

By-Law 8 – Union Policy, Regulations, Procedures and Principles

APPENDIX 2a – Motion Impact Assessment

Impact assessment ensures that possible serious legal and financial consequences of any policy or resolution proposals are considered prior to the motion being submitted to the student body for a vote.

This is in place to avoid conflict between the legal responsibilities of the Trustee Board and the functions of the democratic policy making processes and to reduce the usually unintended risks of significant legal or financial implications for the charity, particularly where the Trustee Board would otherwise be called upon to intervene in line with their legal responsibilities. In most cases, the assessment will be straight forward as there will be no legal or financial implications.

This Impact Assessment must be completed prior to the relevant Steering or Composite Group.

The assessment will be completed by a Sabbatical Officer (usually the Democracy and Development Officer) and a suitably knowledgeable/qualified member of staff on behalf of the Board of Trustees. The proposer of the motion will normally be consulted in this process.

Where further more specialist advice is required, the Chief Executive should be consulted in the first instance and the Board may be required to authorise expenditure to access this advice. Wherever possible, the proposer of the motion will normally be consulted in this process.

In the case where the motion is deemed to be so high a risk (based only on the criteria below) that it cannot progress to a student vote and that the proposer and the SU cannot reach an agreement on modification to mitigate these risks, then the authority to withdraw the motion from Steering/Composite is delegated from the Trustees to the Democracy and Development Officer, the President, the Deputy President, the Chair of Council, the Deputy Chair of Council and the Chief Executive (or his/her Deputy in his/her absence). Three of the group must be in attendance at the meeting.

Such a decision will be scrutinised at the next available Board of Trustees Meeting and the outcome presented back to the proposers.

The aim of the assessment will normally be to find resolution to risk identified in collaboration with the proposer.

Potential outcomes of the assessment:

- The motion progresses without change.
- The motion may progress with agreed changes.
- The motion cannot progress as the risk (financial or legal) is high and cannot be removed or reduced unless the policy is withdrawn in totality.

Appeal Process

If the proposer of the motion feels that the option presented by the assessment is unacceptable they can submit an appeal. The Appeal must be submitted within 48 hours of notification of the assessment outcome to the Democratic Services Co-ordinator. The Appeal will be heard by either the Board of Trustees or Audit and Risk Committee (whichever is meeting the soonest). The proposers will be given the opportunity to present their reason for appeal at the meeting.

For clarification, the motion is deemed to be postponed during this process pending the final outcome.

MOTION IMPACT ASSESSMENT FORM

MOTION TITLE:

POLICY ZONE (If applicable):

PROPOSER: **EMAIL:**

SECONDER: **EMAIL:**

Question	Response	How could this be overcome?	Likelihood/Impact
Legal			
Is there anything in the motion that would be challengeable in law? Consider defamation, copyright, equality law, charity law, company law, employment law, data protection, education act, contract law.			
Is the motion requiring the use of the charity's resources for anything that is not within its charitable objectives? Is it for students as students?			
Financial			
Is there a likely impact on income? If there is what is that impact?			
Is there a likely impact on staff costs? If there is what is that impact?			
Is there a likely impact on insurance? If there is, what is that impact?			
Is there a likely impact on equipment expenditure? If there is, what is that impact?			

Is there a likely impact on cost of sales? If there is, what is that impact?			
Is there a likely impact on other costs? If there is, what is that impact?			

Please attach financial plans and a copy of the motion to the assessment.

Outcome and Further Action:

Assessed by:

Date: