

## Memorandum of Understanding between York St John University and the Students' Union

York St John University (the University) and the Students' Union (SU) are committed to a shared purpose: supporting an outstanding student experience, promoting student success, and advancing equity, wellbeing, and community across the institution. Together, we commit to enabling students to become conscientious and skilled graduates.

In pursuit of this shared purpose, the University and the SU will:

- Act with mutual trust and integrity, grounded in a shared commitment to students' best interests.
- Respect and value each other's distinct roles, remits, and governance arrangements, recognising that independence and difference of perspective strengthen the partnership.
- Engage collaboratively and transparently, sharing information, ideas, developments, and decision-making in a timely and constructive way.
- Approach challenge openly and respectfully, seeking to understand differing perspectives and working in a solution-focused manner for the benefit of students.
- Raise concerns and issues appropriately and effectively and in the spirit of partnership working.

In giving effect to these principles, both organisations will:

- Operate with openness, transparency, and partnership, consistent with the Student Partnership Plus Policy.
- Create meaningful opportunities for co-creation between students, the SU, and the University at all levels.
- Provide inclusive and varied opportunities for student voice, ensuring engagement from a diverse student population.
- Receive and respond to difficult information and challenge professionally, respectfully, and with a focus on improvement and resolution.
- Actively foster a sense of belonging, inclusion, and wellbeing for all students

### Governance arrangements

The following formal governance arrangements exist between the organisations:

1. Executive Board and SU Consultative meeting (6 times per year)

Strategic level discussions on matters of importance to the Students' Union and/or the University, including financial matters.

Main channel of formal communication between the Executive Board and the SU.

2. SU and Senior Leadership Team Liaison meeting (monthly)

An operational forum for collaboration which enables proactive dialogue, develops relationships and mutual understanding, identifies and progresses opportunities for the enhancement of

student experience through joint working and supports the principles of the University's Student Partnership Plus policy.

3. SU Student Leadership Group participation in the following university boards, committees and groups, usually as full members:
  - a. Academic Board
  - b. Access and Participation Plan Steering Group
  - c. Education Committee
  - d. Equality, Diversity & Inclusion Governance and Impact Group
  - e. Health, Safety and Wellbeing Committee
  - f. Honorary Awards Committee
  - g. Quality and Standards Committee
  - h. Research Committee
  - i. Student Partnership Plus Steering Group
4. SU President as a Student Governor (Company Director) and member of the University's Board of Governors and its committees:
  - a. Board of Governors
  - b. Finance and Capital Development Committee
  - c. Foundation Committee
  - d. Governance and Nominations Committee
  - e. People Committee
5. A senior university representative attends the SU's Board of Trustees meetings to provide strategic oversight, governance assurance and institutional insight, to support the SU in meeting its charitable, regulatory and financial duties, and to ensure effective partnership and alignment with the University's Student Partnership Plus framework.
6. University participation in SU's committees, acting as a critical friend and providing expertise and specialist knowledge:
  - a. Elections & Referenda Committee
  - b. Finance, Audit and Risk Committee
  - c. Governance and Nominations Committee
  - d. Health, Safety and Wellbeing Committee
  - e. People and Culture Committee
  - f. Service Development Committee
7. SU Chief Executive Officer and Vice Chancellor and Chief Executive scheduled meetings.
8. Periodic meeting between the Chair and Deputy Chair of the Trustee Board, the Vice Chancellor and Chief Executive, and the University Secretary and Registrar.
9. Joint oversight of the Sport Union, led by the Head of YSJ Active and the SU Chief Executive Officer.
10. Reports from the SU received by the Board of Governors and its committees:
  - a. Annual Report and Accounts
  - b. Annual report on SU's faith and cultural societies

- c. Report on Conduct of Elections
  - d. Review and approval of the SU Articles of Association,
  - e. Review of the University and SU Code of Practice
  - f. Review and approval of the University and SU Memorandum of Understanding
  - g. SU Financial Plan and Priorities
  - h. SU Financial Statements and Strategy Progress
11. Annual meeting between the SU and the University to reflect on their relationship in accordance with the Memorandum of Understanding, noting that this may take place within one of the other existing mechanisms listed above (e.g. the Executive Board and SU Consultative Committee).

