

**OXFORD BROOKES UNIVERSITY - BOARD OF GOVERNORS  
OXFORD BROOKES STUDENTS' UNION  
CODE OF PRACTICE**

**A Introduction**

**A.1 What:** This Code of Practice is a requirement of section 22 of the Education Act 1994 (“the Act”), and outlines the role of the Board of Governors (“the Governing Body”) of Oxford Brookes University (“the University”) in relation to Oxford Brookes Students’ Union (“the Union”).

**A.2 Why:** The Act sets out statutory requirements that students’ unions must meet, and makes governing bodies responsible for ensuring those requirements are met. Section 22(1) of the Education Act 1994 requires the Governing Body to take such steps as are reasonably practicable to secure that the Union operates in a fair and democratic manner and is accountable for its finances. Section 22(2) sets out a list of requirements for the Union. Section 22(3) of the Act requires the Governing Body to establish this Code of Practice document to record how those section 22(2) requirements are to be met.

**A.3 Objects:** the objects of the Union, as set out in its Articles of Association (being the Union’s Constitution as approved by the Governing Body), are the advancement of education of students at Oxford Brookes University (“Students”) for the public benefit by:

- a) promoting the interests and welfare of Students at Oxford Brookes University during their course of study and representing, supporting and advising Students;
- b) being the recognised representative channel between Students and Oxford Brookes University and any other external bodies; and
- c) providing social, cultural, sporting and recreational activities and forums for discussions and debate for the personal development of Students.

**A.4 Where:** The Code of Practice currently in force is available for all Students to view on the University’s website. The Union shall also bring the Code to the attention of Students and report to the Governing Body when this has been completed.

## B The Code of Practice

The Act requires the Governing Body to take such steps as are reasonably practicable to secure that the Union observes the following statutory requirements:

|            | <b>What is the statutory requirement?</b><br><br><i>(lettering and numbering in this column correspond to sub-sections in section 22(2), (3), (4), (5) Education Act 1994)</i>  | <b>How do we meet the statutory requirement?</b>  |
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| <b>B.1</b> | <b>Constitution</b><br><br>(a) the union should have a written constitution;<br><br>(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; | <ul style="list-style-type: none"> <li>• A copy of the Union’s written constitution can be found on its website.</li> <li>• The Governing Body last reviewed the constitution on: 11 May 2021.</li> <li>• The Governing Body can seek changes to the constitution during its review, to ensure that the Union is meeting its objects (see <b>A.3</b>) and complying with the Act and any other legal obligations. The Governing Body consults with the Union during its review.</li> </ul> <p>See: Article 7 of the Union’s constitution (its Articles of Association), including for details of how the constitution can be amended. See also: Bye-Laws section 2.</p> |
| <b>B.2</b> | <b>Membership</b><br><br>(c) a student should have the right—   | <ul style="list-style-type: none"> <li>• All students enrolled at the University are entitled to automatic membership of the Union.</li> <li>• Membership of the Union is available and free to all students.</li> </ul>  |

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|  | <p>i) not to be a member of the union, or</p> <p>ii) (...)</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> | <ul style="list-style-type: none"> <li>• Students may withdraw from membership, or apply to re-join, at any time.</li> <li>• The procedure for withdrawing can be found within the Bye-Laws at Chapter Two: Membership.</li> <li>• Students who are not members are not able to stand or vote in Union elections, or to take part in formulating Union policy, or join Union clubs or societies.</li> <li>• Students who are not members are able to access the Union’s Advice Service and can take part in social, cultural, sporting and recreational activities and forums for discussions and debate organised by the Union where those activities are open to non-members.</li> <li>• A Student may also cease to be a Student Member if a decision is made to remove them from Student Membership of the Union in accordance with the Union’s code of conduct or disciplinary procedure for Student Members.</li> </ul> <p>See: Articles 9 and 10 of the Union’s constitution provide more detail regarding the terms and types of Student Membership of the Union.</p> |

