



Meetings at English HEPs

Free speech requirements and risks

PRELIMINARY – EFFECTIVE DATE: this Statement sets out the position as at 1 August 2024, when the main provisions of the Higher Education (Freedom of Speech) Act 2023 come into effect.

IMPORTANT – THIS STATEMENT IS OUT OF DATE: it was written before draft OfS guidance was produced, so needs to be significantly revised. THIS STATEMENT WILL BE REVISED after 1 August, and from time to time as the law, guidance and knowledge develop. SEE ALSO the important notice at page 12.

This statement provides information about the legal and regulatory requirements for securing free speech in the context of to the holding of meetings at English universities and other registered Higher Educational Providers (“HEPs”).

Best Free Speech Practice (“BFSP”) is a non-partisan campaign to clarify and publicly share what the legal requirements and their implications in practice actually are at UK HEPs.

Relevant law

BFSP has provided detailed information about the relevant legal and regulatory requirements and their implications in its Statement **Free speech protection at English universities: The requirements post HE(FOS)A** (the “Principal Statement”), which can be found at <https://bfsp.uk/universities-and-free-speech>. Terms defined in the Principal Statement have the same meaning in this Statement.

HERA and related guidance

Sub-sections A1(1) and (2) of the **Higher Education and Research Act 2017** (“HERA”) provide that the governing body of an English HEP must take “*the steps that, having particular regard to the importance of freedom of speech, are reasonably practicable for it to take*” to secure freedom of speech (within the law) for the staff, members and students (“**Participants**”) of and visiting speakers to the HEP. This is a demanding requirement and requires active, positive steps to be taken. The obligations are stated in objective terms, giving no material

discretion to an HEP as to what steps it needs to take. It results in various requirements in practice, which are discussed in detail below. Free speech obligations override other considerations, subject only to the following:

- the relevant speech must be lawful; and
- HEPs are only required to take the steps that are reasonably practicable for them to take.

Sub-sections A1(3), (4) and (10) of HERA go on to state that the overall objective of securing freedom of speech (within the law) includes securing that:

- the use of an HEP's premises¹ is not denied to any individual or body on the grounds of their ideas, beliefs or views (or, in the case of bodies, the policies or objectives or the ideas *etc.* of any of their members);
- the terms on which those premises are provided are not to any extent based on such grounds; and
- save in exceptional circumstances, use of its premises by any individual or body is not on terms that require that individual or body to bear some or all of the costs of security relating to their use of the premises².

An HEP must also, under **Section A2** of HERA, maintain a "*code of practice*" (a "**Code**") which sets out:

- the HEP's values relating to freedom of speech and an explanation of how those values uphold freedom of speech;
- the procedures to be followed by both staff and students of the HEP and any relevant students' union ("**SU**") for students at the HEP, if it is eligible for financial support, in connection with the organisation of meetings and other activities at the HEP's premises and the conduct required of such persons in connection with those meetings and activities³; and

¹ Which would include any such premises that are occupied by SUs.

² It appears that a booking fee which is applicable to all users of the premises in the same way (e.g. daytime, evening or weekends), and which covers general running costs of the building in which the relevant premises are located (which may include general security costs relating to that building) may be charged, as this does not specifically relate to the relevant person's use of the premises.

³ The provision refers to any class of meeting or activity "specified in the code"; the primary obligations should be taken to require that these classes are drawn as widely as reasonably practicable so as to ensure the protection of free speech.

- the criteria applied by the HEP in deciding whether to allow the use of premises and on what terms; these must include its criteria for deciding whether there are exceptional circumstances which would justify requiring a person or body to bear some or all the costs of security for the meeting or activity.

Section A2 also requires an HEP:

- to take all reasonably practicable steps in order to secure compliance with its Code, including where appropriate the initiation of disciplinary measures⁴; and
- specifically to bring the provisions of **Section A1** of HERA and its Code to the attention of all students at least once a year⁵.

