

Governance Report: Windle Management Associates September 2008

GSA Executive Comment

In 2007/08, the GSA Executive Committee became aware of the significant changes that were occurring within British Charities Law. Due to the implications of these changes, the organisation took the decision to commission an external report into how we must adapt in order for our practices, governance and structures to comply with this legislation and provide the best possible service to graduate students.

Over a two-week period, an external management consultant conducted a wide range of interviews and focus groups with officers, staff and members of the GSA, as well as the University and the University of York Students' Union. This report is the result of the process.

The recommendations in this report highlight both general and specific areas in which the organisation needs to improve in order to move forward, effectively representing and serving all graduate students at the University.

The executive committee of the GSA takes the recommendations in this report very seriously, and welcomes them as a significant help in our desire to ensure the organisation improves to meet its legislative requirements and provide for its members as useful a service as possible.

Therefore, in consultation with graduate students, the University and the Students' Union, the GSA executive intends to work towards implementing the changes highlighted in this document over the coming months. We have formed three working groups to assist in such a process: a Governance Working Group, a Democracy Working Group, and a Finance Working Group. It is our sincere hope that over the course of the 2008/09 academic year, as many graduate students as possible will become engaged in the process of reforming the GSA, so that our organisation is truly student led.

If anyone has questions or comments regarding this document, or the GSA review process in general, please contact our President at:

president@yorkgsa.org

Thank you for your attention.

WINDLE MANAGEMENT ASSOCIATES

**The University of York
Graduate Students' Association**

GOVERNANCE REVIEW

September 2008

Executive Summary

The GSA is a membership-based organisation offering services/activities to the postgraduates at the University of York. It was decided to undertake a review of the way the GSA is governed and operates in line with the Charities Act, and this report is a result of that review. In accordance with the original remit, recommendations are made to enhance the outcomes of the GSA and to create an appropriate governance structure to assist in this objective.

It was clear from undertaking the review that all parties involved in the work of the GSA were passionate about its survival into the future as a valuable resource for postgraduate students. Every person without any exceptions (including York Students' Union) had the best interests of the GSA at heart. However, there is scope for vast improvement to be made to ensure postgraduate students get a much better service from the GSA.

The Report contains the following main observations:-

- It is recommended that the GSA agrees a clear mission statement, a vision and a set of values, with strategies and steps that it will take to achieve it, set out in written documents that are regularly reviewed, giving the GSA focus, direction and clarity.
- The lack of connections with the membership is unacceptable for a members' organisation. The GSA is accessible to all members, providing they go to the GSA and ask for services or information. The GSA does not make any concentrated effort to obtain the views of its membership on a sufficiently regular basis.
- The governance structure is weak, with ambiguity regarding responsibility and decision making processes. There is no clarity of 'who is in charge of what' from either a democratic or managerial perspective.
- A Trustee Board should be established, in order to comply with the requirements of the Charity Commission
- A General Manager should be appointed to ensure the GSA is focussed on its strategic direction and sustainability, and to provide support and advice to the Officers to reduce their exposure to risk as Trustees of the organisation.
- A review of the election procedure needs to take place to make the system more robust and transparent.
- A budgeting process that links in with both long term and short term planning should be established. Regular reviews of the budget should also take place to enable forecasts etc to be produced. Each officer, committee and other activities eg events should have an allocated budget, which should be monitored and an audit trail established.

Having ascertained evidence resulting in the above observations, the Report has concentrated on applying basic principles of good governance. The starting point of such application must of necessity be a clarity regarding aims, objectives and future strategy that is in accordance with the wishes and expectations of its members. Arising from this, recommendations have been made regarding connections with members, the role of Officers and a general governance structural model, all based on current best practice.

The GSA, particularly the paid Officers, should spend much more time on macro issues and representative issues rather than their present micro operational duties. This is perhaps true for the GSA as a whole – there should be more resources concentrated on the identification and delivery of enhanced specific outcomes for the membership.

All involved in the GSA are busy with mainly internal preoccupations. Too much resource is devoted to running the GSA machinery and this should be diverted to the greater benefit of the membership as a whole.

If the energy and commitment of those involved within the GSA, which was evident during this Review, is channelled into the implementation of the recommendations contained within this Report, there is no doubt that the GSA would become more effective in delivering enhanced outcomes for its membership.

1. The Remit

The purpose of the review and this report is to review the current structure and operation of the GSA in line with the requirements of the Charities Act. The Act requires students' unions with an income in excess of £100,000 to register as charities, and this brings with it certain expectations in relation to financial accountability, governance structure and the quality of service experienced by members.

The remit also includes a more in depth look at the Governance structure, Officer responsibilities/activities and staffing structure.

2. The Charities Act 2006

Most students' unions have been "exempt" charities that have to comply with charity law, but are regulated by their parent institution and the 1994 Education Act. The new Charities Act has brought changes to these arrangements and requires students' unions with an income in excess of £100,000 to register as charities. The regulating body is the Charities Commission in terms of charity law. However, in terms of all other aspects of operation, students' unions will still have to comply with the requirements of the 1994 Education Act and the law generally.

This report recommends that the GSA contacts the Charity Commission who offer guidance to all charities. It also recommends that the GSA makes itself aware of the various publications from the Charity Commission at www.charity-commission.gov.uk, in particular:

CC3 "The Essential Trustee: What you need to know" June 2005

Other documents listed and available in the section – "guidance for charities"

The GSA should also consult the various publications on Governance and Charity Law, including "Trustee responsibilities and governance models for students' unions in England and Wales", Guidance from NUS/AMSU; prepared by Bates, Wells and Braithwaite (solicitors) at www.officeronline.co.uk/library.

