

External Speakers and Events Policy



BATH SPA
UNIVERSITY

1. Introduction

- 1.1 As stated in the Bath Spa University (**BSU**) Code of Practice on Freedom of Speech (**Code of Practice**), Freedom of Speech is fundamental to us at BSU and we have the responsibility to protect and promote Freedom of Speech and Academic Freedom, and to take reasonably practicable steps to secure such rights within the law, having particular regard to the importance of Freedom of Speech. This means that we must enable and empower our community to question and debate (within the laws that constrain free speech) – one of the key ways we can achieve this is through Events.
- 1.2 Events are a key vehicle for securing Freedom of Speech and they drive sources of commercial income, student recruitment and a positive reputation for an organisation. As such, BSU wants to ensure a high standard is achieved across all Events organised at, on behalf of, or in association with BSU and that they are run with due regard to the advice, guidance and necessary processes and procedures outlined by BSU in this policy.
- 1.3 BSU expects all persons involved in the organisation and delivery of Events to adhere to these processes, procedures and associated guidelines to ensure the safety of all those involved, as well as compliance with necessary Government guidance and legislation – this includes all staff, students, members, visitors and External Speakers. Attendees of Events are also required to adhere to the conduct standards outlined in this policy whilst attending a relevant Event.
- 1.4 The purpose of this policy is to ensure that, as far as reasonably practicable, all Events organised at, on or behalf of, or in association with BSU, follow the necessary processes and procedures in order to deliver Events safely, successfully and in line with the values of BSU. For Events which fall within the scope of the Code of Practice, this includes BSU's duties in relation to Freedom of Speech as outlined in the Code of Practice. This policy sets out the following in relation to Events falling within the scope outlined in paragraph 3 below:
 - 1.4.1 BSU's procedures for Events, including for External Speaker Events;
 - 1.4.2 the conduct required at all Events; and
 - 1.4.3 the criteria for deciding whether to permit the Event and/or allow use of Premises and on what terms for all Events.

2. Definitions

2.1 For the purposes of this policy, the following definitions apply:

2.1.1 “**Academic Freedom**” has the same definition as in the Code of Practice;

2.1.2 “**BSU Licence Holder**” means the person who holds Licence for alcohol and food sale and consumption on any Premises;

2.1.3 “**Events**” means all events including those which make use of the Premises or BSU’s virtual spaces, **and** which are organised by BSU staff or by BSU students, or by the BSU Students’ Union, and any other events which make use of the Premises and which are organised by third parties, such as commercial hires and summer schools;

2.1.4 “**Event Requestor**” means the staff or student who has requested that the Event take place;

2.1.5 “**External Speaker**” has the same definition as in the Code of Practice;

2.1.6 “**External Speaker Event**” is an Event where an External Speaker is speaking or presenting;

2.1.7 “**Freedom of Speech**” has the same definition as in the Code of Practice;

2.1.8 “**Premises**” has the same definition as in the Code of Practice;

2.1.9 “**Principal Organiser**” means the individual from within BSU who has responsibility for organising, controlling and managing the Event. The Event Organiser **must** be a staff member at BSU or at BSU Students’ Union and can be the Event Requestor.

3. Scope and Legislative Context

3.1 This External Speakers and Events Policy applies to all Events as defined in paragraph 2.1.3 above, (e.g. from events organised by BSU staff which relate to the academic life at BSU, to the commercial hire of our premises by third parties). However, all provisions within this policy relating to Freedom of Speech and Academic Freedom, only apply to those Events which also fall within the scope of the Code of Practice (see paragraph 4 of the Code of Practice). Use of the defined term “Events” in this External Speakers and Events Policy shall be construed and interpreted accordingly.

3.2 The Health & Safety at Work Act 1974 applies to all work activities, including Events. It requires employers to ensure, so far as reasonably practicable, the health and safety of their employees, and anyone else who may be affected by their activities, including non-employees, students and the general public.