The OfS has stated⁶ that: *“in our view, it would not be sufficient for [an HEP’s] free speech code only to deal with the organisation of meetings [...]. In our view, a free speech code should go a lot further than that. We consider that such a code should provide a broader framework for ensuring free speech at the [HEP]. This means that we would expect [an HEP’s] free speech to code to include broader statements about free speech and academic freedom, and to extend to activities such as teaching and curriculum content”*; and that the OfS is *“likely to consider the scope of freedom of speech policies across the sector in the future [...]. HEPs may wish to review their codes of practise now, with this in mind.”* The requirement to maintain a Code in accordance with the new statutory obligations and OfS expectations will inevitably require HEPs to review their existing codes, statements, policies and rules. It is recommended that HEPs include their Codes (or reference to their Codes) within the annual Statement referred to below.

Further, the Higher Education Policy Institute at Oxford University produced a valuable study and report in 2018 on university codes of practice, with its recommendations on how to optimise those codes. See the Appendix for these recommendations. These should be adopted by HEPs as a matter of best practice, and this may in any event be required by the primary obligations in HERA.

⁴ See **Sub-section A2(4)**.

⁵ See **Sub-section A2(5)**.

⁶ OfS’ Insight publication *Freedom to question, challenge and debate*, December 2022 (the “**OfS December 2022 Publication**”). <https://www.officeforstudents.org.uk/media/8a032d0f-ed24-4a10-b254-c1d9bfcfe8b5/insight-brief-16-freedom-to-question-challenge-and-debate.pdf>

The EHRC has issued a guide⁷ which contains various statements as to the extent of HEPs' obligations⁸ about, and other useful guidance on making decisions in relation to, meetings and risk mitigations⁹.

Equality Act

As is now well known, various viewpoints on currently contested issues had been ruled to be protected philosophical beliefs under the Equality Act 2010 ("**Equality Act**"). These include "gender-critical" viewpoints and ones which contest aspects of "critical race theory". Employers and education providers need to avoid discrimination against and harassment of people with such viewpoints in certain specified contexts. Employers are liable for discrimination and harassment committed by their employees in the course of their employment, unless they can show that they took all reasonable steps to prevent this happening. In general, HEPs are not, though, responsible under the Equality Act for the behaviour of their students. See the Principal Statement for detail about this subject.

Of particular relevance to the subject at hand are the recent *Fahmy, Meade* and *Phoenix/Open University* cases in respect of the protection of protected viewpoints under the Equality Act, under which employers have been held liable for actions of their employees, including personal attacks and online pile-ons. Misuse of an employer's disciplinary process was held to be harassment, and misuse of meeting approval processes by employees could be likewise. Detailed statements on these cases can be found at the BFSP website.

See further detail on the above requirements in the Principal Statement.

The law is clear, both under HERA and under the Equality Act, that HEPs are responsible for taking all "reasonably practicable"/"reasonable" steps to prevent staff and (primarily under HERA) students from acting in ways that attack or prejudice people for their lawful free speech, and this includes acting to prevent or hinder a meeting as discussed below.

Where a free speech issue is current, if an HEP has the right rules, procedures and practices already in place, and then does its demonstrable best to stop the relevant actions when it

⁷ EHRC's Guide Freedom of Expression for HEPs and SUs in England and Wales ("**EHRC Guide**"), Section 3.4. See: <https://www.equalityhumanrights.com/sites/default/files/freedom-of-expression-guide-for-higher-education-providers-and-students-unions-england-and-wales.pdf>. **Note that the EHRC Guide was issued prior to the new obligations under HERA coming into effect and prior to the developments under the Equality Act over recent years, so should be regarded as out of date and will no doubt be revised in time.**

⁸ Section 7.

⁹ Section 6.

becomes aware of them, it has the best possible chance of avoiding liability and embarrassment in respect of the relevant meeting or event.

What the law requires as regards ensuring that meetings happen and are not disrupted

The above obligations give rise to the following extensive requirements in practice.