3. Scope of the Review

The review is structured around the hallmarks of an effective charity which are produced by the Charity Commission, with a focus on the key points made in the briefing document.

The key Hallmarks are:

Hallmark 1: Clear about its purpose and direction

Hallmark 2: A strong board

Hallmark 3: Fit for purpose

Hallmark 4: Learning and improving

Hallmark 5: Financially sound and prudent

Hallmark 6: Accountable and transparent

It has also taken into account how the GSA complies with other legislation such as the Education Act, Employment Law, Health and Safety regulations etc.

This report will make recommendations based on the above framework.

4. Methodology

Interviews were held with:-

- Treasurer
- Incoming President
- GSA Manager
- Current President
- Current Welfare Officer
- Internal Officer
- Focus group with other non-sabbatical officers
- Outgoing YUSU President
- Website Editor
- Focus group with a selection of graduate students
- Focus group with Graduate Common Room Reps

A copy of the questions used in the review is given in the appendix

5. Main Findings

5.1 Hallmark 1: Clear about its purpose and direction

“An effective charity is clear about its purpose, mission and values and uses them to direct all aspects of its work.”

Clear about its purpose

It was clear from undertaking the review that all parties involved in the work of the GSA were passionate about its survival into the future as a valuable resource for postgraduate students. Every person without any exceptions (including York Students' Union) had the best interests of the GSA at heart. However, there is scope for vast improvements to be made to ensure postgraduate students get a much better service from the GSA.

There was no evidence of the GSA having a mission statement, a vision, or values to direct the aspects of its work. When interviewees were asked “why does the association exist?” there was an agreement that the association exists to represent the views of Postgraduates to the University. However, there was little understanding beyond this about the other aspects of role of the GSA.

The Ordinance of the University of York

In the absence of any other clear direction for the organisation the Ordinance of the University ie Ordinance 3 of the University of York states that:

“The aims and objectives of the Association shall be:

- ***To further the social interests of its members ie all registered postgraduate students of the University;***
- ***To establish a liason between the Graduate students and the University authorities, and to represent the interests of its members before the University authorities for such facilities as its members may need;***

- *To establish and improve communication between the Graduates and the Undergraduates at the University by working in co-operation with the representative bodies of the Undergraduates;*
- *To establish contact with the parallel associations in other universities, and encourage exchange visits of the Graduate students;*
- *To further any other activities judged desirable by members.”*

It also states:

- *“The Association shall be governed by its members under the constitution as approved by the University Council in accordance with the Code of Practice.....”*
- *“There shall be a Code of Practice, to be approved by the University Council, governing the conduct and management of the Association in accordance with the requirements of Part 2 of the Education Act 1994.”*

Looking at some of the specifics detailed in the Ordinance:

It clearly says in the Ordinance of the University that the GSA should be there for all registered postgraduate students of the University. – whether the GSA is serving the needs of all postgraduates is an issue, and the view of Postgraduates, from the focus group was, the work of the GSA is very much focused on Wentworth.

To further the social interests of its members – there is some good work in this area; both from the GSA itself and the GCR’s however, there is no overall direction and assessment of impact.

To establish a liaison between the Graduate Students and the University – the representative role of the GSA is active, and there is good work in this area, however, the awareness of outcomes from the work amongst Postgraduates appears to be minimal, even walking around the premises of the GSA there is very little evidence of the outcomes of any work. There is also a perception amongst the officers that representation is primarily done by the Welfare Officer. All the team should be responsible for Representation, officers are elected to represent the views of the members, and a strategy for how the GSA and all its officers can most effectively represent its members should be developed.

To establish and improve communication between the Graduates and the Undergraduates at the University – there is very little evidence of the GSA welcoming a partnership approach with the University of York Students’ Union. There is very little effort put in to understanding how the two organisations could work together to enhance services and facilities for Postgraduates. The attitude amongst the majority of officers and staff of the GSA towards the University of York Students’ Union is obstructive and not one of co-operation.

There shall be a Code of Practice to be approved by University Council – There was no mention of the Code of Practice during discussions with interviewees. The Code of Practice should be reviewed in line with what the GSA currently does, to ensure it is working in line with what has been agreed by the University.

The Constitution

There was no evidence of the constitution being regularly reviewed by the GSA. Section 22 of the Education Act 1994 quite clearly says the constitution should be reviewed by the governing body (ie the University) at intervals of not more than five years.

A copy of the relevant section of the Education Act 1994 is given at the appendix.

NB: The current GSA constitution refers to Ordinance four of the University of York; however it is actually Ordinance three.

Recommendations

1. The GSA agrees a clear mission statement, a vision and a set of values, with strategies and steps that it will take to achieve it, set out written documents that are regularly reviewed, giving the GSA focus, direction and clarity. It considers future sustainability – balancing what is needed now with what will be needed in the future. Market Research amongst members should be conducted to seek members views on the future proposals.
2. The Code of Practice is reviewed.
3. A Constitutional Review Group should be established to update the constitution in line with the current operating environment of the GSA. Membership of the group should include the President, two non paid officers, a GCR committee member, and a senior staff member. The group should benchmark the GSA constitution against the constitutions of other similar organisations eg the University of York Students' Union and other Unions. Once the changes have been identified, a vote should be taken amongst the membership to agree the relevant changes, based on simple and clear language about what changes are being made and why. The updated constitution should also be approved by the University.
4. The GSA should collaborate and work in partnership with other organisations that could improve efficiency, the use of funds and the delivery of benefits and services to postgraduates; this includes the University of York Students' Union. Examples of where co-operation would benefit the GSA are sharing Finance systems, HR practices and resources for marketing the GSA more effectively..

