

UNIVERSITY OF BIRMINGHAM

**CODE OF PRACTICE PURSUANT TO THE REQUIREMENTS OF THE EDUCATION ACT 1994
(SECTION 22(3)) IN RELATION TO STUDENTS' UNIONS AND OTHER LOCAL
ARRANGEMENTS AGREED BETWEEN THE UNIVERSITY COUNCIL AND THE UNIVERSITY
OF BIRMINGHAM GUILD OF STUDENTS**

In this Code of Practice, capitalised but undefined expressions shall bear the meaning ascribed to them in the Memorandum of Understanding.

1 Status of the University of Birmingham Guild of Students

The Guild is a company limited by guarantee (registered under company number 6638759) and is:

- A registered charity (charity number 1137548) regulated by the Charity Commission pursuant to the Charities Act 2011.
- A students' union within the meaning of the Education Act 1994, and which represents the Students.

The University and the Guild enjoy an excellent relationship which contributes substantially to the educational and general experience of the students while at the University.

Through its Trustees the Guild acts as an employer of staff and has the power and ability to enact Articles and Bye-Laws relating to its internal organisation and to enter into contracts and financial transactions in its own name. In accordance with the Education Act 1994 the University closely monitors the Guild's activities through the University Registrar & Secretary or nominee(s), acting on behalf of the University Council as required by statute.

Through its Trustees the Guild is, as required by statute, fully accountable to the Council for its financial affairs and management, and for the use of the premises which it occupies.

2 Accountability of Guild

The Guild is accountable to the University and to other regulatory bodies for the operation of the Guild in a fair and democratic manner, for the financial management of the Guild, and for the observance by the Guild of the Governance Documents. The Guild is also accountable to the University and to other regulatory bodies for the observance of legal and statutory requirements in the operation of the Guild (for example health and safety, catering hygiene, the law relating to charities, raising of funds, and sections 22(2) (l)-(n) of the Education Act 1994) and observance of any occupational agreements in relation to all premises occupied by the Guild.

3 Constitution of the Guild

Any amendments to the Guild's Articles and Bye-Laws shall be approved by the Council. The Council will review the Guild's Articles and Bye-Laws at least every five years.

4 Guild Officer Elections and Appointment of Trustees

The Council will ensure:

- That the Guild's Articles and Bye-Laws provide for appointment to major Guild offices to be by election in a secret ballot in which all Students are entitled to vote.
- Through its appointment of the University's Registrar & Secretary or nominee(s) as the Returning Officer for elections for appointment to major Guild offices and who shall oversee the electoral procedures in connection with such elections, that such elections are fairly and

properly conducted.

- That no person shall hold sabbatical union office, or paid elected union office, for more than two years in the Guild.

The Guild and the University shall agree rules and regulations by which, in addition to the requirements of the Bye-Laws, elections for appointment to major Guild offices shall be governed.

The Guild will submit reports to the University's Registrar & Secretary or nominee(s) at appropriate points on the conduct and outcome of elections for appointment to major Guild offices,

Two senior employees of the University shall be appointed to the Guild's appointments panel which oversees the appointment of the Student Trustees and External Trustees (in each case as defined in the Articles).

4. Requirement of Charity Law

The Guild is governed by the law relating to educational charities. 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' campaigning and political activity. This does not prevent student members from collecting and raising funds privately for the support of any lawful cause.

5. Freedom of Speech

The Guild and the Students, and the Guild will ensure that the Students, shall observe the University's Code of Practice on Freedom of Speech.

6. Membership of the Guild

All registered students of the University will be full members of the Guild unless they choose not to be. Any registered student has the right not to be a member of the Guild and/or not to be represented by the Guild. The Guild and the University will publicise the ability of students not to be a member of the Guild.

The sole consequences for a registered student of the University of not being a member of the Guild are as follows:

- Non-members are not permitted to vote in Guild general meetings, elections or referenda.
- Non-members are not allowed to stand in any elections in the Guild.
- Non-members may not hold office in any Guild Student Group, because of the need for financial accountability to the Guild's governing bodies, but registered students of the University of Birmingham may join any Guild Student Group.
- Non-members may forfeit the benefits and rights to which they would otherwise be entitled as members of the National Union of Students.

Any student wishing to exercise their right not to be a member of the Guild is advised to consult

the President of the Guild before making a decision in order to ensure only that they possess all the necessary information. If a student chooses not to be a member of the Guild they must notify the President of the Guild in writing, and their name will be recorded, which will be forwarded to the University's Academic Registrar on request.

Students are advised that the University has made no special arrangements for the provision of services or facilities specifically for non-members of Guild, since it is satisfied that the range of services provided by Guild, and the University for all students are sufficient to ensure that non-members are not unfairly disadvantaged within the meaning of the Education Act 1994.

7. The Finances of the Guild

The Guild shall comply with the Financial Memorandum.

The University's Chief Financial Officer will make arrangements to monitor the Guild's finances in accordance with the Financial Memorandum and report to the appropriate University authority in accordance with the University's financial rules.

8. Financial Statements of the Guild and External Organisations

The audited financial statements of the Guild must be published annually or more frequently, be available to the Council and to all students, and list:

- Any external organisation to which the Guild has made donations in the period to which the financial statements relate, together with details of any such donations. Where no such donations have been made, a nil return will be recorded in the financial statements under this heading.
- Any external organisation to which the Guild is affiliated as at the date of publication of the financial statements, together with details of any subscriptions, fees or donations paid by the Guild to that organisation.

The Guild will publish promptly on its website, such that it is available to the Council and to all students, notice of any decision it has made to affiliate to an external organisation, stating the name of the organisation and details of any subscriptions, fees or donations paid or to be paid to the organisation.

The Guild's Trustees will review all affiliations to external organisations, and shall make recommendations concerning the continuation or otherwise of each affiliation for submission to and approval by the members of the Guild, not less than annually.

A requisition may be made to the Guild's Trustees once a year by 5% or more of the members of the Guild that the question of continued affiliation to any particular external organisation be decided upon by a secret ballot in which all members are entitled to vote. In the case of such requisition, the procedures for referenda laid down in the Guild's Articles and Bye-Laws will be implemented.

9. Allocation of Resources to Guild Clubs, Societies and Student Group

The Guild's procedure for allocating resources to Student Groups will be fair, detailed at the Guild's website (and in the Guild's Financial Procedures Manual), published annually, and freely

available to any Student on application to the Chief Executive of the Guild.

10. Complaints Procedure

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

- by the complaints procedure set out on the Guild's website
- if the student is still dissatisfied, jointly by a panel comprising a lay member of Council (in the chair), the Pro-Vice-Chancellor (Education) (or nominee) and the Registrar & Secretary of the University (or nominee) and the Guild President (or nominee).
- if the student is still dissatisfied, by reference to an independent person nominated and appointed by the University Council.

Complaints will be dealt with promptly and fairly and where any complaint is upheld an effective remedy will be implemented by the Guild and the University (as appropriate).

11. Status and Publication of this Code of Practice

This Code of Practice, as amended by the University Council in consultation with the Guild from time to time, has the status of University Ordinances and Regulations. It will be included in the governance section of the University's website and will be referred to in the University's Online Registration which students must undertake annually.

Approved by University Council on 25th June 2025