

## ANNUAL STATEMENT OF LEGAL COMPLIANCE 2023/24

<b>Paper Reference</b>	TB97: Annual Statement of Legal Compliance 2023/24
<b>Purpose</b>	Note
<b>Primary Author</b>	Ben MacPhee, CEO
<b>Contributor(s)</b>	N/A
<b>Prior Consideration</b>	None - although this document has also contributed to the annual external audit process
<b>Further Consideration</b>	None
<b>Executive Summary</b>	
<p>This Statement is presented to the Board to give assurance that the Union’s statutory duties are being complied with. The Statement shows there is good compliance across the organisation and trustees can be assured, but some minor areas of improvement in Data have been identified and these are detailed.</p>	
<b>Link to ‘Your Best Student Life’ 2023-26 Strategy</b>	
<p>There is no direct link from this paper to Your Best Student Life</p>	
<b>Financial Assessment</b>	
<p>There are no direct financial implications arising from this Paper, other than giving assurance that the Union is giving due consideration and management attention to reducing risk and any financial implications that arise from non-compliance.</p>	
<b>Risk Assessment</b>	

There are no direct risk implications arising from this Paper, other than assuring trustees that legal and reputational risk are being controlled.

**EDI Assessment**

N/A

**Sustainability Assessment**

N/A

## ANNUAL STATEMENT OF LEGAL COMPLIANCE 2023/24

This Statement is presented to the Board to give assurance that the Union's statutory duties are being adhered to and where necessary actions are being undertaken to strengthen compliance. The Statement details the main statutory duties and an explanation of how they are being discharged, considered or managed within the Union. Each element of compliance is given a compliance score based upon the scoring grid below to enable the board to ascertain the level of risk and to help aid the focus of discussion and debate.

The Chief Executive has ensured 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:

- The Union has sufficient understanding of its relevant statutory and contractual obligations;
- There are sufficient processes and internal systems of control in place to enable the Union to deliver its services to Members; and
- Appropriate systems and processes are in place to allow the Union to identify, manage and review its risks.

Score	Compliance Level	Criteria
0	Not compliant	The Union shows no level of compliance within this area and therefore this poses a critical risk to the Union
1	Little compliance	The Union has some form of compliance within this area but with vast gaps and therefore this poses a major risk to the Union
2	Partially compliant	The Union has some compliance within this area but with large gaps and therefore this poses a significant risk to the Union
3	Mostly compliant	The Union has most elements of compliance but not across the board and therefore this poses a risk to the Union
4	Fully compliant	The Union is fully compliant within this area and therefore no current risk exists for the organisation
5	Fully compliant and best practice	Not only is the Union fully compliant but it goes above and beyond the requirements and therefore is actively reducing risk in this area

Area	Requirements and Assurance	Level
Education Act 1994	<ol style="list-style-type: none"> <li>1. The Union should have a written constitution:               <ol style="list-style-type: none"> <li>1.1. The <a href="#">Articles of Association</a> were reviewed and reapproved on 06/04/21</li> </ol> </li> <li>2. The constitution should be subject to the approval of the university's governing body and be approved at least every five years:               <ol style="list-style-type: none"> <li>2.1. The <a href="#">Articles of Association</a> were approved by the Governing Body of the University on 23/03/21</li> </ol> </li> <li>3. A student should have the right not to be a member of the Union:               <ol style="list-style-type: none"> <li>3.1. The student enrollment process was reviewed in 2018/19 to make the process of opting-out easier and to highlight this upon enrolment and annual re-enrolment. This clause is also heavily referenced in the <a href="#">Code of Practice for the Operation of the Students' Union</a> which was re-approved by the Board of Trustees (23/06/23) and the University's Governing Body (27/06/23)</li> </ol> </li> <li>4. Appointment to major Union offices should be by a fairly and properly conducted election in a secret ballot of all members:               <ol style="list-style-type: none"> <li>4.1. The Union utilised an online system, with the process detailed in the Articles of Association and Bye-Laws</li> <li>4.2. The Board of Trustees received the Certifying Officer's Report for the 2024 Leadership Elections (TB71) giving assurance of compliance on 22/05/24</li> <li>4.3. The Chairs Committee received the Report of the Certifying Officer giving assurance of compliance in May 2024</li> </ol> </li> <li>5. No person may hold sabbatical office for more than two years:               <ol style="list-style-type: none"> <li>5.1. This happens as a matter of course. In addition, the policy of not employing a past Sabbatical Officer for at least a year after leaving office was reviewed in June 2022, which although is not a requirement of the Act, it is considered best practice</li> </ol> </li> <li>6. The financial affairs of the Union should be properly conducted and the budget and accounts should be approved by the University's governing body:               <ol style="list-style-type: none"> <li>6.1. The University and Union hold a Financial Memorandum detailing the financial relationship, and how the Finance &amp; Resources sub-Committee of the Governing Body receives accounts for the Union and approves the annual budget. The Union's 2023/24 Budget and Financial Memorandum were approved by the Finance &amp; Resources Committee on 07/06/2023</li> </ol> </li> </ol>	5

