

SHEFFIELD HALLAM UNIVERSITY

Code of Practice relating to the operation of the Students' Union

1 INTRODUCTION

This Code of Practice has been published by the Board of Governors of Sheffield Hallam University in accordance with the requirements of s22(3) of the Education Act 1994 (the Act). The Act requires the University and Sheffield Hallam Students' Union (the Union) to comply with a number of measures relating to the operation of the Union, in particular relating to its: constitution; membership; elections; sabbatical officers; finances; affiliations; complaints; and notification requirements. This Code sets out the arrangements made to secure compliance with the Act. The Code will be kept under review by the Governance and Nominations Committee on behalf of Board of Governors.

2 MEMORANDUM AND ARTICLES OF ASSOCIATION

The Union has been established and conducts and manages its affairs under a Memorandum and Articles of Association approved by the Board of Governors. Any amendments to the Memorandum and Articles of Association and its supporting schedules must be submitted to, and approved by, the Governance and Nominations Committee acting with delegated authority from the Board of Governors before any such amendments can take legal effect.

The Governance and Nominations Committee on behalf of the Board of Governors will review and, where necessary, revise the Memorandum and Articles of Association in consultation with the Union at least every five years.

3 MEMBERSHIP

Any student has the right not to be a member of the Union and not to be unfairly disadvantaged by reason of having exercised that right.

All students, members and non-members alike, have in general the right of access to services provided by the University and the Union. However, the right to participate in the Union and NUS (National Union of Students) elections and decision-making processes, including those of clubs and societies, is not extended to non-members.

On the basis of the above arrangements the Governance and Nominations Committee, on behalf of the Board of Governors, is satisfied that the range of services otherwise provided by the University and the Union to students (whether members of the Union or not) are sufficient to ensure that non-members are not unfairly disadvantaged within the meaning of the Education Act 1994.

All students are automatically given membership of the Union as part of enrolment and information about them is passed to the Union. Any student not wishing to be a member of the Union may opt out of membership of the Union by **contacting the Union** at the point of enrolment or at any time thereafter. This decision will remain effective for the duration of the student's course of study at the University unless a student takes specific action to resume membership. Any student wishing to resume membership should **contact the Union**.

In the event that a student opts out of membership of the Union, the Union will record this fact and will retain a record of the student to ensure that the Union can verify their identity should they wish to access services provided to non-members.

4 ELECTIONS

Elections to Major Union Offices (and to several other Union posts) shall be conducted by secret cross-campus ballot in accordance with the provisions of the Memorandum and Articles of Association. No person shall hold sabbatical or paid elected Union office for more than two years in total at the University. The Board of Governors will satisfy itself that elections are fairly and properly conducted and be advised by the University Secretary who will receive an annual report from the Returning Officer.

5 FINANCE

The Union, through its Board of Trustees, is responsible for the proper conduct of its financial affairs and for ensuring that funds provided to it by the University are used only in accordance with the Act and other applicable legislation.

The Union shall satisfy the University that all such requirements are complied with. In particular, the Union is required to:

- maintain accounts and accounting records in accordance with normal professional accounting principles and any relevant accounting guidance, standards and instructions such as those issued by the Charity Commission;
- maintain a sound system of internal financial management and control;
- plan and conduct its financial affairs so as to ensure that its total expenditure, taking one year with another, does not exceed its total income and that its financial solvency is maintained;
- maintain adequate insurance cover for Union assets and public and employer's liabilities;
- report regularly to the University in an agreed format to permit the Finance and Employment Committee (on behalf of the Board of Governors) to approve annual budgets and the University to monitor expenditure on behalf of the Board of Governors;
- ensure that fair written procedures and rules exist for allocating resources to groups, clubs and societies and that these are observed.

The audited accounts of the Union shall be prepared within four months of the end of the preceding financial year. The Board of Trustees is responsible for the preparation of management accounts and the Trustees' Report and Financial Statements. The Trustees' Report and Financial Statements shall be approved by Board of Trustees and considered at the annual Student Members' meeting. Copies of the Trustees' Report and Financial Statements, along with the Union external audit findings, shall be submitted to the Finance and Employment Committee and the Board of Governors. Following consideration by the Board of Governors the Union will publish its Annual Report and Financial Statements on its website.

The audited accounts shall include a list of:

- all external organisations to which the Union has made donations in the period to which the accounts relate and the amounts paid to each;
- all external organisations to which the Union is/was affiliated and details of subscriptions, fees or donations made to such organisations in the period to which the accounts relate.

If the Board of Governors has not received the audited accounts within four months of the end of the preceding financial year, it may require an explanation from the President of the Union and then determine an appropriate course of action to ensure that audited accounts are produced.

The Union is an independent entity and as such the University does not guarantee its liabilities nor does it underwrite its financial sustainability.

