

## UNIVERSITY OF PORTSMOUTH and UNIVERSITY OF PORTSMOUTH STUDENTS' UNION (UPSU)

### CODE OF PRACTICE 2024-2025

#### BACKGROUND

This Code of Practice responds to the requirements stated in the Education Act 1994, Part II, Section 22, and shows the respective operating responsibilities of both the University of Portsmouth (“UoP”) and the University of Portsmouth of Students’ Union (“UPSU”) in meeting the requirements of the Act as outlined in Section 22.

#### AVAILABILITY

The [Code of Practice](#) is approved annually by the Board of Governors (formerly, this was undertaken through Students’ Academic and General Affairs Committee) and is available in the University Documents Store (policy 210).

All students are notified of the Code of Practice through Section 1.3 in the [Student Conduct Policy](#) (formerly, titled the Code of Student Behaviour) which is updated annually and can be found on the UoP website.

This Code supersedes the original April 1995 Code of UPSU as then constituted and all subsequent revisions. Revision of this Code of Practice shall be the responsibility of the Board of Governors (via Corporate Governance), and the Code will be reviewed annually to determine if any changes are necessary (reviewed May 2024).

## INTRODUCTION

UPSU is a company limited by guarantee (company number 3934555) and was incorporated on 28 February 2000 under the Companies Acts 1985 -1989. UPSU was formerly an unincorporated association, until UoP and UPSU considered that it would be advisable for UPSU to have a distinct legal status.

UPSU is also a registered charity: it was registered with the Charities' Commission in June 2010 (charity number 1136115).

UPSU is responsible for ensuring that funds provided to it by UoP are used only in accordance with the Education Act 1994, this Code of Practice and any other statutory requirement that may from time to time be enacted.

The Trustees of UPSU are jointly responsible for overseeing all UPSU's activities and for ensuring that UPSU at all times complies with those arrangements on its activities by virtue of its constitutional documents (i.e. the UPSU Articles of Association and set of byelaws, and the revised Financial Memorandum between UPSU and UoP as approved by the Infrastructure and Finance Committee (IFC) of the University's Board of Governors, at its meeting on 9 October 2024, (Min 17). This Code of Practice, the laws of England and Wales and such financial practices and procedures arising from its status as a company limited by guarantee and as a registered charity. The Trustees shall take appropriate advice to ensure that any action or policy under consideration by UPSU is compatible with the terms of this Code of Practice.

Whilst recognising its operational independence, UoP enjoys excellent relations with its Students' Union. These relations contribute substantially to the academic and general experience of students while at UoP. For this reason, UoP invests a considerable amount of time in consulting with UPSU and its members, and building students' views and participation into as many facets of its life as possible. UoP provides a block grant to UPSU annually to fund services that UPSU provides to the students of the University of Portsmouth. The block grant provided by UoP to UPSU is recorded within UPSU's Financial Statements.

EDUCATION ACT 1994 Section 22 – REQUIREMENTS	CODE OF PRACTICE RESPONSE
<p><b>22(1)</b> The governing body of every establishment to which this Part applies shall take such steps as are reasonably practicable to secure that any students' union for students at the establishment operates in a fair and democratic manner and is accountable for its finances.</p>	<p>The Board of Governors approves UPSU's constitution (in the form of Articles of Association) which governs UPSU's work. UPSU undertook a comprehensive review of its Articles of Association in the 2021/2022 academic year and approved by the Board on 31 March 2022.</p> <p>There is a Financial Memorandum between UoP and UPSU: this regulates financial matters between UoP and UPSU and includes the methods by which UPSU makes itself accountable to the Board of Governors under the terms of the 1994 Education Act. Reports on the UPSU budget are made to the University's Finance Department at least quarterly. Annually at its November meeting, the Infrastructure and Finance Committee receives the audited Financial Statements of UPSU from the Chief Executive of UPSU and the assigned Elected Officer of UPSU.</p>
<p><b>22(2)</b></p>	

