

Mitigating the Risks? An Assessment of University Speaker Policies A Student Rights Briefing

MITIGATING THE RISKS? AN ASSESSMENT OF UNIVERSITY SPEAKER POLICIES

1. Introduction

In October 2015, the government's Counter-Extremism Strategy highlighted that, within higher education, "students are and have been influenced by extremist ideology and... some universities have been the focus of attention by extremist speakers".¹ The risk of radicalisation facing individuals within the sector has also been demonstrated by the number of students convicted of terrorism-related offences, or who have travelled overseas to join militant groups in recent years.²

With this threat in mind, the Counter Terrorism and Security Act 2015 imposed a duty on higher education institutions to have "due regard to the need to prevent individuals from being drawn into terrorism".³ As a result, implementation of the Prevent Duty on campuses is now a legal obligation which requires all Relevant Higher Education Bodies (RHEB) to have "policies and procedures in place for the management of events on campus and use of all RHEB premises".⁴ This includes all Higher Education Funding Council for England (HEFCE) funded providers, as well as alternative providers with specific course designation.

HEFCE was tasked with regulating institutional compliance, and as part of this monitoring process English universities without autonomous colleges were required to submit their policies and procedures for assessment by 1 April 2016, with alternative providers and collegiate institutions given until 1 June and 1 August 2016 respectively. With the policies all now assessed by HEFCE, which is preparing for the "2017 Phase 2 cyclical monitoring" stage,⁵ Student Rights has sought to carry out a further assessment, examining a number of these policies against our Model External Speaker Policy, published in May 2016.

This report examines 76 policies from English universities subject to HEFCE's monitoring provided following Freedom of Information requests, and scores them against 20 questions based on the Model External Speaker Policy. It provides a detailed breakdown of the findings, examining the successes and failings within the policies' frameworks, application processes and risk assessment/mitigation processes, recognising where the sector has improved substantially in recent years. Finally, it seeks to provide practical recommendations to address the issues highlighted, aiming to tighten procedural loopholes and identify where staff and institutions need greater support.

¹ 'Counter-Extremism Strategy', HM Government (2015), available at:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/470088/51859_Cm9148_Accessible.pdf, last visited: 26 February 2017, p. 14.

² 'Preventing Prevent: Challenges to Counter-Radicalisation Policy on Campus', Student Rights (2015), available at: www.henryjacksonsociety.org/wp-content/uploads/2015/10/Preventing-Prevent_webversion3.pdf, last visited: 26 February 2017, pp. 11-14.

³ 'Counter-Terrorism and Security Act 2015', *HM Government*, 12 February 2015, available at: www.legislation.gov.uk/ukpga/2015/6/section/31/enacted, last visited: 26 February 2017.

⁴ 'Prevent Duty Guidance: for higher education institutions in England and Wales', HM Government (2015), available at:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/445916/Prevent_Duty_Guidance_For_Higher_Education__England__Wales_.pdf, last visited: 26 February 2017, p. 4.

⁵ See 'Implementation of the Prevent duty in the higher education sector in England: 2015-16', *Higher Education Funding Council for England*, 18 January 2017, available at: www.hefce.ac.uk/pubs/year/2017/201701/, last visited: 26 February 2017; 'Updated framework for the monitoring of the Prevent duty in higher education in England', *Higher Education Funding Council for England*, 20 September 2016, available at: www.hefce.ac.uk/pubs/year/2016/201624/, last visited: 26 February 2017; 'Prevent duty monitoring framework, Phase 1: Request for documentation from relevant higher education bodies', *Higher Education Funding Council for England*, 29 February 2016, available at: www.hefce.ac.uk/pubs/year/2016/CL_022016/, last visited: 26 February 2017.

2. Extremism and UK Higher Education

The threat to the UK from international terrorism is currently judged to be severe, meaning that an attack is considered highly likely.⁶ As part of CONTEST, the UK's wider plan to protect itself from terrorism, the government has developed the Prevent strategy,⁷ which aims to “work with sectors and institutions where there are risks of radicalisation”.⁸ Alongside sectors including prisons, schools and the Internet, higher education has been identified as potentially open to extremist misuse, or somewhere people could be vulnerable to radicalisation, on a number of occasions. In 2005, a Home Office working group found that extremist propaganda was being disseminated in universities, which it suggested were “a major recruiting ground for extremists”.⁹

In 2011, the revised Prevent strategy declared that:

There is unambiguous evidence to indicate that some extremist organisations [...] target specific universities and colleges (notably those with a large number of Muslim students) with the objective of radicalising and recruiting students.⁸

The following year, a Home Affairs Select Committee report claimed that while the focus on the sector could have been disproportionate, “some universities may have been complacent” in challenging extremism, arguing it was “not convinced that extremists on campus are always subject to equal and robust challenge”.¹⁰ Charles Farr, the then-Director General of the government's Office for Security and Counter-Terrorism (OSCT) supported this view in his testimony to the Committee, stating that individuals who oppose “core UK values and whose ideology incidentally is also shared by terrorist organisations” were “going unchallenged” on UK campuses.¹¹

In May 2013, the government established an Extremism Task Force following the murder of Lee Rigby by Michael Adebolajo and Michael Adebowale in Woolwich. Reporting in December 2013, the Task Force found that “[e]xtremist preachers use some higher education [sic] institutions as a platform for spreading their messages”.¹² This was further stressed by the government's Counter-Extremism Strategy, released in October 2015, which highlighted that, within higher education, “students are and have been influenced by extremist ideology and... some universities have been the focus of attention by extremist speakers”.¹³

With this threat in mind, the Counter Terrorism and Security Act 2015 had imposed a duty on higher education institutions to have “due regard to the need to prevent individuals from being drawn into terrorism” earlier in the year.¹⁴ Coming into force for higher education institutions in

⁶ ‘Threat Levels’, MI5, available at: www.mi5.gov.uk/threat-levels, last visited: 26 February 2017.

⁷ The three other strands of CONTEST are ‘Pursue’, which seeks to “stop terrorist attacks”; ‘Protect’, which aims to “strengthen our protection against a terrorist attack”; and ‘Prepare’, which strives to “mitigate the impact of a terrorist attack”. See: ‘CONTEST: The United Kingdom's Strategy for Countering Terrorism’, HM Government (2011), available at:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/97994/contest-summary.pdf, last visited: 26 February 2017, p. 6.

⁸ ‘Prevent Strategy’, HM Government (2011), available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/97976/prevent-strategy-review.pdf, last visited: 26 February 2017, p. 1.

⁹ “Preventing Extremism Together” Working Groups, Home Office (2005), available at: <http://webarchive.nationalarchives.gov.uk/20120919132719/http://www.communities.gov.uk/documents/communities/pdf/152164.pdf>, last visited: 26 February 2017, p. 18.

¹⁰ ‘Roots of violent radicalisation’, Home Affairs Select Committee (2012), available at: www.publications.parliament.uk/pa/cm201012/cmselect/cmha/1446/1446.pdf, last visited: 26 February 2017, pp. 22-23.

¹¹ ‘Roots of violent radicalisation’, Home Affairs Select Committee (2012), p. 15.

¹² ‘Tackling extremism in the UK’, HM Government (2013), available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/263181/ETF_FINAL.pdf, last visited: 26 February 2017, p. 6.

¹³ ‘Counter-Extremism Strategy’, HM Government (2015), p. 14.

¹⁴ ‘Counter-Terrorism and Security Act 2015’, HM Government, 12 February 2015.

September 2015, the legislation gave universities a legal obligation to put “policies and procedures in place for the management of events on campus”.¹⁵

2.1 Students Involved in Violent Extremism

The revised Prevent strategy highlights that a number of students “appear to have been attracted to and influenced by extremist ideology while at university and engaged in terrorism-related activity after they had left”.¹⁶ Student Rights’ July 2015 report, ‘Preventing Prevent: Challenges to Counter-Radicalisation Policy on Campus’, identified six cases where graduates from UK universities convicted of involvement in terrorism can plausibly be suggested to have been at least partially radicalised during their studies. This included Umar Farouk Abdulmutallab, convicted of attempted murder and terrorism in 2012 after trying to bomb a passenger flight to Detroit in 2009. During his time at University College London (UCL), he had repeatedly contacted extremists who were under MI5 surveillance, and had also hosted on-campus events with extreme speakers.

The report also documented the cases of 12 students who carried out acts of Islamism-inspired terrorism, or terrorism-related offences, while studying at a UK university at the time of their offence between 1999 and 2015. Additionally, the report noted the case of Vladimir Aust, convicted of manufacturing an explosive substance in his student accommodation while a student at Newcastle University,¹⁷ and did not include mention of Yusuf Zubair Sarwar, a part-time student at Birmingham City University jailed for twelve years in December 2014 after returning from Syria as he was believed to have dropped out of his course before travelling.¹⁸

Since its publication, there have been further convictions of students. In July 2016, Middlesex University student, Cubeyda Jama, was sentenced to three and a half years after he was arrested at Stansted Airport with a step by step guide for terrorism as he attempted to travel to Syria.¹⁹ Three months earlier, King’s College London (KCL) student, Suhaib Majeed, was given a life sentence for conspiracy to murder and preparation of terrorist acts for plotting an Islamic State-inspired drive-by shooting.²⁰ In November 2015, another Middlesex University student, Yahya Rashid, received a five-year prison sentence for using his student loan to fund travel to Syria.²¹

In addition, ‘Preventing Prevent’ also detailed a number of students enrolled at UK universities who had travelled to Syria to work with extremist groups, or to fight for armed Islamist groups in the country. Others are believed to have travelled soon after graduation, including a former English student at Goldsmiths, University of London, Tooba Gondal, who was unmasked as an ISIS recruiter involved in efforts to recruit young girls to go to Syria in July 2016.²²

¹⁵ ‘Prevent Duty Guidance: for higher education institutions in England and Wales’, HM Government (2015), p. 4.

¹⁶ ‘Prevent Strategy’, HM Government (2011), p. 73.

¹⁷ ‘Preventing Prevent: Challenges to Counter-Radicalisation Policy on Campus’, Student Rights (2015), pp. 12-15.

¹⁸ ‘Judge praises ‘brave’ mother who told police her son had gone to Syria ‘to do jihad’ as he jailed childhood friends for more than 12 years for joining Al-Qaeda linked group’, *Daily Mail*, 5 December 2014, available at: www.dailymail.co.uk/news/article-2862215/Two-childhood-friends-travelled-Britain-Syria-join-al-Qaida-linked-terror-group-jihad-jailed-17-years.html, last visited: 26 February 2017.

¹⁹ ‘Teenager with step by step terrorist guide jailed after he was caught trying to join ISIS in Syria’, *International Business Times*, 28 July 2016, available at: www.ibtimes.co.uk/teenager-step-by-step-terrorist-guide-jailed-after-he-was-caught-trying-join-isis-syria-1573116, last visited: 26 February 2017.

²⁰ ‘IS-inspired ‘drive-by’ terror plot: Two students found guilty’, *BBC News*, 23 March 2016, available at: www.bbc.co.uk/news/uk-35884915, last visited: 26 February 2017.

²¹ ‘Teenager who used student loan to join Isis in Syria gets youth custody’, *The Guardian*, 18 November 2015, available at: www.theguardian.com/world/2015/nov/18/yahya-rashid-used-student-loan-join-isis-syria-youth-custody, last visited: 26 February 2017.

²² ‘Unmasked: Gun-toting jihadi ‘bride-maker’ who grooms British girls for ISIS fighters in Syria is student from London whose father is a successful businessman’, *Daily Mail*, 3 July 2016, available at: www.dailymail.co.uk/news/article-3671824/Unmasked-Gun-toting-Jihadi-bride-maker-grooms-British-girls-ISIS-fighters-Syria-student-London-father-successful-businessman.html, last visited: 26 February 2017.

2.2 Non-Violent Extremism on Campus

The Prevent Duty guidance for Higher Education Institutions highlights concerns about the threat to the sector posed by “non-violent extremism, which can create an atmosphere conducive to terrorism and can popularise views which terrorists exploit”.²³ The revised Prevent Strategy defined this non-violent extremism as:

Vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas.²⁴

The promotion of non-violent extremism can potentially manifest on campuses through the invitation of extreme or intolerant speakers to give lectures, usually as a result of an invitation from a student society. Events are also organised on occasion by off-campus organisations in order to utilise university conference facilities.²⁵ Social media is often used to advertise events to students beyond the institution it is being hosted at, particularly in areas with a high concentration of universities (such as London). Many of these events host just one speaker, and rarely act as debates when more than one speaker is present. Instead, they provide unchallenged platforms where extreme or intolerant speakers are presented as religious or political authorities.

In addition, extremist activists from across the political spectrum have targeted UK universities on a number of occasions. Individuals linked to the proscribed organisation, al-Muhajiroun, appeared at the London School of Economics (LSE) and Queen Mary University of London in early 2014,²⁶ and Muslim Brotherhood supporters stormed a function at the School of Oriental and African Studies (SOAS), in November 2013, over its inclusion of a secularist Egyptian politician on the panel.²⁷ The neo-Nazi group, National Action, proscribed in December 2016,²⁸ has targeted universities on a number of occasions. Activists have appeared on campuses in Birmingham; Coventry; Leeds; London; Nottingham; Sunderland, and Warwick, posing for photographs; carrying out banner-drops; and distributing leaflets and stickers.²⁹ In October 2016, meanwhile, Racial Volunteer Force members appeared on campus at Royal Holloway University to protest against the dismissal of a staff member connected to the group.³⁰

²³ ‘Prevent Duty Guidance: for higher education institutions in England and Wales’, HM Government (2015), p. 5.

²⁴ ‘Prevent Strategy’, HM Government (2011), p. 107.

²⁵ See: ‘University of London cancels conference after Police warning’, *Student Rights*, 20 September 2013, available at: www.studentrights.org.uk/article/2114/university_of_london_cancels_conference_after_police_warning, last visited: 26 February 2017; see also: ‘Christian Concern conference at Oxford University causes anger’, *Student Rights*, 6 March 2012, available at:

www.studentrights.org.uk/article/1887/christian_concern_conference_at_oxford_university_causes_anger, last visited: 26 February 2017.

²⁶ ‘Al-Muhajiroun-linked extremists on campus in London (Update: Statement released by Queen Mary)’, *Student Rights*, 14 March 2014, available at: www.studentrights.org.uk/article/2189/al_muhajiroun_linked_extremists_on_campus_in_london_update_statement_released_by_queen_mary_, last visited: 26 February 2017.

²⁷ ‘VIDEO: “Muslim Brotherhood” protesters storm London university lecture on Egypt’, *London Evening Standard*, 19 November 2013, available at: www.standard.co.uk/news/london/video-muslim-brotherhood-protesters-storm-london-university-lecture-on-egypt-8937580.html, last visited: 26 February 2017.

²⁸ ‘Far-right group National Action to be banned under terror laws’, *BBC News*, 12 December 2016, available at: www.bbc.co.uk/news/uk-38286708, last visited: 26 February 2017.

²⁹ See: ‘Tags: National Action’, *Student Rights*, available at: www.studentrights.org.uk/tag/National+Action, last visited: 26 February 2017, and screenshots archived by Student Rights.