In addition to the above:

- 1. Informal arrangements between SU staff and University staff also take place, for example regular catch ups between the SU Chief Executive Officer and the Chief Operating Officer, and the SU Chief Executive Officer and the University Secretary and Registrar.
- 2. The Student Governor is provided with two mentors by the University – one independent Governor and one senior member of staff. The other Student President is provided with a senior member of staff as a mentor.

### **Financial arrangements – Resources and Funding**

The University agrees to support the SU via:

- a) An annual subvention (Block Grant)
- b) Facilities and Services as a Gift in Kind
- c) Mitigation of major Liabilities
- d) Sport Union

It should also be noted that the Students' Union generates income from commercial activities in addition to the financial support provided by the University.

#### **A) Subvention**

The University agrees to allocate an annual subvention to the SU. The subvention will be paid to SU to support activity relating to SU's core charitable objectives, including (but not necessarily limited to) representation, advice, support and advocacy, democratic activities, welcome and induction, student social and professional enhancement, and Central Services functions of the SU (finance, governance, HR). The SU will provide the University with appropriate and sufficient information to demonstrate how the subvention has been used to deliver outcomes that align with its core charitable objectives and are of benefit to the York St John student community. The subvention amount will be subject to Annual Planning Round processes. Decisions on the amount will consider a) the financial position of the University, b) the outcomes achieved by the SU using the previous subvention and c) any business case(s) submitted by the SU. The SU also has the opportunity throughout the year to discuss financial matters with the University's Executive Board at its regular meetings.

The subvention will be confirmed by the Executive Board following approval by the Board of Governors. Payments are made to the SU quarterly throughout the financial year as agreed between the University Finance Department and the SU.

#### **B) Facilities and Services as Gift in Kind**

The University agrees to support the SU with facilities and services as 'Gift in Kind' when required and where possible. The University will receive no payment from the SU for providing the following services to support SU activity:

- Rent of the SU Building
- Utilities
- Cleaning
- Payroll
- Maintenance
- Waste Collection
- IT and Digital Services
- HR Support
- Health & Safety Support
- Legal support

The SU will accurately document the cost of Gift in Kind facilities and services within its annual accounts and any other relevant documentation.

#### **C) Mitigation of Major Liabilities**

Whilst the University does not provide any financial guarantees for the SU, it agrees to use its best endeavours to support the SU to mitigate any major liabilities, including with the SU Superannuation Scheme (SUSS) ongoing liability.

#### **D) Joint resourcing of the Sport Union**

The SU and the University will commit to resourcing the Sport Union to meet the objectives as set out in its Terms of Reference.

### **Financial Arrangements - Reporting and Assurance**

The SU will provide the University with information on the expenditure of the subvention and the outcomes and impact of the spend, as well as the impact of gift in kind facilities and services, through its regular reporting to the University's Board of Governors and its committees. The University's Finance and Capital Development Committee has responsibility for scrutiny of the SU finances and receives reports from the SU at each meeting. It is expected that this reporting will provide the University with assurance on the value for money of its investment in the SU.

The SU publishes audited financial statements at least annually and will make them available to the Board of Governors.

### **Regulatory Overview**

The University is a Higher Education Institution established under the Education Reform Act 1988 and the Further & Higher Education Act 1992. The University is a Private Company Limited by Guarantee (company number: 04498683) and an Exempt Charity regulated by the Office for Students (OfS).

The SU is separate entity from the University. The SU is a Private Company Limited by Guarantee (company number: 07250320) and Registered Charity in England and Wales (charity number: 1136905).

