OPEN UNIVERSITY STUDENTS ASSOCIATION

Central Executive Committee (C E C)
13 – 15 April 2018

INCORPORATION

The C E C is asked to:-
 i) note the update

1. Project update

1.1 CEC members asked to receive a regular update at each meeting regarding progress with the above project and this latest update follows on from those provided at the meetings in January 2018 (paper number 1/18/10) and October 2017 (paper number 10/17/10).

1.2 Since the last meeting, there has been progress in several areas which we can update on here.

1.3 The revised OU-OU Students Association Relationship Agreement was approved by the University’s Council in March 2018 and this revision includes our requested acknowledgement of the shared services enjoyed by the Students Association (Accommodation, IT support, Payroll) alongside other positive changes.

1.4 The informative magazine article was published in OU Students magazine in the March 2018 edition as planned. We are grateful for the assistance of Cath Brown and Steph Stubbins who made valuable comments to help us refine the pitch of this article and to members of the Board of Trustees who also added comments at their meeting. The article was also posted in a special section of our website (www.oustudents.com/incorporation) where we will also host all future papers on the project and a general FAQ document. A special mention should also be made to the OU Students magazine team who supported us with the article and website and in particular to Jodie Denton, Projects Officer (Student Community) who prepared the excellent illustration which we feel perfectly encapsulates the nature of the project.

1.5 At the time of writing we have received only one email from a member in relation to the article, which asked the question “Would there not be a restriction on a student standing for the position of trustee if they had been barred from being a Company Director?”. We issued the following response:
You are quite right in saying that anyone who is disqualified from serving as a Company Director would be unable to stand for election/appointment as a Trustee of the Students Association. However, this is already the case and doesn't change under incorporation: disqualification as a Company Director is amongst the criteria for automatic disqualification from serving as a Charity Trustee unless the individual has a waiver agreed with the Charity Commission (see https://www.gov.uk/guidance/automatic-disqualification-rule-changes-guidance-for-charities) and searching the register is one of the checks that we perform on candidates for the position.

1.6 At the last meeting of the Board of Trustees, the Trustees discussed whether it might be prudent to put back the actual implementation of incorporation to take effect on 1 August 2019 rather than 1 August 2018. This was due to several factors: the delay in response from USS, the delays being experienced on new charity registrations with the Charity Commission and a suggestion from a Trustee that it may be preferable to allow newly-elected Trustees to bed into their roles as Charity Trustees at the beginning of their term rather than also having to get used to also being Company Directors and having a new governance structure to bed in. It was agreed that this may be sensible, but that the USS transfer issue may well force our hands on this and therefore a decision was delayed to the next Board of Trustees meeting on 27 April 2018 to allow for an update from USS.

1.7 We have subsequently received confirmation that our proposal was not considered by the USS at their February 2018 Policy Committee and should instead be considered at the next meeting on 10 May 2018 which effectively compromises our ability to complete in time some of the other key aspects of incorporation in time for 1 August 2018. Our pensions legal advisors are in dialogue with the USS policy team and we hope to secure a positive outcome which enables us to move forwards. However, the delay was unforeseen until after we had submitted the proposal to USS.

1.8 This matter will be discussed in more detail by the Trustees at their next meeting. However, it does not change the need to take the proposal to incorporate to Conference in June 2018 and therefore even if the date for implementation changes to 1 August 2019 we will still be progressing the project to ensure that all necessary work is completed in time to allow this to happen.

1.9 The key next steps for us, besides the progression of the USS transfer, are two-fold. Firstly we will be preparing a general FAQ document for the website using student feedback to the article. We would appreciate comments/questions from CEC members to help us populate this in the absence of wider member feedback at this time. Secondly, we will be moving forward with the drafting of the Articles of Association for the newly incorporated body now that the draft resolutions emerging from Rules Revision are known.

1.10 Comments are welcomed on any part of this update or the project in general.

Rob Avann
General Manager

Tim O'Brien
Incorporation Project Manager