

Committee Title	Student Voice					
Date of Meeting	11 <sup>th</sup> February 2019					
Item Number and Title/Subject	Motion of No Confidence Review (Full Time Officer Accountability)					
Paper Presenter	Rachel Simpson, Student President (or nominee)					
Brief Summary of Issues/Topic	<p>The Trustee Board commissioned Nick Smith Consulting to carry out a Motion of No Confidence (Officer Accountability) Review. The <a href="#">review paper</a> was presented to Student Voice on 26<sup>th</sup> November 2018. The report included recommendations to revise the Election Rules. The <a href="#">Election Rules</a> were approved by Student Voice on 26<sup>th</sup> November 2018.</p> <p>A Motion of No Confidence, if successful, immediately removes that member from their post. In the simplest terms a Motion of No Confidence is the mechanism for firing an elected Full Time Officer.</p> <p>The review recommendation 3 suggests creating a new Schedule to the Constitution for Full Time Officer Accountability that outlines that as well as a Motion of No Confidence which would see a Full Time Officer removed, there should be the option of a less severe penalty including ones that would encourage improved behaviours. There was a consensus that the Student Voice on 26<sup>th</sup> November 2018 that Student Voice would retain the power to approve a Motion of No Confidence in a Full Time Officer in relation to their political work. The proposed Schedule also includes options for Student Voice to discipline an officer without removing them.</p> <p>The draft Schedule 6 is attached. It has been written taking in account current rules within the Constitution, the Full Time Officers Employment Contract (appendix 1) and the Charities and Trustee Investment (Scotland) Act 2005 legislation.</p> <p>Any changes to the Schedules would require the approval of Student Voice, Trustee Board and University Court. The draft is for discussion only and the final draft will be presenter later for approval by Student Voice.</p> <p>By-Laws Section 8 (Resignations and Dismissals) would also be required to be amended to not contradict any changes to the Schedules.</p>					
Recommendation(s)	Information		Discussion	X	Approval	
	<p><b><i>Any member can ask a question by raising their voting card and being recognised by the Chair to speak.</i></b></p> <p>Student Voice is asked to discuss the draft Schedule and identify any areas for discussion.</p> <p>Student Voice is asked to note that the draft Schedule and required</p>					

	<p>changes to the By-Laws will be further discussed with relevant stakeholders, including the Trustee Board and University.</p> <p>Student Voice is asked to note that the final Schedule and By-Laws revisions will be brought to a future meeting, anticipating 25<sup>th</sup> March 2019.</p>					
Who have you consulted when developing the paper?	<ul style="list-style-type: none"> <li>• Nick Smith Consulting</li> <li>• Executive Committee</li> <li>• Full Time Officers Contract of Employment (Developed by NUS in conjunction with DAC Beachcroft)</li> <li>• Charities and Trustee Investment (Scotland) Act 2005</li> <li>• Initial consultation with University</li> </ul>					
Staff/Student Protocol	Yes	X	No		N/A	
Will any decision approved directly affect the work of staff?	The Chief Executive has been consulted.					
Should the paper be submitted to any other committee following its consideration/approval at this meeting?	Trustee Board Glasgow Caledonian University					
If yes, please state the committee and proposed date of submission.						

