

	and their rights in the byelaws	
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Definitions within the Education Act:

Section 6 - In sections 2,4 and 5 above 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 20.2 are comprehended by that expression in relation to its constituent or affiliated associations or bodies

Section 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 the union to represent, excluding any student who has exercised the right referred to in subsection 2.c.ii.

Section 8 - In subsection 2.j to 2.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.

Section 9 - Subsection (2)(d) and (1)(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.

Bristol SU Annual Statement of Legal Compliance

The Chief Executive has ensured that the organisation has applied its processes and internal systems of control in a manner that gives satisfaction, to the extent that it is possible to do so from the facts and matters available, so that:

- Bristol SU has sufficient understanding of its relevant statutory and contractual obligations
- There are sufficient processes and internal systems of control in place to enable Bristol SU to deliver its services to members and meet its relevant statutory and legal obligations.
- Appropriate systems and processes are in place to allow Bristol SU to identify, manage and review its risks.

This statement was updated in Jan 2022 by Bristol SU Management Team and the University governance team and approved by Bristol SU Trustee Board in Feb 2022. It will be published on both the University and Bristol SU website

	Assurance Statement 2020– 2021
Companies House	<ul style="list-style-type: none"> • Bristol SU registered at Companies House as a company (06977417) limited by guarantee and incorporated on 30 Jul 2009 • Change of Trustees took place in June 2021 and Companies House were notified • Confirmation Statement submitted on 30 Jul 2021 (this has replaced Annual return ARO1) • Signed Annual Accounts and Report 2020/21 filed to Companies House on 29 Oct 2021 • Bristol SU abides by company law to: act within our power, exercise independent judgement, exercise reasonable care, skill & diligence, avoid a conflict of interest and not accept benefits from third parties. Trustees are reminded of this in training, induction and throughout board meetings

[Charity Commission](#)

[Charities Act 2011](#)

[Trustee Act 1925](#)

[Counter Terrorism and Security Act 2015](#)

- Annual Report and Audited Accounts 2020/21 were prepared by Crowe
- Annual Report and Audited Accounts 2020/21 are compliant with the Statement of Recommended Practice (SORP)
- Annual report and Audited Accounts 2020/21 along with the Annual Return are filed as part of the annual return process, and will be submitted in Apr 2022
- Change of Trustees happened in Jun 2020 and Charity Commission were notified
- The Trustees ensure SU activities are within the charitable objects as set out in the Articles and are reminded of his during training and at meetings.
- Ultra vires training and guidance is delivered to students and trustees
- Campaign activity undertaken is not party political in nature
- A Risk Register is reviewed at least quarterly by Management Team and reviewed by Trustees.
- Declarations of interest are declared annually on the Declaration of Interest Register and any conflicts are noted at each Trustee meeting and conflicts of Interest register is updated as and when necessary.
- An External Speaker Policy is in place and relevant staff have a good understanding of it.
- Trustee meeting decisions and actions are on the Trustee Action Register and monitored by the Trustees and the Clerk.
- The Chief Executive is aware the financial statements show a true and fair view and all material information of which they are aware was passed to the auditors as part of the annual accounts process.
- Procedures are in place to ensure the charity's funds are used only for purposes set out in the Articles.
- Charity commission recommend the following policies in place to protect people who come into contact with Bristol SU – Safeguarding, Staff Code of Conduct, Health and Safety, Disciplinary, Whistleblowing, Complaints and these policies are in place at Bristol SU, along with an Equality, Diversity and Inclusion Policy

Health and Safety at Work Act 1974

<p>other Health and Safety legislation</p>	<ul style="list-style-type: none"> ● Bristol SU Health and Safety policy was updated in November 2020 with minimal changes. A more in-depth review will be scheduled for 2022. ● Bristol SU employs the services of a Health & Safety company Acorn to provide expertise and impartial advice. ● A Health and Safety Committee comprising of key staff H&S leads exists to report on and monitor compliance on an ongoing basis – this Committee has re-formed following changes to what was needed during the initial Coronavirus outbreak. We have undertaken a review of how to make the Committee effective and outcomes from those conversations are to be implemented this quarter. ● Bristol SU addresses H&S in collaboration with the UoB’s facilities team and Health and Safety team. ● Key Health and Safety information is included in Trustee reporting. ● Bristol SU has a Code of Conduct, a Complaints Policy and voluntary trip registration for clubs and societies ● The reaffiliation process prompts groups to tell us how they conform to the standards of their NGB (national governing body) where applicable.
<p>Employment Legislation including:</p> <ul style="list-style-type: none"> ● Equal Pay Act 1970 ● Minimum Wage Act 1998 ● Equality Act 2010 ● Employment Rights Act 1996 ● Working Time Directive 1999 ● Working Time Regulations 2003 ● Information and Consultation of Employees Regulations 1999 ● Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 ● Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 	<ul style="list-style-type: none"> ● All terms and conditions, policies and procedures are constructed with reference to relevant legislation and are reviewed and updated regularly. The last comprehensive update was July 2021 and a schedule for policy updates can be found on the Policy Register. ● Bristol SU pays staff a minimum of the Living Wage and all employees are offered the same rates of pay for comparable positions. ● Employment contracts give staff at least, and often enhances, the legal minimum terms and conditions in relation to all employment rights. ● We have a relationship with Atkinson HR who work as an external consultant when needed. ● Both Bristol SU’s Associate Director of People and Culture and the People Manager are members of the CIPD. ● Bristol SU Payroll is outsourced to the University of Bristol payroll team.