Both organisations are independently accountable for their own legal and regulatory responsibilities; however, Part II of the Education Act 1994 does place certain obligations on the University and the SU. Furthermore, close collaboration on a range of other legal and regulatory matters is beneficial to each institution in ensuring compliance.

The below table sets out key legal and regulatory requirements that relate to both organisations and how the institutions collaborate:

| Regulatory Requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Collaboration                                                                                                                                                                                                                                                                                                                                                                                                               |
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| <p><b>Education Act 1994</b></p> <p>The Education Act 1994 requires governing bodies of universities to take such steps as are reasonably practicable to secure that any SU operates in a fair and democratic manner and is accountable for its finances. The Act requires universities to prepare and issue, and when necessary revise, a Code of Practice as to the manner in which its requirements are to be carried into effect in relation to any SU for students at the establishment, setting out in relation to each of the requirements details of the arrangements made to secure its observance.</p>                                                                                                                           | <p>The University and the SU Code of Practice satisfies the requirement of the Education Act 1994 by detailing the obligations of the University and the SU.</p> <p>This document is reviewed annually by both organisations and is approved by the University's Board of Governors.</p> <p>As required by the Act, the Code is brought to the attention of all students by the University on at least an annual basis.</p> |
| <p><b>Charity Law</b></p> <p>The SU is a Registered Charity regulated by the Charity Commission. Student unions must register with the Charity Commission because they are legally considered charities, primarily for furthering education, and must comply with charity law, including: governance, reporting finances, managing trustees, and adhering to rules on political activity and fundraising. They must also ensure all activities benefit students and uphold their charitable purpose.</p> <p>The University is an Exempt Charity under the Charities Act 2011 and is regulated by the OfS. While the University does not register with the Charity Commission, trustees (Governors) must adhere to core charity duties.</p> | <p>In recognition of their core charity purpose, the University and the SU are committed to providing an exceptional experience for all students. The organisations will engage with each other proactively in developing policies, procedures and practices, as appropriate, to enhance the student experience.</p>                                                                                                        |

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| <p><b>OfS Conditions of Registration</b></p> <p>The University is regulated by the OfS and must adhere to its Conditions of Registration.</p> <p>The SU is not regulated by the OfS, but plays an important role in supporting the University to comply with several conditions, in particular:</p> <ul style="list-style-type: none"> <li>• Condition A (Access &amp; Participation for all students from all backgrounds);</li> <li>• Condition B (Quality, reliable standards and positive outcomes for all students); and,</li> <li>• Condition E6: harassment and sexual misconduct.</li> </ul> | <p>The SU supports the University in compliance with the OfS conditions through a range of means. This includes, but is not limited to, the SU having:</p> <ul style="list-style-type: none"> <li>• representation on the University's Board of Governors, Academic Board and on numerous Committees, to shape and steer the University's performance and policies;</li> <li>• an independent complaints process for matters directly related to SU, but also providing support to students and the University for the latter's Casework investigations and academic appeals;</li> <li>• a range of support, projects, and initiatives to enhance the student experience and their safety; and,</li> <li>• a supporting role in various regulatory requirements, including the University's Teaching Excellence Framework submission and its Access and Participation Plan, ensuring students have the opportunity to express their views on their educational experience.</li> </ul> |
| <p><b>Higher Education (Freedom of Speech) Act 2023 and associated OfS regulatory advice</b></p> <p>The legislation requires universities to actively protect lawful speech and academic freedom. This is overseen by the OfS.</p> <p>As part of the Act, universities must ensure students' unions comply with the provider's freedom of speech code of practice, including on non-provider premises they occupy.</p>                                                                                                                                                                               | <p>The University and the SU have a joint Freedom of Speech – Code of Practice that sets out the responsibilities for each organisation.</p> <p>There is also a Speaker Approval Policy, which is used by both organisations.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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| <p><b>Equality Act 2010</b></p> <p>The University and the SU must comply with the Equality Act (and similar laws) to ensure equal opportunities and treatment for students and staff regardless of protected characteristics.</p>                                                                                                                                                                                                                      | <p>Both organisations are committed to working with each other to ensure all individuals are treated fairly and have the opportunity to succeed. This includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• the Mature Students Network being supported by both organisations;</li> <li>• the University's Equality, Diversity &amp; Inclusion (EDI) Advisor providing support to SU where possible on matters related to EDI; and,</li> <li>• the SU having representation on the University's EDI Governance &amp; Impact Group.</li> </ul>                                                                                                                                                                                                                                              |
| <p><b>Health &amp; Safety at Work Act etc. 1974</b></p> <p>This is the primary piece of legislation governing health and safety in the workplace. It outlines the general duties of employers, employees, and others to ensure health and safety.</p> <p>The University and the SU are tasked with fulfilling its duty as an employer to safeguard the health, safety, and welfare of their own employees and others affected by their activities.</p> | <p>While individually responsible for complying with the Health &amp; Safety at Work Act etc. 1974 (and other health and safety legislation), the SU and the University work together through various means to ensure a coherent approach. For example:</p> <ul style="list-style-type: none"> <li>• the SU's Chief Executive Officer's responsibilities are the same as those set out for 'Heads of Departments' in the University's Health &amp; Safety Policy;</li> <li>• the University's Health &amp; Safety team provide advice and support to SU where possible on matters related to health and safety. The Health &amp; Safety Advisor also attends the SU's Health &amp; Safety meetings; and,</li> <li>• the SU is represented on the University's Health, Safety &amp; Wellbeing Committee.</li> </ul> |

