



Our response to the Office for Students (OfS) consultation on the OfS's approach to regulating students' unions

1 (o) 1121 w(o) 112-0.5114.30ir

It is also essential that the guidance clearly sets out the responsibility of the university for the students' union, and how the OfS expects this to work in practice.

Question C1: Do you have any comments about our proposed approach to monitoring?

We are supportive of a risk-based and targeted approach, and welcome the OfS' proposal to not systematically assess the compliance of each relevant students' union on a cyclical basis. We would welcome further clarity on how complaints received via the complaints scheme will feed into this risk-based monitoring.

We note that the consultation states that reportable events will form part of the OfS' monitoring of students' unions in relation to free speech. Reportable events are the responsibility of the provider, so it is essential that the OfS provides further guidance on expectations on the provider to submit reportable events in relation to free speech, and how that is intended to work in practice. Free speech-related events will often have crossover between the provider and the students' union and the OfS should clarify how they see this working.

We note also that a students' union will be required to report an event or matter within ten days of the day that it is identified. At particularly busy periods (eg elections, welcome week) it may not be possible for students' unions to meet this requirement. We suggest that this requirement is amended to be 'as soon as reasonably practicable'.

Students' unions should be supported to understand and comply with the information reporting requirement, again acknowledging that this is a new process and new territory for students' unions.

We also urge the OfS to work closely with the Charity Commission as students' unions' primary regulator, and ensure that the OfS' regulation is appropriately joined up with the regulation by the Charity Commission.

Question C2: Do you have any comments about our proposed approach to interventions?

We note that, should guidance be amended as a result of responses to this consultation, there is likely to be insufficient time for students' unions to prepare for their new duties before 1 August 2024. The OfS should provide a guarantee to students' unions that they will be given adequate time to prepare following the

publication of revised guidance, and consider introducing a transition period in which students' unions will not be penalised, including monetary penalties.

Question G: Do you have any comments about any unintended consequences of these proposals, for example for particular types of provider, constituent institution or students' union or for any particular types of student?

There is a wide variety of relationship structures between providers and students' unions in the sector, and the OfS needs to ensure that it understands these structures and how this proposed regulation relates to different types of students' union. For example, some smaller providers have students' unions that are not fully independent and are instead departments of the institution itself. The OfS needs to clarify how this regulation is intended to work in these kinds of cases, and to be clear about where responsibility lies with the provider and where it lies with the students' union.

Question H: Do you have any comments about the potential impact of these proposals on individuals on the basis of their protected characteristics?

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Our view is that there is a potential negative impact of these proposals on individuals on the basis of their protected characteristics. Although the consultation