

Memorandum of Cooperation
Appendix: 1
Students' Union Code of Practice

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1. Context

The 1994 Education Act ("the Act") requires university governing bodies to take reasonable and practicable steps to ensure that the students' union operates in a fair and democratic manner and is accountable for its finances. This Code of Practice responds to the requirements of the Act and how they will be implemented.

The College Council is the governing body of RHUL, which is ultimately responsible for implementing and monitoring adherence to this Code. The Code applies to staff and students of the College, and to the RHUL Students' Union and its staff and officers.

The Students' Union, Royal Holloway, University of London (RHSU) is established by Statute 10 of the College Statutes. It is an unincorporated charity established under the Education Act 1994 and has been registered with the Charity Commission since 19th May 2011 (No. 1141998). As a charity RHSU must comply with the requirements of the Constitution and charity law, particularly the completion of an Annual Return and annual financial statements. The Trustee Board is also responsible for safeguarding the assets and ensuring their proper application in accordance with charity law.

Education Act 1994 Requirement	Response & Responsibilities
<p>22 (1) The governing body of every establishment to which the 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.</p>	<p>The College Council is the governing body of RHUL and approves RHSU's constitution and issues this Code of Practice.</p> <p>In addition to this, as a registered charity the RHSU Board of Trustees is legally required to ensure the organisation is fit for purpose and accountable for its finances.</p>
<p>(2) The governing body shall in particular take such steps as are reasonably practicable to secure that the following requirements are observed by or in relation to any students' union for students at the establishment —</p> <p>(a) the union should have a written constitution;</p>	<p>College Council ensures that RHSU has a written constitution, and receives an annual report from the Trustees on its activities.</p> <p>The RHSU Trustees ensure that the constitution is publicly available on the Students' Union website.</p>
<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>	<p>The constitution was most recently approved by College Council in July 2019. The next quinquennial review / approval by College Council will take place no later than July 2024.</p> <p>The Secretary to Council is responsible for ensuring RHSU is aware of the date by which the review is due. The Secretary to Council will agree a review timetable to ensure such review accommodates meeting dates of both the College Council and RHSU. RHSU Trustees are responsible for implementing the review and ensuring approval by College Council and any other body required to give approval.</p> <p>No change to the Articles proposed by RHSU at any time shall be effective until approved by the College Council.</p>
<p>(c) a student should have the right—</p> <p>(i) not to be a member of the union, or</p> <p>(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,</p> <p>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;</p>	<p>Section 4 of the Students' Union constitution clearly sets out the categories of membership within the organisation, and the ability for students to opt out.</p> <p>RHSU Trustees ensure all other Students' Union services (other than democratic participation) are available to students irrespective of whether they have opted out of membership.</p>

<p>(d) appointment to major union offices should be by election in a secret ballot in which all members are entitled to vote;</p>	<p>College Council ensures that the RHSU Constitution clearly sets out (in either the Articles or a Byelaw) the procedures for the operation of free and fair elections, which will be by secret ballot.</p> <p>In addition to this, each year the RHSU Board of Trustees agrees a formal set of election rules and regulations, appoints a Returning Officer / Deputy Returning Officer, and receives an annual report on the election process.</p>
<p>(e) the governing body should satisfy themselves that the elections are fairly and properly conducted;</p>	<p>See above.</p> <p>The annual report to College Council provided by the RHSU Trustees includes a report on the conduct on elections during the year and includes a summary of any complaints or appeals.</p>
<p>(f) 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>A person cannot hold a sabbatical union office or paid elected union office for more than two years in total.</p> <p>RHSU Trustees are responsible for retaining a list of Officer Trustees for evidence.</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>College Council oversees RHSU finances via the College Finance Committee, which requires reports of income and expenditure from the RHSU Trustees.</p> <p>The annual budget is approved by the Finance Committee (on behalf of College Council) and the RHSU Trustees in advance of the financial year to which it relates.</p> <p>It is the responsibility of the RHSU Trustees to ensure that the accounts are annually audited by an external provider as required by charity law.</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; 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</p>	<p>It is the responsibility of the RHSU Trustees to ensure that the RHSU financial accounts are published at least once in each academic year.</p> <p>The financial accounts and / or reports are scrutinised by the College Finance Committee. Such reports contain details of donations made to external organisations as required by this section of the Act.</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>The responsibility for the allocation of grants to clubs and societies is formally delegated by the RHSU Trustees to the Societies, Sport and Opportunities Executive who will receive an annual budget for student groups and, with input from the professional staff team, will set priorities for its distribution.</p>

<p>(j) If the union decide 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>College Council ensures that the RHSU Constitution allows affiliations to organisations which may contribute to the successful achievement of its Objects.</p>
<p>(k) Where the union is affiliated to any external organisations, a report should be published annually or more frequently containing a list of the external organisations to which the union is currently affiliated, and details of subscriptions to 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>A list of the external organisations to which RHSU is affiliated is included in the published annual accounts which are submitted to the College Finance Committee. This will be included in the annual report of the Trustees to College Council.</p>
<p>(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.</p>	<p>Written procedures for the review of affiliations to external organisations are included in the RHSU Constitution. Affiliations will be reported to the student members annually, who may exercise their right under Article 7 of the constitution to challenge and reject such an affiliation.</p>
<p>(m) There should be a complaints procedure available to all 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 of an independent person appointed by the governing body to investigate and report on complaints.</p>	<p>College Council ensures that the RHSU Constitution clearly sets out (in either the Articles or a Byelaw) the procedures for the operation of a statutory complaints procedure.</p> <p>The Secretary to Council will appoint a senior member of staff to act as the independent reviewer to ensure the complaints procedure has been followed.</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>College Council ensures that the complaints procedure includes time limits for response and investigation, and requires that any investigating officers or panels have no interest or had prior involvement with the matter.</p>

<p>22(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 Secretary to Council is responsible for ensuring that this Code of Practice is accurate, implemented, published and reviewed. And that College Council continues to fulfil its responsibilities for oversight of RHSU under the Education Act 1994.</p>
<p>22(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, and</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>This Code of Practice is approved by the Council of RHUL and agreed with the RHSU Trustees. It is published by both RHUL and RHSU, normally via their websites. Copies are also available on request from the Secretariat. College is responsible for ensuring this Code is brought to the attention of all students during enrolment.</p> <p>RHSU makes all students publicly aware of their charitable status, and informs them of legislation and restrictions imposed up on them as a consequence of its charitable status.</p> <p>The College has a Freedom of Speech Policy which is published on the student pages of the RHUL website.</p> <p>RHSU has a Code of Practice: Freedom of Speech which is published on its RHSU website.</p>
<p>22(5) The governing body of the 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>Information about opting out of full membership of RHSU will be brought to the attention of students during enrolment. This is the responsibility of the College.</p>

NB. Clauses 6 – 9 of Section 22 of the Education Act 1994 are definitional and do not require any action on behalf of the College or Students' Union.

Approved by Council XX June 2022