## SCHEDULE 6: FULL TIME OFFICER ACCOUNTABILITY

- 1.1 This procedure explains how elected Full Time Officers are held to account by the members of the Students' Association. Accountability is a key aspect of democratic organisations and one of the Nolan Principles of public life.
- 1.2 Full Time Officers can be held accountable in a number of ways. If someone wishes to make a complaint about the conduct of a Full Time Officer they should do so through the appropriate channel. If they are unsure which area is correct they should consult the Chair of the Trustee Board or the Vice Chair if the complaint is about the Chair.
- 1.3 The routes for accountability are:
- a) Student Voice for issues relating to the political work of the Full Time Officer (such as how they have fulfilled their policy areas or a manifesto pledge). If Student Voice removes a Full Time Officer through in a Motion of Censure that results in No Confidence then that Full Time Officer will also be removed as a Trustee and, if not on a course of study, and as a member of the Students' Association.
  - b) The Trustee board for issues relating to the fulfilment of the contract of employment as a Full Time Officer and Trustee of the Students' Association (such as breaking policies that apply to employees, serious or gross misconduct or reputational and legal damage to the Students' Association). The Students' Association shall be entitled to terminate the employment of a Full Time Officer where there is a serious breach of a Full Time Officers' obligations as an employee or as a Trustee.
- 1.4 These rules do not cover the breaking of election rules which should be dealt with by the Returning Officer. Should a complaint on discipline or employment be raised during an election period, the Returning Officer will be consulted on how the complaints should proceed.
- 1.5 A Motion of Censure vote will not be held at a meeting or extraordinary meeting of Student Voice between the period of the close of nominations and the election process concluding, which is normally the election result announcement for any candidate in the Full Time Officer elections.
- 1.6 The Students' Association reserves the right to inform the University and anyone else it sees fit, of the outcome of this Schedule, subject to the Data Protection Policy.

## 2. Political Accountability

### 2.1 Student Voice

Any member of Student Voice can raise a Motion of Censure against a Full Time Officer by submitting the motion by the usual deadline for that meeting. At their discretion the Chair of Student Voice may accept a late submission, being conscious of the requirements of 2.4 below. The Trustee Board will be made aware of any Motions of Censure being sent to Student Voice.

### 2.2 The Motion of Censure must outline:

- a) The issues relating to the political work of the Full Time Officer (such as their policy areas or a manifesto pledge) that the Student Voice member feels the Full Time Officer has not complied with or fallen short of.
- b) The outcome that they wish Student Voice to levy on the Full Time Officer.

### 2.3 The possible outcomes of the Motion of Censure shall be:

- a) A rebuke from Student Voice.

**Comment [d1]:** <https://www.gov.uk/government/publications/the-7-principles-of-public-life>

**Comment [d2]:**  
**University comment:** there remains an issue around the removal of a sitting sabbatical officer following an election in which they were re-elected. This scenario would appear to create a temporary vacancy following the election and any vote to pass the motion by the subset of students in the Student Voice following the election could be seen as undermining the larger vote of confidence in the individual reflected in their re-election by the wider student body and as such undermining the democratic view of the students.

**Comment [d3]:** Rebuke might not be the best term. Do people know what it means? "an expression of sharp disapproval or criticism". By-Laws talk about 'Caution'. Think about another term.

b) A rebuke from Student Voice with a recommendation that further support or training for the Full Time Officer is required.

Comment [d4]: Who manages this?

c) No Confidence in the Full Time Officer where Student Voice believes that the Students' Association would be better served not having a representative in position than the current officer.

Comment [d5]: Badly worded. Needs better explained.

d) No action taken (if the motion is voted down)

2.4 The Full Time Officer who is the subject of the Motion of Censure will be able to give a written response to the motion which will be circulated to Student Voice no later than 3 days before the meeting is due to take place.

2.5 Within the meeting the proposer of the Motion of Censure shall make a speech for the motion and the Full Time Officer or their designate will be able to make a speech against the motion. There will only be one round of speeches and no summation.

Comment [d6]: Can the Idea (motion) be amended at the meeting? Section needs clarification. Pros and Cons to amendment (improvement of Idea) being allowed

2.6 A Motion of Censure will require a two thirds majority of those present at Student Voice to pass.

2.7 The Trustee Board may overturn the decision of Student Voice for financial, legal or reputational reasons, including a Motion of No Censure.

### 3. Non-political accountability

#### 3.1 Complaints in relation to Full Time Officer's fulfilment of their contract of employment

Members and Students' Association staff may raise a complaint in writing to the Chief Executive in relation to a Full Time Officer's fulfilment of their contract of employment. This complaint should outline the area that the complainant believes a breach to have been made.

3.2 An attempt to resolve the complaint at Front Line Resolution may be attempted if appropriate. If this is not possible the employee Discipline Policy will be followed.

3.2 The Complaint Investigator and Clerk will either be a Trustee, member of University staff or external party. A different Trustee, normally an External Trustee, would be the Chair of the Disciplinary Hearing and Chair of the Appeal Hearing.

