

University College London

Education Act 1994 – Code of Practice

1. Introduction

The Council of University College London (“**UCL**”) has a number of statutory duties in relation to University College London Union (“**UCLU**”). These duties are contained within section 22 of the Education Act 1994 (the “**Act**”). In accordance with Section 22(3) of the Act, this Code of Practice details the manner in which the specific requirements are to be carried into effect and the arrangements in place to secure their observance.

2. Definitions

The following definitions apply in this Code of Practice:

“**General Manager**” means the General Manager of UCLU.

“**Representatives**” means anyone elected, nominated or co-opted to act on behalf of UCLU or any of its legitimate clubs, societies or other groups.

“**Students’ Union**” means the Students’ Union of UCL.

“**UCL**” means University College London.

“**UCLU Constitution**” means the constitution of UCLU approved by UCL Council from time to time.

“**UCL Council**” means the Council of UCL.

“**UCLU**” means University College London Union.

“**Union Council**” means the Union Council of UCLU.

3. Status and Objects of UCLU

3.1. UCLU is an independent registered charity, established as a company limited by guarantee with number 07635628. Its charitable objects are the advancement of education of students of the College for the public benefit by:

3.1.1. Promoting the interests and welfare of Students at UCL during their course of study and representing, supporting and advising Students;

3.1.2. Being the recognised representative channel between Students and UCL and any other external bodies; and

3.1.3. Providing social, cultural, sporting and recreational activities and forums for discussion and debate for the personal development of its students.

3.2. UCLU and its representatives agree to act within the law and Charity Commission guidelines, and to safeguard UCL’s and UCLU’s charitable status.

3.3. UCLU and UCL will work to enhance the reputations of each organisation through the provision of excellent services and student experiences. In maintaining regular contact and communication both UCL and UCLU will be mindful of the role each organisation has in contributing to the experiences of students studying at UCL.

4. UCLU Constitution and Education Act Requirements

4.1. UCL's Charter states that:

"14. There shall be a Students' Union, whose Constitution, and any amendments thereto, shall require the approval of the Council."

4.2. UCL's Statutes on the powers of the UCL Council state that the UCL Council has the power:

"6(2)H To promote and maintain a Students' Union for the benefit of the Students of the College."

4.3. The Education Act 1994 states that governing bodies must take such steps as are reasonably practicable to ensure that the student union is run in a fair and democratic manner, and is accountable for its finances. Section 22 of the Act places specific responsibilities on governing bodies to ensure that the following are in place:

4.3.1. UCLU has a written constitution which is subject to the approval of UCL Council, and review by that body at intervals of not more than five years.

UCLU's written constitution is set out in its Memorandum & Articles. The Memorandum & Articles (which override the bye-laws where there is any conflict between their provisions) provide they must be reviewed by UCL at least every 5 years. The Memorandum & Articles were reviewed and approved by UCL prior to UCLU's incorporation on 16 May 2011. Any amendments to the articles must be approved by UCL.

4.3.2. A student has the right not to be a member of UCLU or be represented by it – a student who opts out in this way should not be unfairly disadvantaged in the provision of services or otherwise.

The Memorandum & Articles provide that every student of UCL automatically becomes a member of UCLU upon enrolling unless they choose to opt out of membership.

Students who opt out may not hold an elected position in UCLU or vote in such elections. Students who opt out may still join clubs and societies affiliated to UCLU once the relevant associate member fee has been paid, but they may not hold an elected position within that club or society or vote in such elections.

4.3.3. The holders of major UCLU offices are elected by secret ballot and that such elections are fairly and properly conducted.

The Memorandum & Articles require that all sabbatical trustees are elected by secret ballot. The procedures for elections are contained within the bye-laws. UCL shall, so far as is reasonably practical, assist and support UCLU in advertising elections.

4.3.4. No-one holds paid elected union office or ‘sabbatical’ office for more than two years.

The Memorandum & Articles contain a restriction on sabbatical officers being in post for more than one year.

4.3.5. The financial affairs of the union are properly conducted and there are appropriate arrangements for the approval of the Students’ Union’s budget and the monitoring of expenditure by the UCL Council.

