



Education Act 1994: Code of Practice implementing Section 22
Aug 2022 - Jul 2023

Education Act 1994: Code of Practice implementing Section 22

The Education Act 1994, section 22, requires universities to issue a code of practice, setting out the manner in which the requirements of section 22 (1), (2) (4) and (5) of the Act, relating to the organisation and activities of the Students' Union, are to be put into effect.

Section 1 - The governing body, University of Bristol (UoB) 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.

Section 2 - The governing body, (UoB), 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. These requirements are set out below, together with the steps taken by Bristol Students' Union (SU) and the University of Bristol (UoB) (governing body) to ensure compliance.

Education Act 1994 Section 22, 2	Bristol SU Practice	UoB Practice	Any changes or updates in 2022/23
(2a) the union should have a written constitution	<p>Bristol Students' Union (SU) Articles of Association (Articles) are the written constitution of the Union. The Articles are published on the Bristol SU Website.</p> <p>Any amendment to the SU's Articles of Association shall require a) the</p>	<p>Under Ordinance 12, the University of Bristol Students' Union is constituted as a charitable company limited by guarantee.</p> <p>The University Board of Trustees is required to ensure that a written constitution is in place, which is the</p>	<p>The University constitution was last revised in 2020/21 and brought into effect from 1 August 2021. It now brings together the provisions in relation to the Students Union into one Ordinance, ordinance 12. A further review of the University</p>

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	<p>prior approval of Student Council; b) the prior approval of the University Board of Trustees; and c) a special resolution of the Company Law Members (who are the SU Trustee Board).</p> <p>Bristol SU also has a set of Byelaws which set out further rules for membership, elections, referenda, democratic meetings, Union Officers and student groups. The Byelaws may only apply to the extent they are not inconsistent with the Articles.</p>	<p>Articles.</p>	<p>constitution will be undertaken in 2025/26. Thereafter, a university constitutional review will take place every 3 to 4 years.</p> <p>The Byelaws had some amendments which were approved by Student Council and the SU Trustee Board.</p>
<p>(2b) 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 Articles set out a requirement for to review them at least every 5 years. The SU reviews the Articles every 5 years.</p> <p>The SU would seek approval of the University Board of Trustees for any amendments to the Articles before approval of Student Council and the SU Trustee Board.</p>	<p>The University Board of Trustees reviews the Articles at intervals of not more than five years, when the SU reviews them.</p> <p>Any amendments to the Articles requires the prior approval of the University's Board of Trustees.</p>	<p>The Articles were last reviewed, amended and approved by Bristol SU Trustees, Student Council and University Board of Trustees in February 2021 and sent to all the relevant bodies.</p> <p>The Articles are next scheduled for a full review in 2025/26. There have been no amendments to the Articles in 2022/23.</p>
<p>(2c) a student should have the right:</p>	<p>Bristol SU website publishes that students have the right to not be a</p>	<p>The University are required to ensure that all full and part-time students at the</p>	<p>In 22/23 the SU ran a process to elect student representatives on</p>

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<p>(2ci) not to be a member of the union, or</p> <p>(2cii) in the case of a representative body which is not an association, to signify that they do 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>member of the Union and can 'opt-out' of membership.</p> <p>If any student wants to 'opt-out' of SU membership they need to write to the Chief Executive of the SU as mentioned on the website.</p> <p>A record of this is kept by the SU in Airtable. We keep their first name, surname and academic email for the year so we can make sure their data isn't processed by our systems when we receive it from the University.</p> <p>Opting out of membership is confined to that Academic Year. Opt-out is also mentioned in the Articles and the Byelaws.</p> <p>If students opt out but still want to use union services Bristol SU will need to process some personal data for the purposes of service provision.</p> <p>Students who have opted out of Student membership may continue to access services and facilities as for all current students, although they may need to be granted 'associate</p>	<p>University are entitled to become members of the Union (by becoming a member of the charitable company by which it is constituted), unless they give notice in accordance with the Articles that they choose not to be a member of the Union.</p> <p>The University publicises that students can 'opt-out' of membership of the Students' Union at student registration.</p> <p>If students opt out at registration, then the University would not receive their data.</p> <p>The University are required to ensure the union shall not charge a membership fee for being a member of the Union (clubs and societies of the Union may levy a membership fee on their members).</p> <p>The University are required to ensure all students are entitled to use the Union services and facilities even if they have opted out of membership of Bristol SU.</p> <p>The responsibility for ensuring that all students are entitled to use the Union</p>	<p>Senate, and this is reported to the University Governance team (this happens every year)</p> <p>One student asked to opt-out of the SU in 22/23</p>

