 

**CODE OF PRACTICE ON THE MARJON STUDENT UNION**

**Marjon Student Union**

The Union is an unincorporated association. Under the Education Act 1994, the University’s Board of Governors is responsible for general oversight. The Union’s President is a Board member and the Board of Governors receives regular input and an annual report from the Union. The Union maintains its own Board of Trustees which is also inclusive of the Union’s President. The Union is a union of students in accordance with Section 20 of the Education Act 1994, has charitable status and is registered with the Charity Commission (charity number 1150327). The charitable status of the Union is independent from that of the University, which is an exempt charity supervised by the Office for Students.

Students contribute to the culture, diversity, and community of Plymouth Marjon 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 staff are central to a collaborative relationship. The Union is recognised as the primary body through which the student voice is represented to the University.

The Education Act 1994 Part II imposes on the governing bodies of higher education institutions a range of responsibilities in respect of the organisation and oversight of students' unions, including a legal requirement under Section 22 of the 1994 Act to ensure that the student union at the establishment operates in a fair and democratic manner and is accountable for its finances. It is for each institution to implement the Act's provisions, within the context of local circumstances, and to illustrate how its requirements will be satisfied through a code of practice.

**Marjon Values**

The underpinning foundations of this Code of Practice will rely upon building and maintaining a strong and sustainable partnership with the Union in alignment with the University’s values where clear and viable mutual benefits may be derived. The University values are at the heart of all activity; they are inspired by our ambitions for the future, fostering both the ability and the aspiration to improve lives for all.



**The Code of Practice**

In pursuance of the requirements of the Education Act 1994 Part II, the University’s Board of Governors has adopted, and will review from time to time in consultation with the Union (normally on a triennial annual basis), this Code of Practice with a view to ensuring that the 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 reviewed by the Board of Governors at intervals of not more than five years, consistent with Section 22 of the Education Act 1994. The Constitution will be made available to all students via the Union’s webpage.

**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, at any point during their registration in each academic year, to opt-out from that membership. The Union shall make students aware of this during initial induction and then on an annual basis.

(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 or equivalent in writing, who shall notify the University Secretary and Registrar of the student’s decision.

**3. Services for non-members who are students**

(a) The Union shall provide services and facilities for students who choose to opt-out from membership of the Union, in accordance with the requirements of the Education Act 1994 and consistent with the Union’s charitable objects, 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 [MSU Constitution, Minutes, By-Laws and Policies | Plymouth Marjon University](https://www.marjon.ac.uk/msu/msu-strategy-and-governance/msu-constitution-minutes-by-laws-and-policies/), in accordance with the Education Act 1994. 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’s 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. The Education Act 1994 requires that the Unions publish notice of relevant decisions and such notice be made available to all students.

(c) Challenge may be made to any proposed or ongoing affiliation and should be done in line with the Constitution.

(d) The Union must consult with the University’s marketing department in respect of external sponsorship and affiliations. The University reserves the right to veto external sponsorship and affiliation agreements.

**8. Compliance**

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

The Higher Education (Freedom of Speech) Bill, in its current form, sets out a number of developments, including an enhanced role for the Office for Students, which will (amongst other things) be tasked with monitoring whether student unions are complying with the relevant legislation, and that providers keep the Office for Students informed about the activities of their student unions.

The Union currently abides with University protocols regarding Freedom of Speech in accordance with the External Speaker & Events Policy, Code of Practice & Process (see 10.). Compliance with the upcoming legislation will be set out in an Appendix II as and when it becomes a statutory requirement.

**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 or equivalent. 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 cannot 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 a panel will be convened to consider the appeal. The panel will 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 op-out from membership of the Union, you have the right to request a review of the complaint by the University in accordance with the University’s Student Complaints Procedure. A request should be made within ten working days from receipt of the formal response from the Union.

[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 on the OIA website: [www.oiahe.org.uk](http://www.oiahe.org.uk)].

**10. Information to Students**

In accordance with the requirements of the Education Act 1994 Part II, students maintain the right to opt-out of Union membership and the services to which they are entitled shall be made known to all prospective students accordingly. This Code of Practice draws attention to the following:

• The existence of this Code of Practice.

* External Speaker & Events Policy, Code of Practice & Process (inclusive of Freedom of Speech) <https://www.marjon.ac.uk/about-marjon/governance--management/university-strategies--policies/>

**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 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. Marjon Student 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 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 Union which are, or have been at the relevant time, in force (including, without limitation, any lease agreements), the Charities Act 2006 and any other applicable charity law; and

(b) be responsible for advising the Union and University if, at any time, any action or policy under consideration by the 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 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 Union, the University shall have the right to appoint its own agent in order to satisfy the requirements of paragraph 3 above.

5. The Marjon Student 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 Union and that of any trading companies owned by the 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, where actionable the terms of all agreements entered into between the University and the Union (including, without limitation, any lease agreements), the Charities Act 2006 and any other applicable charity law, 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 accordance with the Union articles;

(g) make clear to all third parties that it does not act as an agent for the University. The 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; 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 Union (including but not limited to negligent acts or omissions) or any contracts entered into by the Union.

7. The Marjon Student Union is to:

(a) prepare an annual financial and strategic plan including estimates of income and expenditure for the following financial year, for the Union’s operation 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 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. Marjon Student Union is to:

a) prepare independently examined accounts on an annual basis, for the Union’s operation and all trading companies owned by the Union, in accordance with generally accepted accounting principles within five months of the end of the financial year;

(b) obtain the approval of the 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;

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 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, 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 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 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 Union (including, without limitation, any lease agreements) and the Charities Act 2011, the University will use its reasonable endeavours to:

(a) consider the level of the University grant to the 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 before the commencement of that financial year in order to enable the Union to complete its budgeting process;

(c) formally advise the Union 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; and

(d) pay over to the Union the annual grant in agreed instalments.