- 3.3 The Management of Health and Safety at Work Regulations 1999 apply to everyone at work, regardless of the nature of that work. The regulations require employers to plan, control, organise, monitor and review their work activities. Employers should assess the risks associated with significant hazards presented by the work activity, including events, in order to identify the preventative and precautionary measures necessary to reduce and control these risks. Specific hazards, such as manual handling, must be specifically risk assessed under separate legislation.
- 3.4 The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) require that certain types of accidents, specific cases of occupational ill health and certain dangerous occurrences must be reported to the Health & Safety Executive. In certain circumstances this can include injuries sustained by non-employees, for example, students and members of the public attending events.
- 3.5 The Higher Education (Freedom of Speech) Act 2023 places a legal requirement on BSU to issue a code of practice in relation to Freedom of Speech, which should set out the procedures that must be followed by staff and students in connection with the organisation of meetings and other events held on the University's premises, the conduct required at such meetings and other activities, and the criteria to be used when making decisions about using the premises for such meetings and other activities. It also creates additional duties in relation to Freedom of Speech, including the duty to take reasonably practicable steps that, having particular regard to the importance of Freedom of Speech, secure freedom of speech within the law for staff, members, students and External Speakers. Please refer to the paragraph 2 of the Code of Practice for further information.
- 3.6 The Counter Terrorism and Security Act 2015 requires BSU to have due regard to the need to prevent people from being drawn into terrorism. In doing so, BSU must have particular regard to the duty to ensure Freedom of Speech and the importance of Academic Freedom. Please refer to separate Prevent Policy.
- 3.7 The Equality Act 2010 includes a public sector duty to: eliminate unlawful discrimination, harassment, victimisation; advance equality of opportunity; and foster good relations between people. This involves considering the need to remove or minimise disadvantages suffered by people due to their protected characteristics (sex, age, race, disability, religion/belief, sexual orientation, pregnancy/maternity, gender reassignment); meet the needs of people with protected characteristics and encourage people with protected characteristics to participate in public life or in other activities where there is participation is low. This policy will endeavour to ensure that equality considerations are embedded within all event management processes.

4. Principles Relevant to Events

4.1 Organised Events must comply with the following principles:

- 4.1.1 When possible, ensure that Events which might touch upon controversial topics are permitted to take place, but are managed in conjunction with the requirements of the Code of Practice (if applicable) and the other duties and obligations which BSU must meet. Ensure that all Events that take place at, on behalf of, or in association with BSU, including student led events, are compliant with BSU Health and Safety policies, guidance, local rules and BSU procedures;
- 4.1.2 Ensure any proposals for new Events taking place at any Premises, are brought to the attention of the Conference & Events Department, so that appropriate plans can be put in place if deemed appropriate;
- 4.1.3 Ensure a local risk assessment is carried out for any proposals for External Speakers, to identify any which may need to be escalated to the University Secretary for consideration, in accordance with the procedures outlined below;
- 4.1.4 Ensure any large-scale Events to be held on the Premises or otherwise in association with BSU gain the necessary approvals prior to going ahead to ensure compliance with the various obligations and duties imposed on BSU and to ensure the Events are appropriately resourced;
- 4.1.5 To enable the Conference & Events Department to develop an up-to-date register of Events to enhance understanding of, and opportunities in relation to, our Events offering and to improve communication with other service departments;
- 4.1.6 As detailed in the Timetable & Room Booking Policy, outside of normal teaching hours all areas and facilities are available for other purposes, either for community or financial benefit, with Estates and Commercial activity taking precedence.

For the avoidance of doubt, the following 3 paragraphs only apply to Events which fall within the scope of the Code of Practice.

- 4.2 In determining whether an Event can take place and/or whether an External Speaker can speak at an Event, a balancing exercise should be conducted which takes into consideration Freedom of Speech and Academic Freedom and other statutory obligations which BSU is required to meet. However, BSU must have particular regard to Freedom of Speech when making such decisions, and as such, it operates with a starting presumption in favour of Freedom of Speech. This means significant weight will always need to be placed on Freedom of Speech and Academic Freedom.

- 4.3 With the above in mind, use of our Premises shall not be denied to any individual or group of persons, solely on the grounds that the beliefs or views of that individual or group holds, or on the grounds of the policies or objectives of that person or group, unless BSU has reasonable grounds to suspect that unlawful activity would otherwise be likely to occur and no reasonably practicable steps can be taken to mitigate those risks.
- 4.4 The expression of views which are unpopular, controversial or provocative or which cause offence does not, if lawful, constitute grounds for the refusal or cancellation of an Event or an External Speaker.

5. Procedures for all Events

- 5.1 Detailed procedures cannot be defined for every Event, as the variables are too great and possible scenarios too broad. However, the following general procedures apply to all Events and must be adhered to unless express prior authorisation is provided stating otherwise. If these procedures are not followed, the Event may not be permitted to go ahead and BSU has the authority to stop the Event at any time.
- 5.2 **The following procedures apply to all External Speaker Events:**
- 5.2.1 The Event Requestor prior to the confirmation of any External Speaker Event, is responsible for completing a local risk assessment, (and should normally keep a record of such risk assessment), to assess the proposed External Speaker Event or the proposed External Speaker, against the following set of questions: -
- Question 1: Does the proposed title or theme of the External Speaker Event present a potential risk that views/opinions expressed at the Event may raise Freedom of Speech issues?
 - Question 2: Has the proposed External Speaker previously been prevented from speaking at BSU, another university or similar establishment, or previously been known to express views that may be in breach of this policy and/or the Code of Practice?
 - Question 3: Is the proposed External Speaker Event /theme likely to attract attendance from individuals/groups that have previously been known to express views that may be in breach of this policy and/or the Code of Practice?
 - Question 4: Is the proposed External Speaker, and/or the theme or content of the Event particularly controversial or polarising? Is it likely to attract protest or demonstration? Is there likely to be press interest? Does the proposed External Speaker, or the theme or content of the Event pose a significant reputational risk to BSU?