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	<p>member' status to sign up for some things via our website.</p> <p>Bristol SU do not charge a membership fee for being a member of the Union (but do for clubs, societies, and other related activities).</p>	<p>services and facilities even if they have opted out of membership of Bristol SU lies with the Pro Vice-Chancellor Education, together with the Executive Director of Education and Student Experience (Academic Registrar), in liaison with the CEO of the SU.</p> <p>The responsibility for ensuring that the union shall not charge a membership fee for being a member of the Union lies with the Pro Vice-Chancellor Education, together with the Executive Director of Education and Student Experience (Academic Registrar), in liaison with the CEO of the SU.</p> <p>As stated in the Byelaws, students who are not members of the Union are eligible to stand for election as student representatives on Senate.</p>	
<p>(2d) appointment to major union offices should be by election in a secret ballot in which all members are entitled to vote</p>	<p>It is set out in the Articles and Byelaws that:</p> <ul style="list-style-type: none"> • Voting must be by secret ballot • All student members are entitled to vote (unless a student's studies have been 	<p>The University is required to ensure the procedures relating to major union office elections are set out in the Articles and the SU complies with this requirement.</p>	<p>The election to major union offices took place in March 2023 by secret ballot.</p> <p>DSC approved the Code of Conduct/Election rules for the major union offices 2023 election.</p>

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	<p>suspended).</p> <p>It is an SU Trustee responsibility to ensure that all elections take place fairly and properly.</p>		
<p>(2e) the governing body should satisfy themselves that the elections are fairly and properly conducted</p>	<p>Bristol SU ensure that all elections (whether carried out by referendum or, secret ballot) are fairly and properly conducted as stated in the Articles and Byelaws.</p> <p>Bristol SU Trustees appoint an external Returning Officer to monitor the conduct of elections to major union offices to ensure they are fairly and properly conducted.</p> <p>The Returning Officer produces a report after the elections each year which highlights that the elections are fairly and properly conducted. The SU Trustee Board receive this.</p> <p>The Liberations & Campaigns team at the SU produce an elections report. The SU Trustee Board receive this and it gets published on the SU website</p>	<p>The University, on behalf of the Board of Trustees, is required to ensure that the elections are fair, democratic and properly conducted.</p> <p>The SU elections report goes to the:</p> <ul style="list-style-type: none"> • Head of Governance • University Legal Contact of the SU Trustee Board. <p>The Head of Governance reports this to the University Board of Trustees.</p>	<p>NUS was the Returning Officer in Mar 2023 elections.</p> <p>The Returning Officer monitored the conduct of the elections and ensured the elections were fairly and properly conducted.</p> <p>There were 0 complaints and therefore 0 appeals.</p> <p>The Liberation & Campaigns team produced a report which included the Returning Officers Report. This report was approved by SU Trustee Board and it was submitted to the university.</p> <p>The Head of Governance informed the University Board of Trustees of the conduct of the elections via the University Secretary's Report at the Board meeting on 26th May</p>

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			2023.
<p>(2f) 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>This is provided for in the Articles.</p> <p>Student members must be eligible students on UnionCloud to run in the election, which the SU checks.</p> <p>The SU Liberation & Campaigns Team communicate this information to potential candidates, who sign a candidate declaration which includes the line "I am currently a Full Member of Bristol SU" (this does not include Associate Members or those whose studies are currently suspended)</p> <p>As part of the candidate declaration, candidates confirm that they have not held paid elected office at Bristol SU for more than 1 year</p>	<p>The University Board of Trustees is required to ensure this is provided for under the Articles.</p>	<p>This information was included in the candidate information in the Mar 2023 elections.</p> <p>As part of the candidate declaration, candidates in Mar 2023 confirmed that they have not held paid elected office at Bristol SU for more than 1 year.</p> <p>Bristol SU staff checked the students were eligible students.</p>
<p>(2g) 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</p>	<p>Bristol SU Trustee Board monitor the SU finances through the monthly Management Accounts. They are sent to the Truste Board each month and the most recent accounts are discussed at the SU Trustee Board subcommittee – Finance, Audit, Risk</p>	<p>Bristol SU Associate Director of Finance submits the budget to the University:</p> <ul style="list-style-type: none"> a) Chief Financial Officer b) Head of Governance <p>The Chief Operating Officer presents the budget to the University Board of Trustees on behalf of Bristol SU.</p>	<p>The University Finance Contact attended the finance items at Bristol SU Trustee meetings in 2022/23.</p> <p>The University Finance Contact received the monthly management</p>