EDUCATION ACT 1994 Section 22 – REQUIREMENTS	CODE OF PRACTICE RESPONSE
<p>The governing body shall in particular take such steps as are reasonably practicable to secure that the following requirements are observed by or in relation to any students' union for students at the establishment.</p>	<p>Agreed: responses to each of the requirements are given below.</p>
<p><b>22 (2) (A)</b>  UPSU should have a written constitution.</p>	<p><b>Written Constitution.</b> UPSU has written constitutional documents which govern the way it operates. As a company limited by guarantee, this is in the form of the Articles of Association. The University's Board of Governors approves the UPSU Articles of Association and has made sure that there has always been a written governing document in place. The <a href="#">Articles</a> (2022) are available on the UPSU website under <a href="#">Useful Documents</a>.</p>
<p><b>22 (2) (B)</b>  The provisions of the constitution should be subject to the approval of the governing body and to be reviewed by that body at intervals of not more than five years.</p>	<p><b>Constitution subject to approval and review by the Governing Body.</b> The Board of Governors has approved the constitutional documents of UPSU and reviewed them at intervals of no more than 5 years. Key approval references from the Board of Governors follow:</p> <p>16 March 1989 – Min 24  29 March 1995 – Min 11.3  30 June 1999 – Min 27  14 December 2005 – Min 33.1 and Min 34.4  7 October 2009 – Min 12  22 June 2011 – Min 72.2  20 January 2016 – Min 47.2  31 March 2022 – Min 85.5 (delayed due to a restriction caused by Covid -19)</p> <p>N.B The next review and approval is due in 2026.</p>

EDUCATION ACT 1994 Section 22 – REQUIREMENTS	CODE OF PRACTICE RESPONSE
<p><b>22 (2) (C)</b> A student should have the right—</p> <ul style="list-style-type: none"> <li>(i) not to be a member of UPSU, or</li> <li>(ii) in the case of a representative body which is not an association, to signify that they do not wish to be represented by it, 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.</li> </ul>	<p><b>Students’ Rights.</b> Every student of UoP has a right to be a member of UPSU and may also choose not to be a member. All and any students enrolled with UoP are accorded membership of UPSU automatically: their campus card (issued by UoP) is proof of their eligibility. The University shares student related data and contract details of all students with UPSU in accordance with GDPR legislation.</p> <p>A full definition of membership eligibility, voting rights, opt out information and student group membership is published on the UPSU website at: <a href="https://upsu.net/your-union/information/for-students">https://upsu.net/your-union/information/for-students</a> Should a student wish to opt out of membership, they would need to send separate written notice (by writing or in e-mail) to the Chair of UPSU Trustee Board and the University Data Protection Officer. A student who has exercised the right to opt out of membership with UPSU will then remain a non-member of UPSU for the remainder of the academic year. If a student wishes to opt out in subsequent years, they will need to write again to the Lead Elected Officer of UPSU.</p> <p>This information is made available to all students through their registration form which includes a web link to the annually published Code of Practice between UoP and UPSU, and each student is asked to sign to say that they are aware of their rights concerning membership of the Students’ Union.</p>
<p><b>22 (2) (D) &amp; (E)</b> Appointment to major union offices should be by election in a secret ballot in which all members are entitled to vote. The governing body should satisfy themselves that the elections are fairly and properly conducted.</p>	<p><b>Appointment to major Union Offices.</b> UPSU has defined all elected positions as major offices and election is by secret ballot in which all members of UPSU are entitled to vote. The election procedures are covered in the Articles of Association and byelaws which require that the Returning Officer is independent of UPSU and is appointed annually by the Trustees of UPSU.</p> <p>Elections for Elected Officers are held annually. The Deputy Returning Officer speaks to all candidates ahead of the elections to reinforce the importance of fair and free elections to be conducted in line with UPSU’s stated practices. In addition, the Clerk to the Board of Governors consults with the Returning Officer and the Deputy Returning Officer, and prepares a report of the conduct of the process for the Board of Governors.</p>
<p><b>22 (2) (F)</b> A person should not hold sabbatical union office, or paid elected union office, for more than two years in total at the establishment.</p>	<p><b>Elected Officer.</b> UPSU stipulates in its Regulations that no person shall hold an Elected Office for more than two years in total. The Board of Governors receives a report of the conduct of Elected Office elections and corresponding appointments.</p>

