher Education, the OIA, if they are not satisfied by the outcome of the internal process. In most cases the OIA will review the institution’s handling of the process, and whether procedures have been properly applied, rather than conducting its own investigation. The Scottish Public Services Ombudsman (SPSO) has this role in Scotland. IDRAS has developed some resources for governors relating to dispute resolution.

Student Participation in Governance

There is a long tradition in higher education of student participation in all aspects of decision-making, from course committees, right through to governing body
participation. The work of internal staff and student governors is set out in the CUC Guide for Members of Higher Education Governing Bodies:

- 'The representation of staff and students on the governing body is important in all institutions'.
- 'Members nominated by particular constituencies should not act as if delegated by the group they represent. No member may be bound, when speaking or voting, by mandates given to him/her, except when acting under approved arrangements as a proxy for another member of the governing body'.
- 'The governing body should exercise its responsibilities in a corporate manner: that is to say, decisions should be taken collectively by all members acting as a body'.
- 'Certain items may be declared 'reserved', that is, business which for reasons of confidentiality is not open to discussion by the whole governing body'.

These requirements mean that staff and student governors have an important role to play on all governing bodies, but are bound by the same responsibilities as all other members. These shared responsibilities are an important element of governance, and in many institutions there is a strong desire to strengthen collective responsibility and to avoid 'them and us' type distinctions between internal and independent governors. In Scotland, the SPARQS initiative has been developed to support students in institutional decision making.

**Freedom of Speech**

Under the Education (No2) Act 1986 and in accordance with Article 10 of the Human Rights Act 1998, the governing body has a duty to take such steps as are reasonably practicable to ensure freedom of speech within the law for students and members of staff of the institution and for visiting speakers. Governing bodies must also ensure that use of the institution’s premises is not denied to any individual or body of people on the grounds of their beliefs, views, policies or objectives. The 1986 Act also requires governing bodies to maintain a code of practice setting out procedures for meetings held on the premises, and the conduct expected of those attending meetings. The registrar or clerk will usually manage these matters.

There is usually a requirement on the governing body to ensure academic freedom, i.e. that academic staff have freedom within the law to question and test received wisdom and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy or losing their jobs or any privileges they may have at the institution.

**Student Charters**

In 1993, following the Citizen’s Charter initiative, the then Department for Education published the Charter for Higher Education which explained the standards of service that students, employers and the general public could expect to receive from higher education, and what might be required of them in return.

Many institutions have since developed their own charts for students setting out similar expectations and rights. More recently, as institutions have experienced a rise in student expectations following the higher fees resulting from the Higher Education Act 2004 some institutions have introduced student contracts and others are considering such a step.

The Working Group established in April 2010 by the Department for Business, Innovation and Skills (BIS) issued its final report early in 2011, which recommends that all universities should have student charters, setting out mutual expectations, and that these charters should be developed in consultation with student representatives.

Hefcow has published guidance to institutions about the development of Student Charters (Guidance on the development of student charters)

**The National Union of Students**

Student unions in institutions can affiliate to the National Union of Students (NUS). NUS is a UK wide organisation and has national offices in London, Edinburgh, Cardiff and Belfast. In Northern Ireland membership is jointly administered by the NUS and
USI (Union of Students in Ireland). About 98% of student unions in the UK (some 600 unions) are affiliated to NUS.

The role of the NUS includes:

- Campaigning for better rights for all its members on key issues such as student funding, welfare and course representation.
- Representing student views at a national level, for example through contact with other stakeholders and MPs. NUS acts as an authoritative voice on student funding, and its representatives have a high profile in the media.
- Undertaking research into issues of relevance to students, such as the experience of international students, student parents, and coordinating national campaigns.
- Providing training for local student union officers on their roles as representatives, campaigners and charity trustees.
- Via its commercial arm, NUS Services Limited, NUS is engaged in the collective purchasing of goods for sale in student union shops and bars.

NUS policy is determined at an annual national conference to which all affiliated unions may send delegates and submit nominations. NUS has a national executive committee, which is elected annually and is supported by salaried staff.