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governing body	<p>and Governance (FARG)</p> <p>Bristol SU Trustee Board approve the budget annually in Jun.</p> <p>Bristol SU Trustee Board approve the annual report and accounts annually in Oct.</p>	<p>In accordance with the Articles, the University Board of Trustees annually approve the budget for the Union in respect of each financial year before, or at the earliest possible date after, the start of the financial year.</p> <p>Bristol SU Associate Director of Finance submits the annual accounts and report to the University:</p> <ul style="list-style-type: none"> a) Chief Financial Officer b) Head of Governance <p>as soon as is reasonably practicable following the approval by Bristol SU Trustees. This is then presented to the University Board of Trustees for approval on the recommendation of the University's Finance & Infrastructure Committee.</p> <p>The financial management of the Union is monitored on behalf of the University Board of Trustees by the:</p> <ul style="list-style-type: none"> • Chief Financial Officer • University Finance Contact of the SU Trustee Board (the Group Finance Director) 	<p>accounts in 2022/23</p> <p>Bristol SU Trustee Board approved the budget at the SU Trustee Board meeting on 6 Jun 2023</p> <p>The University and University Board of Trustees approved the 2022/23 budget at the University Board of Trustees meeting on 7th July 2023.</p> <p>Bristol SU Trustee Board approved the annual report and accounts at the SU Trustee Board meeting 25 Nov 2023</p> <p>The University and University Board of Trustees discussed the SU 2022/23 annual report and accounts at its meeting on 16th Nov 2023.</p>
(2h) financial reports of the union should be published	Bristol SU publishes the annual report and accounts (in SORP format) on	The University is required to ensure Bristol SU complies with the	The 2022/23 annual report and accounts was submitted to and

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<p>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</p> <p>(2hi) a list of the external organisations to which the union has made donations in the period to which the report relates, and</p> <p>(2hii) details of those donations</p>	<p>the Bristol SU website. These are made available to all students.</p> <p>The annual report and accounts is externally audited and sent to the:</p> <ul style="list-style-type: none"> • University • Companies House • Charity Commission <p>There is a section in the Report on external organisations and it would be listed if the SU has made a donation in the period to which the report relates</p>	<p>requirements of the Companies Act and Charities Act in keeping financial records and the audit of accounts.</p>	<p>published on Companies House website and published on the Bristol SU website.</p> <p>These will be submitted to the Charity Commission with the Annual Return in Mar/Apr 2024.</p> <p>Bristol SU Standing Committee awarded a grant of £750 to Bristol Student Housing Co-op, as per note 12 of the accounts. No other grants or donations were made to external organisations. RAG society make donations to charity, from funds raised specifically for this purpose and not from SU funds.</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 <u>grants criteria and the process</u> are set out in student-friendly language on the SU website.</p> <p>The SU's Byelaw 9, student groups, sets out the SU's entitlement to award grants, and confirms the Officer oversight of those decisions</p>	<p>The University is required to ensure that the procedure for allocating resources to groups or clubs should be fair, set down in writing and accessible to all students.</p>	<p>Section 9 of the byelaws was reviewed and amended in Feb 2022. It includes updated clauses on how assets and funds are redistributed in the event a group disaffiliates or fails to affiliate.</p>
<p>(j) if the union decides to</p>	<p>Bristol SU publishes notice of NUS</p>	<p>The University is required to ensure that</p>	<p>NUS affiliation was approved at</p>