6 AFFILIATIONS

All proposals to affiliate to external organisations shall be approved by the Annual Members' Meeting and the Trustee Board either as part of the process for approving new clubs and societies or at the request of the club or society which is seeking a new affiliation. A notice of this decision stating the name of the organisation and details of any subscription or similar fees shall be published and made available to the Board of Governors and all students. If an affiliation is challenged, the Memorandum and Articles of Association permit a referendum to be held to decide the question of continued affiliation to that particular external organisation.

A list of current affiliations containing details of subscriptions or similar fees paid, or donations made, to such organisations in the past year (or since the last report) shall be maintained by the Union. The list shall be available for inspection by all students at the offices of the Union during office hours and shall be published annually in the Trustees' Report and Financial Statements. The list shall be submitted to the members for approval annually at an annual Student Members' meeting and made available to the Board of Governors (via the Trustees' Report and Financial Statements).

7 COMPLAINTS

The Union shall ensure that a Complaints Policy is available to all students or groups of students who are dissatisfied in their dealings with the Union, or claim to be unfairly disadvantaged by reason of having exercised their right not to be a member of the Union. The Complaints Policy is designed to enable complaints to be dealt with promptly and fairly and, where a complaint is upheld, for an effective remedy to be provided. It makes provision for an independent person appointed by the Board of Governors to investigate and report on complaints.

8 NOTIFICATION REQUIREMENTS

The University will bring to the attention of all students at least once a year:

- This Code of Practice, which includes statutory information relating to a student's right not to be a member of the Union and not to be unfairly disadvantaged as a consequence of having exercised that right (section 3), details of arrangements made by the University to provide services for students who are not members of the Union (section 3 and section 8) and information about restrictions imposed on the activities of students' unions by the law relating to charities (section 9), and
- The University's Code of Practice on Freedom of Speech

This information will be published at:

- [Terms and conditions and student regulations | Sheffield Hallam University \(shu.ac.uk\)](https://www.shu.ac.uk/terms-conditions) (Code of Practice relating to the operation of the Students' Union)
- [Freedom of Speech Code of Practice | Sheffield Hallam University \(shu.ac.uk\)](https://www.shu.ac.uk/freedom-of-speech) (Code of Practice on Freedom of Speech)

In addition, the following statement will be included in all University prospectuses:

"EDUCATION ACT 1994

Under the provisions of the Education Act 1994 any student has the right not to be a member of the students' union and not to be unfairly disadvantaged with regard to the provision of services, or otherwise, by reason of having exercised that right. At Sheffield Hallam University all students, members and non-members alike, have in general the right of access to services provided by the University and the Sheffield Hallam Students' Union (also known as Hallam Union). However, the right to participate in Hallam Union and NUS (National Union of Students) elections and decision-making processes, including those of clubs and societies, is not extended to non-members.

On the basis of the above arrangements the University is satisfied that the range of services otherwise provided by the University and the Union to students (whether members of the Union or not) are sufficient to ensure that non-members are not unfairly disadvantaged within the meaning of the Act".

9 RESTRICTIONS IMPOSED BY THE LAW OF CHARITIES

The University is required by the Education Act 1994 to bring to the attention of all students any restrictions which the law of charities places on students' unions. As a general rule expenditure of Union funds is only permitted if it furthers the educational objects of the Union (Charity Commission Operational Guidance 48). The objects of the Union are set out in paragraph 2 of the Memorandum and Articles of Association. The Union is a registered charity and is subject to the requirements of the law of charities.

Funds must be used for the pursuance of the Union's educational objectives as stated in its Memorandum and Articles of Association, and in accordance with relevant legislation. For example:

- recreational, leisure and sporting facilities;
- a campus newspaper;
- clubs and societies;
- affiliations to certain external organisations;
- donations to external organisations connected with the welfare of the University's students;
- campaigning and/or political activity;
- debating issues of common concern.

The Board of Trustees must not allow funds to be used for party political purposes, directly or indirectly.

The Charity Commission Operational Guidance on Students' Unions is available at: <http://ogs.charitycommission.gov.uk/g048a001.aspx>

Approved by the Board of Governors, 22 May 2012.

Reviewed and updated, 2014: no changes requiring Board approval.

Updated November 2015 to reflect change in Financial Regulations. Change to Code did not require Board approval. Updated version issued: 19 November 2015

Reviewed and updated 2018: minor updates approved by University Secretary. No changes requiring Board approval. Updated version issued: 27 March 2018

Reviewed and updated 2019: minor updates approved by University Secretary. No changes requiring Board approval. Updated version issued: 1 March 2019

Reviewed and updated July 2019; Approved by the Board of Governors, 23 July 2019

Reviewed and updated August/September 2020; Approved by the Board of Governors, 25 November 2020

Reviewed and updated June 2022: minor updates approved by University Secretary. No changes requiring Board approval. Updated version issued: 6 July 2022

Reviewed and updated June 2023: Approved by the Governance and Nominations Committee, 15 June 2023

Reviewed and updated May 2024: update to weblinks and minor amendments to tidy wording. No changes requiring GNC approval

Reviewed and updated September 2024: updates to terminology. No changes requiring GNC approval. New version applies from 1 October 2024