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| <p><b>Prevent Duty and Terrorism (Protection of Premises) Act 2025</b></p> <p>The Prevent Duty obligates the University to prevent individuals from becoming terrorists, or supporting terrorism, through early intervention and support.</p> <p>The Terrorism (Protection of Premises) Act requires specific safety measures for public venues and events.</p>                                                                                                                                                                                                      | <p>Both organisations must share any concerns in relation to terrorism and radicalisation to ensure individuals are appropriately safeguarded and the safety of others is not compromised.</p> <p>The University has a Prevent Policy and a Safeguarding Policy. Both policies list SU's Chief Executive as a non-emergency contact.</p>                                                                                                                                                                                                                                     |
| <p><b>Data Protection Act 2018</b></p> <p>This Act sets out the University's duties in relation to processing personal data (including special category data). The University is required to undertake strict and transparent handling of student, staff, and research data, mandating privacy notices, ensuring data security, respecting individual rights (like Subject Access Requests), and demanding careful data sharing agreements, especially for sensitive research data, promoting a culture of data responsibility across all university operations.</p> | <p>The SU shall notify itself to the Information Commissioner as a Data Controller under the terms of the Data Protection Act 2018 and shall ensure that it is compliant in all respects with the requirements of the Act. In relation to this, the SU may seek advice as necessary from the University's Data Protection Officer (or nominee).</p> <p>The SU does not fall within the scope of any Freedom of Information requests made to the University.</p> <p>The University's General Data Protection Regulations training is available to the SU's staff members.</p> |
| <p><b>Employment Rights</b></p> <p>There are a range of employment laws, including: Employment Rights Act 2025, National Minimum Wage Act 1998, the Employment Relations Act 1999, and the Equality Act 2010.</p> <p>The SU and the University must comply with employment legislation governing employment contracts, working hours, minimum wage, and other employment-related matters.</p>                                                                                                                                                                        | <p>The University's Human Resources Department provides support to the SU where possible for advice on employment matters.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                               |

## Version Control Statement

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|------------------------|-----------------------------------------------------------------|
| Version Reference      | 1.0                                                             |
| Responsible Department | The SU and the University's<br>Governance & Compliance team     |
| Approved By            | The SU Trustee Board and the<br>University's Board of Governors |
| Effective Date         | TBC                                                             |
| Next Review Date       | April 2028                                                      |