³⁰ ‘Students protest neo-Nazi presence on-campus’, *Student Rights*, 22 October 2016 available at: www.studentrights.org.uk/article/2429/students_protest_neo_nazi_presence_on_campus_, last visited: 26 February 2017.

3. The Counter Terrorism and Security Act 2015

In February 2015, the passage of the Counter-Terrorism and Security Act sought to address the vulnerabilities of the higher education sector to extremist misuse or radicalisation by giving the vast majority of institutions a statutory duty to have “due regard to the need to prevent people from being drawn into terrorism”.³¹ Managing extremist speakers and events was specifically highlighted as part of this duty in draft guidance for universities released by the Home Office, with institutions expected to have “procedures in place for the management of events on campus” and “a system for assessing and rating risks associated with any planned events”.³² This built on the requirements mandated by the Education Act 1986, which required institutions to maintain a Code of Practice in relation to freedom of speech, enabling many providers to simply update their existing procedures with regard to the duty.

HEFCE was tasked with regulating this duty. On 30 November, it wrote to all HEFCE-funded relevant higher education bodies, including alternative providers with specific course designation and universities with autonomous colleges to inform them of the framework the monitoring process would use, and to request that they complete a preliminary self-assessment by 22 January 2016.³³ Following this assessment, English universities without autonomous colleges were required to “submit the policies, processes or arrangements that demonstrate that they have regard to the Prevent duty guidance” by 1 April 2016, with alternative providers given until 1 June 2016 and college-based institutions such as the University of Cambridge required to provide data by 1 August 2016.

The material required by HEFCE from institutions consisted of a risk assessment related to the imposition of the Prevent Duty, and an action plan which would address any issues raised by that assessment. It also included the policies and procedures developed by an institution for “managing the risks around **external speakers and events** [emphasis in original] on campus and institution-branded events taking place off campus”. In addition, a report was requested which addressed processes for:

- Governance oversight of Prevent Duty obligations and implementation, including engagement with Prevent partners;
- Student engagement and consultation relating to the Prevent Duty;
- The provision of training for relevant staff members;
- Internal and external sharing of information about vulnerable individuals and external speakers, where legal and appropriate;
- The provision of pastoral and chaplaincy support for all students;
- Considering how the institution’s computer facilities would address filtering arrangements and academic activities requiring online access to extremism-related material.

Institutions were also given a voluntary request for data on the number of events referred for approval to the most senior decision-making level, the number of people referred to Channel and

³¹ ‘Counter-Terrorism and Security Act 2015’, *HM Government*, 12 February 2015.

³² ‘Prevent Duty Guidance for higher education institutions in England and Wales’, *HM Government* (2015).

³³ ‘The Prevent Duty: Monitoring framework for the higher education sector’, *Higher Education Funding Council for England*, 30 November 2015, available at: www.hefce.ac.uk/pubs/year/2015/201532/, last visited: 26 February 2017; ‘Prevent duty monitoring: Preliminary self-assessment returns’, *Higher Education Funding Council for England*, 7 December 2015, available at: www.hefce.ac.uk/pubs/year/2015/CL_272015/, last visited: 26 February 2017.

accepted onto the programme, and the number of staff provided with Prevent training.³⁴ Following the assessment of this material, all HEFCE-funded institutions without autonomous colleges were required to provide an annual report demonstrating compliance with the Prevent Duty by 1 December 2016, with alternative providers given until 1 February 2017 and collegiate institutions until 3 April 2017. Institutions were also expected to report any significant changes to approved policies, any change in Prevent Duty-related circumstances, and any Prevent-related incidents. In January 2017, HEFCE reported that all 321 relevant higher education institutions required to comply with the Prevent Duty has provided material, and 84% of these were assessed to have “responded appropriately to the statutory guidance”. HEFCE also stated that it believed 93% of providers had “already had robust policies in place”, and that it expected the small number needing improvement to have addressed compliance issues by early 2017. HEFCE will now report to the Department of Education on an unspecified periodic basis, while also reporting on an ad-hoc basis should an institution be found not to be in compliance with the Prevent Duty.³⁵

3.1 Responses from Vice-Chancellors and University Staff

Since the imposition of the statutory duty for universities, a number of Vice-Chancellors have publically criticised the Prevent strategy and questioned its compatibility with freedom of speech. These concerns were also expressed in a report by the Joint Committee on Human Rights, which has called for an independent review of the Counter-Extremism Strategy. The report sought the views of a number of university staff responsible for implementing Prevent in higher education institutions.

Louise Richardson, the Vice-Chancellor of Oxford University, told the committee:

My position on this is that any effort to infringe freedom of expression should be opposed, whether it comes from what I take to be the well-intentioned but misguided Prevent counter-terrorism policy or from student unions that do not want to hear views that they find objectionable. A university has to be a place where the right to express objectionable views is protected.³⁶

Prior to the report, Julius Weinberg, Vice-Chancellor at Kingston University, also said it was “very dangerous to start picking and choosing who to let speak” at universities and went on to say: “If we stop people speaking in universities they will still speak and will be heard, but not in a place where we can have that clash of ideas that brings forth truth”.³⁷ These sentiments have also been echoed by the School of Oriental and African Studies (SOAS) Vice-Chancellor, Baroness Amos, who has said of the Counter-Terrorism and Security Act 2015:

It is very important to take our reading from the legislation. That is what parliament has agreed. It is very, very important that universities can have challenging debates and critical inquiry within the boundaries of what is legal.³⁸

³⁴ ‘Prevent duty monitoring framework, Phase 1: Request for documentation from relevant higher education bodies’, *Higher Education Funding Council for England*, 29 February 2016.

³⁵ ‘Implementation of the Prevent duty in the higher education sector in England: 2015-16’, *Higher Education Funding Council for England*, 18 January 2017; ‘Updated framework for the monitoring of the Prevent duty in higher education in England’, *Higher Education Funding Council for England*, 20 September 2016.

³⁶ ‘Counter-Extremism’, Joint Committee on Human Rights (2016), available at: www.publications.parliament.uk/pa/jt201617/jtselect/jtrights/105/105.pdf?utm_source=105&utm_medium=module&utm_campaign=modulereports, last visited: 26 February 2017.

³⁷ ‘Prevent: v-cs ‘under pressure’ to stay silent’, *Times Higher Education*, 3 June 2016, available at: www.timeshighereducation.com/news/prevent-v-cs-under-pressure-stay-silent, last visited: 26 February 2017.

³⁸ ‘Valerie Amos: the coolest of cool to handle Soas’s hot potato’, *The Guardian*, 9 February 2016, available at: www.theguardian.com/education/2016/feb/09/valerie-amos-soas-london-university-director, last visited: 26 February 2017.

While it should not be controversial to raise concerns about Prevent's potential to infringe free speech, such criticism tends to miss the strategy's emphasis on open debate. The government recommends that "where any event is being allowed to proceed, speakers with extremist views that could draw people into terrorism are challenged with opposing views as part of that same event, rather than in a separate forum".³⁹ The former Security Minister John Hayes MP assured the House of Commons Legislation Committee on 10 September 2015 that "this measure is not a de facto ban on speakers with non-violent extremist views from speaking on campus". Instead, he stated, universities must consider and seek to mitigate fully any risk: "I have confidence that our universities will handle this well [...] meaning that speaker meetings will proceed".⁴⁰

HEFCE's advice to universities, meanwhile, has allowed individuals institutions to interpret legislation to suit local circumstances. As a result, universities have sought to strike this balance between freedom of speech and preventing extremist misuse of their campuses in different ways. Despite his vocal criticism of the strategy, Julius Weinberg's debate with CAGE Outreach Director, Moazzam Begg, in January 2016 provided one good example of an institution ensuring extreme speakers are challenged by credible voices.⁴¹ Professor Geoff Petts, the Vice-Chancellor at the University of Westminster, has taken on this challenge in a different way, putting debate at the heart of the university's Prevent Duty policies, establishing an independent panel "to review the effectiveness of current processes and policies on freedom of speech".⁴²

3.2 Challenges Implementing External Speaker Policies

It is also apparent that at least one university has seen problems develop while attempting to implement its external speaker policy. In May 2016, Student Rights highlighted the challenges demonstrated by a risk assessment produced by Queen Mary University Students' Union in relation to an event proposed by the university Islamic Society in February 2016. These included:

- Fears that Queen Mary Islamic Society had sought to conceal the potentially extreme nature of the event or speakers and was "deliberately misleading the SU";
- The failure of the approving officer to understand the ramifications of a speaker having expressed support for Hamas, a proscribed terrorist organisation. The assessment states that the speaker "agrees with Hamas, but this is of course, only controversial if you view Hamas as a terrorist organisation";
- An overreliance on unregulated blogs and Wikipedia, which may contain unsubstantiated claims, as well as a willingness to dismiss IPSO compliant newspapers because of their political leanings for example the Daily Telegraph and the Daily Mail.⁴³

3.3 Student Rights Model External Speaker Policy

Following the submission of policies and procedures by the bulk of English relevant higher education bodies on 1 April, and the concerns raised by the Queen Mary University assessment, Student Rights produced a Model External Speaker Policy to provide further guidance for institutions on identifying extremist speakers. The policy also sought to offer advice concerning practical steps that can be put in place to ensure that extremist narratives are challenged.

³⁹ 'Prevent Duty Guidance: for higher education institutions in England and Wales', HM Government (2015), p. 4.

⁴⁰ 'Ninth Delegated Legislation Committee', *House of Commons*, 10 September 2015, available at: www.publications.parliament.uk/pa/cm201516/cmgeneral/deleg9/150910/150910s01.htm, last visited: 26 February 2017.

⁴¹ 'A step in the right direction at Kingston University', *Student Rights*, 27 January 2016, available at: www.studentrights.org.uk/article/2347/a_step_in_the_right_direction_at_kingston_university, last visited: 26 February 2017.

⁴² Speech given by Professor Petts at Henry Jackson Society event, 'The Prevent Duty on Campus: Reflections on First Term Experiences', on 15 December 2015.

⁴³ 'A Model External Speaker Policy', Student Rights (2016), available at: www.relayto.com/the-henry-jackson-society/1MRdtxNN, last visited: 26 February 2017, pp. 4-5.

This policy set out a framework and procedures which sought to ensure that staff responsible for risk assessments would have the information necessary to make the most informed decisions, and that extremist narratives would face challenge when expressed at events. While institutional speaker policies do not exist simply to address Prevent Duty related issues, the Model External Speaker Policy sought to focus more on these aspects given the new legal requirements facing providers.

The key issues it sought to address could be broken down into frameworks, application processes and risk assessment/mitigation processes, with the criteria for these sections including:

Frameworks

- Applies to any student event regardless of whether or not it takes places on universities premises;
- Outlines the need to balance competing legal obligations, specifically mentioning the Counter Terrorism and Security Act 2015;
- Establishes the need to prevent people from being drawn into terrorism as a main aim of the policy and ensures extremist views are challenged; and
- Uses the government's definition of extremism and incorporates criteria relating to extremism and the need to prevent people being drawn into terrorism throughout the entire policy.

Application Process

- Provides an application form which asks for speakers' details, including affiliations, as well as details of any event sponsor;
- Requires students to conduct their own risk assessment following a rigorous set of online searches to identify any potential issues relating to extremism, terrorism or hatred; and
- Ensures an approving officer checks applications and investigates any potential areas of concern, relying on credible sources and accompanied by input from internal and external Prevent partners;

Assessing and Mitigating Risk

- Creates an External Speaker Assessment Panel which will be responsible for assessing the risk posed by a speaker based on multiple well-defined criteria (low, medium, high and very high risk);
- Ensures each risk level is linked proportionately to specific conditions aimed at stimulating challenge and open debate, including: balancing platforms, imposing an independent moderator, setting aside time for a mandatory Q&A, and giving opponents of the speaker priority during Q&A; and
- Empowers a final decision-maker as part of a transparent appeals process.⁴⁴

⁴⁴ 'A Model External Speaker Policy', Student Rights (2016).

4. Methodology

4.1 Choosing and Selecting the Sample

As part of the monitoring process of the Prevent Duty, on 1 April 2016 English universities without autonomous colleges were required to submit to the Higher Education Funding Council of England (HEFCE):

Policies and procedures for managing the risks around external speakers and events on campus and institution-branded events taking place off campus. Such policies should reflect the institution's duty to ensure freedom of speech (within the law) on campus and its arrangements to protect the importance of academic freedom.⁴⁵

In order to assess the policies developed, Student Rights requested a copy of “the policies and procedures for managing the risks around external speakers and events on campus and institution-branded events taking place off campus” via Freedom of Information (FOI) requests from all English universities. FOIs were sent to all English universities on the Complete University Guide University League Tables 2016.⁴⁶ The Universities of Cambridge, Durham and Oxford were excluded from the FOI requests as these institutions did not have to submit their policies by 1 April 2016, as they operate autonomous colleges. Scottish and Welsh universities were also not included, as they had no obligation to report to HEFCE for monitoring their implementation of Prevent. Universities in Northern Ireland were also excluded as the Prevent Duty does not apply to institutions there.

Some universities refused to make their policies public on the grounds that the documents were still under review and would be published at a later date, and as such it may be that the policy scored by this report has since been replaced by an updated document which addresses the issues raised. It is also possible that not all documentation addressing the issues in question was provided, meaning that omissions in the documents examined and scored may be present in material which was not provided as part of the FOI. In addition, a small number of universities' responses did not contain information that could be fairly assessed alongside other policies. In total, Student Rights assessed 76 policies.

4.2 Developing the Criteria

Student Rights assessed each policy based on 20 questions relating to the policy's framework, application process and risk assessment and mitigation. Each policy was marked against these 20 questions to ascertain whether or not it fulfilled all, some, or none of the criteria, with one point given for each “YES” and half a point given for each “SOME”, where applicable.

The questions were developed based on the advice outlined within the Prevent Duty Guidance for Higher Education Institutions, HEFCE's advice note to relevant higher education providers, and Student Rights' Model External Speaker Policy.⁴⁷ It should be noted that all of these documents represent non-statutory best practice guidance, and that failure to meet the criteria developed from their recommendations *does not* mean universities have failed to comply with a legal duty. In addition, the Student Rights' Model External Speaker Policy is only an ideal process rather than a

⁴⁵ ‘Prevent duty monitoring framework, Phase 1: Request for documentation from relevant higher education bodies’, *Higher Education Funding Council for England*, 29 February 2016.

⁴⁶ ‘University League Tables 2016’, *The Complete University Guide*, available at: www.thecompleteuniversityguide.co.uk/league-tables/rankings?y=2016, last visited: 26 February 2017.

⁴⁷ ‘Prevent Duty Guidance: for higher education institutions in England and Wales’, HM Government (2015); ‘The Prevent duty in higher education in England: updated advice note for institutions’, Higher Education Funding Council for England, September 2016, available at: www.hefce.ac.uk/media/HEFCE/2014/Content/Regulation/Prevent/Advice%20note%20update%2020-9-2016.pdf, last visited: 26 February 2017, p. 5; ‘A Model External Speaker Policy’, Student Rights (2016), p. 4.

minimum standard, and we understand that institutions will create policies suitable for their particular context.

The questions asked of each policy were:

“Does the external speaker policy...”

