

CODE OF PRACTICE ON THE STUDENTS' UNION

Code of Practice on the Students' Union

The University of Manchester Students' Union is a company limited by guarantee with charitable status, registered through the Charities Commission.

Students contribute to the culture, diversity and credibility of the University as learners, researchers and teachers. The relationship between the University and the Union shall be distinctive in its recognition of students as partners within the institution, in which the interests and needs of both students and academics are central to a collaborative relationship.

The Union is recognised as the body through which the student voice is represented to the University.

The Education Act 1994 Part II imposes on the governing bodies of University institutions a range of responsibilities in respect of the organisation and control of Students' Unions. It is for each institution to implement the Act's provisions in the light of local circumstances and to show how its requirements will be satisfied through a code of practice.

In pursuance of the requirements of the Education Act 1994 Part II, the University Board of Governors has adopted, and will review from time to time in consultation with the Students' Union, this Code of Practice with a view to ensuring that the Students' Union continues to operate according to principles of choice, fairness, democracy and accountability. In particular, the Board of Governors will take such steps as are reasonably practical to secure that the following requirements are observed:

1. Constitution

The Union shall have a written constitution which shall comply with the terms of the Education (No.2) Act 1986 and the Education Act 1994 and shall be subject to the approval of the University Board of Governors and review by the Board of Governors at intervals of not more than five years. The Constitution will be made available to all students via the Union's website.

2. Membership

- (a) All registered students of the University, and sabbatical officers of the Union, shall automatically on registration each academic year be members of the Union but shall have the right during the first 10 days of their registration in each academic year to opt-out from that membership.
- (b) A decision to opt-out, once made, shall hold good for the remainder of the academic year. If a student wishes to exercise the right to opt-out from Union membership, he/she shall inform the Union General Secretary in writing, who shall notify the Registrar and Secretary of the student's decision.

3. Services for non-members who are students

- (a) The Students' Union shall provide services for students who choose to opt-out from membership of the Union, by agreement with the University.
- (b) Non-members **shall be** entitled to use the services of the Union, subject to such rules and regulations as may from time to time be in force, including access to Union advisory and welfare services
- (c) Non-members **shall not be** entitled:
 - (i) to participate in Union affairs (i.e. participate in democratic meetings, vote in elections, referenda and other ballots, or stand as a candidate for or hold office in the Union);
 - (ii) to participate in Union Societies' decision-making processes as officers or members of Committees;
 - (iii) to hold student representative positions within the University which are filled via the Union.
- (d) These arrangements governing the provision of services for non-members shall be reviewed from time to time.

4. Union Elections

The Union Officers shall be elected annually by secret ballot open to all union members in accordance with the regulations set out in the Union Constitution and Bye-Laws. These procedures shall be subject to scrutiny by the University Board of Governors from time to time.

The total period of sabbatical office which any one individual may hold in the Union shall be limited to a maximum of two years.

5. Finance

The financial affairs of the Union shall be properly conducted and the arrangements for the approval of the Union's budget and the monitoring of its expenditure by the University Board of Governors shall be carried out in accordance with the agreed procedures as set out in Appendix I to this Code of Practice.

6. Allocation of resources

The Union's procedures for allocating resources to clubs and societies shall be fair and will be made in an open and transparent manner with an appeals process clearly set out. This information should be publicised on the Union Website and accessible to all students.

7. Affiliation to external organisations

- (a) Decisions taken by the Union to affiliate to external organisations shall be recorded in the minutes of the meetings at which such decisions are taken. Such minutes shall be made available to the University Board of Governors through the annual report.
- (b) A list of external organisations to which the Union is currently affiliated shall be submitted annually to a Union Assembly for approval by members.
- (c) Challenge may be made to any proposed or ongoing affiliation and should be done in line with the Constitution.

8. Compliance

The Union must take all reasonable steps to comply with all legal and statutory requirements currently in force and meet its obligations under all relevant University policies and procedures.

9. Complaints Procedure

There shall 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 to opt-out from membership of the Union.

Where a student (or group of students) has been unable to resolve the matter through informal means the formal complaint procedure, as outlined below, shall be followed. [Note: Access to the Union's complaints procedure will normally be available only to those who have exhausted all other means of redress which are appropriate to the matter about which the complaint is made].

Union Procedure

- (1) Complaints regarding any aspect of the Union may be submitted in writing, within six weeks of the date of the complaint arising, to the General Secretary on help.su@manchester.ac.uk. The complainant (s) must be a registered student(s) of the University. This will then be sent to the most appropriate person to deal with the complaint. An acknowledgement will normally be sent within 3 working days. The complainant(s) will receive notification of the people handling the complaint and the likely timescale

within 5 working days. The complainant(s) will normally receive the outcome to the complaint within 21 working days from the date of submission. If this is likely to be delayed or can not reasonably be expected to have concluded in that time, the complainant(s) will be given further notification of an expected end point.

