

Education Act 1994: Code of Practice implementing Section 22(3) (2017/18 version)

The Education Act 1994 (the “Act”)(Section 22(3)) requires universities to issue a code of practice, setting out the manner in which the requirements of section 22(1) and (2) of the Act, relating to the organisation and activities of the Students’ Union, are to be put into effect.

Set out below are the requirements of the Act, together with the steps taken by the University of Bristol to ensure compliance.

Section 1

The governing body of every establishment to which this Part applies shall take such steps as are reasonably practicable to secure that any students’ union for students at the establishment operates in a fair and democratic manner and is accountable for its finances.

The steps taken are set out below.

Section 2

(a) The union should have a written constitution

Under Ordinance 24 of the University, the University of Bristol Students’ Union is established as a charitable company limited by guarantee. The Articles of Association set out the current written constitution of the Union.

(b) The provisions of the constitution should be subject to the approval of the governing body and to review by that body at intervals of not more than five years.

The prior approval of the University Board of Trustees is required for any amendments to the Union’s Articles of Association.

The University Board of Trustees is required under the Articles of Association to review the provisions of the Union’s Articles of Association at intervals of not more than five years.

(c) A student should have the right not be a member of the union, or in the case of a representative body which is not an association, to signify that he does not wish to be represented by it, and students who exercise that right should not be unfairly

disadvantaged, with regard to the provision of services or otherwise, by reason of their having done so.

All full-time and part-time students at the University are entitled to become members of the Union (by becoming a member of the charitable company by which it is constituted), unless they give notice in accordance with the Articles that they choose not to be a member of the Union. The Union shall not levy subscriptions for membership of the Union (save that clubs and societies of the Union may levy a membership fee on their members). Full members shall be the students (who have not opted out) and the Sabbatical Trustees. Regardless of membership of the Union, students are entitled to use the Union building and facilities, to join Union clubs and societies, to use the University's sports facilities, and to make use of welfare services. Students who are not members of the Union are eligible to stand for election as student representatives on Senate.

(d) Appointment to major union offices should be by election in a secret ballot in which all members are entitled to vote.

The procedures relating to elections are set out in the Articles of Association of the Union, and comply with this requirement.

(e) The governing body should satisfy themselves that the elections are fairly and properly conducted.

The Returning Officer monitors the conduct of all elections to major union offices and reports annually on such elections to the Deputy Registrar (Academic Services) who in turn reports to University Board of Trustees. The Trustees of the Union are responsible for ensuring that all elections (whether carried out by way of referendum, secret ballot or by resolution at any general meeting of the Union) are fairly and properly conducted.

(f) A person should not hold sabbatical office, or paid elected union office, for more than two years in total at the establishment.

This is provided for under the Union's Articles of Association.

(g) The financial affairs of the union should be properly conducted, and appropriate arrangements should exist for the approval of the union's budget, and the monitoring of its expenditure, by the governing body.

The financial management of the Union is monitored on behalf of the University Board of Trustees by the Finance Director to whom the Trustees will report on the Union's financial affairs. The Union also has a University Financial Adviser who will report to the Finance Director any matters relating to Union funds which in his or her opinion should be so reported. The Trustees must obtain the approval of the University Board of Trustees for the budget for the Union in respect of each financial year before, or at the earliest possible date after, the start of the financial year in accordance with the Articles.

The Finance Director:

- Reports annually to the Board of Trustees on the financial affairs of the Union including the budget and the annual report and statement of accounts, and will highlight any other matters as appropriate in order for the University Board of Trustees to monitor whether such financial affairs of the Union are properly conducted.
- Receives and reviews the proposed budget for the Union for any financial period and reports on the budget to the University Board of Trustees in order to allow it to decide whether to give its approval in accordance with the Articles and the Act.

(h) Financial reports of the union should be published annually or more frequently, and should be made available to the governing body and to all students, and each such report should contain, in particular, a list of the external organisations to which the union has made donations in the period to which the report relates, and details of those donations.