1A) Apply to the University's Student Union?

YES: Specifically states the Students' Union is covered by the policy or that the policies applies to all students.

SOME: N/A

NO: No reference to the policy applying to students or the Students' Union.

1B) Cover Off-campus Events?

YES: Specifically states that the policy applies to off-campus events or any university/SU branded events outside of university premises. This may also include a separate policy specifically dealing with off-campus events.

SOME: N/A

NO: No reference to the policy applying to off-campus events.

2A) Protect Freedom of Speech?

YES: States the provider's commitment to free speech or acknowledges the duty to uphold the Education Act 1986 or freedoms protected by Human Rights Act 1998.

SOME: N/A

NO: No reference to upholding freedom of speech on campus.

2B) Refer to the Counter Terrorism and Security Act/Prevent Duty?

YES: Refers to the need to comply with the Counter Terrorism and Security Act 2015 and/or the Prevent Duty.

SOME: N/A

NO: No reference to the Counter Terrorism and Security Act 2015 and/or the Prevent Duty.

3A) Have the Stated Aim to Prevent "people from being drawn into terrorism"?

YES: Mentions the need to prevent students from being drawn into terrorism or stop students being radicalised.

SOME: N/A

NO: Fails to mention the need to prevent students from being drawn into terrorism or stop students being radicalised.

3B) Refer to Extremism and the Need to Challenge Narratives which Oppose Democracy; Individual Liberty; the Rule of Law; Mutual Respect; Tolerance of those with Different Faiths and Belief?

YES: Defines extremism or extremist narratives with reference to a set of common values in line with the Prevent Strategy definition (2011), however it is framed e.g. universal values, British values, or the university's values.

SOME: Refers to extremism or extremist narratives, but fails to define these terms.

NO: No reference to extremism or extremist narratives.

4A) Stop Organisers Concealing a Potential Speaker's Extreme Background/Views?

YES: Strong application process which covers at least two of the following: asks relevant questions about a speaker; outlines a process and criteria for organisers to take when conducting an internet search of the speaker's background; ensures the speaker (and preferably the organiser) sign a code of conduct; an interview with the speaker is carried out in advance of the event being approved.

SOME: Contains at least one of the criteria list above for "YES".

NO: A policy where there is no onus on the organiser to provide specific background information about the speaker, or where an organiser could easily claim ignorance about the speaker's views.

4B) Put Sanctions in Place for Organisers that Fail to Comply with the Policy?

YES: Explicitly states that organisers that conceal information about a speaker, or fail to comply with the code/policies/procedures laid out by the university, will face disciplinary measures (which may include cancellation of the event).

SOME: N/A

NO: No disciplinary measures in place for organisers that do not adhere to the policy.

5) Review Initial Applications and Seek Advice from External Organisations/Partners?

YES: Outlines a series of steps university staff will take to assess the application and determine the risks posed by a speaker. This could include allocated time for: liaisons with external bodies such as the police and the regional Prevent team; additional background checks relating to issues around extremism; follow-up interview with organiser and/or speaker.

SOME: Partially meets the requirements for "YES" by outlining at least one step taken to assess the application and determine the risks posed by a speaker.

NO: Does not outline what steps university staff will take to review a speaker application.

6A) Specifically Cover a Speaker's Affiliations?

YES: Refers to speaker's affiliations, or groups the speaker is associated with, either in the application process or as part of the background checks.

SOME: N/A

NO: Fails to refer to speaker's affiliations, or groups the speaker is associated with, either in the application process or as part of the background checks.

6B) Specifically Cover an Event Sponsor's Affiliations?

YES: Refers to the event's sponsor, in terms of finance or promotion (e.g. as part of a tour), either in the application process or as part of the background checks.

SOME: N/A

NO: Fails to refer to the event's sponsor, in terms of finance or promotion (e.g. as part of a tour), either in the application process or as part of the background checks.

6C) Refer to Proscribed Organisations?

YES: Refers to "proscribed", "illegal" or "banned" organisations, supporters of which should be denied a platform on campus.

SOME: N/A

NO: Fails to refer to "proscribed", "illegal" or "banned" organisations.

6D) Provide a Link to the Home Office's List of Proscribed Organisations?

YES: Has a hyperlink to, or the web address of, the Home Office's list of proscribed organisations.

SOME: N/A

NO: Does not have a hyperlink to, or the web address of, the Home Office's list of proscribed organisations.

7A) Classify Events/Speakers Based on the Degree of Risk?

YES: Attempts to classify events/speakers into a number of categories based on the risk posed (e.g. low, medium and high risk or green, amber, red risk).

SOME: Attempts to classify events/speakers into binary categories based on the risk posed (e.g. those that pose a risk and those that don't, with no distinguishing between the various levels of risk).

NO: No clear attempt to classify events/speakers based on potential risk posed, or a mention of risk assessment/levels without further elaboration.

7B) Have Clearly Defined Classifications for each Risk Rating/Category?

YES: Clear list of criteria for each classification relating to a speaker's history or the potential for certain actions taking place at an event on campus (e.g. calling for or justifying the killing of British military personnel would be associated with a "high risk" speaker).

SOME: Clear list of criteria for one classification, (e.g. grounds for rejecting an event) and/or list of considerations unconnected to a classification.

NO: No outline of criteria which would result in a speaker being assessed to be at a certain risk level, or no risk levels detailed.

8A) Outline Conditions Which Could be Enforced to Ensure a Speaker can be Challenged?

YES: Outlines conditions which would ensure an event provides an opportunity to challenge extreme views (e.g. balanced platforms, an independent moderator, mandatory Q&A sessions, giving opponents of the speaker priority during Q&A).

SOME: Only one condition, such as imposing an independent moderator.

NO: No conditions to ensure a speaker would be challenged, or only conditions which refer to safety and security concerns.

8B) Link Conditions to the Degree of Risk Posed by the Speaker?

YES: Set outs conditions which are proportional to the risk posed the speaker (e.g. balanced platforms for speakers deemed “high risk” compared with a mandatory Q&A for “medium risk” speakers).

SOME: Partially meets criteria for “YES”, but fails to clearly outline what criteria results in what conditions.

NO: Simply lists conditions or has no conditions.

8C) Include Balancing the Platform as a Condition?

YES: Stipulates that an event may have to have an additional speaker present to provide an alternative view/balance the platform/challenge the speaker.

SOME: N/A

NO: No condition specifically stating the need for an additional speaker at an event.

9A) Have an Appeals Process?

YES: Allows the organiser to appeal against a decision to deny a speaker a platform on campus or any conditions which have been imposed on an event.

SOME: N/A

NO: Does not have an appeals process.

9B) Have a Final Decision Maker?

YES: A senior member of staff is named as the final decision-maker on a speaker’s suitability and/or the imposition of any conditions.

SOME: N/A

NO: No final decision-maker is named.

5. Findings

Having assessed each policy on the basis of the 20 questions detailed in the methodology, it is possible to provide a level of analysis of the quality of policies and wider compliance with legal and regulatory requirements across the sector. As highlighted in the methodology, the questions can broadly be divided into those examining the policies' frameworks, application processes, and risk assessment phases.

5.1 Frameworks

For a policy to have any chance of success it must be clear who it applies to, as well as which legal and regulatory responsibilities it takes into account. The questions in this section examined how widespread such clarity was across the sector, asking:

"Does the external speaker policy..."

1A) Apply to the University's Student Union?

YES: Specifically states the Students' Union is covered by the policy or that the policies applies to all students.

SOME: N/A

NO: No reference to the policy applying to students or the Students' Union.

Ensuring that the university's speaker policy specifically states that it applies to and is binding on all students and the student union is vital if responsibility for vetting events and speakers is not to fall between different institutional structures. Anti-Prevent campaign material from the National Union of Students (NUS) has also stressed that student unions do not have to engage with Prevent delivery, with a model motion for unions saying "As a Charity, we as a Union are not legally bound to engage with Prevent and should seek to boycott it".⁴⁸ However, student unions are "accountable to the higher education institution as supervisor (under the 1994 Education Act) and principle funder",⁴⁹ and as such may well be subject to any Prevent obligations included in an institution's Code of Practice. As such, ensuring that an institution's policy (which must comply with the statutory requirements set by HEFCE) applies to the student union will also ensure a level of compliance from student officers regardless of their political position on Prevent.

Assessment of the speaker policies analysed showed that 76 stated that the student union or all students were subject to the provisions within the policy. While the most basic of the requirements, it is encouraging to see that 100% of institutions have policy in place which ensure that the processes and procedures apply to events organised by the student union. In addition, HEFCE's assessments of the policies provided by the 321 universities and alternative providers within their remit found that 96% of relevant institutions have "demonstrated that they were consulting students on the policies they were putting in place" and that an "overwhelming majority of providers demonstrated

⁴⁸ 'Boycott Prevent Motion', *National Union of Students*, undated, available at: www.nusconnect.org.uk/resources/preventing-prevent-handbook, last visited: 15 December 2016.

⁴⁹ 'Supplementary guide regarding the role of university governing bodies in relation to student's unions', Committee of University Chairs/National Union of Students (2011), available at: www.universitychairs.ac.uk/wp-content/uploads/2016/02/guide_for_members_of_higher_education_bodies.pdf, last visited: 26 February 2017, p. 6.

clearly how institutional policies, such as those around external speakers and events, applied to students' unions and societies".⁵⁰

1B) Cover Off-campus Events?

YES: Specifically states that the policy applies to off-campus events or any university/SU branded events outside of university premises. This may also include a separate policy specifically dealing with off-campus events.

SOME: N/A

NO: No reference to the policy applying to off-campus events.

The government's Prevent Duty Guidance highlighted that higher education bodies subject to the Prevent Duty should ensure that there were processes "in place for assessing the risks associated with any events which are RHEB-affiliated, funded or branded but which take place off-campus".⁵¹ Meanwhile, the revised HEFCE advice note to providers released in September 2016 encourages institutions to consider processes to deal with "branded or affiliated events held off-campus".⁵² Student Rights has also often logged events hosted by student societies featuring extreme or intolerant speakers which were either hosted off campus or moved once concerns were raised about the presence of a speaker on campus.⁵³

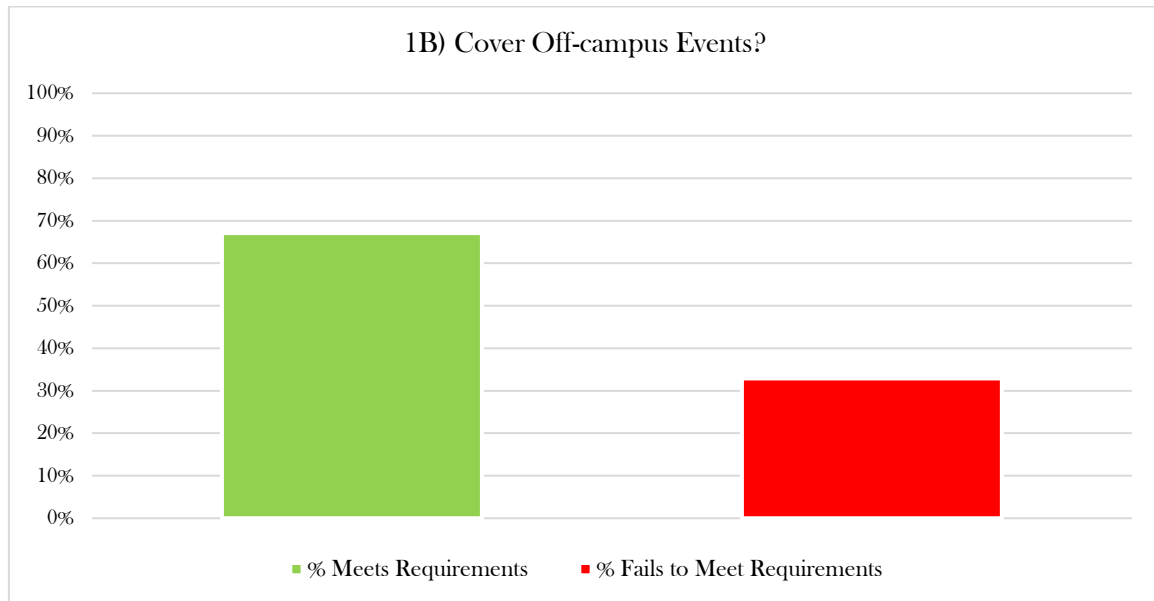
Analysis of the policies found that 67.1% (n. 51) specifically stated that their provisions applied to off-campus events hosted by student societies or which had university branding. In addition, at least one institution (the University of Bolton) drafted a separate policy for off-campus events. However, without updates to their policies, over a third of institutions examined (32.9%, n. 25) potentially lack the procedures to effectively scrutinise or manage events featuring extreme or intolerant speakers which take place off campus, but include institutional branding on promotional material.

⁵⁰ 'Implementation of the Prevent duty in the higher education sector in England: 2015-16', *Higher Education Funding Council for England*, 18 January 2017.

⁵¹ 'Prevent Duty Guidance: for higher education institutions in England and Wales', HM Government (2015), p. 4.

⁵² 'The Prevent duty in higher education in England: updated advice note for institutions', Higher Education Funding Council for England (2016), p. 5.

⁵³ 'Islamic Society 'Annual Dinner' features extreme speakers (Update: Event details changed)', *Student Rights*, available at: www.studentrights.org.uk/article/2271/islamic_society_annual_dinner_features_extreme_speakers_update_event_details_changed_, last visited: 26 February 2017; 'Islamic Society Annual Dinner to feature Haitham Al-Haddad and Moazzam Begg (Update: Event Cancelled)', *Student Rights*, 10 June 2013, available at: www.studentrights.org.uk/article/2102/islamic_society_annual_dinner_to_feature_haitham_al_haddad_and_moazzam_begg_update_event_cancelled_, last visited: 26 February 2017; Screenshots of all activity archived by Student Rights.



2A) *Protect Freedom of Speech?*

YES: States the provider’s commitment to free speech or acknowledges the duty to uphold the Education Act 1986 or freedoms protected by Human Rights Act 1998.

SOME: N/A

NO: No reference to upholding freedom of speech on campus.

As noted, HEFCE’s advice to institutions specifically requested speaker policies which would “reflect the institution’s duty to ensure freedom of speech (within the law) on campus”.⁵⁴ When assessing the invitations of speakers onto campus, universities must consider the provisions of the Education Act 1986 which states that:

Every individual and body of person concerned in the government of any [University, Higher Education Institute or College] shall take such steps as are reasonably practical to ensure that freedom of speech within the law is secured for external speakers.⁵⁵

Meanwhile, Article 10 of the Human Rights Act 1998 protects the “freedom to hold opinions and to receive and impart information and ideas without interference by public authority”.⁵⁶ In addition, the Counter Terrorism and Security Act 2015 which mandated the development of these policies states that, where an institution that provides further education is the subject, authorities must “have particular regard to the duty to ensure freedom of speech”,⁵⁷ highlighting the weight given to this responsibility when compared to the ‘due regard’ required to prevent people from being drawn into terrorism.