Preliminary point: requirements apply in respect of “internal” as well as “external” meetings

The requirements in HERA and the Equality Act apply to “internal” or “regular” meetings (lectures, seminar, tutorials and the like, and also staff meetings) as well as “external” or “formal” ones. Neither HERA nor the Equality Act makes any distinction between types of meetings.

Obviously, the great majority of internal or regular meetings are highly unlikely to involve any free speech problems, and it is clearly not practicable for a lengthy notification and review process to be gone through in respect of every such meeting. HEPs do, though, have duties to protect free speech rights in respect of such meetings.

As regards employee interactions, internal meetings (including staff meetings) could give rise to free speech compliance risks: in particular risks arising from unlawful harassment or discrimination as evidenced by the *Fahmy* and *Phoenix* cases, even where disruption as such does not occur.

More “formal” internal events, for instance generally accessible lectures or debates, are more likely to give rise to free speech compliance risks than regular lectures or seminars. HEPs’ Codes should make clear that such meetings should be subject to the Code, although perhaps with streamlined approval processes as appropriate to each HEP’s particular circumstances.

We make the following recommendations in respect of other (less “formal”) internal/regular meetings.

- People organising internal meetings should have a duty, which they are reminded of quite regularly, to give thought to whether the meeting is of a nature or involves a person or subject, for instance somebody who is known to have strong views on highly contested subjects, which may give rise to disruption and/or free speech problems.
- Where this is the case, the organiser should inform the relevant staff (or free speech officer) responsible for the review and approval of meetings, and a review process would be necessary. For instance, it might be necessary to consider whether security arrangements need to be made in case a problem develops. This process could perhaps be a modified and simplified version of the Code.
- Staff meetings and the like would be impossible to review or approve in advance, unless they are known to be potentially contentious, so HEPs will need to have the right policies

and rules in place, and ensure their staff understand what they are prohibited from doing and be ready to intervene if something goes wrong.

- Provisions addressing the above issues should be included in, or referred to, in the Code.

FS Statement, including the Code

In performance of this duty, and so as to provide Participants with complete, appropriate and comprehensible information, the law requires that HEPs should do some or all of the following (and best practice definitely requires this).

- Produce a clear and comprehensible formal written statement which brings together into one place, for ease of reference and comprehension, all free speech-related requirements and relevant information (some by reference to links to other documents), including some or all of the HEP's Code ("**FS Statement**"):
 - affirming the importance of freedom of speech and academic freedom and the HEP's commitment, in compliance with its statutory obligations, to promoting and securing them (and not actively limiting free speech, for example by requiring 'respect' rather than 'tolerance' for all viewpoints¹⁰);
 - setting out its values and expectations regarding free speech and tolerance of the viewpoints of others, and such of its own rules and other requirements ("**HEP's FS Requirements**") and their practical implications, as are relevant for Participants to know, including a summary of the terms of the provisions of **Section A1** of HERA;
 - including, or summarising and referring to (by way, for example, of a hyperlink), the HEP's Code and any other requirements relating to meetings and events, drawing specific attention to the facts that the HEP is statutorily required to secure compliance with the Code; and
 - informing Participants of the disciplinary consequences of failure by Participants to comply with the parts of the HEP's FS Requirements that are relevant to them, including the terms of the Code.
- Make the FS Statement and Code available to the public, in accessible format on its website, in addition to bringing them to the attention of all Participants at least once a year (HEPs should consider whether termly dissemination would be more appropriate).
- Provide a copy of the FS Statement and Code to all students who are new to the HEP as an important part of the matriculation process.
- Promptly publish any revisions to the FS Statement and Code online and bring any material revisions to the attention of Participants.

¹⁰ DfE, *Higher education: free speech and academic freedom*, 2021 ("**DfE 2021 Publication**"), Annex B.

Policies, rules, enforcement

HEPs must do the following.