	<ol style="list-style-type: none"> <li>7. The union should produce financial reports at least annually, and these should be made available to the University and all students:           <ol style="list-style-type: none"> <li>7.1. Every year the Union produces externally audited accounts which are approved by the University at the Finance &amp; Resources Committee (08/11/23) and Members at the Annual Members' Meeting (06/02/24)</li> </ol> </li> <li>8. The procedure for allocating resources to student groups should be fair, set down in writing, and made available to all students:           <ol style="list-style-type: none"> <li>8.1. These are reviewed and published on the Union's website each year, and communicated as part of committee training               <ol style="list-style-type: none"> <li>8.1.1. <a href="#">How the Union funds Club Sport</a></li> <li>8.1.2. <a href="#">How the Union funds Societies</a></li> </ol> </li> </ol> </li> <li>9. The details of all the Union's affiliations should be made available to the University and all students:           <ol style="list-style-type: none"> <li>9.1. Affiliations are detailed every year in the Union's externally audited accounts which are seen by the University's Finance &amp; Resources Committee (08/11/23) and Members at the Annual Members' Meeting (06/02/24)</li> <li>9.2. The affiliations are detailed <a href="#">on the Union's website</a> (at the bottom of the page)</li> </ol> </li> <li>10. All affiliations should be reviewed annually:           <ol style="list-style-type: none"> <li>10.1. As above</li> </ol> </li> <li>11. The Union should have a complaints procedure:           <ol style="list-style-type: none"> <li>11.1. The process for political complaints are detailed in the Bye-Laws</li> <li>11.2. The process for non-political complaints are detailed in the <a href="#">Comments and Complaints Policy</a> which was reviewed and reapproved by the Board of Trustees on 20/05/24</li> <li>11.3. The Comments and Complaints Annual Report (TB83) was reviewed by the Board of Trustees on 24/06/24</li> </ol> </li> </ol>	At least 4
Lobbying Act 2014	<ol style="list-style-type: none"> <li>12. The Union should not spend charity resources or campaign on issues that do not affect 'students' as students:           <ol style="list-style-type: none"> <li>12.1. The Union does not spend charity resources or campaign on issues that do not affect 'students as students', as monitored by management, and scrutinised by the Finance &amp; Risk Sub-Committee</li> </ol> </li> <li>13. The Union should not donate charity money to other organisations to conduct lobbying or campaign on the Unions behalf that Union is not legally permitted to do:           <ol style="list-style-type: none"> <li>13.1. Accounts are as monitored by management, and scrutinised by the Finance &amp; Risk Sub-Committee</li> </ol> </li> </ol>	At least 4

	<p>13.2. The Board has satisfied themselves that the grant to NUS is appropriate. Senior Management ensure no other donations are made</p> <p>14. The Union remains neutral to party politics:</p> <p>14.1. Such activity is approached with caution, and the relevant staff are aware of what is permitted via communications, particularly during any period of purdah such as ahead of the General Election in July 2024</p>	
<p>Charity Commission</p>	<p>15. A charity is required to be registered with the Charity Commission (England and Wales):</p> <p>15.1. <a href="#">Charity No. 1142619</a>, registered since April 2011</p> <p>16. The Annual Report and Audited Accounts are Statement of Recommended Practice (SORP) compliant:</p> <p>16.1. The SORP audited accounts from Kreston Reeves and Trustees Report were approved at the AGM on 16/10/23</p> <p>17. The Annual Report and Audited Accounts are submitted to the Commission within 10 months of year end:</p> <p>17.1. 2022/23 Annual Report and Audited Accounts were submitted on 04/03/24 (month 9)</p> <p>18. A Statutory Return is completed online following submission of Accounts:</p> <p>18.1. Submitted to the Charity Commission on 04/03/24</p> <p>19. Organisation address and trustee details are kept up to date:</p> <p>19.1. Updates are maintained as required, and within the 14 day period</p> <p>19.2. The Charity Commission's summary page for Christ Church Students' Union <a href="#">can be found here</a></p> <p>20. Procedures are in place to ensure the charity's funds are used only for purposes set out in the Constitution:</p> <p>20.1. This is enshrined within the Board of Trustees terms of reference and regular scrutiny of the accounts take place internally and externally</p> <p>21. A policy is in place which details how the Union upholds its duty under the Education Act 1986 for freedom of speech:</p> <p>21.1. The Union's <a href="#">Freedom of Speech Policy</a> was last revised and reapproved by the Board of Trustees on 29/01/24. The implementation of the Higher Education (Freedom of Speech) Act has been paused by the Secretary of State for Education in July 2024</p> <p>22. Campaign activity undertaken is not party political in nature:</p> <p>22.1. Such activity is approached with caution, and the relevant staff are aware of what is permitted via communications, particularly during any period of purdah</p> <p>23. There is appropriate due diligence of trustees and directors:</p>	<p>At least 4</p>

	<p>23.1. All trustees must sign a declaration to confirm they are eligible upon nomination to become a trustee. This is reconfirmed once every year with the register of trustees and directors interests submission</p> <p>23.2. All trustees and directors are subject to a check against the <a href="#">Charity Commission Register of Disqualified Trustees</a>, the <a href="#">Bankruptcy and Insolvency Register</a> and the <a href="#">Companies House Register of Disqualified Directors</a> and these records are kept for seven years</p> <p>23.3. After review of the relevant guidance from the Charity Commission, (<a href="#">CC30</a>) it has been determined that DBS checks for Union trustees would not be 'reasonable', as the Union does not deliver regulated activity, nor do trustees have access to children or vulnerable adults as part of the role</p> <p>24. Due consideration is given by a charity board before grants to non-charities are made:</p> <p>24.1. In October 2018 the Board of Trustees gave this due consideration to the Union's grant to the National Union of Students, and agreed that current and future grants to NUS were within the Union's power, and objects</p> <p>25. A register of trustees interests in maintained:</p> <p>25.1. Updates to this register are requested at least annually, most recently in August 2023, and the details retained. <a href="#">A summary is published on the Union's website</a></p>	
Fundraising Regulator	<p>26. The Fundraising Regulator was established to combat nuisance fundraising by charities by telephone. Charities are expected, but not obligated, to contribute to the Regulator. As Christ Church Students' Union does not fundraise in this manner any contribution was considered to be incongruent with our charitable objects. As such the Union <a href="#">notified the Fundraising Regulator of its intention to not contribute</a> on 22/01/17</p>	At least 4
Companies House	<p>27. A company is required to be registered with Companies House:</p> <p>27.1. <a href="#">Company No. 07618194</a>, registered since April 2011</p> <p>28. Annual Report and Audited Accounts submitted to Companies House within 9 months of year end:</p> <p>28.1. <a href="#">2022/23 Annual Report and Audited Accounts</a> were submitted on 31/10/23 (month 4)</p> <p>29. Statutory return completed:</p> <p>29.1. The <a href="#">Confirmation Statement</a> was made on 15/04/24</p> <p>30. Appropriate due diligence of trustees and directors:</p>	At least 4