In accordance with the articles the trustees of UCLU have responsibility for UCLU’s budget, UCLU’s General Manager provides the trustees of UCLU with management accounts which explain the financial position of UCLU. The trustees will plan and conduct UCLU’s affairs so that its income can meet its expenditure and it can continue to operate on a solvent basis. UCLU’s budget will be approved by UCL Council.

4.3.6. A financial report of UCLU is published at least once a year and made available to the UCL Council and to all students – the report should include details of donations to external organisations.

The trustee’s report and accounts for UCLU are externally audited and are published on the UCLU website. They are also available from Companies House.

4.3.7. The procedure for allocating resources to groups or clubs is fair and available in writing to all students.

UCLU shall maintain information on its website on the allocation of funds to clubs and societies, and the procedure for ensuring that funds are allocated in a fair manner.

4.3.8. Notice is published to all students and UCL Council of any decision to affiliate to an external organisation and information is available as to the current list of organisations to which UCLU is affiliated, and of any subscription or donation paid.

UCLU will produce an annual report of organisations to which it is affiliated with details of all fees, subscriptions or donations paid. The report will be posted on the UCLU website and sent to the Secretary to UCL Council.

4.3.9. That there is a procedure in relation to affiliations to external organisations under which they are reviewed by UCLU’s members at least annually (and that members should be able to requisition a secret ballot on continued affiliation at intervals of no more than one year determined by UCL).

UCLU shall only affiliate to an external organisation where doing so is consistent with UCLU's objects. Any new affiliation should be publicised to all students, and in writing to the Secretary of UCL Council, specifying the name of the organisation and the details of any subscription or donation proposed or made.

The current list of affiliations shall be submitted for approval by UCLU members on an annual basis through a meeting or referendum. At that point, on the request of not less than 2% of the current members, the question of continued affiliation to an organisation shall be put to a vote by members in a secret ballot.

4.3.10. A complaints procedure is available to students where they are dissatisfied in their dealings with UCLU.

UCLU shall publish a complaints procedure available to all students. The procedure shall include provision for UCL Council to appoint an independent person to investigate and report on complaints where it has not proved possible to resolve them through an earlier stage in the process.

5. Freedom of speech

- 5.1. Section 43 of the Education Act (No 2) 1986 requires universities to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers. This duty includes ensuring that, as far as reasonably practicable, the use of any of its premises is not denied on any ground connected with the belief or views of an individual or body of persons, or policy or objectives of that body.
- 5.2. In particular, UCL shall ensure that so far as reasonably practicable, the use of any of its premises is not denied to any individual or body or persons on any ground connected with (a) the beliefs or views of that individual or body or (b) the policies or objectives of that body. This includes any premises occupied by UCLU. Further information can be found in the UCL Code of Practice on Freedom of Speech, which is available on the UCL website.
- 5.3. UCLU is recognised in law as an independent body, with a distinct and separate legal entity, and therefore is not under any duty to secure freedom of speech pursuant to section 43 of the Education Act.
- 5.4. Section 22 of the 1994 Education Act provides that the governing body of a university must take such steps as are reasonably practicable to secure that a students' union operates in a fair and democratic manner and is accountable for its finances.
- 5.5. The Human Rights Act 1998 Article 10 outlines the right to freedom of expression, including freedom to hold opinions and to receive and impart information and ideas without interference by a public authority and regardless of frontiers.

- 5.6. UCLU shall ensure therefore, that any ‘No Platform’ policies or similar which could be considered as contrary to the 1994 Education Act in preventing freedom of speech, will be specific, and in accordance with the Human Rights Act 1998.
- 5.7. UCLU will endeavour to facilitate balanced debates that enable views to be expressed but explored and challenged in a constructive and informative manner, in keeping with the spirit of both the Human Rights Act 1998 and Education Act 1986.

6. Publication and Further Information

- 6.1. This Code of Practice is available on the UCL and UCLU websites. It will be reviewed by UCL on a regular basis and brought to the attention of the students each year via the student handbook.
- 6.2. Further information regarding the charity law restrictions on UCLU can be found in guidance published by the Charity Commission.