**Student Funding: England** Student funding arrangements are different in England, Wales, Scotland and Northern Ireland. In England the Higher Education Act 2004 allowed institutions to charge English and **EU undergraduates** variable tuition fees (often called ‘top up’ fees) initially of up to £3,000. The governing body is responsible for setting these fees. It is possible for different faculties or courses to have different fees, though almost all institutions charge the maximum permitted amount. The fees do not have to be paid in advance. The fees are paid on the student’s behalf by means of a tuition fee loan.

Following publication of the report of the Review chaired by Lord Browne of Madingley, 'Securing a Sustainable Future for Higher Education in England', the arrangements for student funding from 2012 were published. Universities in England are able to set fees for undergraduate students up to £9,000, subject to agreeing access and related plans with the Office for Fair Access (OFFA). The tuition fee loan remains but repayment does not begin until graduates are earning in excess of £21,000 per year. A National Scholarship Programme has been announced. Hefce has published further information including the answers to some FAQs. The student support package for 2012-13 has been announced as well as a new government campaign: 'Make Your Future Happen'. The NSP provisional allocations for 2013-14 and guidance have been published.

Tuition fees for most **postgraduates, international and part-time students** have been set by institutions for many years. Fees for international students vary considerably among institutions and courses.

It may be the role of the finance committee to determine fee levels on behalf of the governing body, on the advice of officers responsible for finance, marketing and student affairs.

In order to counteract any adverse impact on widening participation, all institutions were required, as a condition of charging higher fees to undergraduates to have in place an **Access Agreement** setting out how some of the additional income generated by the higher fees would be used to promote access and provide financial support for students from families on low incomes. Student loans and subsequently maintenance grants have also been introduced. Read detailed information at Student Finance England or consult staff in your institution.

**Wales** Student funding arrangements are different in England, Wales, Scotland and Northern Ireland.

The Higher Education Act 2004 gave the National Assembly for Wales powers to decide what levels of tuition fee and student support will apply in Wales. The Welsh Assembly Government began implementing these powers at the start of academic year 2006/07.
Since 2007/08 Welsh institutions have levied flexible fees payable by full-time home and EU undergraduate students up to a maximum amount (£3,375 for 2011 entry), subject to the requirement that each institution produce a five-year tuition fee plan approved by Hefcw.

Students who normally live in Wales and study at a higher education institution in Wales are usually entitled to an Assembly Learning Grant, calculated on a sliding scale related to income, which is paid directly to the student’s place of study and does not have to be repaid.

From 2012 universities in Wales are able to charge fees above £4,000 and up to £9,000, provided their fee plans have been approved by Hefcw. Further guidance in relation to 2012-13 is given in Circular 'Fee Plan Guidance 2012-13', and for 2013-14 in Circular 'Fee Plan Guidance 2013-14'. Hefcw has announced its approval of the fee plans for 2012-13 of 13 institutions (Press Release - Universities and colleges get go-head to charge higher fees). Welsh students will not have to pay more than £3,465, with the balance being met by the Welsh government. The new arrangements are set out in the Further and Higher Education (Wales) Bill, published for consultation in June 2012.

The governing body of each institution approves the level of fees for home and EU postgraduates and part-time students. Some of these students are self-financing; others are funded by their employers or other organisations. In the case of postgraduates, some students are funded by central Government, primarily through studentships from the Research Councils. Fees for international students vary considerably among institutions and courses.

**Scotland** Student funding arrangements are different in England, Wales, Scotland and Northern Ireland.

In Scotland the Scottish government has ended the graduate endowment system, whereby students were liable to make a one off payment on graduation and has announced that from 2012-13 universities in Scotland are able to set their own fees for students from the rest of the UK.

Tuition fees for most postgraduates, international and part-time students have been set by institutions for many years. Fees for international students vary considerably among institutions and courses.

It may be the role of the finance committee to determine fee levels on behalf of the governing body, on the advice of officers responsible for finance, marketing and student affairs.

Scottish students are eligible for a student bursary and a student loan; the amount of the loan is dependent on the student’s family income. Detailed information can be found from the Student Awards Agency for Scotland or consult staff in your institution.

**Northern Ireland** Student funding arrangements are different in England, Wales, Scotland and Northern Ireland.

In Northern Ireland, the Higher Education (Northern Ireland) Order 2005 allowed institutions in Northern Ireland to charge variable tuition fees of up to £3,000 to Northern Ireland and EU undergraduates from academic year 2006/2007.

