

DURHAM SU BOARD OF TRUSTEES

MINUTES OF THE MEETING 9 April 2020

Members present

Anthony Baker, Clare Powne, Chris Nash, Oliver Colling, Jess Madden, Kate McIntosh, Amelia McLoughlan, Jess Dunning, Sam Johnson-Audini, David Evans, Tom Pymmer, Caragh Aylett

In attendance

Gareth Hughes, Kirsty Morrison, Martin Horrocks, Lauren Hodgson (minutes), Rebecca Henderson, Georgina Lambert

Apologies

Poppy Azmi

Any underlined text is confidential and for Board members only, and will not be included in the open papers published on the website.

Usual business items

1. OPENING OF MEETING

Noted: apologies, no conflicts of interest or notification of any other urgent business.

2. MINUTES OF THE PREVIOUS MEETING AND MATTERS ARISING

Accepted: the minutes of the meeting held on 20 January 2020.

3. REPORTS FROM COMMITTEES

Received: a report from each of the Board's Committees.

OC presented the Performance and Delivery Committee report. Many of the items were deferred due to the timing of the meeting and more urgent business continuity matters things taken priority, which will be discussed by the trustees in this meeting.

CP presented People and Culture Committee Report. The Safeguarding Policy was reviewed and will now be communicated to volunteers and staff will be trained.

The Committee received an update on the good governance review and a copy of the report from MiraGold on the student trustee experience. The Committee agreed that recommendations were appropriate and ought to be taken forward with further reflection and guidance from trustees.

No election update could be provided due to a complaint still under review.

The Committee approved policies to go out to consultation on Learning and Development, and Dignity at Durham SU. Policies on Discipline, flexible working, and eye tests had been consulted upon, and were approved by the Committee. JM queried if an update on the student trustee development project had been given to Amie Waterman. CP suggested that the summary which was included in the presentation provided at the meeting could be sent instead of the full report.

There had been no meeting of the Fundraising Committee, but MH confirmed that Committee members, with other student leaders and Durham SU staff, had received training from Connected Voices, from which an action plan was being developed to move to engagement with the Fundraising Code. This work may be delayed, however, as the Committee moved to address more urgent issues.

4. CHIEF EXECUTIVE'S REPORT

Received: the Chief Executive's report on Durham SU's performance.

GH noted that the response to the Covid-19 pandemic, and the response to the campaign run against Durham SU's elections and the relationship with Junior Common Rooms, were separate items on the agenda and were not in his report.

Staff Engagement Survey results have been issued today with excellent outcome of 90% staff agreeing that they would recommend Durham SU as a good place to work, for the second year in a row! Further analysis of the results will be provided to People and Culture Committee, and given the full Board for information.

The University Assurance Service reviewed Durham SU in January 2020, at a mid-point from 2017 review. The findings of the report were very positive, and will follow to Performance and Delivery Committee, and then to the Board.

NUS had held its first National Conference under its new identity and new rules and moved the event online in a splendid display of innovation under pressure. A motion from Durham SU on student access to healthcare services was selected for debate.

The strategic risks considered by PDC at its last meeting are still broadly appropriate, but there is very little capacity to engage in them given the significant and unexpected risks which arose in March 2020, which are considered elsewhere on the agenda.

The relationship with DICCUC remains complex and in flux. Durham SU will continue to support DICCUC until discussions are concluded, with the expectation that a resolution is desirable, possible, and supported by all parties.

A small risk arises in data protection due to moving the staff team to working remotely and using personal computers. Durham SU has taken reasonable steps to ensure a level of confidence can be placed in the arrangements to manage privacy and good information governance.

TP queried what the criteria was to define a successful election. GH was of the view that this included compliance with processes, high turnout, easy voting, for example. A controversial ruling by the Returning Officer had been met with aggressive subsequent reaction by supporters of the candidate who had been withdrawn due to campaign rule breaches, but this didn't detract from the success of the election. The candidates, campaign teams that followed rules, volunteers, and staff, all deserve to have their contributions described as 'successful'.

CA asked if the new Chair of DICCUC had been elected and if they would be happy with the discussions. KMo replied that groups usually elect at the beginning of the next term but can't see any reason they would have any issues with the discussions.

5. FINANCE REPORT

Received: the Finance Report on Durham SU's financial situation, including the management accounts to period 7 (February 2020).