	<p>30.1. All trustees and directors are subject to a check against the <a href="#">Charity Commission Register of Disqualified Trustees</a>, the <a href="#">Bankruptcy and Insolvency Register</a> and the <a href="#">Companies House Register of Disqualified Directors</a> and these records are kept for seven years</p> <p>31. Organisation and trustee details up to date:</p> <p>31.1. Updates are maintained as required, and within the 14 day period</p> <p>31.2. The filing history of Christ Church Students' Union <a href="#">can be found here</a></p>	
<p>Employment legislation, including the Equality Act 2010</p>	<p>32. Appropriate policy and procedures in place that conform to legislation:</p> <p>32.1. The HR policies and procedures of the University cover all necessary legislative requirements</p> <p>32.2. The University and Union pays staff a minimum of the Living Wage</p> <p>32.3. Employment contracts give staff at least the minimum, and often enhanced, terms and conditions in relation to all employment rights including holiday entitlement and other forms of leave</p> <p>32.4. A sample of employment contracts are selected for the external audit each year</p> <p>32.5. The Union, via the University, is compliant with Pensions auto-enrollment, most recently admitting Sabbatical Officers to the scheme from 01/07/20 after legal advice and review</p> <p>32.6. The University is compliant with the Apprenticeship Levy</p> <p>32.7. The Union has an <a href="#">Equality, Diversity, and Inclusion Policy</a>, which was re-approved by the Board of Trustees on 16/10/23</p> <p>33. Employment and recruitment procedures have been drawn up with appropriate discrimination and diversity consideration:</p> <p>33.1. Male and Female employees are offered the same rates of pay for comparable positions, and all posts are subject to the same review and grading process</p> <p>33.2. Although not required to, the Union analysis its Gender Pay Gap and these have featured in the financial statements since 2018/19</p>	<p>At least 4</p>
<p>Health and Safety at Work Act 1974 and other Health &amp;</p>	<p>34. There is a health and safety policy in place:</p> <p>34.1. The Union's <a href="#">Health, Safety, and Wellbeing Policy</a> was re-approved by the Board of Trustees on 20/05/24</p> <p>35. Staff are suitable inducted and trained in H&amp;S:</p> <p>35.1. The <a href="#">Health, Safety, and Wellbeing Policy</a> forms part of the standard induction for new starters</p>	<p>4</p>



<p>Safety legislation</p>	<p>35.2. There are compulsory e-learning modules via the University for all new starters covering general H&amp;S, DSE, IT security, manual handling, fire, and others</p> <p>36. There are sufficient procedures in place to ensure the health and safety of employees and visitors:</p> <p>36.1. As the Union occupies University premises and staff are employed by the University we are subject to all H&amp;S policies of the University, and these are followed</p> <p>36.2. There is a clear process for incident reporting, including for Union activity off-premises (such as sport), and this is all reported into the University's H&amp;S Team</p> <p>36.3. Portable Appliance Testing was completed in the St. George's Centre in July 2023. We are positing the PA Testing schedule for the Mary Seacole Building, which is expected in Summer 2024</p> <p>36.4. Emergency light testing in Mary Seacole is conducted every month on a flash test, and annually on a discharge test</p> <p>37. There are sufficient procedures in place to monitor and minimise risk:</p> <p>37.1. The Union had a soft H&amp;S audit by the University in February 2017 and was cited as a 'department' with mostly good practice, and is enacting the minor recommendations. This was more recently updated and reviewed by the Union, and submitted to the University's H&amp;S Officer in October 2021</p> <p>37.2. Risk Assessments are undertaken by the Union for all Union activity, and reviewed and updated according to a set schedule dependent on the activity. The highest risk Union activities are sports, and these are reviewed every September in collaboration with Christ Church Sport</p> <p>37.3. Fire Risk Assessments for premises are compiled by the University at a set schedule. The FRA for Mary Seacole was reviewed post-refurbishment in September 2023.</p> <p>37.4. The Head of Business &amp; Development is a member of the University's Health and Safety Committee, which is a sub-Committee of the Governing Body, and provides reports on the Union at each meeting</p> <p>37.5. The H&amp;S Annual Report for 2022/23 (FR31) was received by the Finance &amp; Risk Sub-Committee on 05/10/23</p> <p>38. With regard to Union vehicles:</p> <p>38.1. The lease agreements for the two Union vehicles were terminated in June 2023</p>	<p style="background-color: #4CAF50; color: white; text-align: center;">3</p>
<p>Data Protection Act 1998, UK General Data Protection</p>	<p>39. The Union is registered with the Information Commissioner's Office:</p> <p>39.1. ICO registration number is <a href="#">Z1111670</a>, with the Union first registering in November 2007</p> <p>39.2. The Union has established an annual auto-renew for ICO registration, which renewed on 22/11/23</p> <p>39.3. The Union only collects for specified, explicit and legitimate purposes</p>	<p style="background-color: #FFC107; color: white; text-align: center;">3</p>