- (2) If the complainant(s) is not satisfied with the outcome of the complaint, the complainant(s) have the opportunity to appeal the outcome. An appeal should be lodged within 7 working days.

The complainant(s) should email the grounds for appeal to the aforementioned email address. The appeal will usually be acknowledged within 5 working days and an Appeals Committee will be convened to consider the appeal. The Committee usually assess whether the correct process has been followed by the person(s) investigating the original complaint, and whether the finding was reasonable. The appeal panel would normally uphold, dismiss or partially uphold the appeal within 21 days.

- (3) If the complainant(s) is not satisfied with the response from the Union, or if the complaint relates to alleged disadvantage arising from having exercised the right to opt-out from membership of the Union, you have the right to request a review of the complaint by the University (FAO Director of Teaching and Learning Support (appealsandcomplaints@manchester.ac.uk) in accordance with the University's Student Complaints Procedure (Regulation XVIII). A request should be made within ten working days from receipt of the formal response from the Union. For ease of reference the relevant paragraphs of the Student Complaints Procedure (amended as necessary) are reproduced below:

Review at University level [taken from the University Student Complaints Procedure paragraphs 20-22]

- (4) If, once a final decision on the complaint has been given by the Students' Union, the student believes the complaint has not been handled fairly or properly, the student may request a review by writing to the Director of Teaching and Learning Support within ten working days of receipt of the formal response. The request should include details of why the student remains dissatisfied and what resolution the student is seeking, and should include copies of correspondence exchanged during the preceding stages, and any other relevant papers.
- (5) Receipt of the request for Review will be acknowledged in writing within five working days. The Director of Teaching and Learning, or his or her delegated nominee, (hereafter called 'the Reviewer') will then review the case on the basis of the documentation provided by the student and that made available by the person(s) or Committee who dealt with the formal complaint in the Students' Union. The Reviewer may decide to seek further information from the student and/or from others concerned. Taking account of the substance of the complaint and the previous attempts at resolution, the Reviewer will then decide on an appropriate course of action, which may include:
- specific action to resolve the matter
 - referral to a University Complaints Panel
 - dismissal of the complaint as being without foundation, in which case reasons will be given to the student in writing.

The student and the Students' Union should be notified of the Reviewer's decision within twenty working days of receipt of the request for Review.

- (6) If the Reviewer dismisses the complaint as being without foundation, there shall be no further opportunity for the complaint to be pursued within the University.

[Note: students who believe that their case has not been dealt with properly by the University or that the outcome is unreasonable may be able to complain to the Office of the Independent Adjudicator for Higher Education (OIA) if the

complaint is eligible under its rules and once all internal procedures have been concluded. Information about the role of the OIA and the procedure for submitting complaints can be obtained from the Office of Student Support and Services, from the Students' Union Advice Centre or from the OIA website: www.oiahe.org.uk].

10. Information to Students

In accordance with the requirements of the Education Act 1994 Part II, the right of students to opt-out of Union membership and the services to which they are entitled shall be made known to all prospective students through reference in the University Prospectuses. This information shall also be made known to all students admitted to the University by reference in the Crucial Guides which shall also draw attention to the following:

- *The existence of this Code of Practice* <http://bit.ly/VIOKNa>
- *The Union is subject to the law relating to charities. Advice may be offered from time to time by the Charity Commissioners and by the Law Officers of the Crown. General guidance on this and on other statutory requirements which affect the activities of students' unions is given in DES booklet: Students' unions: A Guide which is available as an Operational Document through the Charity Commission's website www.charity-commission.gov.uk.*
- *The University Code of Practice on Freedom of Speech, issued under the provisions of the Education (No.2) Act 1986.* <http://bit.ly/13pCti>

Copies of three documents listed above may be obtained from the websites given above or from the Students' Union

