

Standard Operating Procedure

Title:	Procedure Underpinning the Code of Practice on Freedom of Speech		
Version:	1.2	Effective Date	January 2019
Summary:	Describes the process through which events are managed under the Code of Practice on Freedom of Speech.		

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1. Background and purpose

This standard operating procedure (“**Procedure**”) supports the University’s [Code of Practice on Freedom of Speech](#) (“**Code**”).

This Procedure defines the responsibilities of University, staff, students and the Students’ Union with regards to complying with the Code of Practice on Freedom of Speech. It also sets out how events should be managed and dealt with under the Code.

Universities in England and Wales have a statutory duty under the Education (No. 2) Act 1986 Section 43 to secure freedom of speech within the law for staff, students and visiting speakers. However, this does not provide an unqualified right to freedom of speech and does not extend to providing an environment which leads to the unlawful expression of views. Universities are also subject to the statutory duty “to have due regard to the need to prevent people from being drawn into terrorism”, and have other legal responsibilities, such as those relating to preventing discrimination, harassment and victimisation and securing the health, safety and welfare of employees, students, external speakers and visitors.

2. Scope

The procedures in this Code must be observed by students, employees and other Members of the University in respect of:

- any event to be held on University premises (including those occupied by the University of Manchester Students’ Union); and
- any event held away from the University campus or premises which is University/ Students’ Union organised, funded or branded, including events organised by individuals, groups or societies using the University/Student’s Union name or resources.

3. Procedure and responsibilities

3.1 **Consequence of non-compliance with this Procedure**

Compliance with this Procedure is mandatory and non-compliance will be reported to the Registrar, Secretary and Chief Operating Officer who will determine the action to be taken. A student or staff member acting in breach of the Procedure may be subject to action being taken against them under the relevant University procedure.

3.2 Responsibilities

- The Deputy Secretary and the Director of Compliance and Risk are responsible for defining, reviewing and publishing this Procedure and for providing guidance, advice and training in support of it.
- Heads of School, Directors or equivalent are responsible for ensuring that all staff within their area act in accordance with this Procedure.
- The Director of the Students' Union is responsible for developing processes within the Union to ensure that all events within the scope of the Code of Practice on Freedom of Speech are considered by the Union, and by the University, in line with the Code and as directed by relevant legislation.

3.3 Legal Framework

The key legal issues that are considered in relation to external speakers and controversial events are:

- The duty to secure freedom of speech within the law
- Human Rights law
- Equality law
- Criminal law (including anti-terrorism laws and duties)
- The duty of care to staff, students and visitors
- Civil law claims relating to spoken words
- Data sharing
- Charity law
- Law relating to security staff

The Students' Union also need to have regard to the legal frameworks. Whilst they are not public bodies for Public Sector Equality Duty and Human Rights Act purposes, they are a charity subject to the requirements of charity law. They also need to have regard to the scope of the criminal law and potential civil liability in relation to external speaker events.

4. Process

4.1 Applications under the Code of Practice on Freedom of Speech

An application is required in all circumstances where the event is likely to raise issues that may be considered controversial in some way. For the Students' Union, an application should be submitted for all events that involve external speakers.

4.1.1 Academic-related events

Under the University's risk-based approach, the procedure will not normally apply to regular University-organised teaching (i.e. that is part of an existing University programme of study) or research seminars and/or debates, where such events are authorised by the relevant academic area (eg by the Head of School). However, in cases where such a teaching or research event involves a controversial or potentially extremist speaker, or a VIP speaker (such as an ambassador), an application must be submitted to the University for consideration and formal approval.

4.1.2 Student Society / Students' Union Events

The details of all Student Society or Students' Union events involving external speakers or controversial content (whether or not external speakers are involved), must always be reviewed by the Students' Union, with details of all higher risk events referred to the Deputy Secretary. The Deputy Secretary shall be provided with a monthly summary of all requests for external speakers submitted to the Students' Union.

