

EDUCATION ACT – CODE OF PRACTICE

<b>Policy Category:</b>	Governance
<b>Subject:</b>	Compliance with the Education Act 1994, section 22
<b>Approving Authority:</b>	College Council
<b>Responsible Officer:</b>	President & Principal
<b>Responsible Office:</b>	College Secretariat
<b>Related Procedures:</b>	King's College London Students' Union and King's College London: Code of Practice Implementation Procedures
<b>Related College Policies:</b>	General Policy of the Council in Relation to the Exercise of its Powers under the King's College London Charter (Article 10), Statutes (Statute 7(m)) and Ordinance F3 KCLSU and King's College London Relationship – Statement of Commitment King's College London's Memorandum of Understanding with King's College London Students' Union
<b>Effective Date:</b>	24 January 2019
<b>Supersedes:</b>	November 2013; 28 June 2011
<b>Next Review:</b>	September 2021

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## I. Purpose & Scope

This Code of Practice covers student organisations within the College which are defined as students' unions for the purposes of the Education Act 1994, namely the King's College London Students' Union (KCLSU). It outlines the responsibilities and expectations of the Council of King's College London (hereafter 'the Council') with respect to the establishment and conduct of the student union in meeting the requirements of the legislation.

Beyond this Code, additional policies and practices have been agreed between the College and the KCLSU which describe in more detail the relationship between the College and the KCLSU and their shared priorities, along with further information about the way in which the organisations work together. The current additional documents are noted and linked above under Related College Procedures and Related College Policies.

## II. Policy

### 1. MEMBERSHIP

All enrolled full-time and part-time students of the College are entitled to be full members of KCLSU.

### 2. THE RIGHT NOT TO BE A MEMBER

2.1 Every student has the right not to be a member of KCLSU.

2.2 Students will be informed of their right not to be a member by means of this Code of Practice, which will be brought to the attention of all students annually as part of the enrolment process. Students wishing to exercise their right to opt-out of KCLSU may do so at any time

after enrolment by informing KCLSU through a link available on the KCLSU website. Their College enrolment card will indicate non-membership of KCLSU.

- 2.3 A student who exercises the right not to be a member will not be permitted to re-join KCLSU until the beginning of the academic term following withdrawal.
- 2.4 Students pay no fee to be members of KCLSU; consequently, there are no rebates for choosing non-membership.
- 2.5 Students who exercise their right not to be a member of KCLSU will be entitled to make use of any of the services and facilities of KCLSU upon payment of the appropriate fee or charge for the service which shall not be higher than that charged to members of KCLSU and as further detailed in the KCLSU Articles.
- 2.6 Students who exercise their right not to be a member of KCLSU will not be entitled to do the following:
  - Participate in the government, administration and management of KCLSU or any of its student activity groups including not being able to vote, hold office or nominate candidates for posts.
  - Represent KCLSU on any College committee
  - Represent KCL or KCLSU in any competitive sport
  - Join KCLSU ratified student activity groups
  - Book/hire the KCLSU's entertainment venues at a reduced fee
  - Be members of the National Union of Students and will forfeit any monetary or other benefits that would result from that membership

### **3. CONSTITUTION AND PROCEDURES**

#### **Constitution and Articles of Association**

- 3.1 The conduct of KCLSU and the manner in which the requirements of the Education Act 1994 will be met are detailed in the governing documents of KCLSU as approved by the Council (or in the case of bye laws, by the Returning Officer on behalf of the Council). The Articles of Association, comprising KCLSU's constitution, will be reviewed by KCLSU Board of Trustees and the Council every five years, or more frequently if required by the Council, KCLSU or legal obligation.
- 3.2 Copies of the governing documents will be made available for inspection by any member of the College in hard copy in KCLSU offices, in designated College offices, in designated College Libraries, and online through the KCLSU website.

#### **Elections and governance**

- 3.3 Provision in the governing documents, as required by the Education Act, has been made concerning the following:
  - 3.3.1 Elections to prescribed KCLSU positions of office shall be by secret ballot according to the provisions of the KCLSU governing documents, which provide that all full members of KCLSU are entitled to vote. Every full member is entitled to one vote.

- 3.3.2 The College will agree with KCLSU the appointment of an independent returning officer to ensure that elections are fairly and properly conducted as defined in the Articles.
- 3.3.3 Reports by the Returning Officer will be made to the Council and to KCLSU.
- 3.3.4 No student may hold the position of Sabbatical Trustee, as defined in KCLSU's governing documents, for more than two years.