EDUCATION ACT 1994 Part II: STUDENTS' UNIONS

Code of Practice – Appendix 1: Finance

1. The Code of Practice adopted in respect of the conduct of the Students' Union's financial affairs must:
 - (a) be in accordance with the Education Act 1994 Part II;
 - (b) conform with any other statutory requirements; and
 - (c) conform with such conditions as the University may from time to time reasonably prescribe.
2. The Students' Union is responsible for ensuring that funds provided to it by the University are used in accordance with the Education Act 1994 Part II.
3. The Union shall designate, subject to acceptance by the University, an individual who is required to:
 - (a) confirm in writing to the University annually by 31 October that, for the previous financial year, the Students' Union has complied with all relevant requirements, including, without limitation, the requirements of the Code of Practice, the terms of all agreements entered into between the University and the Students' Union which are, or have been at the relevant time, in force (including, without limitation, any lease agreements) and the Charities Act 2006; and
 - (b) be responsible for advising the Students' Union if, at any time, any action or policy under consideration by the Students' Union appears to be incompatible with the terms of the Code of Practice.
4. In the event that the University cannot agree to the nomination of the individual provided by the Students' Union under paragraph 3 above, or should an accepted nominee prove to be unsatisfactory, and in the absence of any other acceptable nomination made by the Students' Union, the University shall have the right to appoint its own agent in order to satisfy the requirements of paragraph 3 above.
5. The Students' Union is required to:
 - (a) keep accounts and accounting records in accordance with normal professional accounting principles for the purpose of monitoring the financial performance of the Students' Union and that of any trading companies owned by the Students' Union;
 - (b) maintain a sound system of internal financial management and control;
 - (c) plan and conduct its financial affairs so as to ensure that it complies with all relevant requirements, including, without limitation, the Code of Practice, the terms of all agreements entered into between the University and the Students' Union (including, without limitation, any lease agreements) and the Charities Act 2006 and that its total income is at least sufficient, taking one year with another, to meet its total expenditure and that its financial solvency is maintained;
 - (d) submit six monthly management accounts to the University;
 - (e) maintain adequate insurance cover, as may reasonably be appropriate, on items not covered by policies undertaken through the University;
 - (f) not enter into any bank liabilities, guarantees or indemnities incurring contingent liabilities other than in the normal course of business and in accordance with Students Union articles;
 - (g) make clear to all third parties that it does not act as an agent for the University. The Students' Union may not represent that it has any authority to act or make commitments on the University's behalf;
 - (h) obtain the prior written consent of the University to any transaction involving land and/or buildings; such consent not to be unreasonably withheld; and
 - (i) not make any payments or donations which may be deemed to be beyond its legal powers to do so ('ultra vires').
6. The University is not responsible financially or in any other way for any act or omission of the Students' Union (including but not limited to negligent acts or omissions) or any contracts entered into by the Students' Union.
7. The Students' Union is to:
 - (a) prepare an annual financial and strategic plan including estimates of income and expenditure for the following financial year, for the Students' Union's operation and that of all trading companies owned by the Students' Union as well as details of how the proposed University grant will be spent. This must be submitted in accordance with the University's budget timetable in order that the amount of the University grant can be appropriately determined;
 - (b) obtain the approval of the executive of the Students' Union to the annual financial and strategic plan and submit them to the University before the commencement of the financial year once formal notification of the amount of the University grant has been received; and
8. The Students' Union is to:
 - (a) prepare audited accounts on an annual basis, for the Students' Union's operation and all trading companies owned by the Students' Union, in accordance with generally accepted accounting principles within five months of the end of the financial year, i.e. by 31 December;
 - (b) obtain the approval of the Students' Union to such accounts, make them available to all students and submit them to the University within seven months of the end of the financial year, i.e. by 28 February;

- (c) provide periodic reports of income and expenditure against budget for consideration by the Union and provide such reports on a quarterly basis, or as otherwise may be mutually determined, to the University
 - (d) include as an unaudited appendix to its annual accounts a list of external organisations to which the Union has paid a subscription or fee or donation during the period covered by the annual accounts with details of the payments made. This list will include and will indicate those external organisations to which the Union is currently affiliated, whether or not a subscription or fee or donation is paid to those organisations; and
 - (e) notify the University of any suspected frauds or other financial irregularities that have taken place within the Students Union immediately upon being identified, including the nature of the fraud, the quantum and how the matter is being dealt with
 - (f) provide confirmation from the Trustees, on an annual basis (via UURC?), that they are aware of no ultra vires payments that have been made on the Union's behalf."
9. The University reserves the right to instruct its internal auditors to at any time review the activities of the Students' Union, including, without limitation, in relation to assessing whether the University grant has been used for the purposes for which it was given.
10. Subject to the Students' Union complying with all relevant requirements, including, without limitation, the Code of Practice, the terms of all agreements entered into between the University and the Students' Union (including, without limitation, any lease agreements) and the Charities Act 2006, the University will use its reasonable endeavours to:
- (a) consider the level of the University grant to the Students' Union as part of its normal planning processes;
 - (b) endeavour to give an indication of the likely level of the University grant for the following financial year at least two months before the commencement of that financial year in order to enable the Students' Union to complete its budgeting process;
 - (c) formally advise the Students' Union in writing of the approved amount of any University grant for the following financial year before the commencement of that financial year but only after the amount of the grant has been approved by the Board of Governors. This approval is usually given by the Board of Governors at their meeting in July; and
 - (d) pay over to the Students' Union the annual grant in three equal instalments. The first instalment by mid August and the two subsequent instalments by the end of the first week of January and April.