- Create appropriate and effective policies, procedures and rules:
 - about meetings, events and the use of premises, which need to be clear and user-friendly, avoid unnecessary bureaucracy and not become barriers to holding meetings but, rather, facilitate successful and peaceful ones.¹¹; and
 - prohibiting actions intended to prevent or inhibit the holding of lawful meetings. An example of such a rule would be the following.

“No [Participant] may, without reasonable excuse¹², take any action intended¹³ to:

- prevent or hinder a meeting, event or other activity (“**Meeting**”) from happening at the premises of [HEP] (or any of its constituent institutions or its related students’ union), or elsewhere in circumstances where the Meeting will be attended, in part at least, by [Participants]; or
- render the Meeting or activity impossible or impracticable to hold or more difficult or expensive to organise or publicise than that Meeting would otherwise be,

because of the intended subject-matter of the Meeting or the statements made or beliefs or opinions held or expressed of any persons organising or intended to participate in that Meeting.¹⁴”

¹¹ The DfE has stated an expectation that: an HEP should clearly set out the steps that need to be taken in relation to the organisation of events or other activities that are to take place on the HEP’s premises (including any premises occupied by the HEP’s SU, even where those premises are not owned by the HEP) where issues of free speech may arise; these steps should be as simple as possible; and the HEP should not require unnecessarily complicated or burdensome processes to be followed in connection with the organisation of events or activities, recognising that such requirements may dissuade students from seeking to organise events or activities and thereby inhibit free speech. DfE 2021 Publication, Annex B.

¹² For the purposes of this prohibition, actual or claimed ignorance of the HEP’s FS Requirements should not be treated as a reasonable excuse.

¹³ An action or course of action which has the prohibited effect will be deemed to be intended as provided above, and because of the intended subject-matter of the Meeting, if no other convincing explanation for it is provided.

¹⁴ Prohibited actions will include: knowingly making misrepresentations or exaggerated claims of the likely negative consequences of holding the Meeting, for instance making claims of likely violent protest which are not supported by real and credible evidence; acting on such misrepresentations or exaggerated claims in the knowledge that they are misrepresentations or exaggerated; and threatening violent protest or other adverse consequences in connection with the holding or the Meeting.

- Enforce such rules appropriately and consistently. HERA requires HEPs to secure compliance with their Code, including where appropriate the initiation of disciplinary measures¹⁵. They need to be ready to act quickly and effectively if a problem develops.
- Ensure that all Participants who are involved in the approval process understand the requirements and their responsibilities.

Regarding particular meetings and events

As stated by both the EHRC¹⁶ and the DfE¹⁷, an HEP's starting point should be that the meeting, event or activity should be allowed to proceed, without any restrictions or mitigations, such as requiring a speech to be shared in advance¹⁸. The default position should be that such restrictions or mitigations are not applied.

It may be appropriate that the broad content of a speaking event which is open to Participants generally should be clearly advertised in advance so as to enable people who may be offended by views expressed to decide whether to attend or not. This should not, though, be such as to prevent or hinder the holding of the meeting or event or the free expression of views, or create hurdles or inconvenience for the organisers, or require that the meeting or event be presented in in any particular way (including negatively). Requesting copies of a talk or paper in advance of a meeting is not appropriate. It has been stated by the Joint Committee on Human Rights not to be a "reasonable condition" to impose on (external) speakers¹⁹.

Challenges, problems and mitigations

Peaceful protest is itself a protected form of expression, although such protest should not be allowed to shut down debate or infringe the rights of others. HEPs need to be ready to monitor and police protests and ensure that this requirement is given effect.

If an HEP decides to impose restrictions or mitigations on a meeting or event, it must:

¹⁵ Expressly in Sub-section A2(4), as well as pursuant to the primary obligation in Section A1.

¹⁶ EHRC Guide, Section 6.

¹⁷ DfE 2021 Publication, Annex B.

