

EDUCATION ACT 1994 – KEELE POSTGRADUATE ASSOCIATION CODE OF PRACTICE

1. INTRODUCTION

1.1 Purpose

This Code of Practice has been prepared by Keele University in conjunction with the Keele Postgraduate Association (KPA).

The Education Act 1994 – Section 22 (Students’ Unions) requires universities to issue a code of practice which sets out how the requirements of the Act, relating to the organisation and activities of the union, are carried into effect.

The Act requires the University Council to take such steps as are reasonably practicable to secure that any union for students at the University operates in a fair and democratic manner, including lawful freedom of expression, and is accountable for its finances.

1.2 Scope

The University and the KPA have a history of a strong working partnership, reinforced by the [Partnership Agreement](#), and will continue to work together to ensure the principles of the Act and this Code of Practice are delivered for the benefit to students and their University experience.

This Code of Practice sets out the requirements of the Act and the arrangements implemented by the University and the KPA to ensure compliance with the responsibilities in the following areas: charity law; constitution; membership; elections & elected officers; finances & allocation of resources; affiliations; freedom of speech; and complaints.

A separate Code of Practice is in operation for the Keele Students’ Union (KeeleSU).

2. CODE OF PRACTICE

2.1 Requirements of Charity Law

The KPA is governed by the laws relating to charities and is registered with the Charity Commission as an Unincorporated Charity (charity number 1143888). As a separate legal entity, the KPA is authorised to manage its own affairs and funds within the provisions of this Code of Practice, University Statutes and Ordinances, the Union Constitution, in addition to charity legislation.

In accordance with the law relating to educational charities, the KPA may engage in political debate in accordance with its purpose, but shall follow advice and legislation by the Charity Commission, Courts of Law, Parliament, and Government departments, particularly in relation to campaigning and political activities.

The KPA is required to have a written Constitution and to make copies of the Constitution freely accessible [online](#) and in physical copy upon request by any student, whether or not they are members of the Union.

The Constitution of The KPA will be subject to approval by the University Council at least every five years, where necessary, revised in consultation with the University executive. Interim amendments are subject to approval by the University Council before any such amendments can take legal effect.

2.3 Membership

All registered students of the University and elected officers of the KPA, shall automatically on registration each academic year be members of the Union, but shall have the right to opt-out from that membership. Students who exercise that right shall not be unfairly disadvantaged, with regard to the provision of services or any other way.

If a student wishes to opt-out from KPA membership, they should follow the process as outlined in the [KPA Constitution](#), where it will be confirmed what services and entitlements are affected by the opt-out. The KPA and the University will publish these rights and make them known to registered students via several routes.

2.4 Elections

All elections to sabbatical office positions shall be conducted in accordance with the provisions of the Constitution and election related policy documents. Elections shall be conducted fairly and properly, by secret ballot and all members of the Union shall be entitled to vote. The election procedure and arrangements shall be overseen by an officer of the University, with a copy of the Returning Officer's Report being submitted to the Secretary to the University Council.

2.5 Elected Officers

There shall be two full-time elected officers of the KPA who shall have specific duties and responsibilities as prescribed by the Constitution and election related policy documents.

The total period of paid-elected office which any one individual may hold in a union of the University shall be limited to a maximum of two years.

2.6 KPA Finances

The financial affairs of the KPA shall be conducted in accordance with the Act, the Constitution and the Financial Memorandum between KPA and the University. There shall be a Committee of the Union with responsibility for the management, planning and control of the KPA's finances and its finance related procedures. The University will confirm the grant allocation in writing each year in accordance with the Financial Memorandum.

The KPA accounts shall at the end of each financial year be reviewed by the University Finance Department before submission to committees for review.

Biannual management accounts and the forecast budget shall be submitted to the Business Review Committee (with delegated authority from the University Council).

The accounts shall be included within the Union's Annual General Meeting for review and discussion by the members with Trustees and shall include details of any affiliations with external organisations.

The annual audited accounts and financial statements shall be submitted to the Charity Commission, Companies House and published on the KPA [website](#).

