

## CODE OF PRACTICE

### IN COMPLIANCE WITH THE EDUCATION ACT 1994

#### **A Definitions:**

1. Unless the context requires otherwise, the following definitions apply throughout this document:
  - Act: The Education Act 1994
  - Bye-law: A bye-law made under the Constitution of QMSU.
  - Charter: The Royal Charter establishing the College.
  - College: Queen Mary and Westfield College, University of London.
  - Constitution: The Constitution of QMSU.
  - Council: The Council which is the governing body of the College.
  - Ordinance: An Ordinance of the College.
  - QMSU: Queen Mary Students' Union.
  - Statute: A Statute of the College.
  - Trustee: A Trustee of QMSU.

#### **B Introduction**

2. QMSU is established under Article 13 of the Charter to promote the general interests of the College's students. Statute 33 provides that QMSU conduct and manage its own affairs in accordance with a Constitution which must be approved by Council and is included in the Ordinances.
3. This Code of Practice is made by Council on [DATE]. It stipulates the means by which the College discharges its duties under the Act regarding the governance, management, and administration of QMSU. Council requires that QMSU comply with this Code of Practice.

#### **C Compliance with the Act**

4. The relevant paragraphs of Section 22 of the Act are quoted below in italics. The College's compliance mechanisms are described after each quotation.

*(1) The governing body of every establishment 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.*

5. Council is committed to ensuring that QMSU is governed, managed, and administered in accordance with the principles of democracy and

accountability. The principal controls which Council employs with regard to QMSU are:

- (a) approving the Constitution and any amendments thereto [Statute 33; Constitution, clause 33];
- (b) reserving the right to amend the Constitution if QMSU does not comply with Council's requirements [Statute 33; Constitution, clause 33];
- (c) requiring QMSU, through its Board of Trustees, to comply with this Code of Practice.

6. The Constitution provides Council with further general controls, as follows:

- (a) joint (with QMSU) appointment of Independent Trustees [Constitution, clause 17];
- (b) the requirement that QMSU establish, with Council's approval, bye-laws which regulate the areas in which the College has a statutory duty under the Act [Constitution, clause 28];
- (c) the requirement that the Trustees submit their annual report and statements of account to Council [Constitution, clause 31].

*(2)(a) the union should have a written constitution*

7. QMSU conducts and manages its own affairs in accordance with a Constitution which forms part of the Ordinances.

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

8. The Constitution and any amendments to it must be approved by Council. Clause 33 (1) of the Constitution requires the Trustees and the College Council jointly to review the Constitution at intervals of not more than five years.

*(2)(c) a student should have the right ... not to be a member of the union ... 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*

9. Students have the right to opt out of membership of QMSU by notifying the College in writing. This is reflected in Clause 08 (1)(a) of the Constitution. QMSU is required to establish, with Council's approval, a bye-law providing further explanation of the mechanism for opting out and specifying the rights of students who have opted out. Council's expectation is that students who have opted out should normally be able to make full use of QMSU's services and representative functions.

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

10. Clause 15 (7) of the Constitution defines the Sabbatical Trustees as the major union office holders. Clause 15 (2) requires Sabbatical Trustees to be elected by secret ballot of the members of QMSU.

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

11. QMSU is required to establish, with Council's approval, a bye-law regulating the conduct of elections. Clause 14 (5) of the Constitution requires the Trustees to appoint a Returning Officer who is responsible to them for conducting elections in accordance with the bye-law. The bye-law must require the Returning Officer to make a report to Council following every election.

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

12. Clauses 14 (6) and 15 (6) of the Constitution make this stipulation of sabbatical and paid officers and Sabbatical Trustees.

*(2)(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*

13. QMSU is required to establish, with Council's approval, financial regulations as part of the bye-laws. These regulations must specify that QMSU's budget be approved annually by Council (or a committee) and that Council (or a committee) should receive QMSU's quarterly management accounts.

*(2)(h) financial reports should be published annually or more frequently, and should be made available to the governing body and to all students, and each report should contain in particular:*

- (i) a list of the external organisations to which the union has made donations in the period to which the report relates, and*
- (ii) details of those donations*

14. Clause 31 of the Constitution requires the Trustees to comply with the Act in preparing their accounts and to submit their annual report and statements of account to Council. The Constitution also requires the Trustees to submit the annual report and statements of account to the Charity Commission in accordance with its requirements.

*(2)(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*

15. QMSU is required to establish, with Council's approval, a bye-law to regulate the allocation of resources to groups and clubs. The Constitution and all bye-laws must be published on the QMSU website.

(2)(j) *if the union decides to affiliate to an external organisation, it should publish notice of its decision stating –*

- (i) *the name of the organisation, and*
- (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;*

(2)(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 affiliated, and*
- (ii) *details of the 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;*

(2)(l) *there should be procedures for the review of affiliations to external organisations under which –*

- (i) *the current list of affiliations is submitted for approval by members annually or more frequently, and*
- (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 per cent.) 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*

16. QMSU is required to establish, with Council's approval, a bye-law to regulate affiliations to other organisations.

(2)(m) *there should be a complaints procedures available to all students or groups of students who –*

- (i) *are dissatisfied in their dealings with the union, or*
- (ii) *claim to be unfairly disadvantaged by reason of their having exercised the right [not to be a member of the students' union]*

*which should include provision for an independent person appointed by the governing body to investigate and report on complaints.*

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

17. Complaints about QMSU are considered through the College's complaints process.

(3) *The governing body ... 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 the students' union ... , setting out in relation to each of the requirements details of the arrangements made to secure its observance.*

18. Council has approved this Code of Practice in compliance with the Education Act 1994.

(4) *The governing body ... shall as regards any students' union ... bring to the attention of all students, at least once a year –*

- (a) *the code of practice currently in force ... ,*
- (b) *any restrictions imposed on the activities of the union by the law relating to charities, and*
- (c) *where the establishment is one to which section 43 of the Education (No.2) Act 1986 applies (freedom of speech in universities and colleges), the provisions of that section, and of any code issued under it, relevant to the activities or conduct of the union.*

19. The Code of Practice will be published on the QMSU website for the attention of students and will also be placed in the Policy Zone on the Academic Registry and Council Secretariat (ARCS) website.

- (5) *The governing body ... shall bring to 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 –*
- (a) *information as to the right [not to be a member of students' union],*  
*and*
  - (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.*

20. Council requires that the Constitution and all bye-laws, including those relating to opting out of membership, be published on the QMSU website. The College prospectuses must carry information about opting out of membership and the services available to members who have opted out.

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25 February 2009

Approved by Council  
26 March 2009