

EDUCATION ACT – CODE OF PRACTICE

Policy Category:	Governance
Subject:	Compliance with the Education Act 1994, section 22
Approving Authority:	University Council
Responsible Officer:	President & Principal
Responsible Office:	University Secretariat
Related Procedures:	King's College London Students' Union and King's College London: Code of Practice Implementation Procedures
Related University Policies:	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
Effective Date:	1 August 2025
Supersedes:	24 January 2019, November 2013; 28 June 2011
Next Review:	September 2030

I. Purpose & Scope

The Education Act 1994 (the Act) places responsibilities on governing bodies of universities in respect of students' unions. One such responsibility is that every governing body should prepare and issue, and where necessary revise, a code of practice in relation to any students' unions for students of the establishment.

This Code of Practice is issued by the Council of King's College London (the University) in respect of King's College London Students' Union (KCLSU). It outlines the responsibilities and expectations of the Council with respect to the establishment, operation and conduct of KCLSU in meeting the requirements of the Act.

Beyond this Code, additional policies and practices have been agreed between the University and KCLSU which describe in more detail the relationship between the University and 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 University Procedures and Related University Policies.

II. Policy

1. GENERAL AND PARTICULAR DUTIES OF COUNCIL

- 1.1. The Act requires Council to take 'such steps as are reasonably practicable to secure that any students' union for students of the establishment operates in a fair and democratic manner and is accountable for its finances'. This requirement is fulfilled through compliance with the requirements the provisions of the present Code, and with the articles of association of KCLSU (the Articles).
- 1.2. The Act further requires Council to take such reasonably practicable steps to secure that the following requirements are observed by or in relation to any students' union for students of the

establishment'. These detailed requirements are dealt with below.

2. WRITTEN CONSTITUTION

- 2.1. All students' unions are required to have a written constitution. KCLSU fulfils this requirement through its Articles of Association, as a charitable company limited by guarantee.
- 2.2. The operation of KCLSU and its compliance with the Education Act 1994 are governed by its Articles of Association, which are approved by the KCLSU Board of Trustees and the University Council. The Bye-Laws, set out the rules and procedures for KCLSU governance and democratic processes, are adopted by KCLSU in accordance with its Articles. The Returning Officer is granted sole authority under the Bye-Laws to oversee and implement all aspects of elections and referenda. The Articles will be reviewed by the University Council at least every five years, or more frequently if requested by the Council, KCLSU, or where required by law.
- 2.3. Copies of the Articles and Bye-Laws will be made available for inspection in hard copy at KCLSU offices, designated University offices and libraries, and online via the KCLSU website.

3. MEMBERSHIP

- 3.1 All enrolled students of the University are entitled to be student members of KCLSU.

4. THE RIGHT NOT TO BE A MEMBER

- 4.1 Every student has the right not to be a member of KCLSU.
- 4.2 Students will be informed of their right to opt out of membership 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 University enrolment record will indicate non-membership of KCLSU.
- 4.3 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.
- 4.4 Students pay no fee to be members of KCLSU; consequently, there are no rebates for choosing non-membership.
- 4.5 Students who exercise their right not to be a member of KCLSU will not be unfairly disadvantaged as they 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 Bye-Laws.
- 4.6 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 Groups including not being able to vote, hold office or nominate candidates for posts.
 - Represent KCLSU on any University committee
 - Represent KCL or KCLSU in any competitive sport
 - Join KCLSU ratified Student Groups
 - Book/hire the KCLSU's entertainment venues at a reduced fee
 - Be student members of the National Union of Students and will forfeit any monetary or other benefits that would result from that membership

Elections and governance

- 4.6.1 The Education Act 1994 sets out specific requirements regarding the conduct of elections and the holding of elected positions within students' unions. These include the following:
 - 4.6.2 All major union offices (Student Officers) must be elected through a secret ballot in which all student members are entitled to vote, governing bodies must satisfy themselves that union elections are fairly and properly conducted.
 - 4.6.3 Student Members are not entitled may hold a major union officer post, or any other paid elected position within KCLSU, for more than two years in total. This limit applies regardless of whether the terms are consecutive or non-consecutive.
- 4.7. The Articles contain the following provisions as required by the Act:
 - 4.7.1 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 student members of KCLSU are entitled to vote. Every student member is entitled to one vote.
 - 4.7.2 The University will agree with KCLSU the appointment of an independent returning officer ("the Returning Officer") to ensure that elections are fair, democratic and properly conducted as defined in the Articles and Bye-Laws.
 - 4.7.3 Reports by the Returning Officer will be made to the Council and to KCLSU.

