

	Requirements under the Education Act 1994 - section 22	UNIVERSITY PROCEDURES			CHESTER STUDENTS' UNION'S PROCEDURES			Overall Compliance
		Assurance Mechanism	Actions for Improvements	Date for Completion	Assurance Mechanism	Actions for Improvements	Date for Completion	
1	Approval of Governing Documents: The union should have a written constitution, which should be subject to the approval of Council and to review at intervals of not more than 5 years.	<p>Under Article 9 of the CSU's Memorandum and Articles of Association the prior approval of the University Council is required for any amendments.</p> <p>The CSUs Memorandum and Articles of Association are reviewed by the Planning & Resources Committee (PRC) and recommended to the University Council.</p> <p>Review last undertaken by PRC on 19th January 2021 and approved by the University Council on 23rd March 2021. Previous approval was granted on 23rd March 2017.</p>			<p>Articles last reviewed by University Governors in January 2021. In articles it is stated that articles will be reviewed every 5 years. Initial CSU articles based on NUS model articles. Most recent review of articles included working closely with solicitors with specialism in charity and Students' Union governance to ensure continued compliance with regulatory requirements with the University, Charity Commission and Companies House.</p> <p>Review date is on front page of articles for both CSU Trustee Board and University of Chester to act as prompt. Agreed we will have annual discussion of articles as part of collaborative University and SU business planning meeting to ensure articles continue to be fit for purpose.</p> <p>A copy of the current constitution can be found on the CSU website here: https://www.chestersu.com/your-su/constitution</p>			
2	Right not to be a member: Students should have the right to choose not to be a member of the union, and students who exercise that right should not be unfairly disadvantaged as a result. Council is responsible for bringing this right to the attention of all students (at least annually) and also prospective students, including details of the arrangements.	<p>Article 11 of the Memorandum and Articles of Association establishes the right of students to opt out of CSU membership.</p> <p>The procedures for so doing are contained in Bye-Law 'Members Definitions & Rights', which is available on the CSU website.</p> <p>This right is brought to the attention of all students as part of the induction process.</p>	Initiate project for a new data feed as part of a revised opt in/out process, following discussions with the CSU.	1 st July 2022	<p>There are clear mechanisms within the articles and bye-laws around the right not to be a member.</p> <p>Discussions are ongoing between the University and Students' Union regarding processes for future data sharing and opt in/out procedures.</p>			