The accounts presented show the overall unrestricted fund position and, at this stage, Durham SU is showing a £47k deficit compared to a budgeted £17k surplus, a £64k shortfall. Largely this is attributable to poor commercial trading, which was being actively addressed. With the closure of Dunelm House due to the Covid-19 pandemic, there will be no commercial way to reverse this shortfall in the current financial year. A commercial strategy report from Greenhouse, requested by Performance and Delivery Committee, has now been received.

MH explained that Durham SU is likely to end 2020 £64000 adverse to budget. This is the worse-case scenario as some funds may be recoverable through the Coronavirus Job Retention Scheme and putting some staff into furlough. There are no cash issues up until the end of July and there will be no expenditure from student groups other than the disbursement of funds raised by the Charity Fashion Show.

Durham SU currently has about £800,000 in bank accounts and will be in a better position than almost all students' unions and most charities. The Reserves Policy provides for 3 months running costs without commercial income. The grant from Durham University will be honoured for its final payment of the year in May 2020.

KMo and MH are now looking at possible scenarios of what the coming months and rest of the year could look like, which include:

- Business as usual (starting beginning of the new academic year).
- Phased return (some students and staff on campus, but not all).
- January back to normal (no students on campus during Michaelmas Term).

AB thought that the July meeting of the Board would not be able to agree a full budget as usual and was more likely to agree a short-term plan to January 2020 as the students' union adapted to the new normal and what this meant for services and people. The trustees would be asked to consider the level of risk in some detail.

OC noted cash flow is what most businesses lack and welcome this information.

DE asked if there were any further updates on next year's University Grant and JM asked if anything had been altered in the Grant application such as the period of the grant, and when the University normally confirm what the Grant will be. GH replied that this was still uncertain past July 2020, and usual confirmation processes were not relevant in such unusual times; GH understood that the University budget would be signed off in early July.

GH had furloughed some staff in consultation with AB and agreed to top-up the 80% of salaries claimable to 100% using Durham SU funds; no staff member would take home less money until the end of May in the first instance. This arrangement would be in place for the duration of the scheme as currently known but would need to be reviewed as the length of time of lockdown and the requirements of the scheme evolved.

At time of this meeting, GH had furloughed the whole of the Commercial team including all student staff (two career staff immediately and the Commercial Manager due to enter on 20 April). One member of career staff who had been working their notice had requested that their notice be extended, and they be put onto the scheme. GH had approved this, but at a flat 80% without top-up, and the staff member's employment will be terminated once furlough ends. It will become necessary to add more salaried staff into the scheme as the requirement for level of service is reduced.

CP requested the rationale for Durham SU topping-up salaries to 100%. GH explained that this is clearly time-limited, and controls existed to check this commitment if resources became too few. GH thought that while Durham SU can reasonably assume that the furlough scheme is short-term and reserves are healthy, it is consistent with our employer brand to support staff in this way for a period of around two months. AB agreed that it was important for morale and staff engagement and is in line with what most companies are doing at the moment. Cashflow needs to be monitored but currently this is a cash saving as 80% of salaried are being paid by government.

Good governance items

6. WHAT HAPPENED IN FEBRUARY

Received: a presentation from the Chief Executive on the operating context for Durham SU, the Durham SU Elections 2020, and stakeholder relationship.

The presentation was confidential to the trustees, and is filed with the minutes.

GH and KMc shared their reflections on events of February and March 2020, to support the trustees in understanding the strategic and operational context for Durham SU.

GH and KMc were clear that the presentation represented their reflection and judgement on events and wasn't intended to be only a set of un-interpreted facts; but it was important for all trustees to share those facts to support discussion, so the first part of the presentation intended to develop a common appreciation of the events.

In February 2020, a campaign team constituted of (Junior) Common Room leaders seeking to win more access and money from Durham University, targeted the Durham SU elections and sought to destabilise the students' union by advocating a vote in favour of Re-Open Nominations, a non-personal candidate in all elections. It was clear that the campaign had no view on the quality of any other candidates; it was not seeking to wage an election campaign on the merits of policy or manifestos.

They viewed funding and legitimacy in zero-sum terms, which both Common Rooms and Durham SU could not enjoy.

Durham SU was surprised by this campaign; but that was, to be fair, very much the point. The values and behaviours of the campaign were antithetical to Durham SU's values of partnership and openness. The campaign was aggressive and was characterised by racist and populist behaviours and language towards candidates.