Affiliations

- 4.8. The Act contains detailed requirements concerning affiliations to external organisations. These include requirements to publish notice of any decision to affiliate, publish an annual report containing a list of affiliated external organisations (including details of any fees or donations paid), and to establish procedures for the review of affiliations.
- 4.9. Details of external affiliations (including a list of each organisation to which KCLSU was affiliated and the amount paid to the organisation by way of subscriptions or similar fees and donations in the past year) are published in KCLSU's Financial Reports. The KCLSU Board review all external affiliations during the course of preparing its annual budget and make recommendations concerning continuation or otherwise of each affiliation.

5. FINANCES

- 5.1. In compliance with the Act, financial Reports of KCLSU are published annually and made available to members and the Council. The Report contains 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 is also made available for inspection in hard copy at the KCLSU offices, posted on the KCLSU website and made available at the KCLSU Annual General Meeting.
- 5.2. The procedures for allocating resources fairly and democratically to KCLSU Student Groups are incorporated as regulations approved by the KCLSU Trustees or designated sub-committee and circulated to Student Groups posted on the KCLSU website.
- 5.3. The regulation of the financial affairs of KCLSU is detailed in the Articles. 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 propose an agreed budget for

consideration annually by the Trustees and, after its consideration, by the Honorary Treasurer on behalf of the Council.

- 5.4. KCLSU keep proper accounts and accounting records and maintain a sound system of internal financial management and control. KCLSU 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.
- 5.5. The activities of KCLSU are subject to the University Internal Auditors as appropriate. External Auditors appointed by KCLSU after approval by the Audit, Risk and Compliance Committee of the KCLSU Board audit the accounts of KCLSU on an annual basis and the audited accounts presented to the KCLSU Board. They will be available for inspection by members in the KCLSU office.
- 5.6. KCLSU does not incur expenditure or take any action, which is inconsistent with the law relating to charitable expenditure. In general, expenditure is proper if it can be said to be consistent with KCLSU's objects in the Articles.
- 5.7. Before entering into any borrowing agreements, lease agreements or guarantees or indemnities that may incur contingent liabilities KCLSU first obtain the approval of the University's chief financial officer.
- 5.8. It is the responsibility of the KCLSU Board 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 University.

6. COMPLAINTS PROCEDURE

- 6.1 The Act requires there to be a complaints procedure available to all students or groups of students who are dissatisfied with their dealings with the union or who claim to have been unfairly disadvantaged by reason of having exercised the opt out right referred to in paragraph 4 above. This complaints procedure must include provision for an independent person appointed by the governing body to investigate and report on complaints. Complaints must be dealt with promptly and fairly and where a complaint is upheld there should be an effective remedy.
- 6.2 Council has put in place a complaints procedure in respect of KCLSU to ensure compliance with the above requirements. 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:
 - 6.2.1 By the internal complaints procedure published by KCLSU.
 - 6.2.2 If the student is still dissatisfied, jointly by a panel nominated by the President and Principal of the University.
 - 6.2.3 If the student is still dissatisfied, by reference to an independent person appointed by the University Council.

7. FREEDOM OF SPEECH

- 7.1. The University has approved policies on Freedom of Speech issued in pursuance of the University's duties under the Education Act (No. 2) 1986 as amended by the Higher Education (Freedom of Speech) Act 2023 to ensure that freedom of speech within the law is secured for members, students and employees of the University and for visiting speakers.

- 7.2. Details of these documents are on the University website and are made available by KCLSU to those Student Groups organising meetings on campus. The conduct of meetings will be governed by these and other University policies and regulations.
- 7.3. Bookings by Student Groups must be made in accordance with the University's Student Room Booking Policy.

8. REQUIREMENT OF CHARITY AND COMPANY LAW

- 8.1. 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 party political or other causes except in line with the Charity Commission's guidance on political campaigning by charities (CC9). This does not prevent student members from collecting and raising funds privately for the support of any lawful cause.
- 8.2. In consultation with the University, KCLSU 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.

9. PUBLICATION OF THIS CODE OF PRACTICE

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