Regulations and the Privacy and Electronic Communications Regulations 2003	40. Policy: 40.1. The Union's <a href="#">Data Protection Policy</a> forms the framework for the Union's data protection, handling, and retention. This is available on the Union's website, and publicised to students upon enrolment. This was reviewed and renewed on 20/05/24 40.2. The Union commissioned an external audit of data practices, collection, storage, processing, and retention in March 2022 which highlighted areas of improvement. The Union has developed an action plan to address these areas 41. The Union ensures lawful, fair and transparent processing: 41.1. The Union highlights the purposes for data upon collection via appropriate privacy notices 42. The Union only undertakes adequate, relevant appropriate data collection and processing: 42.1. All staff are aware of the Union's <a href="#">Data Protection Policy</a> 42.2. All staff undertake data protection training via the University's e-learning portal 43. The Union ensures data accuracy and up-to-date data: 43.1. Student records are continually updated via the live link with the University 43.2. <b>The Union needs to conduct an audit of data that has been retained, both physically and digitally</b> 44. The Union ensures data is stored and processed for an appropriate length of time: 44.1. <b>The Union needs to conduct an audit of data that has been retained, both physically and digitally</b> 45. The Union ensures appropriate security and technological or organisational measures: 45.1. To a large extent, the Union is paperless, with the exception of historical records 45.2. The Union's digital records are stored in either MSL, Xero, or Google, all of which have industry-standard security 46. The Union ensures data subjects have the right to be informed, have access, to ratification, erasure, restrict processing, data portability and have appropriate rights concerning automated decision making/profiling: 46.1. The Union's <a href="#">Data Protection Policy</a> forms the framework for the Union's data protection, handling, and retention. This is available on the Union's website, and publicised to students upon enrolment 47. The Union has appropriate accountability and governance practices and processes: 47.1. In May 2022 the Board of Trustees agreed updated terms of reference for the Finance & Risk Sub-Committee which included a formal remit concerning data security and compliance 48. The Union has appropriate privacy by design: 48.1. The Union's <a href="#">Data Protection Policy</a> forms the framework for the Union's data protection, handling, and retention	
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	<p>49. The Union has appropriate Data Protection Impact Assessments (DPIAs):  <b>49.1. This was first conducted in 2018, and further reviewed in 2022, but needs to be reviewed to ensure it is up-to-date and accurate</b></p> <p>50. The Union has appropriate data sharing arrangements, procedures, and arrangements:          50.1. The Union and Canterbury Christ Church University have a <a href="#">Data Sharing Agreement</a>          50.2. The Union and Kent Union have a Data Sharing Agreement          50.3. The Union and Membership Services Limited have a Processing Agreement          50.4. The Union and Kreston Reeves have a Data Sharing Agreement          50.5. The Union and Endsleigh Insurance have a Data Sharing Agreement</p> <p>51. The Union has appropriate data breach arrangements, processes, and procedures:          51.1. The Union's <a href="#">Data Protection Policy</a> forms the framework for the Union's data protection, handling, and retention  <b>51.2. The Union should conduct a data access request dress rehearsal and a data breach dress rehearsal</b>          51.3. The Union and the University reviewed the enrolment process for students for September 2022 due to a change in the University's student data software. Now, students are no longer given the option to opt-into marketing communications from the Union at the point of enrolment. Students will have this option via a welcome email from the Union          51.4. The Union is not required to appoint a 'Data Protection Officer' as defined in the legislation, but has formally appointed a Data Protection Champion, Chi Lau (Head of Business &amp; Development), who oversees compliance, and coordinates the response if something goes wrong. This includes a specific contact email of <a href="mailto:data@ccsu.co.uk">data@ccsu.co.uk</a> which auto-forwards to multiple corporate and personal accounts to ensure any incidents are picked outside of office hours</p>	At least 4
Commercial and Trading	<p>52. Activity in this area is the responsibility of the University since 01/09/19          53. The Premises Licence is held by the Governing Body of the University, reference number LAPTRN/19/04698          54. The TV licence is on an annual direct debit. The <a href="#">current TV Licence</a> expires on 30/04/2025          55. The Motion Picture Licence Company registration for the Union (461434) was terminated on 31/08/18, as The St. George's Centre is covered by University's licence (8767) from 01/09/18</p>	At least 4
Insurance	<p>56. The Union is required to have adequate insurance for its activity:</p>	At least 4