#### 3.3 Complaints in relation to Full Time Office's Trustee responsibilities

Members and Students' Association staff may raise a complaint in writing to the Chief Executive in relation to a Full Time Officer's actions as a Trustee of the Students' Association. This complaint should outline the area that the complainant believes a breach to have been made.

3.4 The Chief Executive will report the complaint to the Chair of the Trustee Board (or the Vice Chair if the complaint is about the Chair). An attempt to resolve the complaint at Front Line Resolution may be attempted if appropriate. If this is not possible the Chair of the Trustee Board will decide whether an investigation is carried out and if they believe that there is a case to answer then it shall be discussed by the Trustee Board. For the avoidance of doubt a case to answer does not presume guilt it merely suggests that the complaint should be scrutinised.

3.5 The Trustee Code of Conduct, as approved by the Trustee Board, outlines the behaviours expected from each Trustee at the Students' Association. The Charities and Trustee Investment (Scotland) Act 2005 outlines the legal duties of a Trustee.

3.6 Section 66 of the Charities and Trustee Investment (Scotland) Act 2005 outlines that all charity trustees must take such steps as are reasonable practicable for the purposes of ensuring that any breach of duty is corrected by the trustee concerned and not repeated and that any trustee who has been in serious or persistent breach of either or both of those duties

is removed as a trustee. A response should be proportionate depending on the situation and where a charity trustee has acted reasonably and honestly it is unlikely to be treated as misconduct.

3.7 The following sanctions shall be possible for the Trustee Board:

- a) That the Full Time Officer (Sabbatical Trustee) receives a formal written warning about their actions and that a future breach may lead to suspension or removal as a Trustee.
- b) Compulsory training or support that the Full Time Officer (Sabbatical Trustee) should undergo to understand why they were found to be at fault.
- c) Restrictions on the types of activity the Full Time Officer (Sabbatical Trustee) can undertake while carrying out their role.
- d) To suspend or remove Trustees through a two thirds majority voted by the Trustee Board.

**Comment [d7]:** Is part c relevant and/or appropriate. To consider.

## Appendix 1

### Extracts from Full Time Officer Employment Contract

Full Time Officer Employment Contract approved by Trustee Board. It was developed by NUS in conjunction with [DAC Beachcroft](#).

- 1.2 By virtue of this office, the Full Time Officer will also be a trustee and employee of the charity.
- 2.2 The Full Time Officer shall carry out the duties of the office to which they are elected as described in the Constitution, Schedule and By-Laws. The Constitution, Schedules and By-laws may be amended from time to time in line within the rules of the Constitution.
- 5.2 You are also subject to any Association rules applicable to your role as a Full Time Officer or trustee of the Association, which is outlined within the Constitution, Schedules, By-Laws or Student Voice and/or Trustee Board policy. You are accountable to the student body, through Student Voice and referendums, for your role as a Full Time Officer and are accountable to the Trustee Board for your role as a trustee.
- 8.2 We shall be entitled to terminate your employment at any time without notice or payment in lieu of notice:
  - a. If you commit a serious breach of your obligations as an employee, Full Time Officer or Trustee of the Association (for example any act amounting to gross misconduct or gross negligence) or serious breach of election rules;
  - b. If you cease to hold political office (i.e. because you resign or because you are removed under the Association's rules, such as through a Motion of No Confidence);
  - c. If you cease to be a member of the Association;
  - d. If you cease to be eligible to act as a trustee of the Association (for example, due to any disqualification in accordance with Charity law);
  - e. If you cease to be entitled to work in the United Kingdom.
- 8.3 Please note, in the event that you cease to be employed by the Association, subject to any applicable Association rules, your political office within the Association will also automatically terminate and any other offices or appointments that you hold for or on behalf of the Association will also automatically terminate.
- 9.1 Your attention is drawn to the disciplinary and grievance procedures applicable to your employment, which are available from the Chief Executive. These procedures do not form part of your contract of employment.

- 9.2 If you wish to appeal against a disciplinary decision, unless otherwise notified, you should apply in writing to Trustee Board who will arrange for the appeal to be heard by a Trustee in accordance with our disciplinary procedure.
- 9.3 We reserve the right to suspend you with pay for the purposes of investigating any allegation of misconduct or neglect against you.