#### **Affiliations**

- 3.4 KCLSU will comply with the detailed requirements of the Education Act concerning affiliations to external bodies, in particular giving due notice of any decision to affiliate, reporting on affiliations and reviewing them. Details of external affiliations (including a list of each organization to which the KCLSU was affiliated and the amount paid to the organization by way of subscriptions or similar fees and donations in the past year) shall be published in the KCLSU's Financial Reports. The KCLSU Trustee Board will review all external affiliations during the course of preparing its annual budget and make recommendations concerning continuation or otherwise of each affiliation for consideration at the Annual General Meeting. During the required period of notice for the meeting, a written requisition may be made by not less than 5% of the full members requiring that affiliation to any particular organisation be decided upon by secret ballot in which all members are entitled to vote.

#### **4. FINANCES**

- 4.1 Financial Reports of KCLSU will be published annually and made available to members and the Council. The Report will contain a list of external organisations to which donations have been made in the period to which the Report relates and details of those donations. The Report will be available for inspection in hard copy at the KCLSU offices, posted on the KCLSU website and made available at the KCLSU Annual General Meeting.
- 4.2 The procedures for allocating resources fairly to KCLSU student activity groups will be incorporated as regulations approved by the KCLSU Trustees or designated sub-committee and circulated to student activity groups, posted on the KCLSU website, made available at the KCLSU Annual General Meeting and be available for inspection in hard copy at the KCLSU offices.
- 4.3 The regulation of the financial affairs of KCLSU is detailed in the governing documents. Responsibility is vested in the KCLSU Trustees and/or a sub-committee appointed, and/or a financial expert, as defined in the Articles on behalf of the KCLSU Trustees who will propose an agreed budget for consideration annually by the Trustees and, after its consideration, by the Honorary Treasurer on behalf of the Council.
  - 4.3.1 KCLSU will keep proper accounts and accounting records and maintain a sound system of internal financial management and control. KCLSU will plan and conduct its affairs so as to ensure 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.
- 4.4 The activities of KCLSU will be subject to the College Internal Auditors as appropriate. External Auditors appointed by KCLSU after approval by the Audit, Risk and Compliance

Committee of the KCLSU Trustee Board will audit the accounts of KCLSU on an annual basis and the audited accounts presented to the KCLSU Trustees. They will be available for inspection by members in the KCLSU office.

- 4.5 KCLSU will not incur expenditure or take any action, which is inconsistent with the law relating to charities. In general, expenditure is proper if it can be said to be consistent with KCLSU's objects in the Articles.
- 4.6 Before entering into any borrowing agreements, lease agreements or guarantees or indemnities that may incur contingent liabilities KCLSU will first obtain the approval of the College's chief financial officer.
- 4.7 It is the responsibility of the KCLSU Trustees to ensure that adequate insurance cover is maintained for all aspects of the business. The exception to this is insurance cover for buildings which is the responsibility of the College.

## 5. **COMPLAINTS PROCEDURE**

Complaints by any student in relation to their dealings with KCLSU or in relation to any claim of unfair disadvantage if a student has exercised their right not to be a member of KCLSU will be dealt with in three stages:

- i) By the internal complaints procedure published by KCLSU.
- ii) If the student is still dissatisfied, jointly by a panel nominated by the President and Principal of the College.
- iii) If the student is still dissatisfied, by reference to an independent person appointed by the College Council.

## 6. **FREEDOM OF SPEECH**

- 6.1 The College has approved policies on Freedom of Speech issued in pursuance of the College's duties under the Education Act (No. 2) 1986 to ensure that freedom of speech within the law is secured for members, students and employees of the College and for visiting speakers.
- 6.2 Details of these documents are on the College website and will be made available by KCLSU to those student activity groups wishing to organise meetings on campus. The conduct of meetings will be governed by these and other College policies and regulations.
- 6.3 Bookings by student activity groups must be made in accordance with the College's Student Room Booking Policy.

## 7. **REQUIREMENT OF CHARITY & COMPANY LAW**

- 7.1 KCLSU is governed by the law relating to charities, in particular charitable companies limited by guarantee. In particular, whilst it may spend money on political debate, it may not support political or other causes except in line with the Charity Commission's guidance on Students' Unions. This does not prevent student members from collecting and raising funds privately for the support of any lawful cause.
- 9.2 In consultation with the College, KCLSU will publish information on restrictions imposed on KCLSU's activities by the law relating to charities and limited companies through the KCLSU website and additional channels as appropriate.

10. **PUBLICATION OF THIS CODE OF PRACTICE**

- 10.1 This Code of Practice, as amended from time to time by the College in consultation with KCLSU, will be published on the College's website and brought to the attention of students through the annual enrolment process.