

Student Charter Presentation for Student Governors' Seminar, September 2011

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Context

History of charters isn't a very good one. Much vaunted under John Major's increasingly troubled government, that project had more than a whiff of 'fiddling while Rome burns' about it. The final product was a single, national level code that ended up being inappropriate for just about everyone, and appropriately enough, fell out of use.

Working group on student charters was established in the dying days of the Labour government. Again, surely a sticking plaster kind of a policy – send up some smoke signals but don't fundamentally change anything.

Browne review was confused about student charters – Browne review, it turns out, was confused about a great many things – but charters was one of them. Authors seemed oblivious to the fact that what they were advocating for as charters was actually already under development as Key Information Sets; operating at the course level, setting out the important parameters.

Whole project looks rather different now that it has been brought into the ambit of Willett's 'students at the heart of the system' revolution.

White paper doesn't really say anything new about charters, but notably they are the very first thing in the third chapter about improving the student experience, which is a sign of the significance of this work at least in the eyes of government.

Working Group

As most of you will know, a working group was convened last summer to develop guidance on the preparation, design and use of student charters and to report back to the minister. It was co-chaired by Aaron Porter for NUS and Janet Beer for UUK – with Janet's appointment creating a useful link to the ongoing student information work.

From the outset, the group wanted to build upon the strategic partnership model that sits at the heart of our approach to quality, nationally and locally. As we worked, it became increasingly clear that the higher education funding settlement and the white paper in development would have profound implications for the sector – not so much a smoke signal as a roaring blaze. Aaron and Janet agreed that there were many pressures to be faced in the coming years, but what we needed was guidance on charters appropriate for the here and now, and which could set the foundations, groundwork for future developments.

So this led us to some core principles:

Every institution should have a charter, bespoke to its own needs

It should be a single, high-level document for the whole institution

It should encompass all students – including PGT and PGR

It should not be a contract

It should be mainly aimed at current students, not prospective students (although we recognised that applicants might take an interest in it)

It should act as a centrepiece for student information, with clear signposts to other important documents

It should be based on the idea of mutual rights and responsibilities in a learning community

Finally, and crucially, it should be short!

So far, so uncontroversial.

But there were some additional points that the group debated for some time and which really made the difference between this being a bit of a pointless exercise and something actually quite fruitful.

Here are the main things that make progress on previous initiatives, and for me it is these things that made the whole exercise worthwhile. I would say especially that is, worthwhile in terms of students' power to influence the institution and its practices.

Firstly, the charter should be negotiated between institutional leaders and student representatives. This was to ensure that the hitherto common practice where there are charters is for the institution simply to impose them. Note the use of the word 'negotiation' rather than 'consultation'; the former implies symmetric power relations, the latter, asymmetric power.

Secondly, it should be reviewed annually. Initially it was feared by some, and I expect it still is, that this creates too onerous a requirement – after all, institutional reviews these days are less frequent than ever at every five or six years. But again, the key word is 'review' as opposed to 'overhaul' – the aim is not necessarily to change it every year but simply to ask if anything does need to be changed, added, or amended.

Thirdly, it should set out the undertakings of the institution, the student, and the students' union, as being of equal importance. The group felt it was crucial that charters should not be a one-way street. Rights must be balanced with responsibilities in any community, and we wanted to put that at the centre of the guidance.

Fourthly, it should be owned at governing body level within the institution, with governors asked to approve the charter and also the process for developing and reviewing it. On the students' union side, there should be the complimentary principle that the union council or general meeting or even possibly a referendum of the student body should be involved in endorsing the charter.

Governance

On the last point it is perfectly obvious that there is a link to good governance, as we're talking there about the direct involvement of governing bodies in the oversight and ownership of charters.

But actually the truth is that the other three points will be of interest from a governance perspective in general terms and of special concern to you as student governors specifically.

There can be no question, for example, that matters of institutional ethos – which should be summed up in a good charter – are matters for the governing body.

Furthermore, there are many things in an institution that governors are obliged to keep under frequent and even continuous review (that are in many cases far more onerous than the student charter), ranging from equal opportunities to health and safety, estates, and of course the finances of the institution. So why not continuous review of the relationship with students and their union, through the device of the student charter?

And it takes us well beyond the traditional models of student representation to suggest that when a vice-chancellor and a students' union president sit down to negotiate revisions to a student charter, they are not only a representative and recipient of representation; they are in most cases two governors, working together on behalf of the body corporate.

So these are undoubtedly issues of governance and debating them is to debate the future of higher education governance and the role of students in it.

Outstanding matters for the future

How will student charters be drawn into the QAA's remit, and in particular the institutional review process. QAA has said clearly that a charter is a relevant document and its effectiveness might be a matter for scrutiny, but it remains to be seen how that may work in practice.

On a similar note, it isn't completely clear how the OIA might regard the charter, or take it into account. They have indicated that depending on how a charter is framed, a breach of its terms by an institution could be grounds for complaint, either on its own or as a factor in a wider complaint. But again there are no precedents and this may become quite controversial with some in the sector.

Finally, there remains the question of compulsion. The white paper signalled – another one of those coded smoke signals, I'm afraid – that the government would at some point review progress on the development of charters and look at whether they become mandatory. We can't guess when that review will take place, or what its conclusions will be, but we know that HEFCE's role is due to change to become less of a funder and more of a regulator – and presumably it will need certain powers and functions to match that new remit.

Advice

In conclusion, you would expect me to offer some small pieces of advice for people in your position who might be involved in developing your own charters this year.

Usually we say that you should focus on the outcome and not the process. This is an exception, because the process here is the outcome. Remember that the charter should not be an arid and isolated document – rather it should represent and symbolise a living conversation within the institution about mutual obligations and rights.

The second piece of advice is this – don't over-think it. Read the guidance. Talk to people who have already done it, and may be changing what they have previously done. But then move towards creating your own as quickly as possible – don't fall into the trap of setting up some elaborate, year-long exercise involving a dozen committees. Again, these are charters, not constitutions; they are not supposed to stand the test of time and they are not supposed to be part of your legacy. They are supposed to be part of the bread and butter normal work of institutions and students' unions, and only if they become that will they succeed.