2.7 Allocation of Resources to Groups or Clubs

The KPA shall ensure the procedure to allocate resources to groups, societies or clubs will be fair and in accordance with its Constitution, and shall publish annually details of the procedure by which resources are allocated, which will be freely available to all students.

2.8 Affiliation to External Organisations

A list of external organisations to which the KPA is currently affiliated, including the details of those subscriptions, fees or donations, shall be submitted annually to a Union General Meeting for approval by members. It will also be included within the annual report which accompanies the KPA's audited accounts and annual report, which is submitted to the University Council.

2.9 Freedom of Speech

The KPA and its members are bound to observe the University's [Freedom of Speech Code of Practice](#) and the [External Speaker Approval Procedure](#) developed in pursuant to Section 43 of the Education Act (No.2) (1986) and the PREVENT Duty.

2.10 Complaints Procedure

The KPA shall operate a [complaints procedure](#) which is available and made known to any student or group of students dissatisfied in their dealings with the Union. The complaints procedure shall be communicated proactively to all students at least annually. Complaints shall be dealt with promptly and fairly and, where a complaint is upheld, there shall be an effective remedy.

Under section 22.2 of the Education Act 1994, the University must provide a complaints procedure for students who:

- have exhausted the internal complaints processes of the Students' Union and remain dissatisfied with the outcome; or
- claim to be unfairly disadvantaged by having exercised their right to opt-out from membership of the Union.

The University has a [KeeleSU & KPA Complaints Review Procedure](#) in place which applies to all students of the University, whether a member of the KPA or not.

3. ROLES AND RESPONSIBILITIES

Both the KPA and the University are responsible for complying with this Code of Practice and with the associated Financial Memorandum, the Partnership Agreement and any future versions of the Education Act relating to students' unions. A significant breach of this Code of Practice could result in an investigation by the Office for Students (OfS), the Charity Commission or other relevant regulators or external bodies, with the risk of substantial penalties.

On behalf of the KPA, the elected officers are responsible for ensuring their Union complies with the legislation, this Code of Practice and obligations under any other relevant University policy documents.

On behalf of University, the Secretary to the University Council is responsible for ensuring the University complies with this Code of Practice and the Education Act 1994 – Section 22 (Students' Unions).

4. RELATED POLICIES AND PROCEDURES

This Code of Practice should also be read in conjunction with the following documents, which are available on the [Policy Zone](#) webpage:

- Partnership Agreement – University, KeeleSU and KPA;
- KPA Financial Memorandum;
- Freedom of Speech Code of Practice & the External Speakers Procedure;
- KeeleSU and KPA Complaints Review Procedure;
- Statutes, Ordinances and Regulations and any other University policies and procedures that relate to the operation of the KPA and their compliance with the Education Act.

5. REVIEW, APPROVAL & PUBLICATION

This Code of Practice shall be reviewed at least every three years and should remain reflective of the requirements of the Education Act(s), Charities Act(s), OfS Regulatory Framework and Terms and Conditions of Funding. Reviews shall be led by the Secretary to the University Council in consultation with KPA representatives.

Amendments and future versions of the Code of Practice will be authorised in line with the [University's Policy Framework](#). The University's Audit & Risk Committee will receive an annual assurance report on the University and the KPA's compliance with the requirements of the Education Act – Section 22 (Students' Unions).

A copy of this Code of Practice shall be available within the University's Policy Zone, with a link being available on the University Governance – Students' Unions [webpage](#).

6. FURTHER INFORMATION

The University's responsible officer for compliance with this Code of Practice is the Secretary to Council: Clare Stevenson (01782 734491 or c.stevenson@keele.ac.uk); however, operational queries can be handled by the Legal & Governance team: governance@keele.ac.uk.

Section 22 of the Education Act 1994 is available here:
<https://www.legislation.gov.uk/ukpga/1994/30/section/22>

7. DOCUMENT CONTROL INFORMATION

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Administrative update	Secretary to Council contact details updated; web links updated
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