Out of the policies examined by Student Rights, 98.7% (n. 75) of institutions included a specific reference to the need to protect freedom of speech, with many highlighting their legal responsibilities under the Education Act 1986. The one institution which was not assessed to have

⁵⁴ ‘Prevent duty monitoring framework, Phase 1: Request for documentation from relevant higher education bodies’, *Higher Education Funding Council for England*, 29 February 2016.

⁵⁵ ‘Education (No. 2) Act 1986’, *HM Government*, 7 November 1986, available at: www.legislation.gov.uk/ukpga/1986/61, last visited: 26 February 2017.

⁵⁶ ‘Human Rights Act 1998’, *HM Government*, 9 November 1998, available at: www.legislation.gov.uk/ukpga/1998/42/schedule/1, last visited: 26 February 2017.

⁵⁷ ‘Counter-Terrorism and Security Act 2015’, *HM Government*, 12 February 2015.

done this (the Royal Agricultural University) provided a very basic policy which failed to address anything beyond the process involved in booking an event. A significant number of institutions also highlighted that freedom of speech has limits within the law, outlining their need to balance freedom of expression with their duty to protect people from abuse or discrimination.

The high number of institutions which succeeded in addressing this issue shows an encouraging understanding of legal responsibilities, and this was supported by HEFCE's findings, which stated that "providers showed a strong understanding of their responsibilities around freedom of speech and... responded pragmatically to the requirements of the duty".³⁸ In addition, the sector has likely benefited from guidance on this issue produced by Universities UK on how best to manage external speakers while protecting freedom of expression.³⁹ However, there was less success when it came to institutions including mention of the other legal duties and responsibilities mandated by the Counter Terrorism and Security Act 2015.

2B) Refer to the Counter Terrorism and Security Act/Prevent Duty?

YES: Refers to the need to comply with the Counter Terrorism and Security Act 2015 and/or the Prevent Duty.

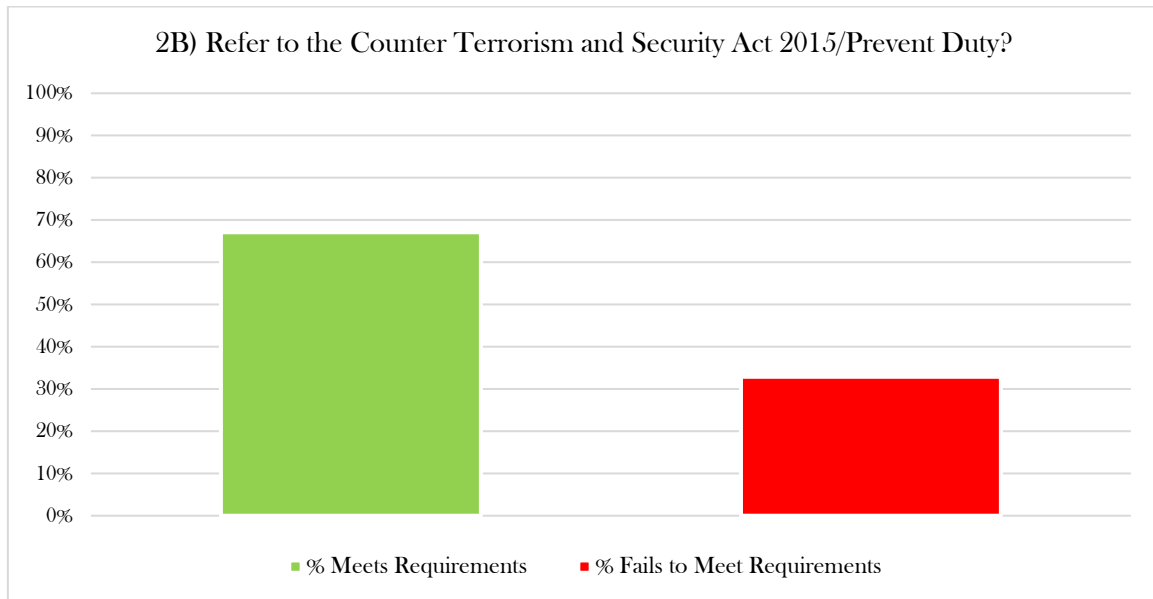
SOME: N/A

NO: No reference to the Counter Terrorism and Security Act 2015 and/or the Prevent Duty.

While a majority of policies provided by institutions did mention the Counter Terrorism and Security Act, over a third (32.9%, n. 25) did not mention the legislation in the material submitted to Student Rights. This should not be taken to mean that the universities in question are not taking the legislation into account, and it is possible that the legislation is mentioned in other documents not provided to Student Rights. However, it does suggest that there is not enough of a focus at some institutions on the full range of legislation relevant to speaker invites within the policies and procedures for managing external speaker events which were provided.

³⁸ 'Implementation of the Prevent duty in the higher education sector in England: 2015-16', *Higher Education Funding Council for England*, 18 January 2017.

³⁹ 'Freedom of speech on campus: rights and responsibilities in UK universities', Universities UK, February 2011, available at: www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2011/freedom-of-speech-on-campus.pdf, last visited: 20 March 2017; 'External speakers in higher education', Universities UK, November 2013, available at: www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2013/external-speakers-in-higher-education-institutions.pdf, last visited: 20 March 2017.



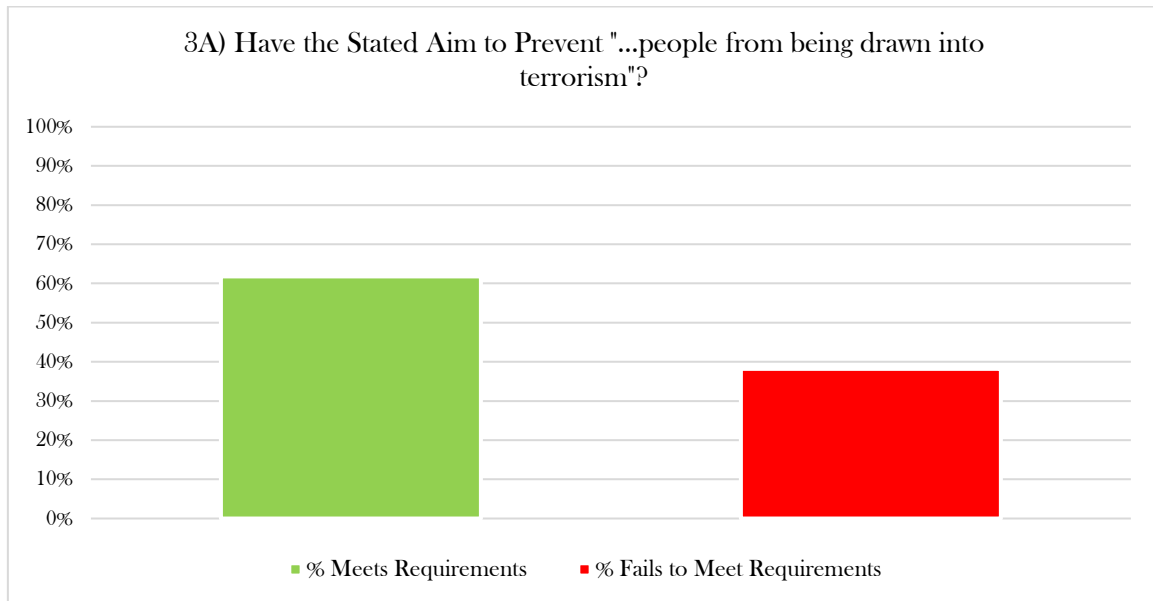
3A) Have the Stated Aim to Prevent "people from being drawn into terrorism"?

YES: Mentions the need to prevent students from being drawn into terrorism or stop students being radicalised.

SOME: N/A

NO: Fails to mention the need to prevent students from being drawn into terrorism or stop students being radicalised.

Perhaps more worrying is the fact that 38% (n. 29) of the policy documents provided to Student Rights did not mention the need to have due regard “to prevent people from being drawn into terrorism” mandated for specified authorities including universities by the Counter Terrorism and Security Act. Given that this section of the legislation was the spur for universities to provide updated policies to HEFCE, it is concerning that over a third since provided to Student Rights were assessed to have failed to address this issue. Again, it is possible that wider strategy documents do mention this need, and hopefully any policies which do not will have been updated to reflect this since their submission, with HEFCE working alongside institutions to improve compliance and understanding.



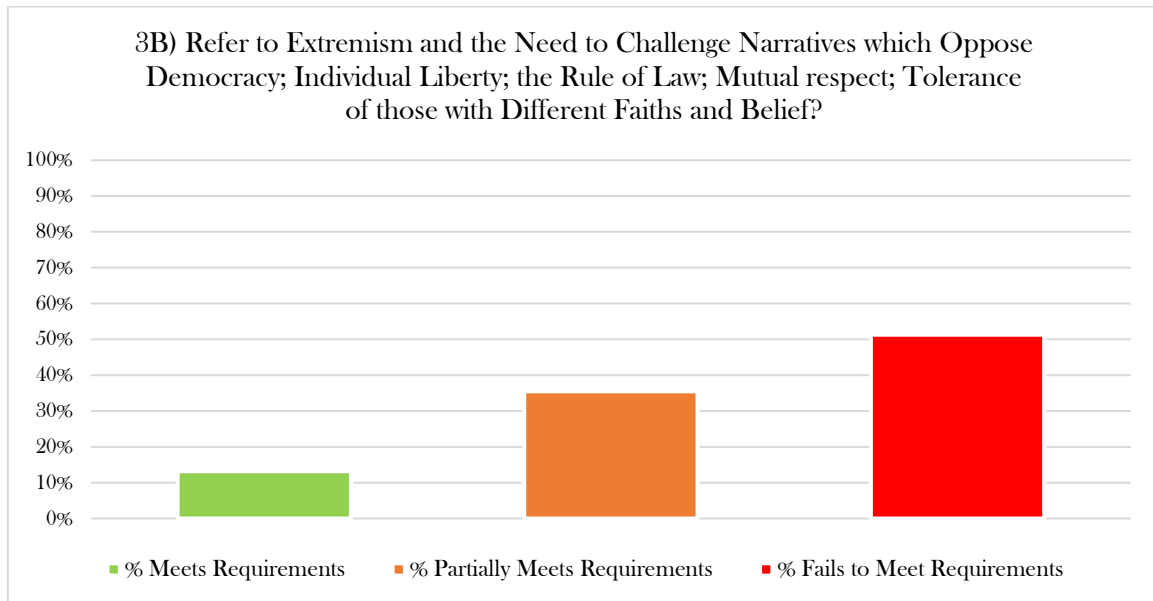
3B) Refer to *Extremism and the Need to Challenge Narratives which Oppose Democracy; Individual Liberty; the Rule of Law; Mutual Respect; Tolerance of those with Different Faiths and Belief?*

YES: Defines extremism or extremist narratives with reference to a set of common values in line with the Prevent Strategy definition (2011), however it is framed e.g. universal values, British values, or the university's values.

SOME: Refers to extremism or extremist narratives, but fails to define these terms.

NO: No reference to extremism or extremist narratives.

Finally, just 13.2% (n. 10) policies submitted to Student Rights referred in detail to the need to challenge extremist narratives as an issue faced by the institution by defining extremism. Some universities that did, such as Arts University Bournemouth, also incorporated the criteria used to define extremism into their own "university values". A further 35.5% (n. 27) mentioned extremism but were assessed to have failed to define it, meaning that less than half of policies provided to Student Rights (48.7%, n. 37) addressed the issue as one relevant to speakers or events.



A worrying 26.3% (n. 20) of the policies examined were assessed to have failed to mention extremism, the Counter Terrorism and Security Act, or the need to prevent people from being drawn into terrorism at all, suggesting that while most universities are taking the issue seriously, a significant minority still don't appreciate the need to address these issues in their policies. While this should not be taken to mean that any of these universities have failed to meet their legal obligations, this finding highlights a problem when the policies are examined against the non-statutory best practice material detailed in the methodology. The 20 policies assessed not to have met this criteria seek simply to prevent the law being broken at an event rather than ensuring extremist narratives face challenge or that staff and students are aware of the legal responsibilities imposed by the Counter Terrorism and Security Act. If the policies are to be brought closer into line with the guidance, the universities in question should consider ensuring their policy not only outlines the need to challenge the extremist views that risk drawing people into terrorism, but also that this consideration is referenced throughout the document.

5.2 Application Process

With 73.7% of speaker policies examined fulfilling at least one of the three criteria related to the Counter Terrorism and Security Act and extremism mentioned above (2B, 3A and 3B), it is clear that the majority of universities are at least aware of the issue. However, even with this awareness, procedures must still be in place to ensure that the process can identify when an extreme or intolerant speaker/group has been invited onto campus.

In May 2016, Student Rights' 'Model External Speaker Policy' highlighted a number of challenges facing universities and student unions as they attempted to ensure students followed existing policies relating to the booking of speakers. Chief among these were concerns that students at some institutions had sought to hide the extreme views of speakers they had invited onto campus.⁶⁰ As such, it is important that institutions put structures in place as part of their speaker policies which prevent the concealment of controversies and have access to sanctions should this occur.

⁶⁰ 'A Model External Speaker Policy', Student Rights, (2016), p. 4.

When examining these policies, Student Rights asked:

“Does the external speaker policy...”

4A) Stop Organisers Concealing a Potential Speaker’s Extreme Background/Views?

YES: Strong application process which covers at least two of the following: asks relevant questions about a speaker; outlines a process and criteria for organisers to take when conducting an internet search of the speaker’s background; ensures the speaker (and preferably the organiser) sign a code of conduct; an interview with the speaker is carried out in advance of the event being approved.

SOME: Contains at least one of the criteria list above for “YES”.

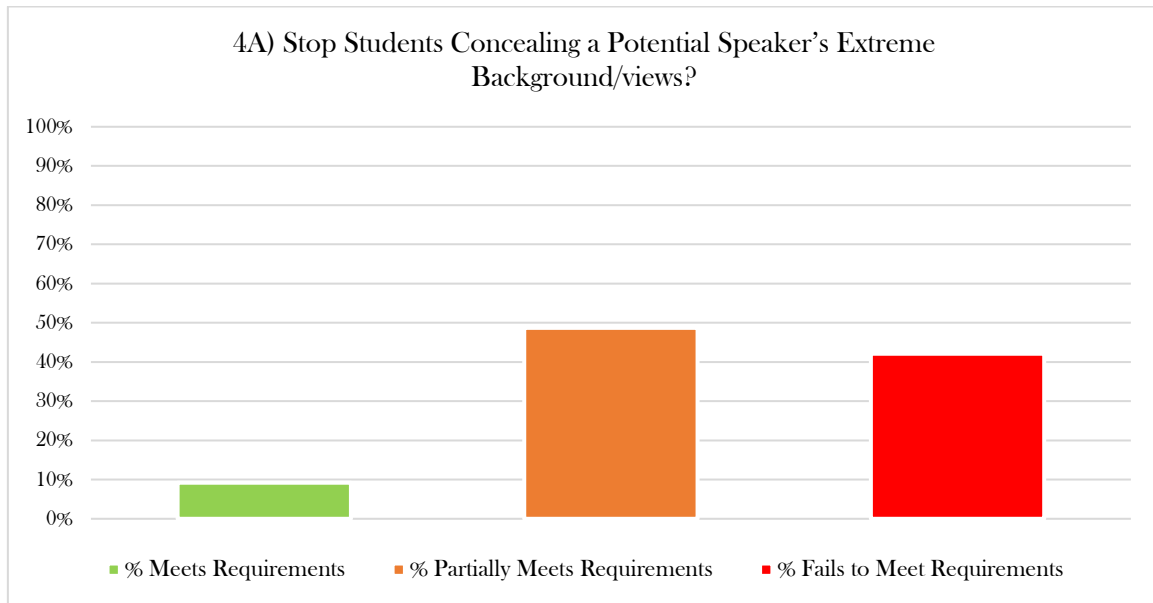
NO: A policy where there is no onus on the organiser to provide specific background information about the speaker, or where an organiser could easily claim ignorance about the speaker’s views.