Individual institutions are responsible for setting these fees. It is possible for different faculties or courses to have different fees, though almost all charge the maximum permitted amount. Students do not have to pay variable tuition fees before or during their courses. They can defer payment through a tuition fee loan.

Under variable deferred tuition fee arrangements, institutions are required to have access agreements in place which set out how some of the additional income generated by the higher fees will be used to promote access and provide financial support for students from families on low incomes.

The Northern Ireland Government has announced that Northern Irish undergraduates studying in the province from 2012 pay fees of £3,465 and students from the remainder of the UK may be charged up to £9,000 per year. Students from elsewhere in the EU will pay £3,465.
Tuition fees for most **postgraduates, international and part-time students** have been set by HEIs for many years. Fees for international students vary considerably among institutions and courses.

Each year, DEL makes available funding to Queens University Belfast and the University of Ulster for research and for certain approved courses of **full-time study** leading to higher degrees (Masters and PhDs). The universities select, by competition, the students to fill these awards within the limits of the funding available. This scheme is the Northern Ireland equivalent of similar initiatives operated by the GB Research Councils, and the terms and conditions governing the Department’s awards broadly replicate those administered by the Research Councils.

More detailed information about student finance arrangements can be found at Student Finance Northern Ireland or consult staff at your institution.

**Students with Disabilities**

The Special Educational Needs and Disability Act 2001 (SENDA) removed the education exemption under the 1995 Disability Discrimination Act, and came into force in September 2002. The Act made a number of requirements of universities and colleges to ensure the admission and support of disabled students, and failure to do so leaves institutions open to legal action. The Equality Act 2010 replaced much of the previous legislation and strengthened the law in this area. A concise overview can be found in issue 25 of In Practice (Part of the LF’s Engage Magazine). The Equality Challenge Unit has also prepared information on the key changes.

The new public sector equality duty came into force on 6 April 2011. The Government Equalities Office website has the response to a consultation on this, together with draft regulations and a range of other resources and guidance. Several sources of further information are available to institutions, in particular the Equality Challenge Unit, and advice on the use of new technologies for disabled students can be found at TechDis. The outcomes of research studies for England and Wales have also been published.

**Widening Participation**

The current emphasis of both the UK Government and the devolved administrations on widening participation in higher education has brought about a large amount of activity which affects all institutions. Measuring institutional performance in widening participation is not simple, although all funding councils attempt to do it.

Of particular interest for governors is ensuring that:

- Widening participation strategies are integrated into the overall strategic direction and plans for the institution.
- Effective monitoring systems are in place to enable the widening participation targets to be measured.
- Appropriate marketing, recruitment and admissions systems have been put in place to ensure that the widening participation strategy can be achieved.
- Local partnerships to assist widening participation (for example, with local schools and further education colleges) are part of a coherent strategy to develop an institution's local or regional role.
- Systematic processes are in place to maximise student retention (or conversely to minimise dropout) without reducing academic quality.

Governing bodies need to be aware that financial plans must take account of the need to ensure that planned income from widening participation activities may not be obtained if widening participation targets are not met.

In England details of the National Scholarship Programme (NSP) have been published.

A major report on participation in further and higher education in Scotland has been published by the SFC, and the Hefce has published a number of research and evaluation reports.

Hefcw has published its strategic approach and plan for widening access to higher education in Wales. (Hefcw’s Strategic Approach and Plan for Widening Access to Higher Education 2010-11 to 2012-13)
Sir Martin Harris, former Director of Fair Access, reported in 2010 on What more can be done to widen access to highly selective universities? His recommendations include proposals to improve the availability of information on bursaries; more effective school - university partnerships and the formulation of offers of admission. Hefce and OFFA have published Access Agreement and Widening Participation Strategic Assessment Monitoring, an analysis of access agreements and outcomes, and have indicated that a national strategy is under development.

The Cabinet Office has published the independent report by Simon Hughes MP on access to higher education, which contains a number of proposals mainly for government and the schools sector. A report from Hefce examines how the chances of young people entering higher education vary according to where they live.

Find more information and resources on this topic on our website at: www.lfhe.ac.uk/en/governance/people/roles/students