5.2 Hallmark 2: A Strong Board

“An effective charity is run by a clearly identifiable board or trustee body that has the right balance of skills and experience, acts in the best interests of the charity and its beneficiaries, understands its responsibilities and has systems in place to exercise them properly.”

Current Leadership

Between General Meetings, the GSA is governed by the Executive Committee. The Constitution says the members of the Executive shall be:

- The Officers of the GSA
- One officer from each of the Graduate Committees
- The Graduate Representative on the Senate

There are 12 elected officers (3 of which are part-time paid; the others are volunteers).

In any broad consideration of leadership, the role of the Officers is very significant. The roles of the Officers are contained within the current Constitution, but only gives Bullet points covering main responsibility areas in the broadest terms.

The GSA Constitution states that the Officers shall be:-

- President
- Welfare Officer
- Internal Officer
- Treasurer
- Events Officer
- Press and Publicity Officer
- Sporting Activities Officer
- Facilities Officer
- National Postgraduate Committee Officer
- Part-time Students' Officer
- PGCE Students' Officer
- Overseas Students' Officer
- University Senate Representative

The posts of President, Welfare Officer and Internal Officer are part-time sabbatical posts and the post holders are paid. The other posts are volunteers.

There are also two staff posts ie the GSA Manager and GSA Receptionist.

The Officers

From the evidence gathered, it would appear that the Officers very much operate separately, concentrating primarily on their individual posts and responsibilities. Apart from when they come together to form part of the Executive Committee, there was little evidence of their working together or considering their collective role as principal trustees of the GSA (which in reality, although not constitutionally, they are).

The concentration on their individual portfolios means they are operating more as staff members rather than leaders and representatives. In the interviews with postgraduate members, there was little understanding of the role of the Officers or recognition of the existence of the Executive Committee. This is not a good sign when the purpose of the GSA Executive is to ensure the views/aspirations and needs of all postgraduates should be reflected in the services/activities that are offered by the GSA.

The organisation depends heavily on the goodwill of volunteer officers. Being a volunteer officer is not easy in the GSA because of the lack of clarity about their role and their decision making powers, in addition to having to push hard for any meaningful information.

Ensuring postgraduate views/opinion is effectively voiced and considered by the University was seen as a key activity and the principal purpose of the role of GSA Officers. However, there was little appreciation of there being a dual role ie operating as a Trustee in ensuring the GSA operates effectively as an organisation, and

making sure the organisation is operating as a membership organisation that is in touch with its members needs and is future proof.

Staff Support

The role of providing leadership to staff was not appreciated by the Officers. It is the responsibility of Officers to provide direction and motivation plus ensuring staff are accountable by effectively measuring their performance. Thus, the current members of staff are working with little guidance and direction. The role of the current GSA Manager is an administrative role (which is valuable) and not a management role with the purpose of providing support for the Officers which enables them to lead the strategic development of the organisation.

Having a General Manager would enhance the running of the organisation by:

- ensuring the efficient running of the GSA from an operational point of view and compliance with legislation, thus releasing the Officers to do their jobs as trustees and elected representatives;
- providing continuity from year to year in terms of key decision making and future direction;
- build relationships between the Officers to help create an effective team;
- integrate new Officers into the GSA by providing an induction programme;
- provide guidance for running elections in a professional and fair way
- build relationships with the University particularly in the area of finance and sustainability.

Recommendations:

A working group should be established to review all the GSA officer roles with a view to giving clarity on how the roles relate to the needs of all the postgraduate membership. Serious consideration should be given to the titles of roles and what they mean to the membership, and the relevance of the current roles. The working group should include some representatives from the Executive Committee, but also people from other roles from a cross section of the membership of the GSA who are not involved in the day to day running.

Having an Academic Officer would strengthen the representation function of the GSA; however more research should be undertaken before any new roles are established to ascertain what the key issues are for postgraduates.

Due to the important nature of controlling the finances of the organisation, the role of Treasurer should be made a paid position.

A Trustee Board should be established, in order to comply with the requirements of the Charity Commission, with the following membership and role:

- It is suggested that the Trustee Board should comprise the following:-
 - All paid Officers.
 - 3 elected Postgraduates.
 - 2/3 non-students (external trustees).
- The Trustee Board should consist of GSA paid Officers, together with external trustees. The external trustees would be selected on the basis of their skills,

knowledge and experience in areas such as finance, marketing. They could be drawn from alumni of the University and may well include former Officers of the GSA. It is proposed that they should not have been registered students of the University or GSA Officers for at least three years at the time of their appointment.