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<p>affiliate to an external organisation, it should publish notice of its decision stating</p> <p>(ji) the name of the organisation, and</p> <p>(jii) 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,</p> <p>and any such notice should be made available to the governing body and to all students</p>	<p>affiliation at the Annual Members Meeting for approval</p> <p>Affiliations must be approved annually at the Annual Members Meeting, as set out in the Byelaws and Articles</p> <p>The AMM information is made available to students via the Bristol SU website.</p>	<p>Bristol SU makes its decision to affiliate to an external organisation available to students.</p> <p>The AMM information is made available to the University via the Bristol SU website.</p>	<p>the AMM in 2023.</p>
<p>(k) where the union is affiliated to any external organisations, a report should be published annually or more frequently containing</p> <p>(ki) a list of the external organisations to which the union is currently affiliated, and</p> <p>(kii) details of subscriptions or similar fees paid, or donations made, to such organisations in the past year (or since the last report)</p>	<p>Bristol SU publishes notice of all affiliations to an external organisation in its annual report and accounts, stating the name and details of any financial transactions. This is available on the SU website</p> <p>NUS affiliation is shared and noted at the AMM each year and any discussion is recorded in the minutes which are published on the Bristol SU website</p> <p>The Byelaws also specify that a</p>	<p>The University is required to ensure that no affiliation to any organisation may be made or continued unless it is approved at least once in every calendar year by a referendum or otherwise in accordance with the Education Act.</p> <p>The annual accounts and report are published on the Bristol SU website for students and sent to the University and University Board of Trustees.</p>	<p>The affiliations were listed in the annual accounts and report 2022/23. The Annual Report and accounts was reviewed by the University Board of Trustees on 16th Nov 2023.</p>

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<p>and such reports should be made available to the governing body and to all students</p> <p>(l) there should be procedures for the review of affiliations to external organisations under which</p> <p>(li) the current list of affiliations is submitted for approval by members annually or more frequently, and</p> <p>(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</p>	<p>referenda be called every three years on affiliation to NUS and this takes place during the major union office elections in March.</p>		
<p>(m) there should be a complaints procedure available to all students or groups of students who</p>	<p>Bristol SU has a Complaints Policy and a Student Code of Conduct, which are separate from the University. The SU Trustee Board</p>	<p>The University has a separate Complaints Policy.</p> <p>The University is required to ensure</p>	<p>The Complaints Policy has been reviewed and some changes were made and approved by SU Trustee Board in May 2023.</p>

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<p>(mi) are dissatisfied in their dealings with the union, or</p> <p>(mii) claim to be unfairly disadvantaged by reason of their having exercised the right referred to in paragraph 2ci or 2cii above</p> <p>which should include provision for an independent person appointed by the governing body to investigate and report on complaints</p>	<p>approve any amendments to these.</p> <p>The SU Complaints Policy and Code of Conduct are on the Bristol SU website and available to all students.</p> <p>The Executive and Governance Manager is the SU Complaints Officer who manages the complaints process</p> <p>Some Bristol SU staff have been trained as investigating officers to investigate complaints</p> <p>Bristol SU also uses an independent organisation to investigate and report on complaints if needed</p> <p>An assurance report on how complaints are managed is sent annually to the SU Trustee Board.</p>	<p>Bristol SU has a Complaints Policy which is followed and reviewed every few years to ensure compliance.</p> <p>The University could provide an independent person to investigate and report on complaints relating to the SU if necessary.</p>	<p>Bristol SU also has a student Code of Conduct, which is available on the SU website. It was last reviewed in 2019 and is being reviewed later on in 2023 (date to be confirmed).</p> <p>An assurance report on how complaints are managed was sent to SU Trustee Board on 15 Mar 2023</p> <p>An Internal Audit on the SU's Complaints Policy and processes took place in May 2023 by the University of Bristol Internal Audit Team. The SU received a reasonable assurance status.</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>Bristol SU ensures that the Complaints Policy governs the procedure for complaints.</p> <p>SU staff know where to find the Complaints Policy and how people can complain.</p>	<p>The University is required to ensure that Bristol SU has a fair Complaints Policy and procedure that ensures complaints are dealt with promptly (where they can) and effectively.</p> <p>The responsibility for this area is owned</p>	<p>A day tracker was revised in Airtable (the complaints database) in May 23, to help with prompt resolution.</p>

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	<p>Bristol SU ensures that timelines for individual complaints seek to resolve promptly (where they can) and fairly, with effective remedies</p> <p>Students wishing to make a complaint complete an online form</p> <p>The SU Complaints Officer responds and sends to investigating officers to investigate complaints</p>	<p>by the Pro Vice-Chancellor Education, together with the Executive Director of Education and Student Experience (Academic Registrar), in liaison with the CEO of the SU and the University's legal team.</p>	