EDUCATION ACT 1994 Section 22 – REQUIREMENTS	CODE OF PRACTICE RESPONSE
<p><b>22 (2) (G)</b>  The financial affairs of UPSU should be properly conducted and appropriate arrangements should exist for the approval of UPSU’s budget, and the monitoring of its expenditure, by the governing body.</p>	<p><b>The financial affairs of UPSU.</b> UPSU properly conducts its financial affairs in accordance with its constitutional documents and all legal requirements, using normal professional accounting principles, maintaining a sound system of internal financial management and control and, overall, ensuring that the financial solvency of UPSU is maintained. UPSU arranges for its accounts to be drawn up and independently audited annually. These accounts are submitted for information to the Infrastructure and Finance Committee of the Board of Governors of UoP by November each year. UPSU prepares statements of accounts with a year-end date of 31 July and students may obtain a copy of these from the UPSU office.</p> <p>UoP shall enter into agreements with UPSU covering the usage of any University property and the resulting allocation of responsibilities, including issues of funding, maintenance, safety and modifications.</p> <p><b>Monitoring of expenditure.</b> UPSU will monitor its expenditure in accordance with the terms of its constitutional documents. There is a Financial Memorandum between UoP and UPSU: this regulates financial matters between UoP and UPSU and includes the methods by which UPSU makes itself accountable to the Board of Governors under the terms of the 1994 Education Act. Reports on the UPSU budget are made to the University’s Finance Department at least quarterly. Annually at its November meeting, Infrastructure and Finance Committee receives from the Chief Executive of UPSU and the UPSU Elected Officer Governor the audited Financial Statements of UPSU.</p> <p>UPSU is obliged when requested by UoP to provide the Vice-Chancellor (or nominee) with any information that is requested in order to allow the Vice-Chancellor to discharge the responsibility of Accounting Officer to UoP in relation to public funds, or in order to comply with a specific directive of the Infrastructure and Finance Committee or Governing Body.</p>
<p><b>22 (2) (H)</b>  Financial reports of UPSU 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;</p> <ul style="list-style-type: none"> <li>(i) a list of the external organisations to which UPSU has made donations in the period to which the report relates, and</li> <li>(ii) details of those donations.</li> </ul>	<p><b>Annual Financial Reports.</b> The <a href="#">Annual Report</a> and Financial Statements of UPSU are approved by the UPSU Board of Trustees and made available for noting annually, at the UPSU annual members’ review meeting, following which, they are published on the UPSU website. They are also submitted to the Infrastructure and Finance Committee of the University’s Board of Governors. The Financial Statements contain a list of external organisations to which UPSU has made donations and gives details of those donations if donations have been made. If no donations have been made there will be a blank section on the annual report.</p>

EDUCATION ACT 1994 Section 22 – REQUIREMENTS	CODE OF PRACTICE RESPONSE
<p><b>22 (2) (I)</b> 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</p>	<p><b>Allocation of resources to clubs and societies.</b> The constitutional documents require that the procedure for allocation of resources to student led activities is available on the UPSU website, <a href="#">Student Groups</a>.</p> <p>The student group fund allocation process was reviewed in 2016 and the new model was implemented from the commencement of the 2017/18 budget. This process is reviewed annually to ensure that it remains fit for purpose. This model focuses on student groups running at cost neutral and funds being allocated in the form of a <a href="#">development grant</a>.</p> <p>There is a new addition for 24/25 in the form of a participation fund. This fund will be open to individual students and student groups where cost is a barrier to participation.</p>
<p><b>22 (2) (J)</b> If UPSU decides to affiliate to an external organisation, it should publish notice of its decision stating;</p> <p>(i) the name of the organisation, and (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, and any such notice should be made available to the governing body and to all students.</p> <p><b>22 (2) (K)</b> Where UPSU 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 UPSU is currently affiliated, and details of subscriptions or similar fees paid, or donations made, to such organisations in the past year (or since the last report), and such reports should be made available to the governing body and to all students.</p>	<p><b>External organisations.</b> The Trustees of UPSU shall maintain a register of external organisations to which it is affiliated which will show the name, membership and subscription fee or donation. Amendments to this register may be made by a resolution from members via a referendum and/or General Meeting. The Trustees shall in the event of an amendment promptly publish that amendment via UPSU’s media channels and advise the Board of Governors of UoP.</p> <p>The register of affiliations shall be submitted to the Annual General Meeting for approval following which a copy of the register shall be forwarded to the Board of Governors of UoP and made available to all enrolled students.</p> <p>A motion to discontinue affiliation from an organisation on the register shall be considered by an Extraordinary General Meeting and be resolved by a cross campus ballot. Such a request may only be made once in any academic year in respect of each affiliation.</p> <p>UPSU records its affiliations to external organisations within its Financial Statements and decisions would be taken through the usual mechanisms of the UPSU’s committee structure, quarterly reported to the University’s Finance Department. Although there may have been structural changes in UPSU over the years, the principles of operation have remained the same.</p>