- The external trustees should be proposed by the Executive Committee in liaison with the University. The principle of having a Trustee Board should be ratified by the membership in the form of a referendum.
- Trustees would be able to serve one or two three year terms. They could be removed by a decision of the Trustee Board by a two thirds majority.
- The Trustee Board will have the responsibility for the financial and strategic management of the GSA; the approval of the GSA's budget, annual accounts and financial regulations; for matters relating to the GSA's buildings, staffing and health and safety issues and to ensure that the GSA is acting in accordance with its aims and objectives.
- The Trustee Board would normally have two/three scheduled meetings each year and could also have additional meetings as appropriate.
- Trustees should understand they must only act in the organisations interests and that any conflict of interest are identified and managed eg producing a conflict of interest policy.

The organisation needs a General Manager with the aim of supporting the student officers to lead the organisation, and running the organisation professionally and efficiently, and working with the University to provide the best for postgraduates. There should also be an Office Administrator to support the General Manager so the General Manager can concentrate on future developments rather than day to day detail. An example of a job description for the General Manager is given in the appendix.

There needs to be clarity between the role of officers and the role of staff working for the GSA. Up to date job descriptions for the officers and staff should be produced. Creating an organisation chart will also provide clarity in terms of which bodies make decisions and how they all inter-connect with each other.

5.3 Hallmark 3: Fit for purpose

“The structure, policies and procedures of an effective charity enable it to achieve its purposes and mission and deliver its services efficiently.”

The Structure

This section concentrates on current structures and procedures, identifying if they clearly identify responsibilities ensuring that decisions are taken in the best interests of the members.

The principal decision making body of the GSA are the two General Meetings, and an Executive Committee is responsible for the day-to-day affairs and operation of the GSA. However, within the Constitution there is scope to improve the clarity of the role of each body in relation to the work of the GSA, for example what is the role of

the General Meetings in holding the Executive Committee to account for the decision and actions the Executive make.

This lack of clarity, resulted in it being impossible for the people interviewed to explain who had responsibility for specific issues. In answer to the question of 'who is in charge of what', there were many contradictory statements; interestingly enough most answers to these questions did not involve the General Meetings or any other body other than the Executive Committee by a few people.

Comments from the majority of people interviewed about the General Meetings and Elections were:

- "they are a farce"
- "Only a small number of people attend in relation to the total number of postgraduates there are at York, and even the ones that do attend are only there for the free food!"
- "votes for positions are collected in a cardboard box"
- "counting of votes is done by the returning officer"
- "If an officer is standing for re election they end up counting their own votes"

It is noteworthy that there is no forum within the GSA that has responsibility for the production and implementation of strategy. The functions and duties of the General Meetings, Executive Committee etc., concentrate on 'conformance' issues rather than 'performance' issues. In further discussion on the monitoring of services/activities, it was clear, that strategy was not a consideration at all.

The Executive Committee

Very few of the involved postgraduates interviewed, including part-time paid Officers and voluntary Officers, have a clear view of the structure, who takes which decisions and who is accountable to whom. Despite this, a great deal of effort and focus is directed to ensuring these processes operate regularly – without any analysis of outcomes or focus on what the majority of the membership need/want.

The non paid officers in particular were unanimously disenchanted by the whole process, they were also concerned about their liability for the effective running of the GSA over which they felt they had very little control due to lack of information and knowledge.

The other points they raised were:

- The allocation of University Committees to officers was random. In addition, where two officers attend meetings there is no briefing session beforehand which means the representation is not as effective as it could be, and non paid officers are left feel unsure about what view to express.
- There is no proper handover procedure when officers are new in post, and no training on how the GSA is run.
- If they have a problem they are not sure who to talk to because of the lack of clarity about who is responsible for what
- Sometimes there is no agenda produced for the executive meetings, and papers are not produced in advance or even at the meeting outlining all the options, so it is difficult to know how to debate/vote on issues.
- The minutes are not always accurate.

- There are no definite actions/plans about what is to happen after a decision has been taken, and there aren't any follow up meetings/information about what has happened, so it is difficult to track progress.
- The officers are meant to be making informed decisions on behalf of the members of the GSA but there isn't any engagement between the officers or the membership.
- There was confusion over who should chair the Executive meetings
- There need to be a contact handbook, job descriptions, some guidance on what you can/cannot do
- There is a budget to formulate but there was no understanding about what it meant and how/why it had been allocated
- Graduate Common Room Committees exist but no one is clear on what they are doing

It was reported that non paid Officers could do as little or as much as they want. More worryingly was their perception that they can also do whatever they want within their area of responsibility, regardless of the general direction of the GSA – unless they contravened an existing GSA policy. Some of the areas for which non paid Officers have responsibility are crucial to the GSA – but more importantly, to its members. Those areas must be co-ordinated, have strategic direction and have impact measured. The outcomes should be monitored effectively by the GSA.

Recommendations

Governance structures and the constitution should be reviewed to ensure that the governing bodies including the trustees have the powers they need in order to achieve the GSA's purpose and to manage its resources effectively.

Regular reviews should be undertaken to assess the risks faced by the GSA in all areas of its work and plans for the management of those risks.

The GSA should regularly review its structures, policies and procedures to ensure that they continue to support, and are adequate for, delivery of the GSA's purposes and mission; this includes policies and procedures dealing with broad strategies, functions and responsibilities; good employment practices and encouragement and use of volunteers.

Review the election procedure to make the system more robust. This includes:

- Having published timetables and notices
- Written detailed duties of returning officers
- Written general regulations outlining eligibility to stand and vote for each election
- Written procedure for nominations, election campaigns and polling. This would include having nomination packs for candidates etc.
- Regulations governing counting and introduce a single transferable voting system
- Introduce nomination packs for candidates

All the above should be promoted to the membership in an easy to understand format at each election.