<p>3</p>	<p>Fair and Democratic: Governing body should take steps to ensure unions are fair and democratic. Council should satisfy itself that the elections are fairly and properly conducted. Appointment to major union offices should be by election in a secret ballot, in which all members are entitled to vote. A person should not hold sabbatical union office, or paid elected union office, for more than two years in total at the establishment.</p>	<p>This is established by the CSU’s Memorandum and Articles of Association (Article 32) and Bye-Law ‘Election Regulations, which is available on the CSU website.</p> <p>The election process of the CSU, as set out in the Memorandum and Articles of Association and Bye-Laws, ensure that the elections are fair and properly conducted. The Trustee Board appoints a Returning Officer from the NUS, who is responsible for the good conduct and administration of all elections. The CEO is the Deputy Returning Officer for all elections.</p> <p>After the elections the Returning Officer will send a copy of the results to the Registrar & University Secretary and the Vice-Chancellor, and confirm that the elections were held in accordance with the regulations.</p>		<p>CSU has an external Returning Officer which is a requirement of our elections and referenda by-law. We use the National Union of Students (NUS) election service where they are the CSU Returning Officer for any election involving major postholders as defined under this act. NUS provide an external report that confirms for each election whether the Union has met the requirement of fair and democratic elections. These reports are shared with the University annually.</p> <p>CSU uses an online voting platform which enables secret ballots via a digital provider who supports secret ballot elections for a significant number of Students’ Unions elections.</p> <p>CSU articles of association set out in clause 32.2 that no student may be an officer for more than two years.</p>		
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4	Financial Accountability: Council needs to ensure that the financial affairs of the union are properly conducted. Council should approve the union's budget and monitor its expenditure. The union is required to present audited financial statements to Council each year. The report must specifically include details of donations to external organisations. Financial reports should also be made available to 'all students'.	<p>The finances of the CSU are properly conducted in accordance with the CSU's Memorandum and Articles of Association, Bye-Laws, the Charities Commission and Companies House.</p> <p>The CSU has a Head of Finance who has appropriate experience and whose sole responsibility is to manage the finances of the CSU.</p> <p>The CSU Trustee Board is responsible for setting the budget which will be reviewed by the Planning & Resources Committee and presented to the University Council for approval. On-going review of the CSU finances is undertaken termly by Planning & Resources Committee, who make appropriate enquires and seek to remedy any significant concerns.</p> <p>Annual Financial Statements are drawn up and audited externally.</p> <p>CSU also meets with the Strategic Executive Team as part of the strategic planning process to review the CSU grant and its use.</p>	Planning & Resources Committee to receive and approve a draft budget during the summer term, with final approval by University Council.	June and July 2022	<p>CSU management and annual accounts are sent to the University Planning & Resources committee. The CSU CEO is invited to be in attendance for this item to provide any additional context and answer any questions. CSU annual accounts and budget are also taken to the University Planning & Resources committee. Any donations are listed within the annual accounts.</p> <p>CSU Trustee Board has a Finance & Governance Sub-Committee. This group also scrutinise budgets and financial performance before wider reporting to the full CSU Trustee Board. CSU sets a series of milestones for drafting of new budgets and continued financial scrutiny as parts of its Governance scheduler.</p> <p>CSU Financial Statements are presented annually at the Annual General Meeting where members are invited to ask questions of which minutes are then posted on our website alongside the accounts. The accounts are also uploaded to Charity Commission and Companies House websites.</p>			
5	Affiliations: If the union decides to affiliate to an external organisation, it should publish notice of its decision and make available to the governing body and all students. Where the union is affiliated to any external organisations, a report should be published, at least annually, containing details of subscriptions or similar fees paid to such organisations – again, made available to the governing body. There should be procedures for the review of affiliations to external organisations (determined by governing body) under which the current list of affiliations is submitted for approval by SU members at least annually [an affiliation includes any form of membership of, or formal association with, an organisation whose purposes are not confined to purposes connected with the establishment].	<p>All affiliations are approved at the AGM and recorded in the minutes, which are available on the CSU website.</p> <p>The Report of the Trustees and Financial Statements are discussed at the Planning & Resources Committee and University Council on an annual basis, normally after they have been approved by the November CSU Trustee Board meeting. Details of affiliations are contained within this report.</p>			<p>CSU presents and considers affiliations annually at the AGM and minutes of these meetings are posted on CSU website. Our only current affiliation is to the National Union of Students (NUS).</p> <p>https://www.chestersu.com/your-union/trustees-and-governance/documents</p>			

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6	Complaints: There should be a complaints procedure available to all students or groups of students who are dissatisfied in their dealings with the union (or if they've been disadvantaged by opting out of membership), which should include provision for an independent person appointed by Council to investigate and report on complaints. Complaints should be dealt with promptly and fairly and where a complaint is upheld there should be an effective remedy.	<p>The CSU has a 'Student Complaints Procedure' which forms part of the CSU Bye-Laws and is available on the CSU website.</p> <p>The CSU 'Student Complaints Procedure' does include provision where complaints are not upheld for students to raise these with the University Secretary.</p> <p>The 'Student Complaints Procedure' does state that complaints will be dealt with fairly and promptly. Timescale are set out within the procedure.</p>			<p>Student complaints procedure forms part of CSU Bye-laws that can be found here - https://www.chestersu.com/your-su/constitution</p> <p>Clear signposting within policy to University Secretary if students dissatisfied with outcome of complaint.</p>			
7	SU Code of Practice: Council is required to prepare and issue a code of practice setting out how the provisions of this Section of the Education Act 1994 are to be implemented (setting out details of the arrangements to ensure compliance); and bring this to the attention of all students at least once a year.	<p>The Code of Practice is prepared annual between the University and CSU.</p> <p>The Code of Practice is reviewed by the PRC and approved by the University Council and subsequently published on the University's website:</p> <p>https://www1.chester.ac.uk/sites/default/files/SU%20Code%20of%20Practice%20-%20Approved%20UC%2024-11-20.pdf</p>	To incorporate into the information provided in the revised opt in/out process.	1 st July 2022	<p>The current Code of Practice is published on the CSU website and will be updated with any subsequent revisions</p> <p>https://www.chestersu.com/your-union/trustees-and-governance/documents</p>			

8	Charity Law Compliance: Council is required to bring to the attention of all students, at least once a year, any restrictions imposed on the activities of the union by the law relating to charities.	The Code of Practice currently in force under subsection (7) shall be included in enrolment and re-enrolment information for each student and published on the University's website; and any restrictions imposed on the activities of the CSU by the law relating to charities which shall be included as Appendix A to this Code of Practice.	To incorporate into the information provided in the revised opt in/out process.	1 st July 2022	No action required for CSU. However, CSU do report annual accounts and key charity information to the Charity Commission.			
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9	Freedom of Speech Code of Practice: Section 43 of the Education (No.2) Act 1986 requires HEIs to adopt a Freedom of Speech Code of Practice. Council is required to bring to the attention of all students, at least annually, the provisions of the Act and its Code of Practice relevant to the activities or conduct of the union.	Obligations contained within the University's Code of Practice on Freedom of Expression & External Speakers to be included in enrolment and re-enrolment information and published on the University's website.	Keep under review in line with future government developments in this area.	1 st July 2022	Currently use a proforma for speaker requests and this is shared with Registrar and University Secretary for approval. Training is also run for Society leaders on key responsibilities of their roles including their responsibilities and processes for speaker requests.			

Overall Compliance Rating:

Green	Full assurance evidenced & offered to Council.
Amber	Some actions/recommendations identified to further enhance compliance or improve business processes despite complying with the essentials of the Act.
Red	Limited or no mechanisms in place to evidence compliance; actions identified for improvements to be made and reported.

APPENDIX A

RESTRICTIONS IMPOSED ON THE ACTIVITIES OF THE CSU BY CHARITY LAW

The CSU is subject to charity law, as defined in the Charities Act 2006, and as such, resources of the CSU including that given by the University in the form of an annual grant, shall be used to further the objectives of the CSU as outlined in the Memorandum and Articles of Association, in respect of representation and furthering the interests of students as to enhance the educational aims of the University for students whilst at the University.

All purposes of the CSU must be exclusively charitable; it cannot have some purposes which are charitable as well as others which are not. Purposes cannot be political, although political activity and campaigning can be carried out in order to support charitable purposes. However, a charity must stress its independence and ensure that any involvement it has with political parties is balanced.

Charities can:

- Engage in activities that support the delivery of its' charitable purposes;
- Campaign for change in law, policy or decisions which would support the charity's purposes, including ensuring that existing laws are observed; and
- Support specific policies advocated by political parties which would help achieve its charitable purposes.

Charities cannot:

- Engage in political campaigns that are the sole activity of the charity for an unreasonable period;
- Exist for a political purpose, i.e. any purpose directed at furthering the interests of any political party, or securing or opposing a change in the law, policy or decisions either in this country or abroad;
- Give support or funding to a political party, candidate, politician or similar; and
- Become a vehicle for the expression of the political, religious or similar views of any individual trustee or staff member.

For example:

A charity can campaign for or against a bill progressing through Parliament, if this can be reasonable expected to support the delivery of the charitable purposes. It may comment on possible changes to the law or proposed policy, and can debate the issue.

It can also promote the need for new legislation and can do what any individual may acceptably do, i.e. can write to or meet government ministers explaining concerns, brief MPs, and supporters to help, but must not incite people to violence or defame people.

If any student is in doubt as to whether the Union is operating properly within its charitable purposes, then it is suggested that that student should contact a member of the Union's Executive. A student may also initiate a complaint against the Union under the Student Union complaints procedure.

January, 2022

Approved by the University Council: 29th March 2022