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| <b>B.3</b> | <b>Elections</b><br><br>(d) appointment to major union offices should be by election in a secret ballot in which all members are entitled to vote;<br><br>(e) the governing body should satisfy themselves that the elections are fairly and properly conducted;<br><br>(f) a person should not hold sabbatical union office, or paid elected union office, for more than two years in total at the establishment; | <ul style="list-style-type: none"> <li>• The Sabbatical Officers are the “major union office holders” under the Act.</li> <li>• Appointments for Sabbatical Officers are by election in a secret ballot in which all members are entitled to vote.</li> <li>• No Sabbatical Officer will serve more than two terms.</li> <li>• A Returning Officer is appointed by General Meeting and is accountable to the Board of Trustees. The Returning Officer is responsible for the proper conduct of elections.</li> <li>• The Returning Officer may approve the appointment of Deputy Returning Officers (DRO). The DROs have responsibility for matters delegated to them by the Returning Officer, and receiving written complaints regarding the conduct of the election campaign.</li> <li>• The Returning Officer provides an annual report to the Governing Body providing adequate detail regarding the Union’s elections and democratic procedures.</li> </ul> <p>See: Article 20 of the Union’s constitution and Bye-laws Chapter 7: Elections.</p> |

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| <b>B.4</b> | <b>Financial accountability</b><br><br>(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;<br><br>(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—<br><br>(i) a list of the external organisations to which the union has made donations in the period to which the report relates, and<br><br>(ii) details of those donations; | <ul style="list-style-type: none"> <li>• The Union is a company limited by guarantee and a registered charity.</li> <li>• The Union has Company Law Members, who are also the Trustees for the charity.</li> <li>• The Company Law Members are responsible for the legal and financial standing of the Union.</li> <li>• A member of the University’s Finance Team sits as a co-opted ex officio member of the Union’s Finance &amp; Audit Sub-Committee at its quarterly meetings.</li> <li>• The Governing Body requests an annual report from the Union, which will normally be the audited annual accounts, though more information may be requested by the Governing Body at any time. This report must:               <ul style="list-style-type: none"> <li>• satisfy the Governing Body that the Union has adequate internal financial governance for the approval of the Union’s budget, and the monitoring of its expenditure.</li> <li>• present the annual financial performance of the Union, including the annual income and expenditure.</li> </ul> </li> </ul> |

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|  |  | <ul style="list-style-type: none"> <li>● contain a list of the external organisations to which the Union has made donations in the period to which the report relates, and details of those donations.</li> <li>● be published and made available to the Governing Body and all Students.</li> <li>● The Annual Reports can be found on the Charity Commission’s website.</li> <li>● Prior to the University issuing the Union with its annual unrestricted block grant, the Union must present its plans for the following financial year to the University in accordance with the relevant planning process.</li> </ul> <p>See: these details are contained throughout the Union’s constitution, for example, Part 2 Members.</p> |

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| <b>B.5</b> | <b>Allocating resources</b><br><br>(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;  | <ul style="list-style-type: none"> <li>● The procedure for allocating Grants is published on the Union website.</li> </ul>  |
| <b>B.6</b> | <b>Affiliations to external organisations</b><br><br>(j) if the union decides to affiliate to an external organisation, it should publish notice of its decision stating—<br><br>(i) the name of the organisation, and<br><br>(ii) 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,<br><br>and any such notice should be made available to the governing body and to all students; | <ul style="list-style-type: none"> <li>● Affiliations are agreed through the Union’s democratic processes, as outlined in the Bye-Laws Chapter 3, section 2.4.5.</li> <li>● The Union will ensure that all members of the Union and the Governing Body have access to the required information prior to the decision to affiliate being made, normally through online publication and in accordance with whichever democratic procedure is in use.</li> <li>● Notices of proposed affiliations are found in the Agenda for the Annual Student Members’ Meeting.</li> <li>● Annual Student Members’ Meeting: Members will be informed of any current affiliations and will be given the opportunity to question the continued affiliation to any particular organisation. In some cases, there may be a requirement for a referendum prior to disaffiliation or continued</li> </ul> |

