**Impact Assessment Term 1 Academic Year 2024/25 – Student accessible guide**

When making decisions on what activities to engage in, our Students’ Union must take into account charity and education law as well as ensuring we are permitted to do so under our Articles of Association.

Before passing any motion, we need to have a process which assess its validity and whether we have the power to enact it. That process comes in the form of Impact Assessment (IA). The remit of IA, which has delegated authority to enact on behalf of the Board of Trustees, is to avoid any legal, financial, or reputational consequences of a proposed motion are considered before being put to an All-Student Vote.

There are 4 main aspects the Unions asks itself with a proposed motion:

1. The ‘students as students test’ - Does the activity further the education of students at Warwick?

2. Does the activity ensure the Trustees can comply with their legal duties under Charity Law; and some cases Company Law?

3. Is the activity compatible with the Education Act 1994

4. Are Trustees considering their duties in accordance to the Companies Act 2006 where, as company directors they are required to act in a way which helps the company achieve its purposes.

The role of IA is to ensure that all motions are appropriate for the Union to be voting on, and that any course of action to which the Union will be committed, is a lawful one.

This guide is therefore produced to give you a broad overview of what and why decisions have been taken at Impact Assessment.

Further detailed information has also been forwarded to motion proposers and will be uploaded in due course.

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| Motion Titled and brief description | Risks identified | Progress along the motion system | Actions picked up |
| **Protect Angels in POP! (again!)**  Motion to mandate that Angels is played at Pop as the last song of the night. | Inappropriate use of the motion system due to motion attempting to mandate operational procedures. | Motion cannot progress further alongside the motion system but feedback should be escalated through forums where co-creation of WSU experience can be expressed. | Motion proposer and seconder communicated to escalate this feedback through Forums (operations, Sport and Socs) and Operations staff team  Student Voice to publish guidance about how to escalate feedback through Forums |
| **Let’s fix the lack of transparency and unaccountability in Warwick SU’s Board of Trustees**  Motion to publish Board minutes within 15 working days and for published and for decisions regarding ratification of motions to be published within a week if aspects of motions are changed after ASV. | Motion failed to recognise power of Board as laid out in the Articles of Association specifically that of Article 28 and 29.  Legal, financial and reputational risk attached with the 15 working day turn around as process takes longer to ensure that minutes are accurate reflection of meeting and where sections must remain closed/ anonymized. The minutes of the previous Board are ratified at the beginning of the next  Legal risk that motion undermined Articles. | Core functions and responsibilities of the Board as laid out in Articles 28 and 29 means they are primarily responsible for the governance of the Union.  As per the Article 16 Trustees are required to hold an annual student members meeting – they will present the accounts, report on activity and questions can be posed by student members. | Motion proposer and seconder communicated to.  Work to be undertaken about how a student appropriate and friendly guide of overall themes discussed at Board could be published to the Student Body while appreciating that minutes of Board will be circulated following the ratification of minutes which has to be done. |
| **Bye-Law Proposals**  Motion to combine various versions of previous byelaws. | Legal risk in combining byelaws or reverting to old byelaws especially as this is a power delineated to Board by Articles 28 and 29. | Motion cannot progress due to the legal and reputational risk of reverting back or combining previous versions of byelaws as this is the power of Board.  Existing byelaws have been approved under these Articles by Board. | Motion proposer and seconder communicated to.  Further work to be done consulting students in how Articles and Byelaws and Supporting Documents can be clearly communicated with students and how a process of student workshopping regarding input on governance can be established to ensure and maintain student voice and bringing in student expertise and interest while reflecting that Board would still have ultimate authority.  Action to ensure that Elections supporting document and others were expedited. |
| **Fix Broken Community Safety Now!' A motion to make Community Safety works for the community**  Motion designed to reform Community Safety | Reputational and financial risk due to contents of notes and resolves of the motion. | Motion cannot progress to AVS due to reputational risks in notes and believes of the motion and factual inaccuracies without supporting evidence. | Proposer and Seconder to be contacted to arrange a meeting about how motion can be worked on to mitigate the risks while simultaneously Union Staff to contact Director of Wellbeing and Head of Community Safety to see if they are open to working with a proposers.  There is hope that if work can be done with proposers and seconders to mitigate the risks in the existing notes and resolves that this motion can become within scope of the Unions charitable purpose and therefore could appear on a later ASV this |
| **Let’s Improve Student Council**  Motion designed to reform aspects of Student Council | Inappropriate use of the motion system due to motion attempting to mandate operational procedures. | Motion cannot progress. There are aspects of within it which mandate and delineate specific operational procedures which are not the achieved through motion process. Feedback through Forums, Student Council, or in this case directly with Student Voice Team. | Substantial part of the motion has been actioned the Student Voice team to produce Council Terms of reference to be ready by the first council to reach out to the motion proposer and seconder to assist on creating this terms of reference and glossary of terms.  Meeting to be arranged with proposer and seconder to complete feedback loop. |
| **A motion to change the criteria for valid motions.**  Motion to give power to VP Democracy and Development and steering group power to say what issues ‘directly affect student experience’. | Significant reputational and legal risk with the Board devolving any of its power to individual officers or a student forum who may or may not be aware of all the legal, financial, reputational risks  The Board has a legal duty to comply with Charity Law and protect the reputation of the charity. It has an obligation to the staff it employs and its student members; delegating that authority in relation to motions has come in the form of Impact Assessment  Potential to clash with Education Act of 1994.  Reputational risk within inaccurate statements in notes and believes. | Motion cannot progress to next stage in motion process due to these risks. | Meeting to be arranged with proposer and seconder to explain.  Furthermore, much of the motion detailed a framework that already exists – Impact Assessment. |
| **Warwick SU to improve Postgraduate Representation in its democratic**  **Structures**  Motion outlining how proposer and seconder would like to establish a Postgraduate forum and its composition | Motion as written in the resolves presented a legal and reputational risk when it stated that voting of postgraduate forum would be limited to postgraduate students as this would go against our democratic principles of open elections as well as potentially Education Act of 1994.  Would set a dangerous precedent for other elections that if the same logic of limiting elections to a section of our membership (not including those protected and laid out in the Equalities Act of 2010) | Motion cannot progress to next stage due to the reasons outlined | Student Voice Team to establish a terms of Reference for Postgraduate Forum and for all other Forums before the first student council meeting.  In the meeting with the proposer and seconder it would be discussed why as written the motion cannot progress and how if additional edits to the byelaws need to be made as the supporting documents outline above would establish the Postgraduate Forum |
| **Disband the Warwick Tories over their Nazi chanting and singing and institutional bigotry** | Inappropriate use of motion system – this should be dealt with as a complaint.  The motion is not in line with the charitable objects of the Union and poses significant legal, reputational and financial risk.  Despite the inclusion in the motion that it was not to set a precedent about how societies or clubs could be de-recognised or sanctioned; legally and reputationally this motion paves the way for the Union receiving similar motions in the future for other student groups.  Motion directing an operational team to a certain course of action is not within the scope of motion system but rather one that is established as the result of a complaint disciplinary or discovery of practice. | Motion cannot progress to next stage of motion process and could never go to ASV.  Inappropriate use of motion system. | Motion proposer and seconder to be contacted to set up a meeting to explain outcome and next steps.  That an overview of the disciplinary process and its results would be published by the Union to its student members including how training was set to be monitored and enforced and attached consequences if this training was not completed by the society members or exec.  This motion as well as others has prompted a review into how communication between the Union and its membership can be improved. |