4.2 Timescale

Applications must be submitted to the University not less than 14 calendar days before the event is due to be held. For student societies, this means that applications should be submitted to the Students' Union not less than 21 calendar days before the date of the event. This will allow for the Union's due diligence to be completed in time to enable the application to be referred to the University where required.

4.3 Advertising or promotion

No advertising or promotion of the event should be undertaken until permission for it proceed has been granted. . For controversial events, the advertising or promotion strategy should be discussed with the University.

4.4 Principal Organiser

Each event must have an identified Principal Organiser, who is accountable for the event and in charge of ensuring that it takes place in line with any controls agreed by the University.

4.5 Risk Assessment

Any event involving large numbers of people (more than 50), or the general public, requires a comprehensive risk assessment to be undertaken in advance of the event. This should be reviewed by the Students' Union (if applicable) and the University prior to approval being given for the event to proceed. A risk assessment must also be undertaken for any event deemed controversial.

4.6 Approval of an event

4.6.1 Events brought forward by the Students' Union

The Students' Union will normally complete their due diligence and assessment of any controversial event or event involving external speakers. Events deemed to be higher risk will be passed to the University for review and final approval. For higher risk events, this will include the preparation of a risk assessment, where necessary.

The Deputy Secretary will consider and assess all higher risk events brought forward by the Union. This will include review of the due diligence and risk assessment prepared by the Union and, in consultation with the Director of Compliance and Risk, undertaking any additional due diligence required under the University's legislative responsibilities. This may necessitate the organisation of a meeting to review the arrangements with the Principal Organiser, the Students'

Union, Campus Security Managers and other relevant staff. The Deputy Secretary will then report the decision taken on the event to the Students' Union.

4.6.2 Events brought forward within the University

In those cases where a teaching or research event involves a controversial or potentially extremist speaker, or a VIP speaker (such as an ambassador), the Deputy Secretary will conduct the necessary due diligence, organise any review meeting required and will report the decision taken in respect of the event, liaising with the Principal Organiser as necessary.

4.6.3 Grounds for not allowing an event to proceed

An event will not be allowed to proceed if:

- there are reasonable grounds for believing that the speaker or other persons at the event will incite others to commit criminal acts, such as acts of violence and/or the incitement of racial or religious hatred;
- there are reasonable grounds for believing that opinions may be expressed in a way that is unlawful, or which infringe the human rights of others;
- the event appears to be in direct support of an organisation that is proscribed;
- the event may cause a breach of the Terrorism Act 2006 including the encouragement or inducement to, or glorification of the commission, preparation or instigation of acts of terrorism or disseminating terrorist publications;
- the event is likely to contravene health and safety legislation, or cause a breach of the peace, or cause a public order offence;
- the scale or nature of the event is demonstrably unsuitable for the University's facilities or is likely to disrupt its other activities;
- staff, students or other internal or external groups or individuals have provided misleading information in their application, or applications have been lodged outside the deadline.

4.7 Further consultation concerning events deemed higher-risk

For those events deemed higher-risk, the Director of Compliance and Risk and Deputy Secretary will assist in granting approval for the event and in determining the control arrangements that are required in order to allow it to take place. This may include consultation with appropriate third-parties, including the identified Regional Prevent Officer, and other agencies as necessary. Where required, this process will include the referral of the event to a scrutiny group, comprising the Registrar, Secretary and Chief Operating Officer, the Director for the Student Experience and/or the Director of Student Life, the Director of Communications and Marketing and the Associate Vice-President for Compliance and Risk. The Registrar, Secretary and Chief Operating Officer will notify the University's Senior Leadership Team of the decision reached following such escalation.