Given the dispersed nature of postgraduates on the University of York site it would also be worth investigating electronic voting.

The constitution should then be regularly reviewed to ensure it is up to date.

Induction training for new officers with a set handover procedure should be implemented. This should include training on how to read a budget and role of a trustee.

Have briefing sessions prior to University Committee meetings to agree what outcomes the GSA want should be implemented.

A robust procedure for Executive meetings should be adhered to.

Ensure non paid officers receive papers in advance briefing them on the items on the Executive agenda outlining the issues, options, and reason for the recommendation.

Establish a process/training to build relationships between paid/non paid officers.

Provide clarity for the role of staff in Executive Meetings by including reference to the role of staff in the Constitution.

5.4 Hallmark 4: Learning and improving

“An effective charity is always seeking to improve its performance and efficiency, and to learn new and better ways of delivering its purposes. A charity’s assessment of its performance, and the impact and outcomes of its work, will inform its planning processes and will influence its future direction.”

There was very little evidence of the GSA focusing on the outcomes of its work in relation to the impact on its members. When interviewees were asked how they measured the outcomes the main response was via single emails, or individual comments from postgraduates about the help that had been provided by the GSA. The organisation had recently raised the profile of their members comment scheme, however, the publicity for this is minimal.

All the above is a valuable source of information, and the work conducted by the GSA on an individual basis is excellent; however, measuring the effectiveness of the organisation based on a few comments is not robust enough to decide the future direction.

In terms of future development, improving performance etc there was very little sign of any planning processes within the organisation or creative team working to explore where the GSA is going.

It is essential for any membership organisation to ensure there are effective connections with the membership. These should be at least dual connections, involving both information gathering and giving. It would seem that there were ways in which information was given to members. These included:-

- Final Accounts published.
- Posters.
- Website
- E mails

- Facebook

Regarding information gathering, these include:-

- Comment scheme.
- Informal contact by Officers.
- E mails from members

The methods of information giving and gathering were acknowledged to be weak and not well founded, although there was acknowledgement amongst some that the new website was a vast improvement on what had been available before.

There was no sustained effort evidenced to obtain student opinion or views in a proactive manner, either formally or informally. This was not seen as a priority or even a requirement. When questioned, some Officers felt that student opinion was gained through the people involved in the GSA's structures. This is potentially not the case – and can be highly discriminatory against naturally under-represented sections of the GSA's membership.

The social aspect of the GSA was also raised. There were comments from the graduate students group that the GSA was very Wentworth-centric, and events were always aimed at those graduates at Wentworth. As a result, those who didn't reside at Wentworth felt very disengaged from the GSA and what it has to offer. This was also an observation made by those at Wentworth. NB: Many vociferous comments were made about the trip to Flamingo Land and how this was an outrageous use of GSA funds.

In terms of marketing and promotion of the GSA brand, there was little evidence of much activity in this area other than the development of the website. The signage outside the building is too discreet; the signage within the building is also minimal. When members do find their way to the office they are greeted with a counter rather than having open access to their elected representatives.

Recommendations

Consideration should be given to how the GSA can identify, measure and learn from its achievements, impacts and outcomes, including the positive and negative effects that it has on its members and the wider community eg conducting regular market research with members, always reviewing the impact of services using qualitative and quantitative techniques eg member satisfaction surveys.

It needs to set achievable targets and indicators against which success and improvement is measured and evaluated across its range of services and activities.

The GSA needs to promote and act upon feedback (positive as well as challenging) from members eg communicating to the membership how the concerns they have raised via the website or comments scheme for example have been resolved.

Conduct regular research into the operating environment and identifying the opportunities for new/improved services and activities.

Investigate the suitability of the Student Union Evaluation Initiative (SUEI) which is a NUS/Government recognised quality assessment tool for student unions which will

provide a focus for continual improvement and a benchmark for performance by sharing best practice.

Produce an annual communication plan for all stakeholders for all campaigns and promotion of activities. Provide better signage and access to the GSA paying particular attention to the GSA office and opening it up to make it easy for members to access their elected representatives.

5.5 Hallmark 5: Financially Sound and prudent

“An effective charity has the financial and other resources needed to deliver its purposes and mission, and controls and uses them to achieve its full potential.”

There was little evidence of any written policies relating to financial procedures to control and manage its finances.

The GSA does produce an annual budget statement and has its final accounts for the year audited. However, the integration of any financial planning with the wider organisational planning is seriously lacking.

Managing cash flow, monitoring and reviewing financial performance throughout the year and taking timely corrective action through the year was not in evidence when conducting the review.

The main source of income was from the University, and there is very little scrutiny from the University to ensure the GSA is directing its funds to benefit all its members, and succeeding in line pre determined outcomes.

Although there are some controls in place eg countersigning signing of cheques, however, more robust financial controls and procedures need to be in place to manage the risk of loss, waste and fraud. The GSA should investigate sharing the Students' Union IT based finance system and procedures for its financial dealings. It is not acceptable for invoices to be kept in a cardboard box, and members of staff should not be expected to bank cash without having appropriate security measure to protect them from risk. Officers being paid by cheque are also outdated and time intensive, a simple payment direct into bank accounts would be more efficient and secure.

Annual accounts are available to the membership at the General Meeting, however, feedback from graduates who are both involved/not involved with the GSA is the information is not easy to understand or interpret. They asked for a simplified version with just the key facts.