A student complained that campaigners for RON had breached the Elections Rules. The complaint was upheld by the Deputy Returning Officer and an appropriate sanction was to withdraw that candidate. The lack of insight into the withdrawal of the candidate had given rise to further complaints, however, as people who do not understand the complaint, the evidence, or the decision-making process believe that this is evidence of 'rigged' elections or mismanagement. There is also, of course, a degree to which supporters of the RON Campaign do understand what happened, and just disagree with the outcome.

The statutory complaints procedure is appropriate to review the elections as a whole. The University Secretary also has power to test the confidence that University Council can have in Durham SU's democracy and, on request of the Chief Executive, has agreed to exercise her power.

Durham SU is not in a position to give the RON Campaign what they want, as the students' union does not control their funding or their access to University decision makers. The University Executive is clear that, while Common Room Leaders are useful insights into the experience of College life, they are mostly valuable for the contribution they make to enrichment activity. There is no interest from Council, Senate, or UEC in considering them as broader representatives of the student body.

SJA asked what the University's view was of JCR Presidents (many of whom are University employees) engaging in attacks on the Officers-elect. GH confirmed the University have historically shrugged off responsibility, but now are better informed.

KMc stated that it was important to continue supporting Common Rooms in the coming months. The Pro-Vice-Chancellor (Colleges and Student Experience) is keen to work out how we support JCRs instead. JCR Presidents are keen to have a 'mediation' meeting. A lot of stress has been placed on Officers and Officers-elect and 'mediation' will not address the leaders who engaged in abuse and bullying.

SJA attributed some of the difficulties to the myth that JCRs (political organisation) are representative of College populations because of high engagement in their service offer (social organisation); they're big but exclusive.

JM continued that the relationships between JCRs and Durham SU was a bigger issue that needs to be addressed, and responsibility needs to be taken for not addressing issues earlier. KMc agreed that communication needs to be improved but is delivered well given the situation SU staff were placed in.

TP asked how progress would be made if Common Rooms are looking to disaffiliate from the University and become independent, and how will this be mediated when no face-to-face meeting can take place. GH agreed that development work with student leaders needs to be separated from the general communications strategy with students, as they are not the same thing. Durham SU knows from wide research that what students say they want and what JCRs say students want (and therefore what Durham SU should deliver) is different. This is a tricky thing to get right.

KMc added that Common Room support is still in place but will just look different than it usually would. Capacity is incredibly tight and a response to the Covid-19 crisis takes higher priority.

CA agreed as a former JCR President, that not all students are engaged in their JCRs and all current JCR presidents should be engaging in this piece of work and do the research and take on some of this as it was not all on SU. It will be interesting to see what happens with disaffiliation motions and how this works in practice.

DE believed that the JCR's understanding and SU's understanding of the situation were different. He was unsure that the campaign was targeted at the University rather than SU and this needs to be recognised rather than saying this was used as a vehicle. Details of the complaint couldn't be published but some areas could have been used and communicated better. A lot of the issues that students want to be discussed is subject to management rather than democratic control and this is why students feel they don't have a voice and didn't have a say.

AB agreed that communications need to be improved and what happened during elections needs to be taken into consideration, but overall the right decision was made. It's understandable how this could look undemocratic so makes a very challenging situation.

Strategic development items

7. DURHAM SU RESPONSE TO THE COVID-19 CRISIS

Accepted: strategic goals to August 2020, a delegation of powers for emergency response to the crisis, and compromise solutions to usual or planned activity in Easter term 2020.

The Covid-19 crisis has had a dramatic impact on life throughout the United Kingdom and the wider world. Durham SU is in the same situation as many other organisations, including Durham University: trying the best it can to deliver its responsibilities in a context which changes every day. There is therefore a high degree of risk presented by the uncertain and difficult operating context, and this paper presents the best judgements as to the path Durham SU ought to take until the end of the financial and academic year.

Exceptional circumstances require a revision of the Annual Plan to end of year 2019/2020 and new objectives within the frame of the current strategy, which will give Durham SU the best chance of being the champion of every Durham student.

CP thought the proposals are pragmatic, very good, well written and thanked the staff team for the work that had been put into this.