The Trustees of the Union shall comply with the requirements of the Companies Acts and of the Charities Act 1993 as to, keeping financial records, the audit or examination of accounts and the preparation and transmission to the Registrar of Companies and the Charity Commission of:

- (i) annual reports
- (ii) annual returns
- (iii) annual statements of account.

These documents are available for inspection through the Union Office and the Union shall in any event provide the University Board of Trustees with a copy of the annual report and statement of accounts as soon as is reasonably practicable following the approval by the Trustees.

(i) The procedure for allocating resources to groups or clubs should be fair, and should be set down in writing and freely accessible to all students.

The procedure for allocating resources is set out in the Union's Byelaws (Byelaw 9, Student Groups) available online:

<http://www.bristolsu.org.uk/about/our-organisation/governance/financialaccounts/>

Further details can also be found in the Union's Sports, Clubs and Societies Committee Handbook available online:

http://www.bristolsu.org.uk/activities/committee_resources/

(j) If the union decides to affiliate to an external organisation, it should publish notice of its decision, stating the name of the organisation, and details of any subscription or similar fee paid or proposed to be paid, and of any donation made or proposed to be made, to the organisation, and any such notice should be made available to the governing body and to all students.

The University has notified the Union of the requirement to comply with this provision.

(k) Where the Union is affiliated to any external organisations, a report should be published annually or more frequently containing:

(i) a list of the external organisations to which the union is currently affiliated, and;

(ii) details of subscriptions or similar fees paid, or donations made, to such organisations in the past year (or since the last report), and such reports should be made available to the governing body and to all students.

Where the union is affiliated to any external organisations, an annual report will be published and made available to the University Board of Trustees and to students. This should contain a list of the external organisations to which the union is currently affiliated as at the date of the report, and details of subscriptions or similar fees paid, or donations made, to such organisations in the previous year.

(l) There should be procedures for the review of affiliations to external organisations, under which the current list of affiliations is submitted for approval by members annually or more frequently, and at such intervals of not more than a year as the governing body may determine, a requisition may be made by such proportion of members (not exceeding 5%) as the governing body may determine,

that the question of continued affiliation to any particular organisation be decided upon by a secret ballot in which all members are entitled to vote.

Under the Articles of Association, no affiliation to any organisation may be made or continued unless it is approved at least once in every calendar year by a Referendum or otherwise in accordance with the Act.

(m) There should be a complaints procedure available to all students or groups of students who are dissatisfied in their dealings with the union, or claim to be unfairly disadvantaged by reason of their having exercised the right referred to in paragraph (c) above, which should include provision for an independent person appointed by the governing body to investigate and report on complaints.

Under University Statute 17.19 (“Grievances”), any student with a grievance may take it to the University Board of Trustees, which has power to investigate the grievance, and to take any necessary steps to redress it. The University Board of Trustees has discretion to appoint a Committee to deal with the matter. The Board of Trustees shall maintain a suitable complaints procedure, which shall include the right of appeal.

(n) Complaints should be dealt with promptly and fairly and where a complaint is upheld there should be an effective remedy.

The University Board of Trustees ensures that grievances are dealt with quickly and appropriate remedies instituted. This is included in Statute 17.19 (“Grievances”).

Section 22(4)(b) Information for students Restrictions on union activities imposed by the law relating to charities

Under section 22(4)(b) of the Education Act 1994, the University is obliged to draw to the attention of students the restrictions imposed on the activities of the Student Union by the law relating to charities.

Resources provided to the Union through the University of Bristol should be used only for charitable purposes, in representing and furthering the interests of students so as to enhance the educational aims of the University.

By way of example, it would be proper for the Union to finance debate on controversial issues, the formation and running of clubs and societies, the publication of a student newspaper and representation on University governing bodies. However

Union resources should not be used to campaign or lobby in support of any particular political party or religious organisation.

Further advice may be found in the booklet CC9: Speaking Out: Guidance on Campaigning and Political Activities by Charities, published by the Charity Commissioners for England and Wales.

Last amended July 2014