Recommendations:

A working group should be established to review the financial procedures within the organisation. This should include the GSA Treasurer and representatives from the University and Students' Union who will bring valuable advice into the GSA.

A budgeting process that links in with both long term and short term planning should be established. Regular reviews of the budget should also take place to enable forecasts etc to be produced. Each officer, committee and other activities eg events

should have an allocated budget, which should be monitored and an audit trail established.

An annual report should be produced and distributed to members outlining the key facts about the financial performance of the GSA but also its achievements over the year in relation to its services and activities.

5.6 Hallmark 6: Accountable and Transparent

“An effective charity is accountable to the public and others with an interest in the charity (stakeholders) in a way that is transparent and understandable”

This section is concerned with the GSA’s accountability to its membership and the scrutiny processes over decisions and the decision making process.

It is worth debating who should be accountable and transparent for what. This is Obviously linked into the following section on effective governance machinery and Identifying who is responsible for what.

Suffice for the purpose of this section that we identify ‘the GSA’ as requiring this accountability and transparency. What information on its plans, decisions and activities is given to its members and other stakeholders, and in what formats are these given? In response to the question, the following was evidenced:-

- Minutes online.
- Final accounts.
- Elections.
- Comment scheme.
- Website
- Facebook

Regular information on the GSA’s plans and progress towards achievement were not produced (partly because of the deficiency in the planning process identified in the relevant section). Officers were not formally accountable to each other or to the membership in any effective way. The way in which they tried to ensure transparency (ie minutes on the website, General Meetings) was not seen as in any way effective by the members interviewed – hardly anyone knew they existed, and this includes a very low awareness amongst those who were more directly involved. There was no evidence of the GSA holding back any information – however, there seemed to have been little debate or proper understanding by the majority of Officers on their responsibilities in this area, or consideration of what kind of information should be available to members. It must be concluded that the GSA is not sufficiently focused on being member-led.

Scrutiny

There is a current trend within public bodies, charities and organisations similar to the GSA to ensure there is sufficient and effective scrutiny over the decision making processes and those in a leadership/decision making role.

From the interviews, it was apparent that the main scrutiny of the GSA is provided via:-

- The University (although this is minimal)
- General Meetings
- Executive Committee
- Website/feedback
- York Students' Union

Once again, there is the question of who/what should be scrutinised. It is suggested that 'who' can be categorised:-

- The GSA as a corporate entity.
- The GSA/GCR committees.
- The paid Officers.
- The volunteer Officers
- GSA staff.

The GSA as a corporate entity should probably be scrutinised either directly by the membership or their representatives on the Graduate Common Room committees. The GSA/GCR committees should be scrutinised by members; all the Officers by the members, the GSA/GCR committees or by peer review. The GSA staff should be effectively scrutinised by the GSA/GCR committees and, probably primarily, the paid Officers.

Recommendations

A system for accountability throughout the organisation needs to be developed, and the current structure changed to reflect this. The GSA will need to show how it involves members in the development and improvement of services and having involvement in scrutinising the work of the GSA. A suggested structure is given in the appendix.

The GSA should be able to show how it complies with its legal obligations (and best practice), as set out in the Statement of Recommended Practice (SORP) to produce annual accounts and a report which includes an explanation of what the organisation has done for the benefit of members this year

It should explain in the annual report the extent to which it has achieved its aims/purpose in a way that people with an interest in the charity can understand.

Well publicised, effective and timely procedures for dealing with complaints about the organisation and activities should be developed. These should explain how complaints and appeals can be made and give details of the process and likely timescales.

A communications plan needs to be developed to ensure that accurate and timely information is given to everyone with an interest in the work of the GSA, including members, the University, York Students' Union, the local community. Examples of new developments might be Officer Blogs, e mail subscription list for information, website forums, voting on line on minor issues.

Thanks

Thanks are given to everyone who participated in the interviews. Views were expressed openly and honestly. The dedication and commitment shown by all who were involved in the GSA was very impressive.

Appendix 1

Questions for York University Graduate Association 11th, 15th and 22nd August 2008

Clear about its purpose and direction

How many postgrads are there – taught and research
What is the profile of the membership eg no of international students, male/female etc
Why does the association exist
Has it a mission statement, vision statement, does it have a set of values
Does the mission, vision and values direct all aspects of the associations work
If there isn't a mission etc how is the work of the association directed

A strong board/leadership

What is the current status of the association – has it charitable status (but not full charity yet)
How is the association run/governed
Who is liable if the association was to go bust
Who decides the strategic direction of the association
Tell me about the structure of the organisation, how do the big decisions get made and by whom
How effective is the Executive Board, what authority does it have
Is there a trustee Board. What do you think about having a trustee board where some of the members will be external to the organisation
Tell me about the election process how are officers elected and when do the elections happen. How are committees elected.