¹⁸ There is case law to the effect that a decision to cancel a conference on the ground that it was not possible to put measures in place to ensure good order consistently with safeguarding staff and students was compatible with a university's duty under the predecessor to the primary obligations under HERA (*R (Ben Dor) v. University of Southampton* [2015] EWHC 2206 [Admin] [2015] ELR 590). However, given the nature of recent developments, and the increased statutory requirements as regards meetings in particular, the scope for HEPs to rely on this concept appears to be very narrow.

¹⁹ *Report of the Joint Committee on Human Rights Inquiry into Freedom of Speech in Universities*, 27 March 2018, 41.

- ensure that they are not more onerous than the minimum level which is necessary to ensure that the relevant safety or other concern is addressed²⁰; and
- strive to be even-handed and impartial. Where an HEP decides to impose restrictions or mitigations at a meeting or event where a speaker is taking a particular position on an issue, but not to impose similar requirements at an event where a speaker is taking a different position on the same issue, it should document and be able to justify its reasons for doing so.²¹

An HEP should deal with any issues raised or challenges made in respect of the holding of or content or speakers at meetings or events promptly and effectively. (An HEP is required by HERA to take all reasonably practicable steps to stop activities which breach its HEP's FS Requirements.) Any issues raised as objections to the holding of a meeting should be dismissed if they do not raise concerns about a breach of the law or of the HEP's policies or rules (which are themselves consistent with its obligations under the primary duty to secure free speech under HERA); or investigated promptly, carefully and objectively, so as to confirm the truth or otherwise of claims or allegations made in respect of the upcoming meeting or event.

An HEP should have contingency plans and decision-making structures in place (e.g. in relation to access to sources of additional security), so issues can be responded to promptly and effectively and risks of cancellation of meetings or events reduced. This would likely include having forms of documents ready for rapid use, such as warning letters to people who are threatening to disrupt a meeting.

An HEP should only impose chairs of meetings where strictly necessary in order to ensure orderly conduct and not so as to effectively restrict the rights of participants at the meeting or event to speak their minds.

Particular risks of non-compliance with HERA obligations arise where meetings or events are (expressly or effectively) prevented from being held at a very late stage, in particular as a result of alleged safety concerns or the like in circumstances where there is no time to address any concerns raised with the consequence that the meeting or event has to be cancelled. This is a known tactic of opponents of particular types of speaker or viewpoint. Any HEP which does not:

- take a wary and sceptical approach to late claims or allegations;
- warn people making the relevant allegations or threatening to prevent or disrupt meetings or events that they are already in breach of its HEP's FS Requirements and may be subject

²⁰ Note that postponement of a meeting is very onerous, and can often mean cancellation in effect, for instance where the speaker is busy or the meeting was due at the end of a term. It should only be a requirement of last resort.

²¹ See: DfE 2021 Publication, Annex B.

to disciplinary processes, and will be in further breach of such requirements if they continue with such actions or do actually prevent or disrupt the meeting or event, and that this will be regarded as an exacerbating factor in any disciplinary processes; and

- take all reasonably practicable steps to ensure that the meeting or event does happen despite these issues,

risks being in breach of its HERA free speech obligations.

If challenges are made or problems created in respect of a planned meeting and the HEP suspects that this is deliberately done in order to prevent or hinder the meeting, the HEP should point out to relevant Participants that they are in breach of the HEP's FS Requirements and will be subject to disciplinary processes if this turns out to be the case.

Questions of cost (eg for security)

Questions of cost, for instance for enhanced security, will often arise. The following is required in relation to cost issues.

- HEPs should be as transparent and consistent as possible about how questions of cost will be addressed, and the applicable criteria and requirements.
- As noted above, HEPs are now required to secure that, save in exceptional circumstances, use of its premises by any individual or body is not on terms that require that individual or body to bear some or all of the costs of security relating to their use of the premises. Their Codes must include their criteria for deciding whether there are exceptional circumstances which would justify requiring a person or body to bear some or all the costs of security for the meeting or activity.²²
- A key test will be reasonable practicability. The fact that a course of action is expensive would not necessarily justify it being treated as not reasonably practicable or "exceptional". The cost would likely need to be both significant and grossly disproportionate to the benefits likely to be obtained in order for an HEP to be able to justify not taking an action on grounds of cost.²³

²² HERA Sub-sections A1(10) and A2(1)(d). But see footnote 2 above re general costs included in generally applicable hire charges.