EDUCATION ACT 1994 Section 22 – REQUIREMENTS	CODE OF PRACTICE RESPONSE
<p><b>22 (2) (L)</b>  There should be procedures for the review of affiliations to external organisations under which;</p> <ul style="list-style-type: none"> <li>(i) the current list of affiliations is submitted for approval by members annually or more frequently, and</li> <li>(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;</li> </ul>	
<p><b>22 (2) (M)</b>  There should be a complaints procedure available to all students or groups of students who;</p> <ul style="list-style-type: none"> <li>(i) are dissatisfied in their dealings with UPSU, or</li> <li>(ii) claim to be unfairly disadvantaged by reason of their having exercised the right referred to in paragraph (c) (i) or (ii) above, which should include provision for an independent person appointed by the governing body to investigate and report on complaints.</li> </ul> <p><b>22 (2) (N)</b>  Complaints should be dealt with promptly and fairly and where a complaint is upheld there should be an effective remedy.</p>	<p><b>Complaints procedures.</b> UPSU has a <a href="#">Complaints Procedure (Grievance)</a> which is available to all students or groups of students who are dissatisfied in their dealings with UPSU or who claim to be unfairly disadvantaged by reason of their having chosen not to become members of UPSU.</p> <p>UoP also has a complaints procedure. A copy of the Student Complaints Procedure (August 2023) can be obtained from UPSU or from the University webpages at: <a href="http://policies.docstore.port.ac.uk/policy-047.pdf">http://policies.docstore.port.ac.uk/policy-047.pdf</a></p> <p>The Office of the Independent Adjudicator (OIA) for Higher Education is the final stage in UoP’s Complaints procedure. (Min 82.7 of the Board held 23 June 2004 refers).</p>
<p><b>22 (3)</b>  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 any students’ union for students at the establishment, setting out in relation to each</p>	<p>Agreed: A Code of Practice between UoP and UPSU is drawn up annually, for signature by the Vice-Chancellor and the Lead Elected Officer (this is initiated in June each year by Corporate Governance).</p>

EDUCATION ACT 1994 Section 22 – REQUIREMENTS	CODE OF PRACTICE RESPONSE
<p>of the requirements details of the arrangements made to secure its observance.</p>	
<p><b>22 (4)</b>  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;</p> <p>(a) the code of practice currently in force under subsection (3),  (b) any restrictions imposed on the activities of UPSU by the law relating to charities, and  (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 UPSU.</p>	<p>The Code of Practice between UoP and UPSU is approved annually by the Board of Governors. The Code is published to all students through the website. UPSU has always had in place a written constitution which makes clear the scope of its activities within the law relating to charities.</p> <p>The UPSU’s constitution, approved by the University’s Board of Governors, sets out the scope of the activities of the Union within the law relating to charities. The UPSU has now registered as a charity with the Charities Commission in accord with the Charities Act 2006, and its <a href="#">Articles of Association</a> are available on the UPSU website.</p> <p>The University has a <a href="#">Code of Practice on Freedom of Speech and Expression</a> which underpins the <a href="#">Principles on Freedom of Speech and Expression</a>.</p>
<p><b>22 (5)</b>  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 establishment;</p> <p>(a) information as to the right referred to in subsection (2)(c)(i) and (ii), and  (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 UPSU.</p>	<p>This information is made available in the annually published Code of Practice between UoP and UPSU.</p>



**The following sections of the Education Act Section 22 are provided for note, and for completeness:**

**22 (6)**

In subsections (2), (4) and (5) the expression “all students” shall be construed as follows;

- (a) in relation to an association or body which is a students’ union by virtue of section 20(1), the reference is to all students at the establishment;
- (b) in relation to an association or body which is a students’ union by virtue of section 20(2), the reference is to all undergraduate, or all graduate, students at the establishment or to all students at the hall of residence in question, as the case may be;
- (c) in relation to an association or body which is a students’ union by virtue of section 20(3), the reference is to all the students who by virtue of section 20(1) or (2) are comprehended by that expression in relation to its constituent or affiliated associations or bodies.

**22 (7)**

In this section the expression “members”, in relation to a representative body which is not an association, means those whom it is the purpose of UPSU to represent, excluding any student who has exercised the right referred to in subsection (2)(c)(ii).

**22 (8)**

In subsection (2)(j) to (l) the references to affiliation to an external organisation, in relation to a students’ union for students at an establishment, include any form of membership of, or formal association with, an organisation whose purposes are not confined to purposes connected with that establishment.

**22 (9)**

Subsection (2)(d) and (l) (ii) (elections and affiliations: requirements to hold secret ballot of all members) do not apply in the case of an open or distance learning establishment, that is, an establishment where the students, or the great majority of them, are provided with materials for private study and are not required to attend the establishment to any significant extent or at all.

Signed: Graham Galbraith, Vice-Chancellor for and on behalf of the University

Date: \_\_\_\_\_

Signed: Marija Solic, Lead Elected Officer for and on behalf of the Trustees of the Union

Date: \_\_\_\_\_