

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 Articles of Association
 - Charter: The Royal Charter establishing QMUL
 - QMUL: Queen Mary University of London
 - Articles of Association: The Articles of Association of QMSU
 - Council: The Council which is the governing body of QMUL
 - Ordinance: An Ordinance of QMUL
 - QMSU: Queen Mary, University of London Students' Union
 - Trustee: A Trustee of QMSU.

B Introduction

2. QMSU is established in accordance with Article 19 of the Charter to promote the general interests of QMUL's students. Ordinance C5 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. The Ordinance affirms its commitment to the self-government and autonomy of the Students' Union following its establishment as a charitable entity. Such self-government and autonomy must be consistent with the law and with the Council's obligations, in particular under the Act.
3. QMSU is an incorporated charity, and its constitution is a Memorandum and Articles of Association.
4. This Code of Practice is made by Council on . It stipulates the means by which QMUL discharges its duties under the Act regarding the governance, management, and administration of QMSU. Council requires QMSU to comply with this Code of Practice, and that it is signed annually by the President of QMSU, together with a Memorandum of Agreement as referred to at Section C 6 (e) below.

C Compliance with the Act

5. The relevant paragraphs of Section 22 of the Act are quoted below in italics. QMUL'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.

6. 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 Articles of Association and any amendments thereto [Ordinance C5, paragraph 4; Article 9];
 - (b) reserving the right to refuse amendments to the Articles of Association [Ordinance C5, paragraphs 4 and 5] and, if necessary, seek further discussion between QMUL and the Officers/Board of Trustees if Council is of the view that further changes are required. [Ordinance C5, paragraphs 8-10];
 - (c) requiring QMSU, through its Board of Trustees, to comply with this Code of Practice;
 - (d) The President of QMSU is an ex-officio member of Council and is expected to make a report to each meeting of Council on QMSU activities and any issues which should be brought to Council's attention;
 - (e) A Memorandum of Agreement, to be agreed between QMSU and QMUL, will provide a framework within which both parties can continue to develop a mutually supportive and beneficial relationship and the framework for the day to day management of the relationship, detailing the rights and responsibilities of both parties. Such Memorandum of Agreement will include Service Level Agreements on areas of service delivery as agreed between QMUL and QMSU.
7. The Articles of Association provide Council with further general controls by stipulating that, under Bye laws:
 - (a) the Appointments Committee of the Union (if any) shall include at least one representative of QMUL. [Article 58.2.1];
 - (b) an independent person appointed by QMUL shall investigate and report on complaints by students who are dissatisfied with their dealings with the QMSU or claim to be unfairly disadvantaged by reason of their having exercised their rights not to be a Member. [Article 58.2.2];
 - (c) the financial reports of QMSU be published at least annually and be made available to QMUL. [Article 58.2.8].

(2)(a) *the union should have a written constitution*
8. QMSU conducts and manages its own affairs in accordance with the Articles of Association.

(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*

9. In accordance with Article 7 of the Articles of Association, any amendments to the Articles must be approved by QMUL, and the Board of Trustees and QMUL must initiate a review of the Articles 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*

10. Students have the right to opt out of membership of QMSU by notifying QMUL or QMSU in writing. This is reflected in Article 8.1.1 of the Articles of Association. QMUL's expectation is that students who have opted out should normally be able to make full use of QMSU's services.

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

11. Under Article 31.5 of the Articles of Association, Officer Trustees are deemed major union office holders and are required to be elected by secret ballot by the members of QMSU in elections to be held in accordance with the Bye-laws.

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

12. QMSU is required to establish a Bye-law regulating the conduct of elections. In accordance with Article 58.2.7 of the Articles of Association, such elections shall be conducted fairly and properly and the Returning Officer shall report annually to QMUL on the conduct of elections.

(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*

13. Article 31.3 of the Articles of Association provides that Officer Trustees shall remain in office for a term of one year and may be re-elected for a maximum further term of one year.

(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*

14. QMSU will be required under the Memorandum of Agreement as referred to in Section C 6 (e) above, to establish financial regulations. These regulations must specify that QMSU's budget for the application of the block grant be received annually by Council (or a relevant Committee) and that Council (or a relevant 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*

15. Financial reports of QMSU are required to be published at least annually, and to be made available to QMUL and all students. In accordance with Article 58.2.5 of the Articles of Association, such reports should contain a list of external organisations to which the Union has made donations in the period to which the report relates and details of those donations. QMSU is also required to file its annual reports and accounts with Companies House and with the Charity Commission in accordance with applicable legislation.

(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*

16. QMSU is required to establish Bye-laws to regulate the allocation of resources to groups and clubs. In accordance with Article 58.2.3 of the Articles of Association, the procedure for allocating resources to groups or clubs shall be fair, set down in writing and freely accessible to all Students.

(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*

17. In accordance with Articles 58.2.4 to 58.2.6 of the Articles of Association, QMSU is required to establish Bye-laws under which:-

- (a) If QMSU decides to affiliate to any external organisation, it shall publish notice of the decision which shall include the information required under the Act and such notice shall be made available to QMUL and to Students.
- (b) Where QMSU is affiliated to any external organisations, it shall review and publish in its annual report a list of external organisations to which an affiliation fee has been paid, or donation given, and these shall be made available to QMUL and to Students.
- (c) Members shall be given an opportunity to review affiliations to external organisations in accordance with the requirements of the Act.

(2)(m) *there should be a complaints procedure 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.*

18. QMSU will establish a Bye-law setting out its internal complaints procedure. Such procedure shall refer students to their entitlement under the Act, in the circumstances described above, to apply for a complaint to be investigated and reported on by an independent person appointed by Council under the QMUL Procedures for dealing with Complaints about the Students' Union. The independent person referred above is the College Assessor who is a senior member of staff with legal expertise. Complaints about, or arising from, the elections are considered under the procedure detailed in the Elections Bye-law. Students will usually be required to complete the internal procedures of QMSU prior to applying for a complaint to be investigated by QMUL.

(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.*

19. 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.

20. The Code of Practice and any restrictions imposed on the activities of QMSU under charity law and section 43 of the Education (No.2) Act 1986 shall be published on the QMSU website for the attention of students and shall 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 Articles of Association and all Bye-laws, including those relating to opting out of membership, be published on the QMSU website. QMUL's prospectuses and the Student Guide will carry information about opting out of membership and the services available to members who have opted out.

Signed on behalf of Council:-



Lord Clement-Jones, Chair of Council

Signed on behalf of QMSU:-



Adi Sawalha, Union President 2022/23