
Code of Practice in fulfilment of Section 22 of the Education Act 1994: Requirements to be observed in relation to students' unions

1. [Section 22\(3\) of the Education Act 1994](#) places a duty on governing bodies of universities to issue, and when necessary revise, a code of practice setting out in relation to each of the requirements specified in sections 22(1) and 22(2) of the Act details of the arrangements made to secure observance.
2. Section 22(1) states that 'The governing body of every establishment to which this 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.'
3. Section 22(2) states that '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—' before proceeding to list the requirements concerned. These requirements, together with the means by which the University for the Creative Arts (UCA) is compliant in respect of the University for the Creative Arts Students' Union (UCASU), are set out below.

(a) The union should have a written constitution.

UCASU is an unincorporated association and a [registered charity](#) (1165619). It has a [written Constitution](#) ("Articles of Association") together with [By-laws](#).

(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.

UCA's Articles of Government state (12.1) that 'the Students' Union shall conduct and manage its own affairs and funds in accordance with a constitution approved by the Board of Governors.'

UCASU's Constitution states (7.1) that 'The Trustees and University for the Creative Arts shall review this Constitution every five years, with effect from the date of approval.'

(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.

UCASU's Constitution states (8.2/8.2.3) that 'A Member shall automatically cease to be a Member of the Union if they opt out of membership by giving written notice to the Union in accordance with the Bye-Laws.'

UCASU's By-Laws state (Regulation 2, Paragraph 1.4) that 'Any student who wishes to opt-out or re-join the membership of the Union must write to the President of the Students' Union to notify them of their decision. The President is then required to inform all Union staff members with the names of those individuals in confidence.'

UCASU has agreed that all its services will be made available to enrolled students of the University, whether or not they are members of the Union. Students who have opted out of membership will not, however, be entitled to participate in the Union's decision-making and democratic processes. This means that they may not attend Union meetings, nominate to or stand for office, or vote at Unions meeting or elections.

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

UCASU's Constitution states (11.6) that 'The Officer Trustees shall be deemed to be the "major union office holder" for the purposes of Section 22 of the Education Act.'

UCASU's By-Laws state (5.2 & 5.4) that 'All full members of the Union may vote' and 'Voting shall be by secret ballot and shall be conducted according to the most recently published edition of the rules for the operation of the Single Transferable Voting (STV) system as set by the Electoral Reform Society.'

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

UCASU's By-Laws state (Regulation 7, Paragraph 6.6) that 'The Returning Officer or Deputy Returning Officer shall send a copy of the result to the Executive Committee and the Clerk to the University for the Creative Arts' Board of Governors.' This will include confirmation that the elections were fairly and properly conducted.

The By-Laws set out the election regulations.

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

UCASU's By-Laws state (Regulation 1, Paragraph 1.1) that 'There are to be ... principal elected Officer Trustees as per regulation 4, 1.1 – 1.3 of these by-laws, who shall serve in office from the 15th June to the 14th of the following June, for no longer than two (2) consecutive terms in accordance with the Education Act (1994).'

- (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.*

UCASU's Constitution states (28.2) that 'The Trustees shall comply with the requirements of the Education Act and the Charities Act 1993 as to keeping financial records, the audit or examination of accounts.'

UCASU's By-Laws state (Appendix E, Paragraphs 9.1 & 9.3) that 'Annual budgets are submitted by the Chair of the Board of Trustees to the Head of Finance at the University for the Creative Arts. The budget is then discussed at a meeting of the Employment and Finance Committee for the University, where the level of block grant for the forthcoming year is set' and 'If there are any significant changes to the approved budget, which would result in a proposed surplus becoming a deficit, this shall be reported by the Chair of the Board of Trustees to the Employment and Finance Committee of the University.'

Three-monthly UCASU management accounts are monitored by UCA's Employment & Finance Committee.

- (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 report relates, and details of those donations.*

UCASU's Constitution states (28.1-28.2) that 'The accounts shall be audited externally by a suitably qualified Auditor and submitted to the general membership at an Annual General Meeting (AGM). Copies shall be made available to the Board of Governors of UCA, and to the membership.'

The UCASU [Annual Audited Accounts](#) would list donations, were there to be any.

