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P 03045

PRIME MINISTER

NATIONAL UNION OF STUDENTS

Minute from the Education Secretary dated 15 March

DECISIONS

Conservative backbenchers led by Mr Tim Janman, MP, have tabled an amendment which would prevent the National Union of Students from continuing as a confederation of local student unions, and require it to become a direct membership union. Individual students would then have a free choice whether to join. There is an associated Early Day Motion with over 200 signatures.

2. Mr Baker seeks agreement:

- i. to resist this proposition, on the grounds that it would remove the right of free association for local student unions, and might breach the European Convention on Human Rights; but
- ii. to consult on a "conscience clause" under which individual students would be able to divert their share of the NUS affiliation fee to another purpose.

3. Mr Baker's proposal is clearly at an early stage, and further work needs to be done on the details. But E(EP) will want to decide whether it accepts the principle of a "conscience clause", rather than some more radical change in the financial arrangements for the NUS.

4. You will also wish to consider handling, and in particular the proposal for consultation before any changes are introduced.

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#### BACKGROUND

5. At present the governing body of each university or other further education institution pays a block grant to the local students union. Most of the money supports sports and entertainment facilities, and any full-time local officers. But the local unions can also choose to affiliate to the NUS, in which case they pass on an affiliation fee reflecting the number of students in the institution. In practice the great majority (but not all) of the local unions affiliate. The NUS provides them and their members with certain services (eg legal advice, bulk purchase, insurance services). But the NUS also has a representational and campaigning role which is at the centre of the present argument.

#### MAIN ISSUES

6. The main defect of these arrangements is that individual students find that they have become "members" of the NUS, even if they disagree strongly with its aims and attitudes. The amendment which has been tabled by backbenchers would meet this point most fully, by requiring the NUS to become a direct membership organisation, and blocking the present affiliation arrangements.

7. Mr Baker argues that a change of this sort would breach the right of free association for local student unions: in this case their freedom to affiliate to the NUS. He suggests that there might be problems with the European Convention on Human Rights.

8. E(EP) will want to consider whether to accept Mr Baker's recommendation against the change proposed by backbenchers. If not, you may want to ask him to explore the legal position more fully. Even if local unions cannot be prevented from affiliating to the NUS, it might be possible to attach conditions to their grants - which come from public funds - preventing them from being used to pay affiliation fees.

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A "conscience clause"

9. If E(EP) accepts Mr Baker's arguments against a radical change in the present arrangements, you will want to consider his proposed "conscience clause". An individual student could prevent his local union paying an affiliation fee on his behalf. If the money were just left with the local union, the effect could be circumvented by somewhat higher NUS affiliation fees for the remaining students. Mr Baker therefore envisages that the fee for students who opted out would have to be paid to a local fund or trust, eg a welfare or scholarship fund. These funds might perhaps be controlled jointly by the union and the institution.

10. Such an arrangement might provide an acceptable alternative to making the NUS a direct membership union. But many details clearly remain to be worked out. In particular, you may be concerned to ensure that all students have to take a positive decision on affiliation (eg by answering a question on their university registration forms) rather than simply having a right to opt out if they take the initiative.

Other Options

11. Another option would be to allow local unions to affiliate to the NUS, but only after conducting a proper secret ballot. You might like to check with Mr Baker whether this happens already. If not, it would be another possible line of reform.

12. There is also a more radical option. Arguably, the real objection to the current arrangements is that local unions receive their finance directly from public funds rather than as the result of decisions by individual students. Would it be better to substitute an arrangement by which direct payment to the unions was ended, students' grants were correspondingly increased, and students were free to decide whether or not to belong to the unions and pay their membership fees? This would seem more consistent with the general thrust of the Government's trade union policy. It could also be combined with Mr Janman's proposal: students would then be free to belong to the local union, or to the NUS, or both

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or neither. Alternatively, it could substitute for Mr Janman's proposal: local unions would still be free, if their members decided, to affiliate to the NUS but individual members who disagreed with such a decision would be free to terminate their membership and cease payment of local union dues.

Timing

13. Mr Baker proposes to consult on his proposal. That presumably means that he does not envisage legislation in the current Bill. E(EP) will want to consider this: the Sub-Committee might prefer to take an enabling power now, and then consult about the detailed arrangements.

HANDLING

14. You will want to ask the Education Secretary to speak to his minute. The Scottish and Welsh Secretaries and other members of the Sub-Committee will wish to comment, on the basis of their own political appreciation of the proposal (there are no strictly Departmental points).

AW.

R T J WILSON  
Cabinet Office  
16 March 1988

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PRIME MINISTER

*Piero Nistri*<sup>2</sup>

**NATIONAL UNION OF STUDENTS**

Colleagues will know that some of our supporters are pressing us to take action against the NUS. In particular they want us to legislate to prevent the NUS continuing as a confederation of local student unions and to force it to become a direct membership union which students would choose whether to join. Early Day Motion No.449 now has over 200 signatures; and its initiator, Tim Janman, has tabled a new clause which may be selected on Report which starts next week. Even if selected it may not be debated owing to the guillotine. I have no doubt that we shall be pressed further on the matter in the Lords.

If and when the matter comes up on Report, I propose to say that there are considerable difficulties in Tim Janman's proposition as it stands. In particular, the principle of free association upholds the right of institutional students' unions to affiliate corporately to a national body, and I do not believe we could defend eliminating that right. Moreover, if we were trying to do so we might run up against the European Convention on Human Rights.

I would go on to say that the Government is, nevertheless, concerned that public money is being passed to the NUS and that there are many students who find this offensive. We need to devise safeguards for those students who reject the principle of block affiliation. This would be a departure from the view taken by my predecessors.

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What I have in mind is a "conscience clause", under which individual students would have the right to divert their share of the affiliation fee otherwise payable to the NUS to other purposes. This approach seems to me reasonable and one which we could defend. I would propose a consultation document - which would be separate from our initiative on student support.

Copies of this letter go to other members of E(EP), to the Foreign Secretary, the Attorney General, and to Sir Robin Butler.

*K.S.*

KB  
Department Of Education and Science

15 March 1988

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SECRET  
EDUCATION: student loans pt 2