²³ Relevantly to this, the DfE has stated that: "HEPs should not be too quick to cite security costs as a reason to prevent an event from going ahead, though there will be limited circumstances where it is reasonable for a HEP to consider costs as prohibitive. [...] In most cases it should be possible to at least mitigate the issues of security costs and, wherever possible, individuals wishing to express lawful views should not suffer as a result of the unlawful attempts of others to disrupt their right to free speech" DfE 2021 Publication, paragraph 51. (Note that this statement predates the amendments to HERA and is now effectively superseded.)

- Where an HEP decides that security is required, it must actively seek to minimise both the degree of security required and its cost. It should document any decision as to security measures and security costs, and who should bear any costs, setting out the reasons for those decisions.²⁴ If it decides that the relevant circumstances are exceptional, so as to justify imposing costs on people or groups planning to hold a meeting or event, it should endeavour to minimise the security required and costs imposed on the people or groups planning to hold the relevant meeting or event, as such costs can quickly render an event impracticable.
- The DfE has stated²⁵ that, when making a decision on security costs, an HEP should consider whether the speech is from a particular perspective or on a particular topic that is generally disadvantaged and/or particularly susceptible to being stifled within the HEP. Whether or not required under HERA, this would be best practice.
- Where an event is refused any permission required or a venue on the basis of security costs, or the HEP requires the people or group planning to hold the meeting or event to pay some or all of the security costs, the reasons must be clearly explained in writing.

Recording decisions

An HEP should make and retain a written record of decisions taken to:

- refuse permission for a meeting or event to be organised;
- cancel or postpone a meeting or event which has already been organised;
- impose restrictions or mitigations on a meeting or event, such as the appointment of an independent chair;
- take any action which may render a meeting or event harder to organise or hold; and
- take or require any security measures or impose security costs, as mentioned above. In documenting its decision, the HEP should indicate the factors taken into account and their reasons for making the decision.²⁶

No platforming policies

In relation to so-called “no platforming” policies: while HEPs and SUs could probably legitimately adopt a list of proscribed bodies and other organisations holding overtly racist or terrorist views representatives of which should not be invited to meetings by the HEP or SU, such lists should be discouraged and would, if maintained, need to comply with the obligations to secure free speech (keeping in mind that institutional neutrality is inherent in

²⁴ See also: DfE, 2021 Publication, Annex B.

²⁵ DfE 2021 Publication, Annex B.

²⁶ This is the DfE’s stated expectation: see DfE 2021 Publication, Annex B.

those obligations). This means that any such lists would need to be very limited and the justifications for including any particular organisation or speaker on it compelling, or they will likely give rise to unlawful action by the HEP.

Safe spaces

So-called “safe spaces” for students should also be discouraged in the context of the obligations to secure free speech. If a HEP or SU wishes to create a “safe space”, it should take care that this does not operate so as to create inappropriate restrictions on Participants’ or visiting speakers’ freedom of speech. To the extent that they are designed to “protect” people from viewpoints which count as “*protected characteristics*” for the purpose of the Equality Act, they risk counting as segregation which is unlawful discrimination under the Equality Act against the people who hold those viewpoints, and could, to the extent that this involves official disapproval of the viewpoints concerned, count as harassment under the Equality Act²⁷. It will be extremely difficult to justify “safe spaces” which purport to apply across campuses or cover important shared facilities within student buildings. Rather, they need to be limited in space and/or time and/or scope.

Best Free Speech Practice

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Details of the Committee (authors) and Editorial and Advisory Board of BFSP are on the BFSP website.