- (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.*

UCASU's By-Laws state (3.2) that 'Allocations will be made based on the needs of the club or society. Non-essential items will be fully covered by the club or society. The Union will pay seventy (70) per cent of essential requirements as listed below with the club or society agreeing to contribute thirty (30) per cent: entry and competition fees, facilities, instructors, match officials, materials and equipment, transport to competitions.'

- (j) *If the Union decides to affiliate to an external organisation, it should publish notice of its decision stating: the name of the organisation, and 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.*

Descriptions of any new proposed affiliations including any subscription, fee or donation payable should be reported to the Board of Governors in the UCASU President's report and published to members of the Students' Union, along with details of subscriptions, donations or fees paid.

- (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 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.*

Details of [affiliations](#) are included in the UCASU Audited Accounts, and published on its website.

- (l) *There should be procedures for the review of affiliations to external organisations under which the current list 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.*

The list of current affiliations is submitted for approval by members of UCASU at the Annual General Meeting.

UCASU's Constitution states (9.1-9.2) that 'A Referendum may be called on any issue by: a resolution of the Trustees; a vote of the Executive Committee as defined in Bye Laws or by a General Meeting of the Members; or through a full member of the Union submitting a referendum idea through the UCASU 'referendum trigger' online procedures, Subject to *Clause [7.5.1]*, a resolution may only be passed by Referendum if at least 5% of Members cast a vote in the Referendum and 75% of votes cast are in favour of the resolution.'

- (m) *There should be a complaints procedure available to all students or groups of 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 for an independent person appointed by the governing body to investigate and report on complaints.*

UCASU's By-Laws state (Appendix A, Paragraphs 5.1 & 5.5) that 'The following complaints procedure shall be made available to all students or groups of students who are dissatisfied in their dealings with the Union or claim to be unfairly disadvantaged by having exercised their right to opt out of membership' and 'If the complainant remains dissatisfied with the response provided by the Clerk to the Board of Governors, the University for the Creative Arts' Board of Governors shall appoint an independent person and a Union external trustee to consider and resolve the complaint.'

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

UCASU's By-Laws state (Appendix A, Paragraphs 5.2-5.4) that 'Any complaint about the Union shall be addressed to the Chair of the Board of Trustees. In any circumstances where the complaint relates to the Chair it shall be addressed to

another Sabbatical Officer. The Chair shall investigate and make a written reply within fifteen (15) University days. If the complainant is not satisfied with the response they may appeal to the Clerk of the Board of Governors of the University for the Creative Arts. The Clerk shall investigate and respond to the complainant within fifteen (15) University days, seeking advice from Union trustees who were not part of the original investigation.’

4. Section 22 (4) of the Education Act 1994 states that ‘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: the code of practice currently in force under subsection (3), any restrictions imposed on the activities of the union by the law relating to charities, and 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 of practice issued under it, relevant to the activities or conduct of the union.’

4.1 Restrictions imposed on the activities of UCASU by the law relating to charities are set out in the relevant [Charity Commission operational guidance](#).

4.2 UCA’s [Freedom of Speech Code of Practice](#) states (1.6.4) that ‘The Code’s rights and obligations shall apply to: the student’s union and any societies, clubs or associations which normally operate on University premises.’

UCA’s [External Speaker Policy](#) states (1.7) that ‘For events and activities organised by the University’s Students’ Union, organisers should refer to its ‘Policy on Handling Events with External Speakers’. This has been approved by the Union’s Board of Trustees and meets the requirements of the University’s Freedom of Speech Code of Practice and External Speaker Policy.’

4.3 A link to this Code of Practice will be notified to all UCA students, new and continuing, at enrolment each year.

5. Section 22(5) of the Education Act 1994 states that ‘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: information as to the right referred to in subsection (2)(c) and, 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.’

5.1 Details of the services available to students who are not members of UCASU are available on its [website](#).

5.2 This Code of Practice will be available to all stakeholders via the [Governance and Legal Regulations](#) page of the University’s website, and via the UCASU website.

6. This Code of Practice is applicable to UCA students studying on courses delivered at its Canterbury, Epsom, Farnham or Rochester campuses, or at The Maidstone Studios or the Royal School of Needlework. It is not applicable to Open College of the Arts (OCA)

students or to students studying on UCA-validated awards delivered by collaborative partner institutions. OCA students are members of [Open College of the Arts Student Association \(OCASA\)](#).

7. This Code of Practice was approved by UCASU's Board of Trustees on 4 April 2019, and by UCA's Board of Governors on 10 July 2019.