Just from submitted speaker policies alone it is difficult to fully assess a university’s background checks, with there being a distinct possibility that a deeper level of assessment exists beyond that outlined in the material provided following an FOI request. Student Rights’ Model External Speaker Policy stressed the need for policies to go further than simply asking organisers if they believed the speaker might be controversial and put rigorous due diligence processes in place. Some student societies already do this, with a policy formulated by the University of Leeds Islamic Society requiring a committee member to check through three pages of Google searches using the speaker’s name and certain phrases.⁶¹ However, despite the importance of ensuring event organisers cannot hide any extreme or intolerant views or history speakers may have, just 9.2% (n. 7) institutions examined were assessed to have fully fulfilled the requirements suggested by the methodology for a strong application process which could prevent this.

However, this does not mean institutions were entirely failing to ask questions of those booking events, with nearly half (48.7%, n. 37) of policies asking organisers to use at least one of the processes suggested within the assessment criteria. This included insisting speakers sign a code of conduct to prevent extreme or illegal views being expressed, something which has seen speakers who refuse denied permission to speak on some campuses.⁶² The University of Westminster has set a particularly strong example when it comes to this process, with a procedure where a speaker must go through a robust interview stage before they are approved by the External Speaker Assessor, worthy of consideration from other institutions. Overall, 57.9% (n. 44) of the institutions examined had at least some structures in place which would work towards preventing event organisers from concealing any controversies about invited speakers.

⁶¹ ‘LUU Islamic Society Policy on Events Involving External Speakers’, *The University of Leeds Students’ Union Islamic Society*, archived by Student Rights.

⁶² Discussions with BIS HE/FE Prevent Coordinator.



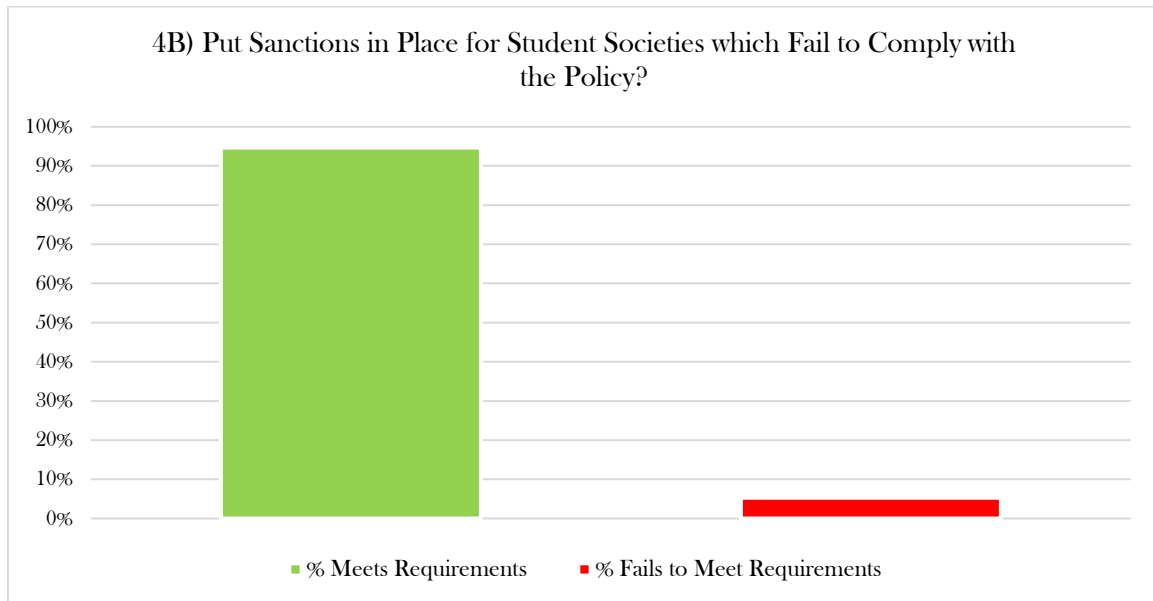
4B) Put Sanctions in Place for Organisers that Fail to Comply with the Policy?

YES: Explicitly states that organisers that conceal information about a speaker, or fail to comply with the code/policies/procedures laid out by the university, will face disciplinary measures (which may include cancellation of the event).

SOME: N/A

NO: No disciplinary measures in place for organisers that do not adhere to the policy.

With 57.9% of policies examined having at least some structures in place which would work towards preventing event organisers from concealing any controversies about invited speakers, it is important institutions also mandate penalties for non-compliance within their policies. It is encouraging to see that 94.7% (n. 72) of the institutions examined state organisers will face some form of disciplinary processes if they fail to comply with the speaker policy. However, of the four institutions which were assessed to have failed to include these disciplinary processes in the policies submitted to Student Rights, three (the University of Gloucestershire, the Royal Agricultural University, and the University of Staffordshire) were also assessed to have failed to include structures to prevent event organisers from concealing any controversies about invited speakers in the policies provided.



5) Review Initial Applications and Seek Advice from External Organisations/Partners?

YES: Outlines a series of steps university staff will take to assess the application and determine the risks posed by a speaker. This could include allocated time for: liaisons with external bodies such as the police and the regional Prevent team; additional background checks relating to issues around extremism; follow-up interview with organiser and/or speaker.

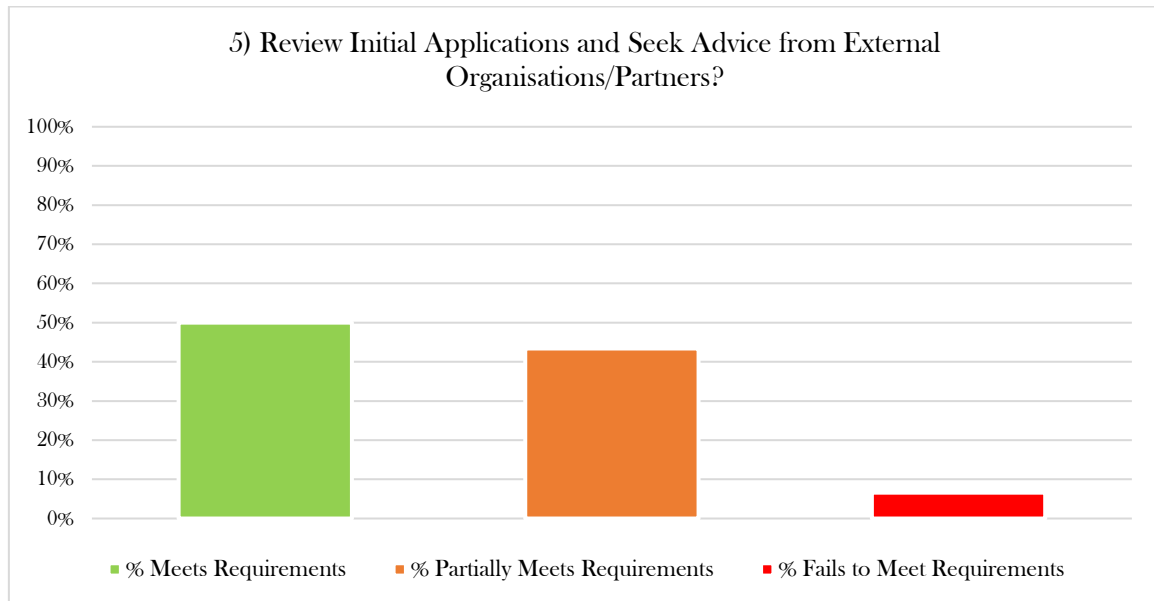
SOME: Partially meets the requirements for “YES” by outlining at least one step taken to assess the application and determine the risks posed by a speaker.

NO: Does not outline what steps university staff will take to review a speaker application.

Once institutions have rigorous application forms in place which both work to prevent the concealment of information and provide for sanctions should organisers breach existing rules, it is important that there is a well-informed review process. Student Rights’ Model External Speaker Policy highlighted a case where an assessor stated that the speaker “agrees with Hamas, but this is of course, only controversial if you view Hamas as a terrorist organisation”.⁶³ Ensuring that a speaker policy outlines a comprehensive process by which university staff will assess an application is key if such challenges are not to arise.

In addition to a rigorous internal checking procedures, all three documents used to inform the questions asked of policies in this report highlight the importance of including coordination with the police and regional Prevent coordinators during the background checking and assessment stage should any concerns be apparent. These actors may have a better idea of a speaker’s history than staff members and of any local tension which might be inflamed as a result of a speaker being hosted. It may also be worth staff contacting other relevant higher education institutions through best practice networks such as The Association of Chief Security Officers (AUCSO) or The Student Services Organisation (AMOSSHE).

⁶³ ‘A Model External Speaker Policy’, Student Rights (2016), p. 4.



Half of the policies examined (50%, n. 38) met the criteria outlined in the methodology, outlining both internal and external processes used to assess any application, while a further 43.4% (n. 33) outlined at least one way in which the application would be assessed. HEFCE's findings published in January 2017 also suggested that "Around 90 per cent of providers also demonstrated that they had partnerships in place with other Prevent-related agencies",⁶⁴ and while these were not mentioned explicitly in all policies examined, many of those which met the criteria outlined did detail their use of external partnerships to ensure a well-informed assessment process.

While just 6.6% (n. 5) institutions were assessed to have failed to outline the checks which would be made in the particular document submitted to Student Rights, it is particularly worrying that four of these five (the University of Brighton, De Montfort University, Harper Adams University, and the University of Sussex) were also assessed to have failed to outline effective application processes to prevent concealment of speakers' views or backgrounds. While it is once again important to note that this should not be taken as a suggestion they have failed to fulfil their statutory Prevent duty, it does potentially leave the booking procedures open to abuse.

As part of these background check processes, Student Rights' Model External Speaker Policy also highlighted the importance of asking relevant questions of invited speakers, including their affiliations and any potential connections to or support for proscribed groups.⁶⁵ When assessing the policies provided, Student Rights asked whether they required event organisers to provide the information needed to properly investigate this. This included asking whether the policies provided:

6A) Specifically Cover a Speaker's Affiliations?

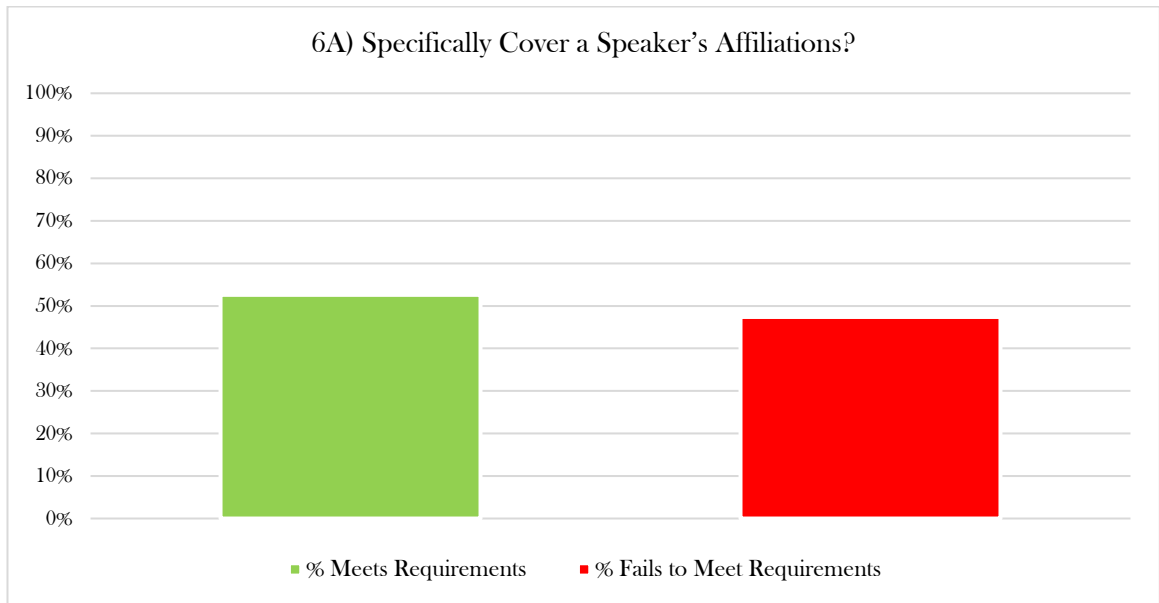
YES: Refers to speaker's affiliations, or groups the speaker is associated with, either in the application process or as part of the background checks.

SOME: N/A

NO: Fails to refer to speaker's affiliations, or groups the speaker is associated with, either in the application process or as part of the background checks.

⁶⁴ 'Implementation of the Prevent duty in the higher education sector in England: 2015-16', *Higher Education Funding Council for England*, 18 January 2017.

⁶⁵ 'A Model External Speaker Policy', Student Rights (2016), pp. 14-16.

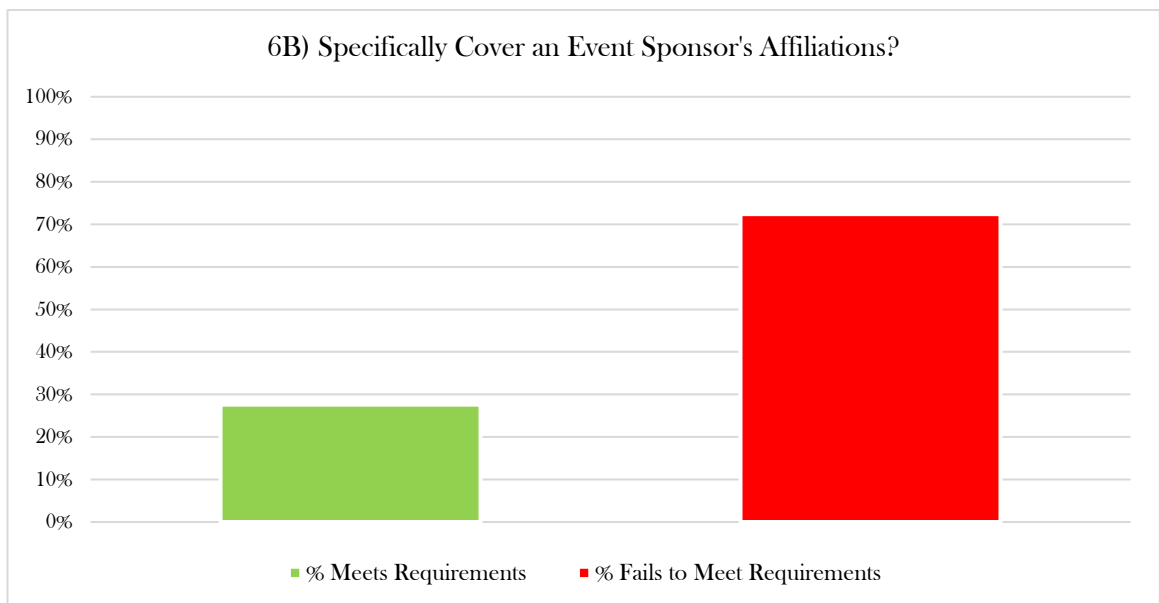


6B) Specifically Cover an Event Sponsor's Affiliations?

YES: Refers to the event's sponsor, in terms of finance or promotion (e.g. as part of a tour), either in the application process or as part of the background checks.

SOME: N/A

NO: Fails to refer to the event's sponsor, in terms of finance or promotion (e.g. as part of a tour), either in the application process or as part of the background checks.

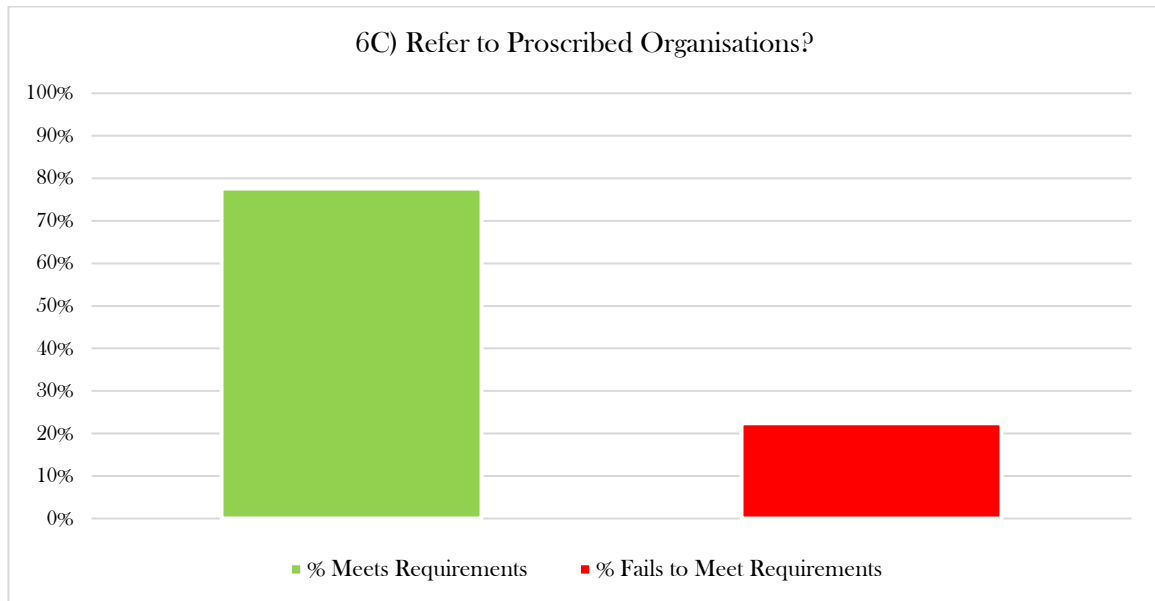


6C) Refer to Proscribed Organisations?

YES: Refers to "proscribed", "illegal" or "banned" organisations, supporters of which should be denied a platform on campus.

SOME: N/A

NO: Fails to refer to "proscribed", "illegal" or "banned" organisations.

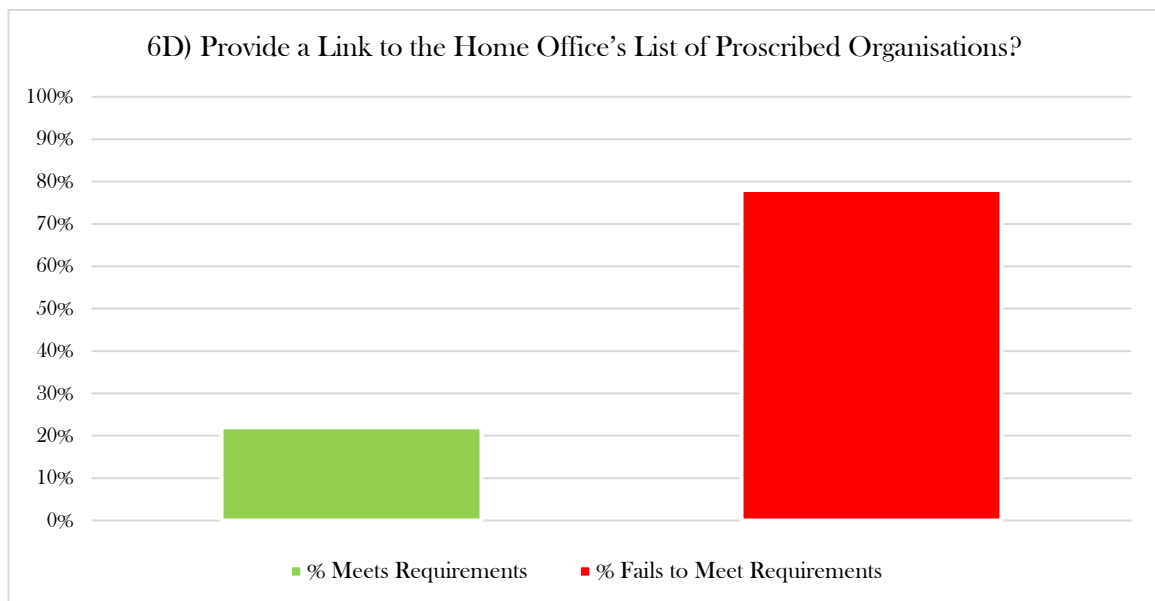


6D) Provide a Link to the Home Office's List of Proscribed Organisations?

YES: Has a hyperlink to, or the web address of, the Home Office's list of proscribed organisations.

SOME: N/A

NO: Does not have a hyperlink to, or the web address of, the Home Office's list of proscribed organisations.



With many speakers who may not be personally controversial associated with organisations which are, a speaker's history will likely have to be assessed alongside the history of any affiliations they have, as well as any affiliations of the event's sponsors, in order to ascertain the most accurate risk assessment. More than half of policies examined (52.6%, n. 40) specifically stated that an invited speaker's affiliations be included as part of the application process, though only 27.6% (n. 21) went as far as to ask for the name or details of any organisations involved in sponsoring an event.

It is also imperative that institutions do not give a platform to proscribed terrorist organisations, and so it was encouraging to see that 77.6% (n. 59) institutions referred to the potential issues around proscribed organisations in their policies, though the number which provided a list of these groups was much smaller (22.4%, n. 17). With many staff in charge of approving events likely to be unaware of the full range of groups which are banned in the UK, providing them with as much support as possible should be a priority, and including a link to the most up-to-date list of proscribed organisations would be a simple addition to many policies.

Nine of the policies provided to Student Rights by institutions (11.8%) were assessed to have failed on all four counts, suggesting their policies may need to re-examine the questions asked of potential speakers during the assessment process. Of these nine, two institutions (the University of Brighton and the University of Sussex) were also assessed to have failed to outline effective application processes to prevent concealment of speakers' views or backgrounds or to have outlined the processes used to assess any applications. While this does not mean that they will have failed to fulfil their statutory duty, it does further highlight the extent to which their booking procedures may be open to abuse.

5.3 Risk Assessment

In addition to the practices by which institutions' policies enable students' union and staff members to examine event applications, the documents used to guide the questions asked in this report suggest that speaker policies should also contain some form of risk assessment and mitigation process, and this should be accompanied by an open and transparent decision-making structure. The current Prevent Duty guidance for relevant higher education bodies calls on institutions to "consider carefully whether the views being expressed, or likely to be expressed, [at an event] constitute extremist views that risk drawing people into terrorism or are shared by terrorist groups. In these circumstances the event should not be allowed to proceed except where RHEBs are entirely convinced that such risk can be fully mitigated without cancellation of the event".⁶⁶

In order to make an informed decision on the potential threat posed by an event going ahead, it is recommended that institutions "put in place a system for assessing and rating risks associated with any planned events, which provides evidence to suggest whether an event should proceed, be cancelled or whether action is required to mitigate any risk".⁶⁷ As such, when examining this section of the policies provided, it was important to examine whether such a system was outlined, as well as the details of any structures put in place to aid in the mitigation of risk. This was done by asking:

"Does the external speaker policy..."

7A) Classify Events/Speakers Based on the Degree of Risk?

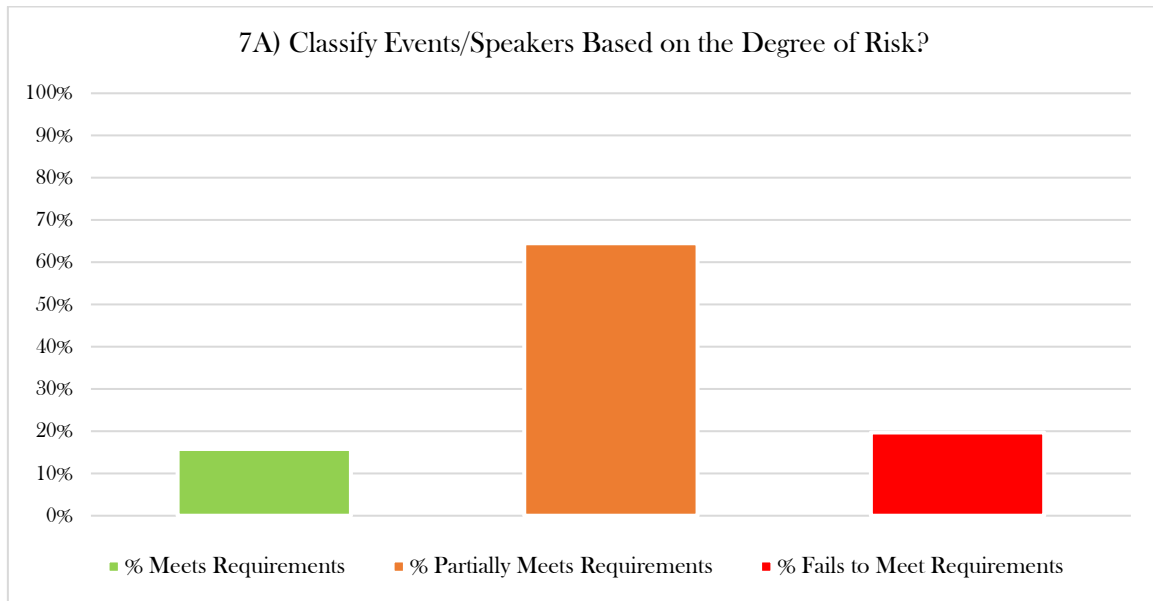
YES: Attempts to classify events/speakers into a number of categories based on the risk posed (e.g. low, medium and high risk or green, amber, red risk).

SOME: Attempts to classify events/speakers into binary categories based on the risk posed (e.g. those that pose a risk and those that don't, with no distinguishing between the various levels of risk).

NO: No clear attempt to classify events/speakers based on potential risk posed, or a mention of risk assessment/levels without further elaboration.

⁶⁶ 'Prevent Duty Guidance: for higher education institutions in England and Wales', HM Government (2015), p. 4.

⁶⁷ Ibid.

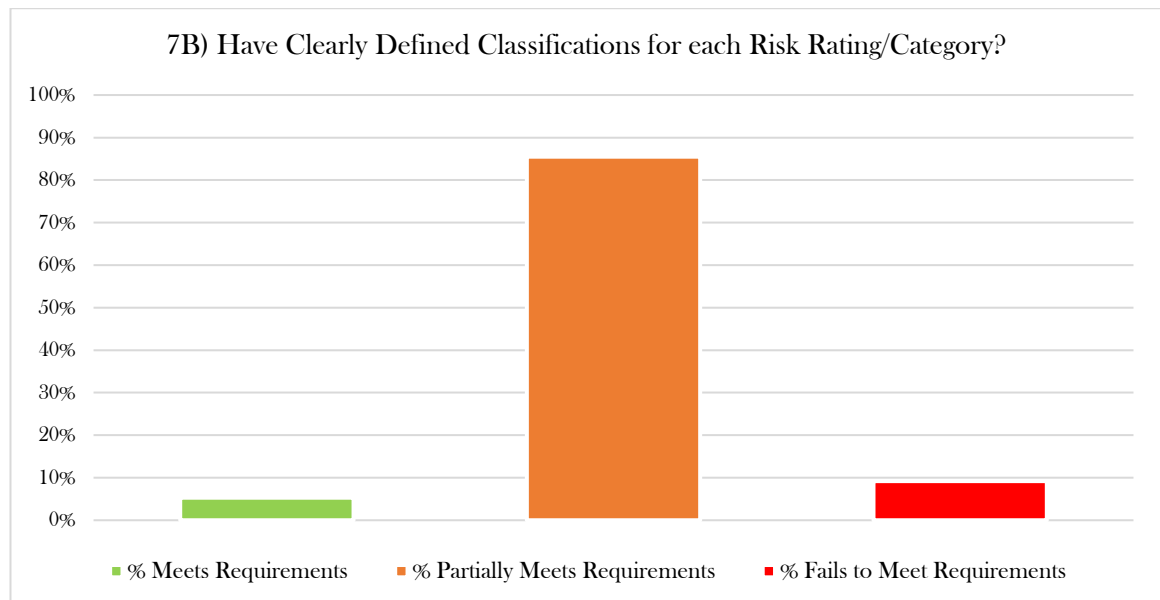


7B) Have Clearly Defined Classifications for each Risk Rating/Category?

YES: Clear list of criteria for each classification relating to a speaker’s history or the potential for certain actions taking place at an event on-campus (e.g. calling for or justifying the killing of British military personnel would be associated with a “high risk” speaker).

SOME: Clear list of criteria for one classification, (e.g. grounds for rejecting an event) and/or list of considerations unconnected to a classification.

NO: No outline of criteria which would result in a speaker being assessed to be at a certain risk level, or no risk levels detailed.



Of the 76 policies examined, just 15.8% (n. 12) were assessed to classify speakers into detailed categories based on the risk posed, with over two thirds (64.5%, n. 49) instead simply breaking down speakers into more basic categories, such as whether potential speakers posed a risk or did not, or whether an event was likely to be controversial or not. Given that the Prevent Duty guidance specifically states the need for “a system for assessing and rating risks associated with any planned

events”, it is worrying that 19.7% (n. 15) of policies examined did not include details of how the institution would rank speakers based on potential risk, though this should not be taken to mean that such a system does not exist, or that those institutions have failed to comply with their statutory duty. Instead, many of these policies stated that staff would assess events further if they had concerns or mentioned a risk assessment process in passing. HEFCE, meanwhile, found following assessment of policies submitted by 321 universities and alternative providers that “all providers submitted risk assessments and action plans assessing the risks identified”,⁶⁸ suggesting many may simply not have included their processes in the written policies provided to Student Rights.

In addition, there was often a lack of clarity about the categories events were separated into, with just 5.3% (n. 4) of all policies examined clearly outlining multiple categories (such as green, amber and red) and accompanying this with the criteria used during assessment. However, 85.5% (n. 65) of the remaining policies examined did outline the criteria for at least one classification, usually the grounds for rejecting an event. Again, just because the mechanics of the classification were not included in a policy should not be taken to mean an institution has no system in place, with many of the institutions which mentioned the use of risk assessment processes for speakers highly likely to have a classification system in use. However, it does suggest that these institutions could be more open about their risk assessment processes.

As well as assessing the risks posed by events and speakers as part of this process, institutions are also expected to mitigate any risk identified. In terms of imposing conditions on problematic events, Student Rights has long advocated the need for balanced platforms to encourage debate when extreme speakers are given platforms on campus and repeatedly argued that this does not happen enough. Having a speaker who can offer an alternative narrative and rebut an extreme speaker is the best way to undermine extreme views which may draw people into terrorism. It is preferable to banning such groups and can allow such views to continue to be expressed without the scrutiny which can be imposed in a more regulated setting. As such, it was encouraging to see the Prevent Duty guidance suggesting that “speakers with extremist views that could draw people into terrorism are challenged with opposing views as part of that same event”.⁶⁹ With this in mind, Student Rights also asked whether the policies examined:

8A) Outline Conditions Which Could be Enforced to Ensure a Speaker can be Challenged?

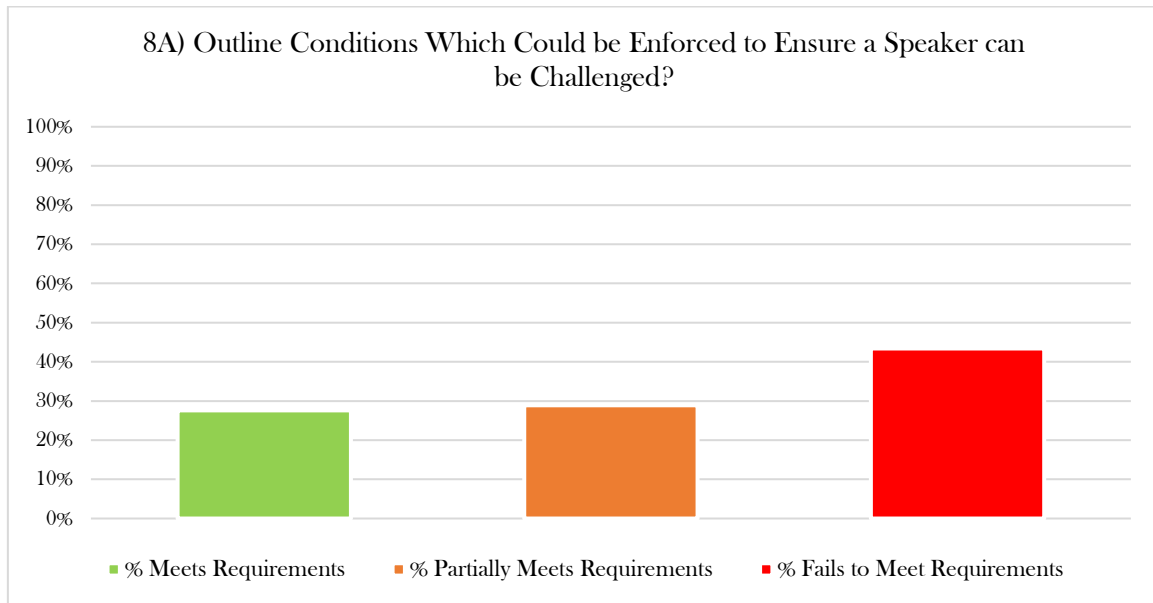
YES: Outlines conditions which would ensure an event provides an opportunity to challenge extreme views (e.g. balanced platforms, an independent moderator, mandatory Q&A sessions, giving opponents of the speaker priority during Q&A).

SOME: Only one condition, such as imposing an independent moderator.

NO: No conditions to ensure a speaker would be challenged, or only conditions which refer to safety and security concerns.

⁶⁸ ‘Implementation of the Prevent duty in the higher education sector in England: 2015-16’, *Higher Education Funding Council for England*, 18 January 2017.

⁶⁹ ‘Prevent Duty Guidance: for higher education institutions in England and Wales’, HM Government (2015), p. 4.

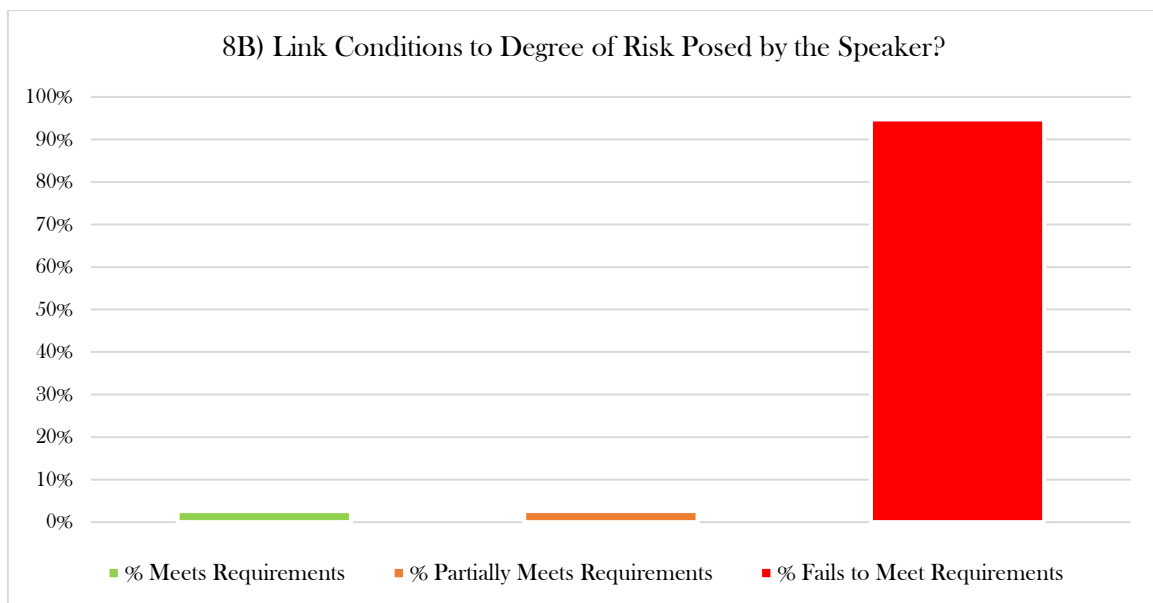


8B) Link Conditions to the Degree of Risk Posed by the Speaker?

YES: Set outs conditions which are proportional to the risk posed the speaker (e.g. balanced platforms for speakers deemed “high risk” compared with a mandatory Q&A for “medium risk” speakers).

SOME: Partially meets criteria for “YES”, but fails to clearly outline what criteria results in what conditions.

NO: Simply lists conditions or has no conditions.

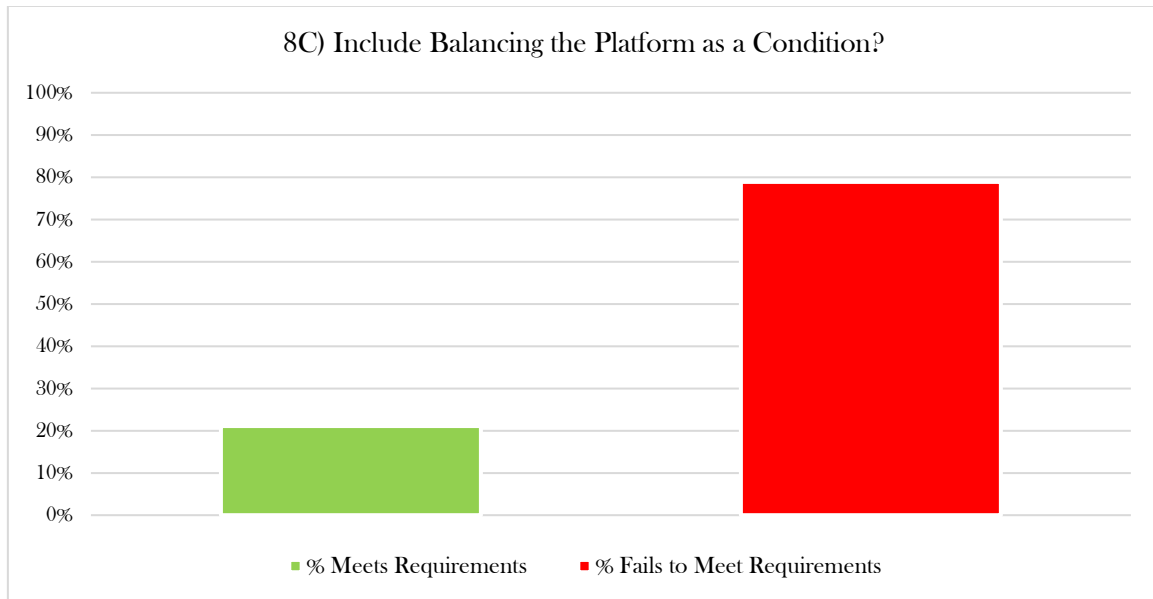


8C) Include Balancing the Platform as a Condition?

YES: Stipulates that an event may have to have an additional speaker present to provide an alternative view/balance the platform/challenge the speaker.

SOME: N/A

NO: No condition specifically stating the need for an additional speaker at an event.



Just over a quarter of policies (27.6%, n. 21) examined included multiple conditions which would ensure an event provided attendees the opportunity to challenge the past extreme views of a speaker during the event (e.g. balanced platforms, independent moderator, mandatory Q&A, giving opponents of the speaker priority during Q&A). A further 28.9% (n. 22) featured at least one condition which could facilitate this process, showing that more than half of institutions (56.5%, n. 43) have taken the importance of ensuring speakers are challenged into account. Unfortunately, 43.4% (n. 33) of the policies examined included either no conditions, or as in most cases, included only conditions relating to health and safety issues or security concerns. This is an absolute failure of these particular policies to understand the purpose of the Prevent Duty and outline conditions which could mitigate risk posed by extremist events, and as such should be considered grounds for significant changes to policy. However, once again it is important to note that such mitigating conditions may exist in documents not provided to Student Rights.

Policies provided were also examined to see how many institutions specifically linked potential conditions put in place to mitigate risk to the risk level a speaker was assessed to pose, as in the risk assessment in the Student Rights' Model External Speaker Policy.⁷⁰ However, while a small number of institutions (2.6%, n. 2) produced excellent policies which did just this (the University of Newcastle and Queen Mary University), only a further two (2.6% - Brunel University and City University) partially met this criteria. However, the bulk of the policies examined (94.7%, n. 72) instead often just listed the conditions used for mitigation without clearly connecting them to the level of risk posed. While it is probable a mechanism to do this does exist at those institutions, it would be a positive development if this could be added to the openly available policies where possible.

Perhaps the most important mitigating factor – ensuring “speakers with extremist views that could draw people into terrorism are challenged with opposing views as part of that same event” – was only included in 21.1% (n. 16) of policies examined. This suggests that it may still be something only a minority of institutions are willing to enforce, potentially due to the added workload generated in both event organisation and risk assessment. It may also be because of specific local contexts such as a low number of staff/students willing to act as opposing voices, or the difficulty of

⁷⁰ 'A Model External Speaker Policy', Student Rights (2016), pp. 18-19.

attracting speakers to more remote institutions. However, a significant number of the policies examined, including those which only included conditions based around health and safety or security, stated that the conditions listed were not exhaustive, potentially giving students and staff the opportunity to push for a balanced platform to be enforced when raising concerns about an event.

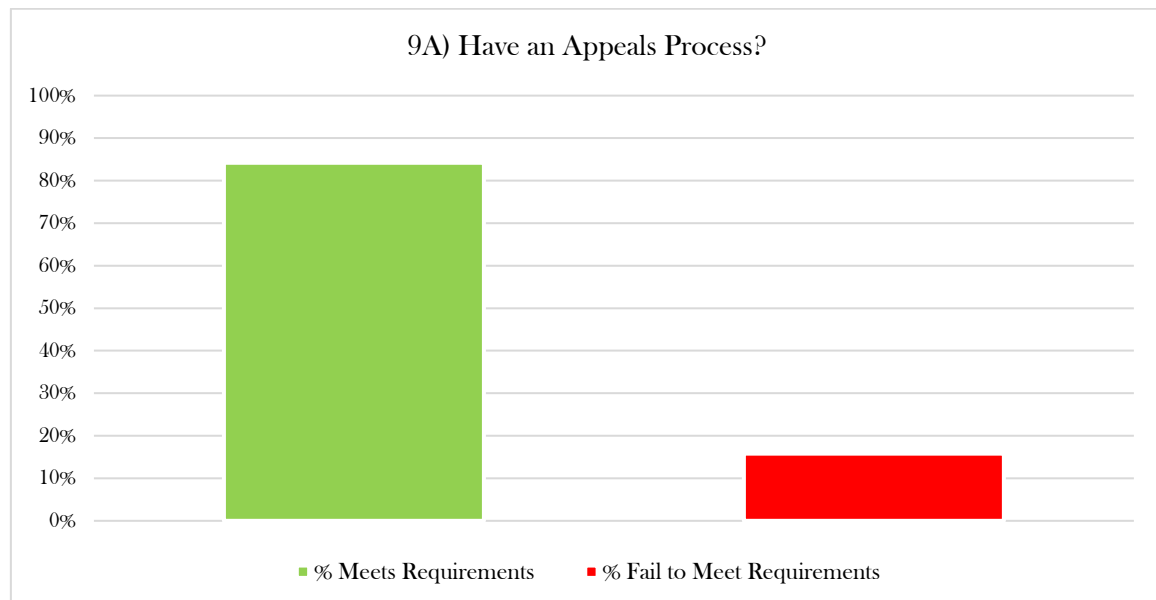
Finally, it is important that the overall process is one which is open and transparent, giving event organisers the right to appeal any decision made, but also ensuring that there is a final decision maker able to give a definitive answer as to whether an event will be allowed to go ahead. As such, Student Rights also asked whether the policies examined:

9A) Have an Appeals Process?

YES: Allows the organiser to appeal against a decision to deny a speaker a platform on campus or any conditions which have been imposed on an event.

SOME: N/A

NO: Does not have an appeals process.

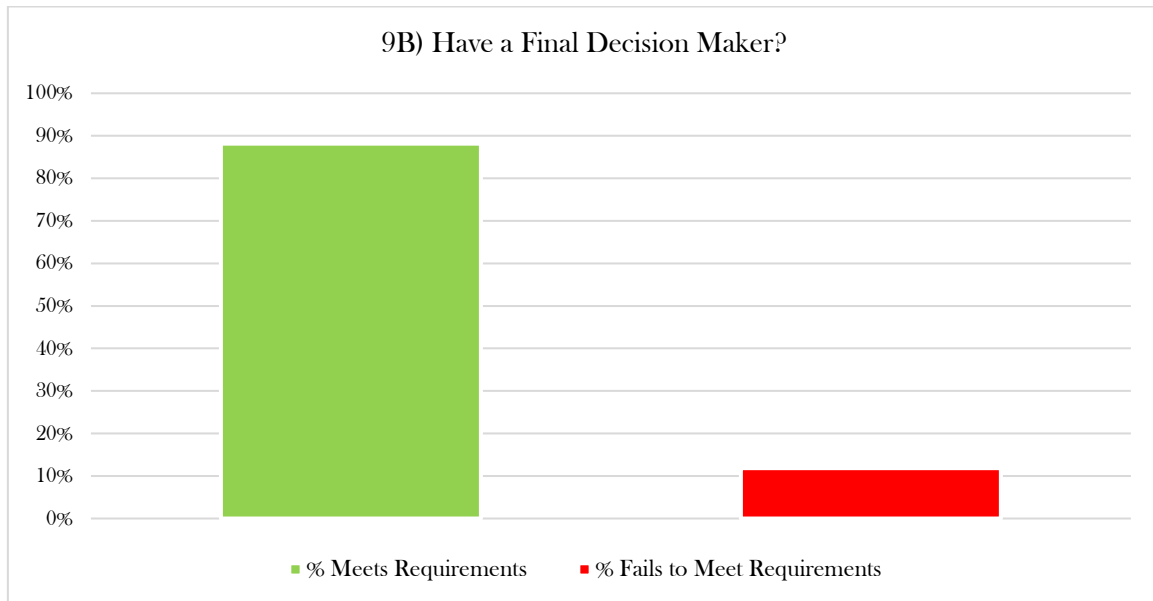


9B) Have a Final Decision Maker?

YES: A senior member of staff is named as the final decision-maker on a speaker's suitability and/or the imposition of any conditions.

SOME: N/A

NO: No final decision-maker is named.



In the majority of cases, the policies provided to Student Rights did allow for a right of appeal, with 84.2% (n. 64) outlining who event organisers could go to if they felt they had been unfairly treated. It was also clear that most of the institutions studied had sought to make clear who the final decision-maker was once any appeals had been completed, with 88.2% (n. 67) listing a figure such as the Vice-Chancellor in this position. While this meant 11.8% (n. 9) of policies examined did not make clear who the final decision-maker would be, it is likely institutions still have such a figure, and should consider making their processes clearer in the publically available policies.

5.4 Wider Findings

While these individual assessments highlight how the policies examined have been adapted to deal with both individual and procedural requirements, it is difficult to gain an idea of the quality of the policies as documents from these questions alone. When the total scores are examined however, the findings suggest that most universities are taking the issue seriously, with well over half of the policies provided to Student Rights by institutions (68.4%, n. 52) scoring ten points or more (50%) and an average score of 11.3 (56.5%). Of the 76, nearly a fifth (18.4%, n. 14) scored at least 15 points (75%). The most common score was one which fell between 70% and under 80%, with 19 policies (25%) falling into this decile.

Speaker Policy Score (%)	Frequency
70% and under 80%	19
60% and under 70%	15
50% and under 60%	13
30% and under 40%	10
40% and under 50%	7
20% and under 30%	5
80% and under 90%	5
10% and under 20%	2
90% and above	0
Under 10%	0
Total	76

When a more basic version of six questions are asked which focus on whether the policies do the minimum required (apply to the university's student union; have the stated aim to prevent "people from being drawn into terrorism"; review initial applications and seek advice from external organisations; rank speakers based on degree of risk; outline conditions which could be enforced to ensure a speaker can be challenged; and have a final decision maker) this becomes even clearer, with 84.2% (n. 64) scoring three points or more (50%). Over half of the institutions (52.6%, n. 40) scored at least 4.5 points (75%), and three institutions (the University of East Anglia, King's College London and the University of Newcastle) scored six points (100%).

In addition, this positive news is compounded by the finding that those institutions which have historically faced the greatest challenge from the presence of extreme or intolerant speakers have some of the highest-scoring speaker policies. Student Rights logged events at 91 institutions between January 2012 and December 2015 at which speakers with a history of extreme or intolerant views, or a history of involvement with extreme or intolerant organisations, appeared. Of these 91 institutions, 52 provided speaker policies for examination. Between 2012 and 2015, King's College London (KCL), Kingston University, Queen Mary University, the School of Oriental and African Studies (SOAS), and the University of Westminster were the five institutions which hosted the most events in this period, yet all scored highly with an average mark of 15.4 (77%).⁷¹

Student Rights has raised concerns about these institutions in the past, and while such speakers have not been completely prevented from appearing on these campuses without challenge, there has been significant improvement at institutions like the University of Westminster. In 2012, Student Rights frequently criticised the institution for allowing the Global Ideas Society, believed to be a front for the revolutionary Islamist organisation, Hizb ut-Tahrir, to invite speakers from the group on campus unopposed.⁷² The number of these sort of events has since dramatically declined, and earlier this year an event on Prevent featuring two speakers with a history of connections to extremist activism or groups was made a balanced platform and ample opportunity was given for the audience to ask questions.⁷³

However, it is also important to note that the comparison between events and speaker policy ranking does not show institutions with little experience of managing extreme events failing to produce adequate speaker policies. Both the University of Newcastle and the University of Bournemouth, recorded as hosting just one event of concern between 2012-15, have speaker policies on par with, if not exceeding, those of KCL and the University of Westminster.

⁷¹ 'Preventing Prevent: Challenges to Counter-Radicalisation Policy on Campus', Student Rights (2015); 2015 data archived by Student Rights.

⁷² 'The Global Ideas Society and Hizb ut-Tahrir', *Student Rights*, 25 September 2012, available at: www.studentrights.org.uk/article/1965/the_global_ideas_society_and_hizb_ut_tahrir, last visited: 26 February 2017.

⁷³ 'Student Rights at the University of Westminster', *Student Rights*, 16 March 2016, available at: www.studentrights.org.uk/article/2366/student_rights_at_the_university_of_westminster, last visited: 26 February 2017.

6. Policy Recommendations

Issue: Failures to Address Extremism and Need to Prevent People from Being Drawn into Terrorism

Recommendation: Ensure policies focus on legal requirements, the nature of the threat posed and provide staff with information required to make informed decisions.

One of the key findings of this report was that over a third of the policies provided to Student Rights (32.9%, n. 25) were assessed to have failed to mention the Counter Terrorism and Security Act or Prevent Duty, while 38% (n. 29) were assessed to have failed to mention the need to have due regard “to prevent people from being drawn into terrorism” mandated by the legislation.⁷⁴ While this does not mean that institutions do not have policies which do this, it is important that publically available material:

- Addresses competing legal requirements to the same degree, detailing the need to prevent people from being drawn into terrorism and including a definition of non-violent extremism in the same detail as the need to protect freedom of expression and academic freedom;
- Provides access to the information staff may need in carrying out risk assessment duties, including links to the Home Office list of proscribed organisations and the Educate against Hate website;
- Is complemented by staff training which addresses recognising typical extremist topics; tropes; or practices in addition to information on carrying out Prevent-related functions. This should focus on giving staff the confidence to challenge extremists who do appear at the university, either during events or for recruiting on its grounds.

Issue: Lack of Clarity on Risk Levels and Mitigation

Recommendation: Provide detailed breakdowns of risk assessment procedures and levels, and ensure policies link mitigation conditions to risk levels.

The sector-wide inconsistency on risk assessment levels and mitigation efforts found within the policies provided to Student Rights was striking, with just 15.8% (n. 12) of policies classifying speakers into detailed categories based on the risk posed, and only 5.3% (n. 4) accompanying these categories with the criteria used to make this assessment. Meanwhile, only 2.6% (n. 2) specifically linked each particular risk level to a particular set of mitigation conditions. If institutions are to develop policies which give both staff assessing risk and students organising events a clear idea of which behaviours will see which conditions imposed, sector-wide consistency is vital. As such, institutions should aim to:

- Ensure publically available policies include details of the risk assessment process used by staff to determine the level of risk and conditions which will be imposed on an event, and that these processes include more than two categories, perhaps ranking speakers/events on a green, amber and red system;
- Ensure that each risk assessment category used has a clear definition of the behaviours which are likely to see a speaker/event judged to fall into this category based on the information provided by the application process;
- Ensure that each risk assessment level has an associated list of mitigating conditions which are automatically triggered should an event pose that level of risk. This should keep in mind the

⁷⁴ “Counter-Terrorism and Security Act 2015”, *HM Government*, 12 February 2015.

capabilities of individual institutions and aim to prevent the cost of applying any conditions from making holding controversial events prohibitively expensive for student societies.

Issue: Failures to Provide Balance at Events

Recommendation: Put procedures in place to ensure high-risk speakers automatically trigger a condition which requires event organisers to balance their platform.

With the Prevent Duty guidance provided to institutions specifically suggesting that “speakers with extremist views that could draw people into terrorism are challenged with opposing views as part of that same event”,⁷⁵ the lack of mitigation conditions within the policies provided to Student Rights which would facilitate this is worrying. While more than half of the policies examined (56.5%, n. 43) included at least one condition that could see speakers challenged, such as Q&A session, only 21.1% (n. 16) stipulated that an event may have to have an additional speaker present. With this in mind, institutions should seek to ensure their policies:

- Ensure any list of conditions designed to mitigate risk includes the option to enforce a balanced platform on event organisers, and that this condition is triggered automatically if the event is assessed to pose a high level of risk. Student Rights’ Model External Speaker Policy suggested this only when speakers were assessed as “high risk”;⁷⁶
- Make event organisers aware of this requirement at the start of each academic year, in order to ensure events likely to include such speakers are planned as debate prior to being submitted for assessment and do not face substantial delay or cancellation on logistical/cost grounds;
- Identify staff who may be willing to appear at such events, either as a neutral chair or on the panel, as happened at the University of Westminster in March 2016, when the student union and university successfully worked to ensure a lecturer appeared at an event on Prevent to provide further balance and debate;⁷⁷
- Take the context of each event into account when enforcing any conditions which are triggered automatically if certain risk levels are met, with care taken to ensure inflexibility does not lead to events being cancelled where balanced platforms may not be possible to arrange.

Issue: Widespread Concerns about Prevent and Freedom of Expression

Recommendation: Address concerns through consultation events and guidance reviews, and ensure inaccurate or misleading stories face swift and robust rebuttal from relevant authorities.

Despite the inclusion of the provision within the Counter Terrorism and Security Act that relevant higher education institutions must have “particular regard to the duty to ensure freedom of speech”,⁷⁸ there has been significant criticism from some senior sector staff. This has focused on the potential threat to freedom of expression they believe to be posed by the duty, and has been exacerbated by a section within the Prevent Duty Guidance which states that events “should not be allowed to proceed except where RHEBs are entirely convinced that such risk can be **fully mitigated** [emphasis in original]”.⁷⁹ Ensuring these concerns are addressed will be vital, and HEFCE and the government should seek to:

⁷⁵ ‘Prevent Duty Guidance: for higher education institutions in England and Wales’, HM Government (2015), p. 4.

⁷⁶ ‘A Model External Speaker Policy’, Student Rights (2016), p. 19.

⁷⁷ ‘Student Rights at the University of Westminster’, *Student Rights*, 16 March 2016.

⁷⁸ ‘Counter-Terrorism and Security Act 2015’, *HM Government*, 12 February 2015.

⁷⁹ ‘Prevent Duty Guidance: for higher education institutions in England and Wales’, HM Government (2015), p. 4.

- Develop a series of consultation events with university senior management teams, including vice-chancellors, student services managers and security managers, to provide a sector-wide opportunity to raise concerns with policy-makers;
- Review the Prevent Duty Guidance with a view to allaying university management teams' fears over phrases such as "fully mitigated" and "entirely convinced", potentially asking that events not be allowed to proceed except where institutions have imposed conditions to ensure the risk will be mitigated to the best of their ability;
- Ensure communications teams within relevant Whitehall partners respond swiftly to the use of inaccurate information to criticise the Prevent Duty, especially by university management staff, and seek to promote positive viewpoints about Prevent held by management staff.

7. Conclusion

As part of CONTEST, the UK's wider plan to protect itself from terrorism, the government has developed the Prevent strategy, which aims to "work with sectors and institutions where there are risks of radicalisation". The higher education sector has been repeatedly identified as one which is potentially open to extremist misuse, or in which people could be vulnerable to radicalisation, and the Counter Terrorism and Security Act 2015 imposed a duty on higher education institutions to have "due regard to the need to prevent individuals from being drawn into terrorism". The Higher Education Funding Council for England (HEFCE) was tasked with regulating this duty, and English universities without autonomous colleges were required to "submit the policies, processes or arrangements that demonstrate that they have regard to the Prevent duty guidance" by 1 April 2016, with alternative providers given until 1 June 2016 and collegiate universities until 1 August 2016. While all universities complied with this request, a number of Vice-Chancellors have publically questioned the Prevent Duty's compatibility with freedom of speech. It is also apparent that at least one university has seen problems develop while attempting to implement its external speaker policy.

In May 2016, Student Rights produced a Model External Speaker Policy to provide further best practice guidance for institutions on identifying extremist speakers. The policy suggested procedures to ensure extremist narratives are challenged and staff responsible for risk assessments can make informed decisions. After obtaining the policies and procedures of 76 English institutions via a Freedom of Information request, each policy was assessed using 20 questions based on the advice outlined within the Model External Speaker Policy, as well as within the Prevent Duty Guidance for Higher Education Institutions and HEFCE's advice note to relevant higher education providers. This process found that most universities are taking the issue seriously, with well over half of institutions scoring ten points or more (50%). Nearly a fifth scored at least 15 points (75%), and the most common score was one which fell between 70% and under 80%, with 19 policies (25%) falling into this decile.

In addition, institutions which have historically faced the greatest challenge from extreme or intolerant speakers were assessed to have some of the highest-scoring speaker policies, supporting HEFCE's conclusions that providers have responded well to their new requirements. However, over a third of policies provided did not mention the Counter Terrorism and Security Act or Prevent Duty, while 38% did not mention the need to have due regard "to prevent people from being drawn into terrorism" mandated by the legislation. A small number of institutions were also assessed to have failed to both outline the background checks made on speakers and outline effective application processes to prevent the concealment of speakers' views or backgrounds, potentially leaving their booking procedures open to abuse. There was also a clear need for improvement in the consistency and transparency of risk assessment efforts across the sector, and to outline conditions which would ensure balanced platforms at high-risk events.

With this in mind, institutions should consider re-examining their publically available policies to identify the extent to which they focus on all competing legal requirements; provide transparent information on risk assessment procedures and mitigation conditions; and put procedures in place to ensure high-risk speakers automatically trigger a condition which requires event organisers to balance their platform. Meanwhile, the government and relevant regulatory bodies should seek to address sector concerns through consultation events and guidance reviews, while ensuring inaccurate or misleading stories face swift and robust rebuttal.

About Student Rights



Student Rights is a non-partisan project of The Henry Jackson Society dedicated to supporting equality, democracy and freedom from extremism on university campuses. Set up in June 2009, Student Rights monitors extremism on UK university campuses - focusing on a range of different groups including, but not limited to, fascist or racist organisations, Islamist groups, and extreme political parties.

About The Henry Jackson Society



The Henry Jackson Society is a think tank and policy-shaping force that fights for the principles and alliances which keep societies free - working across borders and party lines to combat extremism, advance democracy and real human rights, and make a stand in an increasingly uncertain world.