Section 4

Education Act 1994 Section 22, 4	Bristol SU Practice	UoB Practice	Any changes or updates in 2022/23
<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</p>	<p>The Executive & Governance Manager publishes this Education Act 1994: Code of Practice implementing Section 22 on the Bristol SU website annually.</p> <p>The Bristol Freedom of Speech Code of Practice and External speaker Code of Practice are on the SU website. Bristol SU co-created the University Free</p>	<p>The University is required to have a free speech statement and policy available to all students and to provide an annual Prevent return to the Office for Students.</p> <p>The University co-created the University Free Speech Policy/Process with Bristol SU and it is available on the University of Bristol website.</p>	<p>All financial resources provided to the Union were used for the SU's charitable purposes in 2022/23. UoB Board of Trustees scrutinises the budget and annual accounts.</p> <p>The SU Executive & Governance Manager will publish this Code of Practice on the Bristol SU website in Mar 2023.</p>

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<p>relating to charities.</p> <p>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 of practice issued under it, relevant to the activities or conduct of the union.</p>	<p>Speech Policy/Process.</p> <p>Bristol SU published 'Free Speech and External Speaker – Key Information' explaining in student-friendly language Bristol SU's policy and practice around Freedom of Expression. This addresses standards and requirements expected in student-friendly free speech FAQs. It links to the University Freedom of Expression Code of Practice, which we operate under.</p> <p>The SU will draw attention to this to students in our annual email about the Annual Members Meeting (AMM).</p> <p>Bristol SU ensures, as part of the re-affiliation process, that student group presidents (or equivalent) confirm that they:</p> <ul style="list-style-type: none"> • Understand the student Code of Conduct • Agree to uphold it • Agree to ensure members understand and abide by it <p>Bristol SU ensures the SU Development Team review and</p>	<p>Under section 22.4b of the Education Act 1994, the University is obliged to draw to the attention of students the restrictions imposed on the activities of the Student Union by the law relating to its charitable status.</p> <p>The University is required to ensure that resources provided to the Union through the University of Bristol should be used only for charitable purposes, in representing and furthering the interests of students.</p>	<p>The University Governance team will publish this Code of Practice on the University website in Mar 2023</p>

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	<p>approve all constitutions annually, addressing any stated activities that are not permitted.</p>		

Section 5

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<p>22. 5 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</p> <p>a) information as to the right referred to in subsection 2ci and 2cii, and</p> <p>b) details of any arrangement 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>Bristol SU website publishes that students have the right to not be a member of the Union and can <u>'opt-out' of membership.</u></p> <p>Bristol SU students opting out of SU membership will be unable to vote or stand in Bristol SU elections and may not hold Committee positions reserved for full members. All other SU services and opportunities are available to them.</p> <p>An internal process for students who opt-out has been created and that students know what opting out of membership to the SU means and what services/facilities they can access</p> <p>Bristol SU has arrangements in place via Associate Memberships, for people who are not student members, to</p>	<p>The University is required to ensure the SU publicises the option for current or potential students to opt-out of being a member of the SU</p>	<p>One student emailed to ask to opt out in 2023/23</p>

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	<p>have access to some SU provisions.</p> <p>There is specific reference for students who are suspended and their rights in the byelaws</p>		

Definitions within the Education Act:

Section 6 - In sections 2,4 and 5 above the expression “all students” shall be construed as follows

- a) in relation to an association or body which is a students’ union by virtue of section 20.1, the reference is to all students at the establishment
- b) in relation to an association or body which is a students’ union by virtue of section 20.2, the reference is to all undergraduate, or all graduate, students at the establishment or to all students at the hall of residence in question, as the case may be
- c) in relation to an association or body which is a students’ union by virtue of section 20.3, the reference is to all the students who by virtue of section 20.1 or 20.2 are comprehended by that expression in relation to its constituent or affiliated associations or bodies

Section 7 - In this section the expression “members” in relation to a representative body which is not an association, means those whom it is the purpose of the union to represent, excluding any student who has exercised the right referred to in subsection 2.c.ii.

Section 8 - In subsection 2.j to 2.l the references to affiliation to an external organisation, in relation to a students’ union for students at an establishment, include any form of membership of, or formal association with, an organisation whose purposes are not confined to purposes connected with that establishment.

Section 9 - Subsection (2)(d) and (l)(ii) (elections and affiliations: requirements to hold secret ballot of all members) do not apply in the case of an open or distance learning establishment, that is, an establishment where the students, or the great majority of them, are provided with materials for private study and are not required to attend the establishment to any significant extent or at all.