<ul style="list-style-type: none"> • Employment Relations Act 1999 • Transfer of Undertakings (Protection of Employment) 2006 • Data Protection Act 1998 • Health and Safety at Work Act 1974 • Public Interest Disclosure Act 1998 • Trade Union and Labour Regulations Act 1992 • The Pensions Act 1998 • The Protection From Harassment Act 1997 • Agency Workers Regulations 2010 • The Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010 • The Equality Act 2010 and the United Nations Convention on disability rights 	<ul style="list-style-type: none"> • All practices are compliant in line with GDPR. • As far as is practically possible Bristol SU does not encourage workers to undertake more than 48 hours per week averaged over 17 weeks. • Employment related procedures have been drawn up with appropriate awareness of discrimination and diversity.
<p>ARLA (association of residential letting agents)</p> <p>PRS (property redress scheme)</p>	<ul style="list-style-type: none"> • Bristol SU Lettings staff are registered with The Association of Residential Letting Agents (ARLA), though the agency itself is not. • Bristol SU Lettings is a registered agent under the property redress scheme, this is renewed annually and is a mandatory requirement of the lettings industry
<p>Licensing Act 2003</p>	<ul style="list-style-type: none"> • Bristol SU holds a Premises Licence for a range of activity within the building. • The day to day operations of the Balloon bar and AR2 are delegated to UoB Hospitality Services. • Every year we apply for a time limited licence for the Welcome Fair on Durdham Downs
<p>Data Protection Act 1998 /GDPR 2018</p>	<ul style="list-style-type: none"> • Bristol SU has a data protection policy • The data sharing agreement with the University was updated in 2020 • European legislation came into effect in this area in May 2018 and Bristol SU have thought through the implications.

	<ul style="list-style-type: none"> • Bristol SU are a registered data controller. • New Privacy Statements were put in place May 2018 and updated in May 2021, with separate updated policies for The Basket and Bristol SU Lettings (as these are captured on different sites). They were circulated to the membership. • A data audit and review of good practice is being undertaken. • Data Protection Training module is included in staff induction.
<p>The Children Act (1989) and (2004) & statutory guidance Working Together to Safeguard Children 2013</p> <p>The Protection of Freedoms Act 2012</p>	<ul style="list-style-type: none"> • Relevant Bristol SU staff are required to undertake DBS checks, which are updated every three years. • All volunteers working with children or adults at risk via Bristol SU Volunteering opportunities have an appropriate DBS in place prior to commencing volunteering, which Bristol SU staff process. • We now partner with an external DBS provider, which increases our capacity to monitor and maintain compliance, it also reduces the time to process applications meaning volunteers get their clearance sooner. • Our Safeguarding Policy, signed off by trustees, is up to date (due for review June 2022) • Safeguarding leads have undertaken training, and will refresh every two years (due for refresh in 21/22)
<p>Insurance</p>	<ul style="list-style-type: none"> • Insurance was included in UoBs policy for 2020 – 2021 and are agreed annually. Some are specific to the SU, and the building. In others we are included in the general policy. • The insurers are Zurich Municipal (UoB Policy) and Chubb (Directors' Liability Policy) • Buildings cover included within the £43m UoB insurance for the Richmond Building. • 'Contents' £792k • Business interruption £858k • Money £1m, £15k in a safe • Libel and Slander (not including Epigram) included in the main UoB policy £5m

	<ul style="list-style-type: none"> ● Public Liability £50m, Employers Liability £50m ● Terrorism, Engineering Explosion £22m ● Crime protection (financial loss) £1m ● Staff personal accident (including death in service) £6m ● Directors and Officers Liability £5m (indemnity insurance) ● Engineering Safety Liability £5m ● Full cover for the Union's wide range of activities, services and assets ● Full details available. There is a significant excess on some of the policies - but the total cost represents very good value. ● There is a separate policy with Aviva covering Death in Service Benefit
Bribery Act 2010	<ul style="list-style-type: none"> ● Anti-Bribery Policy approved by Trustee Board, to be reviewed for March FARG meeting. ● Guidance included in the Staff Handbook and Treasurer Training ● Financial Controls framework in place to control expenditure
HMRC (Employer Registration)	<ul style="list-style-type: none"> ● The Union is registered as an employer with HMRC ● Payroll administration is outsourced to UoB. ● Payroll compliance is checked during the annual audit.
HMRC (VAT Registration)	<ul style="list-style-type: none"> ● The Union is registered for VAT ● Payments are made along with quarterly VAT returns. ● All VAT returns and payments for 2020/21 were made within prescribed timescales. ● Advice on complicated VAT issues is obtained from our External VAT consultants (Centurion VAT).
HMRC (Corporation Tax)	<ul style="list-style-type: none"> ● The Union's taxable trading income did not exceed the threshold of £80,000 in 2019/20, and there was no corporation tax liability. ● The nil Corporation Tax Return for 2019/20 was submitted by the required deadline. ● The 2020/21 draft Corporation Tax Return calculations have been reviewed by Crowe as part of the audit. Again, the trading threshold of £80,000 was not met, and there's no liability. The return will be submitted before the due date of 31 Jul 2022.

This Education Act 1994: Code of Practice implementing Section 22 and Bristol SU Annual Statement of Legal Compliance 2020/21 will be published on both the University and the Bristol SU websites



Signed:

Ben Pilling, Chief Executive

Date: Feb 2022