Fit for purpose

Is the association performing well, and how do you know
How are decisions made about how to improve the performance of the association
What processes are in place to regularly review the association's structures policies and procedures
Constitutional amendments/updating who monitors this and makes it happen
How effective are your general meetings. Are they well attended
What planning processes are there within the association
Is there a business plan or strategic plan, explain the process for creating these, who is involved
How are staff held accountable
How are staffing issues resolved
Who ensures the organisation complies with the constitution, relevant laws and the requirements of any regulatory bodies
How do you monitor how successful the organisation is
What processes do you use to highlight where improvements needs to be made
Is there a set of business objectives for the association
How are the principles of equality and diversity upheld in the association
What skills, experience and processes do you think are missing from the association that would help it to be managed better
What training is available to officers, committee members and staff
Who carries out the HR function for the association
Is there clarity of roles throughout the association, is it clear who does what
How is the University involved in the running of the association
What other stakeholders are there
Does the association have any volunteers or casual staff
How are the staff held accountable - Is there a grievance and disciplinary procedure for staff, what other policies are there in relation to staff
What policies have you as an association? Eg equal opportunities member facing and/or staff facing
Have you done any risk assessments

Do you feel you have the authority to carry out your role and have the resources you require.....if not, what would you need

Learning and Improving

How do you determine what will be needed in the future

Are targets set each year against which success and improvement is measured
Does the association encourage its members to feedback, if so, how
Are any other stakeholders encouraged to feedback
Is there an officer induction programme
Is there any staff training
Is there any committee training
What do you think of York University students Union
Is there potential to collaborate with them further
What are the benefits and drawbacks for your members of the association being separate from the Union.
Have you ever asked the question of members whether they want a separate association.

Financially Sound and Prudent

How are budgets prepared, who is in control of the budgets.
Where does your money come from
How do the membership hold you to account in terms of finances
Who signs the cheques, does anyone counter sign them
How are the committees funded and how are they held accountable
Do you have a reserves policy
How does the finances integrate with the planning processes
Who monitors the cash flow and takes timely corrective action should it be needed
How do you generate income

Accountable and Transparent

How are the officers held accountable to the members
How is the executive held accountable
How are the officers held accountable
If an officer wasn't performing as well as they should how would you deal with that. Is there a process for dealing with it.
How do you report any outcomes from the work of officers/the association
Are the minutes of meetings easily accessible for members
How do members find out what is going on here. How do you keep in touch with them
Do officers set objectives for their term in office and how are these published and who holds you accountable
How do you find out what your members need and their opinions
Tell me about the association and what it offers members
If you were to make any improvements to the association what would they be
How do you think the Charities Act will impact on the association
Does it act on feedback. What feedback channels are there
Has the association a communications plan
How do you involve members in the development and improvement of services
How do you communicate the outcomes of your work to members
Do you think your members are clear on how the association works, and how do you know
Is there an annual report

Appendix 2

Section 22 of the Education Act 1994

Section 22 of the Education Act 1994 requires the governing bodies of a university or college (“the governing body”) to take such steps as are reasonably practicable to secure that a students’ union operates in a fair and democratic manner and is accountable for its finances. This includes seeing that the following happens:

- a) the union has a written constitution which is subject to the approval of the governing body and review by that body at intervals of not more than five years;
- b) a student has the right not to be a member of the union or be represented by it – a student who opts out in this way should not be unfairly disadvantaged in the provision of services or otherwise;
- c) the holders of major union offices are elected by secret ballot and that such elections are fairly and properly conducted;
- d) no-one holds paid elected union officer or “sabbatical” office for more than two years;
- e) the financial affairs of the union are properly conducted and there are appropriate arrangements for the approval of the union’s budget and the monitoring of expenditure, by the governing body;
- f) a financial report of the union is published at least every year and made available to the governing body and to all students – the report should include details of donations to external organisations;
- g) the procedure for allocating resources to groups or clubs is fair and available in writing to all students;
- h) notice is published to all students of any decision to affiliate to an external organisation and information is available as to the current list of organisations to which the union is affiliated, and of any subscription or donation paid (the Act also specifies a procedure for determining by secret ballot whether any affiliation should continue); and
- i) a complaints procedure is available to students where they are dissatisfied in their dealings with the union.

Appendix 3

Example Job Description for General Manager

JOB TITLE: General Manager
REPORT TO: GSA President
RESPONSIBLE FOR: All staff employed in the GSA

JOB PURPOSE

To work with elected representatives to ensure the GSA's vision, goals and core values are achieved through the effective management of the GSA's resources.

MAIN DUTIES AND RESPONSIBILITIES

1. The effective delivery of current strategy through the management of resources and finances.
2. Ensuring future strategy for all GSA activities are formulated.
3. Managing relationships between staff, elected representatives and external bodies.
4. The maintenance of appropriate Reviews of Performance for all GSA activities.
5. To ensure a training and learning culture exists amongst staff at all levels.
6. Such specific annual objectives to be determined at an annual review meeting.

KEY CRITERIA

1. Ensure the processes are in place to comply with legal, financial and probity issues in accordance with GSA/University and Statutory requirements.
2. To ensure all activities and the decision making processes within the GSA are in accordance with the Constitution and Bye Laws.
3. Ensuring the GSA remains accountable to its membership.
4. Advise and support the Officers in ensuring effective government of the GSA and organisation of elections.
5. Ensure that the Constitution and Bye-Laws reflect the needs of the GSA and comply with the requirements of the law and the University, and advise on constitutional matters.
6. Advise and support the Officers on the operation of the GSA's disciplinary regulations.
7. Advise and support the Officers in promoting positive relations between postgraduates and the community.
8. Responsible for the development and management of the GSA's Health and Safety policy.
9. Continual development of the GSA's Human Resource Strategy.
10. Oversight and co-ordination of refurbishment and building programmes.