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Important: *This document:*

- *is a short summary of a complex area of law, and does not purport to be complete or definitive. It is not (and may not be relied on as) legal or other advice: HEPs and others should consult their legal and other advisers in respect of all matters relating to free speech in connection with their institution, including those referred to in this document;*
- *does not seek to prescribe detailed policies and practices: these will have to be developed by HEPs themselves, in the context of their own particular circumstances;*
- *will be revised from time to time as the law, guidance and knowledge develop; and*
- ***MAY BE OUT OF DATE:*** *see its publication date above.*

²⁷ See *Ms R Meade v Westminster City Council and Social Work England* (2024) ET Case No: 2201792/2022 & 2211483/2022). See BFSP’s detailed statement on this case at <https://bfsp.uk/universities-and-free-speech>.

APPENDIX: HEPI RECOMMENDATIONS ON CODE CONTENTS

The Higher Education Policy Institute (“HEPI”) produced a valuable study and report in 2018 on HEP Codes of Practice, with recommendations on how to optimise these codes. [See their full study here.](#)

We set out their recommendations below, with our suggestions added. We recommend that HEPI’s recommendations should be adopted as a matter of good practice. The extent to which to do so would fall within the primary obligations in HERA is unclear, but HEPs would be well advised to work on the basis that they do.

“To optimise the format of codes of practice on freedom of speech, we recommend universities:

- include a cover page to the code detailing the document’s history, including key information on the date of its approval, the next date of review and contact information for the responsible officer;
- consider formulating the codes in other formats (such as braille or audio) to ensure the widest possible readership;
- enhance the usability of the codes by employing hyperlinks throughout all online versions of the policies, as well as writing out web addresses in full in an appendix to the code (or in footnotes or endnotes) to ensure this information is not lost when the codes are printed out;
- make use of additional appendices to the codes to host vital supplementary documentation including application forms and additional guidance, so that this information is all housed in one place;
- visualise application and assessment processes in the form of process flowcharts wherever possible, to allow event organisers to easily understand what is required of them and to ensure the policies are as simple as they can be during the design process;
- take care to define what the code covers both in terms of meeting size and meeting format; and
- outline the precise remits of the code if intended, for example, to be applicable to students’ unions, in other countries, in constituent parts of a university with otherwise autonomous governance structures (such as Oxbridge colleges) or in faith-based institutions, where contradictions may occur with religious doctrine (such as Canon Law in Catholic institutions). *[BFSP: this paragraph is now largely superseded by the fact that the requirements regarding a code are now applicable to constituent institutions and SUs under HERA as revised.]*

To optimise the processes surrounding the codes of practice on freedom of speech, we recommend universities:

- regularly review and update their code, particularly in line with developments in relevant legislation;
- ensure the latest versions of the code are swiftly approved by relevant university boards and committees, and published accordingly on university websites;
- keep a visual record of where the code has been disseminated to allow university committees and boards to decide whether this is appropriate and sufficient at the next review meeting;
- avoid requesting information from speakers or event organisers that could be deemed unreasonable or offputting (such as routinely requesting copies of speeches before they are made);
- include in the code reasonable timescales for both the initial application to host an event or external speaker and the appeals process;
- offer in the code assistance to event organisers – such as PA systems or added security provisions – to give an event the best chance of going ahead before considering it for cancellation;
- consider including a disclaimer in the code to cover more lengthy and complex decision processes over appeals (although every effort should be made to stick to the original timescales outlined as above); and
- consider employing the expertise of an assessment panel, as opposed to just one accountable officer, to help in the case of deciding whether more complex or controversial events or speakers should go ahead. In addition, higher education institutions – particularly in England – may consider producing additional governance documents, such as statements of commitment to the codes of practice. This will not only help institutions to become clear about what their codes of practice are for, and what purpose they serve, but also help them to prepare for life under the Office for Students and its new *Regulatory Framework*, which may well require providers of higher education to justify their policies and processes in more detail in the future.”