DE queried what the perception would be if Assembly were not held online from a student confidence point of view. GH explained that Durham SU is currently under high scrutiny to guarantee 100% compliance with governing documents. This has the perverse effect of removing any comfort he has to make pragmatic compromises to help Assembly move online, when the regulations never conceived that this would be necessary, and Assembly would need to actually meet to approve any changes to the regulations! There is no 'enabling' clause which says that Assembly can happen online, so a default position would be to hold no meeting. GH did believe, however, that something may be possible within very tight parameters, and the resolutions put before the Board for approval would allow some progress to be made.

TP asked if the appendices were to cover all matters within the SU or in the context of COVID-19. GH answered that it was both in the context of COVID-19 and to cover all aspects of the organisation.

CN queried what the level of sickness absence could be expected to be, and what happens if lockdown goes on for longer than 3 months. GH explained that capacity is evaluated on a week-by-week basis, and his current view is that where a particular service is affected by sickness absence, it would be better in general terms to suspend that service rather than spread the organisation ever thinner, and deliver more than one service badly. Further decisions would need to be made in May when more is known about how the public and institution respond to the pandemic.

Resolved: the Chair and the Vice-Chair, acting together in usual circumstances unless one person is unable to act by reason of sickness absence in which case one of the two has authority to act, may exercise all of the powers of the Board as the body with ultimate responsibility for the students' union's good management, administration and governance, for the period of the Covid-19 emergency.

This delegation is subject to the following conditions:

- Any decision is in their judgement urgent and necessary in the uncertain circumstances of the current Covid-19 emergency.
- The decision has been recommended to the Chair and the Vice-Chair by one of the following members of senior staff:
 - The Chief Executive
 - The Director of Services
 - The Director of Campaigns
- Where possible, the senior staff member should consult in advance of any recommendation with the Officers and staff who have responsibilities related to the decision being made.
- Decisions must be supported by evidence and copies (in writing) of such decisions and supporting documents should be retained by the Exec Assistant.
- Decisions made using this delegated power should be notified to the trustees, the same day, or as soon as possible after the power is used, and reported to the next ordinary meeting of the Board.
- These delegated powers are effective from the time of their approval by the trustees for a period from 9 April 2020 to 29 July 2020 and may be renewed for a further period by a further resolution of the Board, or rescinded by a resolution made at the scheduled May 2020 meeting or by circulation of an electronic resolution at any time, in line with Article 79.

Resolved: The trustees expect that the students' union will continue to operate in line with the expectations of the governing documents but accept that there may be instances where the limits of capacity and technology make this inadvisable or impossible. The Chief Executive is therefore instructed to deliver the activities described in the governing documents as close to the recommended action as possible. The trustees accept that emergent circumstances may require changes to the plans and have delegated power to the Chair and Vice-Chair to accept recommendations as to alternative delivery or cancellation.

The trustees have accepted that

- Almost all Durham SU regulations require processes that must happen on campus, but Government has restricted physical gatherings. All activity must now be appropriate to take place online.

- Democratic engagement by student members is possible, desirable and consistent with the values of Durham SU.
- A compromise is sought before a decision to not proceed, and relevant considerations for the Chair and Vice-Chair in accepting a recommendation to not proceed will be these principles, as well as the students' union's other priorities, capacity, and technological abilities.
- A decision to not proceed is within the trustees' powers, and ought to be made without hesitation if considered necessary for reasons of public safety or if it is beyond reasonable endeavours of the organisation.
- Durham SU ensure that standards of good governance, high quality service, and expectations of standard practice are not compromised unduly.

Information items

8. A REPORT ON THE STUDENT TRUSTEE EXPERIENCE FROM MIRA GOLD

Received: a report from MiraGold on the Student Trustee Experience.

AB suggested the creation of an ad hoc Committee of up to five trustees to work through the recommendations provided in the report, and to look at other ideas and gather information of what other organisations have done in this situation. The Committee should intend to report by the July meeting of the Board. Anyone wanting to part of the Committee should email AB. GH will nominate staff to service the Committee, and source an external member.

9. HEALTH AND SAFETY POLICY

Approved: the Health and Safety Policy.

CN asked if DSE assessments had been carried out for staff working from home.

KM confirmed that checklists had been sent to all staff as soon as remote working had begun. Managers will be checking in with staff after three weeks working from home to ensure that everyone has everything they need. A budget would be made available to support this work.