11. Provide advice to Officers on environmental and ethical issues, relating to GSA resources and services.
12. To ensure compliance with the Education Act as required by the University.
13. Ensure the staff of the GSA understand the views of elected representatives on key policy areas.

KEY PHILOSOPHY

1. Assisting in the promotion and adherence to the democratic principles of the GSA.
2. Ensure that decisions are taken in accordance with the GSA's values.
3. Assisting the elected representatives in ensuring the GSA is valued by its members as an effective, responsive and accountable organisation.
4. Demonstration of the value system of the GSA in the working environment.
5. To be a catalyst for change.

Appendix 4

Accountability and Transparency

Suggested Governance Structure

All good governance systems and the requirements of most regulatory bodies such as the Charity Commissioners require clarity regarding the responsibility for the operation of an organisation. These should be unambiguous and reflect reality. Not only does this provide good governance, but promotes effective management where the satisfaction of stakeholders can be measured. Some basic principles of such control within a membership based organisation such as the GSA should ensure that any new structure should:-

- Ensure enhanced outputs.
- Be clear and easily identifiable.
- Reflect reality.
- Be facilitating.
- Actively seek member opinion regularly and effectively.

Additional issues which may be promoted through a new structure could be:-

- Member involvement.
- Accountability.
- Clear decision processes.
- Student consultation.
- Scrutiny.
- Effective management.

Having considered the comments arising from the interviews, the future requirements of the GSA and developments within other Unions and similar organisations, appropriate recommendations are made regarding the principle enshrined in this theme.

The question of the role of both paid and non paid Officers must also be considered within this theme. A key part of the new governance structure is the role of paid Officers. It is important that their dual role is recognised by them and by others. They have a role as a Trustee of the GSA and a role as a representative – these should be the key roles, which differ from the present reality.

The GSA should seek legal advice to enable it to be either a Company Limited by Guarantee or a Charitable Incorporated Organisation (if that route becomes open through pending legislation). The preferred model is a Company Limited by Guarantee. The main advantages/disadvantages to a Students Union of this legal form are well argued in the Bates, Wells and Braithwaite booklet, which has been produced in conjunction with NUS and AMSU.

The University will obviously wish to take a view on this matter and this recommendation is made pending full agreement by the University for this course of action.

The GSA should be managed by a Trustee Board, which has the ultimate responsibility for everything the GSA does. It should be responsible for the vision, mission and management of the GSA. It would be accountable if things go wrong. Its specific duties would be in line with current practice relating to Trustee Boards, but specifically regarding present/future GSA management, it would:-

- Formulate, implement and monitor strategic plans.
- Provide effective financial management and oversight, including the formulation of budgets.
- Monitor and evaluate the performance of staff, services and activities.
- Support the General Manager and review their performance.
- Provide effective Risk Management Systems.
- Ensure comprehensive ongoing member consultation.
- Promote the active involvement of members.
- Ensure effective election/selection, induction and appraisal of Trustee Board members.
- Consider Committee Reports.

In accordance with the Hallmarks for Effective Charities, such a Board should have the right balance of skills to operate effectively. The Board should obviously be made up primarily of graduates, but they should be joined by other more experienced people who are able to provide them with additional support to effectively scrutinise the performance of the management of the GSA, to ensure that decisions are taken in the best interests of members, after ensuring ongoing consultation, and possibly provide specific additional skills sets to the Board (ie Accountant, Lawyer, Advice Worker etc).

- a) Referenda should be retained as the sovereign decision making mechanism of the organisation and legal advice should be obtained to place this within the requirements of a Company Limited by Guarantee (ie AGM's, Special Meetings, etc).
- b) The GSA should form a GSA Council made up of elected/selected/invited postgraduates, with a view to being representative of the demographics of the postgraduate membership. The Council would have the following responsibilities:-
 - Receive and comment on reports of Trustee meetings.
 - In accordance with Trustee Policy, to be responsible for the GSA's outward representative role (to the University, local and national bodies).
 - Receive reports on key projects/campaigns from the Officers/Executive Board/Standing Committees.
 - Formulate Scrutiny Committees on specific services/activities/issues.
 - Consider reports of Scrutiny Committees.
- c) The GSA, through GSA Council, should form Scrutiny Committees. These would be made up of volunteers from GSA Council members and other postgraduates who may be interested. Their remit may be:-
 - To review the performance and make recommendations on the future scope of a current service or activity.
 - To conduct research and consultation.
 - To consider mechanisms for widening membership participation.
 - To scrutinise decisions of the Executive Committee and Trustees.

Examples of issues to be considered might be:-

- The effectiveness of services/activities for taught postgraduates.
- The operation of the GSA services and activities.
- Increasing turnout in the elections.
- How to improve representation for postgraduates.

It would be important to ensure that there was wider membership than just GSA Council members. These would not be elected posts – advertisements could be placed in the GSA/University of York Students' Union building and the website for example asking for volunteers.

d) The future role of the GSA paid Officers should be:-

- To act as a Trustee of the GSA.
- To keep in touch with postgraduate opinion/issues.
- To be an effective representative of postgraduates with the University.
- To take responsibility for particular aspects of the strategic direction of the GSA (eg Finance, Welfare, Academic, etc).

The major change of emphasis will be for Officers to spend more time on their two-way representative role (ie postgraduates to the GSA and GSA to the University) and for the achievement of organisation-wide strategy and objectives. .

New Structure

The new structure may be illustrated as such:-