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|  | <p>(k) where the union is affiliated to any external organisations, a report should be published annually or more frequently containing—</p> <p>(i) a list of the external organisations to which the union is currently affiliated, and</p> <p>(ii) details of subscriptions or similar fees paid, or donations made, to such organisations in the past year (or since the last report),</p> <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>(i) the current list of affiliations is submitted for approval by members annually or more frequently, and</p> | <p>affiliation, in line with that organisation’s bye-laws.</p> <ul style="list-style-type: none"> <li>● Outside of the Annual Student Members’ Meeting, any member of the Union may question an affiliation through other democratic means as outlined in the Bye-Laws</li> <li>● Details of any subscription or similar fee paid is set out in the Annual Report and Financial Statements.</li> </ul> <p>See: Article 16 of the Union’s constitution</p> |

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|            | (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; |  |
| <b>B.7</b> | <b>Complaints</b><br><br>(m) there should be a complaints procedure available to all students or groups of students who—<br><br>(i) are dissatisfied in their dealings with the union, or<br><br>(ii) claim to be unfairly disadvantaged by reason of their having exercised the right   | <ul style="list-style-type: none"> <li>● The complaints procedure can be found on the Union’s website.</li> <li>● Initial complaints about any acts or omissions of the Union, including complaints that a Student has been unfairly disadvantaged by exercising their right not to be a member of the Union, will be dealt with under the Union’s published complaints procedure which includes a review stage.</li> <li>● If the Union procedure has been exhausted, and the complainant remains dissatisfied with the Union’s response, a request for a review may be submitted to the University.</li> </ul> |

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|            | <p>referred to in <b>B.2</b> (above, being s.22(2)(c)(i) of the Act),</p> <p>which should include provision for an independent person appointed by the governing body to investigate and report on complaints;</p> <p>(n) complaints should be dealt with promptly and fairly and where a complaint is upheld there should be an effective remedy.</p> | <ul style="list-style-type: none"> <li>• The University's review is outside the University's own Student Complaints procedure and a Completion of Procedures letter will not be issued by the University, save in rare cases where the University agrees that the University itself is part of the matter complained of and where the Office of the Independent Adjudicator might therefore accept jurisdiction.</li> </ul> |
| <b>B.8</b> | <p><b>The Code</b></p> <p>(3) The governing body of every establishment to which this Part applies shall for the purposes of this section prepare and issue, and when necessary revise, a code of practice as to the manner in which the requirements set out above are to be carried into effect in relation to</p>                                   | <p>At intervals of no more than five years, the Governing Body shall review this Code of Practice and in line with any review of the Union's constitution.</p>  |

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|            | any students' union for students at the establishment, setting out in relation to each of the requirements details of the arrangements made to secure its observance.   |  |
| <b>B.9</b> | <b>Publicising the code and charity law restrictions</b><br><br>(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—<br><br>(a) the code of practice currently in force under subsection (3),<br><br>(b) any restrictions imposed on the activities of the union by the law relating to charities, and | The Code of Practice currently in force is available for all Students to view on the University's website.<br><br>Any list of restrictions imposed on the Union's activities can be found on the University's website. |

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| <b>B.10</b> | <b>Freedom of speech</b><br><br>(4)(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.                                       | All Students are required to observe the <a href="#">University's Code of Practice on Freedom of Speech</a> .   |
| <b>B.11</b> | <b>Publicising the right not to be a member and non-member services</b><br><br>(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 | The Code of Practice currently in force is available for all Students to view on the University's website.<br><br>Students may opt out of membership. This is confirmed on the Union's website and in its Constitution and Bye-laws (available on its website).<br><br>Non-members are not allowed to vote for student officers, or submit and vote on motions at the General Meetings, become student representatives, or be |

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|  | establishment—<br>(a) information as to the right referred to in section 22(2)(c)(i) of the Act, and<br>(b) 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. | members of societies. Non-members may access Union advice services. Non-members may attend only society events that are open events. |

### **C Issue by the Governing Body**

This document was approved as the section 22(3) Code of Practice for the purposes of complying with the Education Act 1994 by the Governing Body for Oxford Brookes University at a meeting of the Board of Governors on 13<sup>th</sup> December 2022, and the Governing Body reviewed and confirmed the arrangements made for its observance.