	<p>56.1. Insurance requirements reviewed through Endsleigh Insurance Brokers on an annual basis. The Recommendation Report was received on 29/08/2023</p> <p>56.2. All required insurances were in place for the year, including:</p> <p>56.2.1. Asset, Employer and Public Liability - Renewed in October 2023</p> <p>56.2.2. Commercial and Professional Fees - Renewed in October 2023</p> <p>56.2.3. Director's Liability - Renewed in October 2023</p> <p>56.2.4. Societies activity - Renewed in October 2023</p> <p>56.2.5. Sports activity - Renewed in October 2023</p> <p>56.2.6. Terrorism - Renewed in October 2023</p> <p>56.2.7. Advice UK - October 2023</p> <p>57. Financial Conduct Authority Regulations state that insured persons must be provided with a policy summary and inform them of cover, and that the full policy wording is available on request:</p> <p>57.1. For sports and societies this is done upon purchase of a membership, as well as available on the Union's website for both <a href="#">sports clubs</a> and <a href="#">societies</a></p> <p>57.2. For staff this is done on the noticeboard in the Mary Seacole Office</p> <p>57.3. For the public this is done in the Foyer of Mary Seacole</p> <p>58. The Financial Memorandum with the University requires the Union to evidence adequate insurance cover:</p> <p>58.1. This was sent to the Solicitor's Office and Insurance Officer on 02/10/23</p>	
HMRC	<p>59. To be registered for VAT:</p> <p>59.1. VAT No. 124762224</p> <p>60. Correct partial treatment of VAT must be applied:</p> <p>60.1. The Union's accountancy support from Burgess Hodgson reviewed the Union's approach to partial exemption in 2019/20, and the treatment of this within the accounts to ensure transparency</p> <p>61. Returns and payment are made to HMRC:</p> <p>61.1. Returns are completed each quarter by Burgess Hodgson, after authorisation by the CEO</p> <p>61.2. The annual audit exercise checks the VAT returns</p> <p>61.3. The Union started submitting returns via MTD from September 2019, before the MTD deadline</p> <p>61.4. Payment is via an established Direct Debit</p>	4

Safeguarding	<p>62. The Union re-approved its <a href="#">Safeguarding Policy</a> on 19/05/23</p> <p>63. The Designated Person with respect to Safeguarding is the Deputy CEO</p> <p>64. The Deputy Designated Person with respect to Safeguarding is the Advice &amp; Representation Manager</p>	4
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