4.8 Control Measures

As part of the assessment process and in granting approval for an event the University may impose such controls as it deems appropriate to ensure that the event can take place in a safe manner in line with its legislative responsibilities. These may include:

- appropriate stewarding, to be arranged and delivered by the Principal Organiser / Students' Union;
- limiting numbers;
- requesting advance copies of the material to be delivered by speakers within the event;
- requiring external speakers to be made aware of the Code of Practice on Freedom of Speech, and, where necessary obtaining confirmation that they will abide by it;
- the approval of any publicity material circulated to promote the event;
- restricting attendance to staff and students of the University;
- controlling access to the event by ticketing ;
- requiring that nominated senior members of Union/the University are present;
- stipulating that the event is recorded in order to provide an authoritative record;
- restricting the admission of press, television and broadcasting personnel, or by facilitating this in a controlled manner;
- the venue and access and exit routes of the speaker(s) are subject to approval by the Director of Compliance and Risk, Deputy Secretary and University Security;
- there is adequate opportunity for a wide range of views to be expressed and challenged including, as appropriate, requiring a debate format or the inclusion of a moderated Q&A;
- an experienced and respected individual approved by the Deputy Secretary chairs the activity.

4.9 Advance Notice

For controversial events, advance notice should be provided to the University via the Deputy Secretary, who can provide advice and guidance as to how the event might be planned and delivered.

5. Conduct of Meetings

Serious protests or disruptions at University of Manchester or Students' Union events are rare but, for controversial events, the individual acting as 'chair' should be aware of the University's procedure. The chair of any public event is an important figure as under UK legislation this individual is the person in charge, including during incidents of disorder. If there are concerns that

an event is likely to attract protest or if protest or disruption is planned at the event then you should alert both the Deputy Secretary and University Security as soon as possible.

The “Guidance for chairs” document provides a procedure which can be employed when a public meeting is being disrupted, for example by disruptive repeated heckling, abuse or offensive signs, behaviour or language.

6. Monitoring compliance with the Procedure

6.1 Enforcement

Heads of School, Directors or equivalent are responsible for obtaining assurance that all staff and students within their area act in accordance with this Procedure.

6.2 Audit

The Deputy Secretary and Director of Compliance and Risk will monitor compliance with the Code, working with staff and the Students’ Union as necessary. The University and Union will also reflect on the review procedures for meetings brought forward via the Union at meetings of the University Union Relations Committee (UURC).

6.3 Reporting

The Deputy Secretary, in consultation with the Director of Compliance and Risk, will report on this Procedure to the Board of Governors. A summary report will be provided (through UURC) comprising:

- any events denied permission under the Code
- any events considered under the Code identified as high-risk but which were held and managed under the Procedure
- the number of occasions where this Procedure has not been followed
- any lessons learned to improve the Procedure.

7. Review of Procedure

This Procedure will be reviewed at least every three years or when significant changes are required.

8. Contact list for queries related to this Procedure

<u>Role</u>	<u>Name</u>	<u>Telephone</u>	<u>email</u>
Deputy Secretary	Mark Rollinson	0161 306 3772	Mark.rollinson@manchester.ac.uk
Director of Compliance and Risk	David Barker	0161 275 5798	David.barker@manchester.ac.uk
Director of the Students’ Union	Ben Ward	0161 275 3290	Ben.Ward@manchester.ac.uk

Version amendment history

Version	Date	Reason for change
1.0	October 2016	Creation
1.1	November 2017	Change to contact list
1.2	January 2019	Amendment to reflect discussions with UMSU re a proportionate, risk based approach and other operational changes

Document control box	
Procedure title:	Procedure underpinning the Code of Practice on Freedom of Speech
Date approved:	November 2016
Approving body:	UURC and PRC
Version:	1.0
Supersedes:	n/a
Previous review dates:	n/a
Next review date:	November 2019
Related Statutes, Ordinances, General Regulations:	Article III.4 of the University Charter Statute X
Related policies:	n/a
Related procedures:	
Related guidance and or codes of practice:	Code of Practice on Freedom of Speech Code of Practice between the University and the Students' Union Guidance for Chairs
Related information:	
Procedure owner:	Deputy Secretary and Director of Compliance and Risk