

**UNIVERSITY OF CHESTER**  
**CODE OF PRACTICE IMPLEMENTING SECTION 22 OF THE EDUCATION ACT 1994 IN**  
**RELATION TO STUDENTS' UNIONS**

Approved by the University Council on: 24<sup>th</sup> November 2020

The Education Act 1994 (section 22(3)) requires universities to issue a Code of Practice, setting out the manner in which the requirements of sections 22(1) and (2) of the Act relating to the organisation and activities of the Students' Union, are put into effect.

<b>The requirements of Section 22(2) in the wording of the Act</b>	<b>Steps taken by the HEI</b>
(1a) Operates in a fair and democratic manner	A copy of the Returning Officer report is shared with the University Secretary which independently verifies that Chester Students' Union (CSU) meets the requirements of the Education Act 1994.
(1b) Accountable for its finances	CSU finances are reported to the appropriate University committees.
(2a) The union should have a written constitution	<p>The Memorandum and Articles of Association were approved by the University Council on 23<sup>rd</sup> March 2017.</p> <p>More detailed procedures of a constitutional nature are set out in the CSU Bye-Laws, which are available on the CSU website.</p>
(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.	<p>The University is required to review the provisions of the CSU's Articles of Association at intervals of not more than five years.</p> <p>Under Article 9 the prior approval of the University Council is required for any amendments to the CSU's Memorandum and Articles of Association. Approval was granted on 23<sup>rd</sup> March 2017.</p>
(c) A student should have the right (i) not to be a member of the union, or (ii) 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 of otherwise, by reason of their having done so.	<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 &amp; Rights', which is available on the CSU website.</p>
(d) Appointment to major union offices should be by election in a secret ballot in which all members are entitled to vote.	This is established by the Memorandum and Articles of Association (Article 32) and Bye-Law 'Election Regulations, which is available on the CSU website.

<p>(e) The governing body should satisfy themselves that the elections are fairly and properly conducted.</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 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, Vice-Chancellor and Secretary to the University Council, and confirm that the elections were held in accordance with the regulations.</p>
<p>(f) A person should not hold sabbatical office, or paid elected union office, for more than two years in total at the establishment.</p>	<p>This is covered in Article 32: a sabbatical term lasts one year and they can serve a maximum of two years if they stand for re-election.</p>
<p>(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.</p>	<p>The finances of the CSU are properly conducted in accordance with the Memorandum and Articles of Association, Bye-Laws, the Charities Commission and Companies House.</p> <p>The CSU has a Head of Finance who is appropriately qualified 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 &amp; Resources Committee and presented to the University Council for approval. On-going review of the CSU finances is undertaken termly by Planning &amp; 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>(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:</p> <p>(i) a list of the external organisations to which the union has made donations in the period to which the report relates, and</p> <p>(ii) details of those donations.</p>	<p>The Annual Financial Statements of the CSU are received by the University Council and its committees and are published on the CSU website.</p> <p>The Financial Statements are presented at the CSU AGM and details of any donations are contained in the Financial Statements.</p>
<p>(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.</p>	<p>This is conducted under Bye-Law 'Student Activities Policy', which is available on the CSU website. All approved clubs &amp; societies are eligible for financial support from the CSU.</p>

<p>(j) If the union decides to affiliate to an external organisation, it should publish notice of its decision, stating:</p> <p>(i) the name of the organisation, and</p> <p>(ii) 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.</p>	<p>This information is contained with the Report of the Trustees and Financial Statements and all affiliations are approved at the AGM.</p>
<p>(k) Where the union is affiliated to any external organisations, a report should be published annually or more frequently, containing:</p> <p>(i) a list of the external organisations to which the union is currently affiliated, and</p> <p>(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.</p>	<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 &amp; 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>(l) There should be procedures for the review of affiliations to external organisations, under which:</p> <p>(i) the current list of affiliations is submitted for approval by members annually or more frequently, and</p> <p>(ii) 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.</p>	<p>The CSU conduct an annual review of its current list of affiliations which are proposed and approved at the AGM and recorded in the minutes. Article 20.1.5 explicitly states that the business to be transacted shall include 'approving the list of affiliations of the Union'</p> <p>All Members of the CSU are eligible to attend and vote at the AGM in accordance with the Memorandum and Articles of Association.</p>
<p>(m) There should be a complaints procedure available to all students or groups of students who:</p> <p>(i) are dissatisfied in their dealings with the union, or</p> <p>(ii) claim to be unfairly disadvantaged by reason of their having exercised the right referred to in paragraph (c)(i) or (ii) above, which should include provision for an independent person appointed by the governing body to investigate and report on complaints.</p> <p>(n) Complaints should be dealt with promptly and fairly and where a complaint is upheld there should be an effective remedy.</p>	<p>The CSU has a 'Complaints Policy', which is available on the CSU website.</p> <p>The CSU 'Complaints Policy' does include provision for an independent person appointed by the University Council to investigate and report on complaints.</p> <p>The 'Complaints Policy' does state that complaints will be dealt with within a reasonable timescale having due regard for the individualism of each situation.</p>

<p>(3) The governing body of every establishment to which this Part applies shall for the purposes of this section prepare and issue, and when necessary revise, a code of practice as to the manner in which the requirements set out above are to be carried into effect in relation to any students' union for students at the establishment, setting out in relation to each of the requirements details of the arrangements made to secure its observance.</p>	<p>The University Council shall prepare and issue, and when necessary revise, this Code of Practice, which will be reviewed on an annual basis.</p>
<p>(4) The governing body of every establishment to which this Part applies shall as regards any students' union for students at the establishment bring to the attention of all students, at least once a year—</p> <p>(a) the code of practice currently in force under subsection (3),</p> <p>(b) any restrictions imposed on the activities of the union by the law relating to charities</p> <p>(c) where the establishment is one to which section 43 of the M1Education (No.2) Act 1986 applies (freedom of speech in universities and colleges), the provisions of that section, and of any code of practice issued under it, relevant to the activities or conduct of the union.</p>	<p>The University Council shall be responsible for ensuring that:</p> <p>The Code of Practice currently in force under subsection (3) 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.</p> <p>Obligations contained within the University's Code of Practice on Freedom of Expression &amp; External Speakers shall also be included in enrolment and re-enrolment information and published on the University's website.</p>
<p>(5) The governing body of every establishment to which this Part applies shall bring to the attention of all students, at least once a year, and shall include in any information which is generally made available to persons considering whether to become students at the establishment—</p> <p>(a) information as to the right referred to in subsection (2)(c)(i) and (ii), and</p> <p>(b) details of any arrangements it has made for services of a kind which a students' union at the establishment provides for its members to be provided for students who are not members of the union.</p>	<p>The University Council shall be responsible for ensuring that, at least once a year, the attention of all students and potential student applicants is directed to information on the University's website/prospectus, including:</p> <p>(i) information as to the right referred to in subsection (2)(c)(i) and (ii).</p> <p>(ii) details of the services provided by support departments such as Student Futures and Chaplaincy.</p>

## 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.**

November, 2020