- 5.2.2 If the answer to all four of the above questions is clearly 'NO', then no further risk assessment is required, and the Event Requestor can proceed to organise and/or confirm the External Speaker Event in the usual way, assuming any routine authorisations are obtained, (i.e. a request to book the Event may still need to be sent to the Conferences & Events Department and/or managerial sign off may be required). The Event Requestor or Principal Organiser should draw the attention of the External Speaker to the Code of Practice and to this policy (if applicable).
- 5.2.3 If the answer to any of the questions is UNCLEAR: The Event Requestor must seek guidance from their line manager or Head of School or Department, whose responsibility it will be to further review the External Speaker Event against the questions outlined in paragraph 5.2.1 above.
- 5.2.4 Ultimately, if the answer to any of the questions is 'YES', the Event Requestor must consider, complete and submit a suitable and sufficient risk assessment for the proposed Event and escalate it to the University Secretary as outlined in paragraph 5.3.2 below.

5.3 The Referral Process

5.3.1 All Events

It is the responsibility of the Event Requestor to bring any proposed Event, (whether or not it involves a proposed External Speaker), to the attention of BSU's Conference & Events Department, by completing the [Event Request Form](#). All external and commercial events should be, in the first instance, brought to the attention of the Conference & Events Department, and any internal or academic events must be signed off in the first instance by the Head of School and then brought to the attention of Conference & Events Department. If they involve an External Speaker, a referral may also need to be made to the University Secretary as outlined below.

5.3.2 External Speaker Events

In the case of any proposed External Speaker Event, described in paragraph 5.2.4 above, (e.g. if the answer to any of the questions outlined in paragraph 5.2.1. is 'YES'), the Event Requestor must consider, complete and submit a suitable and sufficient risk assessment for the proposed External Speaker Event and escalate it to the University Secretary with the **External Speaker Policy Referral Form (the Referral Form)**, via MyServices. No speaker(s) can be confirmed (booked) prior to the Event Requestor receiving authorization from the University Secretary or their nominee.

- 5.3.3 To make an External Speaker or Event referral submission: Access the External Speaker Event Referral Form or the Event Request Form on MyServices and complete all sections of the form with as much detail as possible.

- 5.4 Review process for External Speaker Events which are escalated to the University Secretary in accordance with paragraph 5.3.2 above.**
- 5.4.1 The University Secretary or their duly authorised nominee, will, without undue delay, review the Referral Form and confirm whether or not the External Speaker Event can go ahead, based on the criteria set out below. If the External Speaker Event can proceed, the University Secretary or their duly authorised nominee, will confirm whether any terms, conditions or restrictions are required. Such restrictions may relate to the time, place, and manner of expression (as further outlined below).
- 5.4.2 When considering the Referral Form, the University Secretary or their duly authorised nominee), will comply with the statutory Freedom of Speech duties to promote and secure Freedom of Speech within the law. As such, they will operate with the starting presumption that the External Speaker Event can proceed, and that cancellation of the External Speaker Event is exceptional. However, it will be necessary to balance the promotion and protection of lawful free speech with other legal duties as outlined in the Code of Practice.
- 5.4.3 As part of any risk assessment, the University Secretary or their duly authorised nominee, may consult with others, including BSU leadership, the police or other relevant third parties and organisations as appropriate, in order to determine whether any such identified risks can be mitigated.
- 5.4.4 The terms upon which BSU may allow the use of the Premises are set out in this paragraph. The University Secretary or their duly authorised nominee may identify and impose restrictions that: (i) are identified as reasonably practicable steps to take to ensure Freedom of Speech is secured; and (ii) address any identified risks. For example, this could include (but is not limited to):
- i. putting in place measures to ensure that opposing views can be put forward at the Event and for the proper management of the Event;
 - ii. making arrangements for a suitable member of staff to chair and manage the Event to ensure that Freedom of Speech is upheld;
 - iii. ticketing an Event or putting in measures to check the identity of persons attending the Event;
 - iv. ensuring that Events have appropriate security staff and stewards (please see paragraph 10 below relating to security costs); and
 - v. determining the time and location on the Premises of the Event.

- 5.4.5 The criteria to be used by BSU in determining whether to deny permission to the use of the Premises and/or to permit an Event, are set out in this paragraph. In exceptional circumstances, the University Secretary or their duly authorised nominee can refuse or withdraw permission for an Event if it is believed that imposing conditions would not be sufficient. It will be reasonable to refuse consent where, having particular regard to the importance of Freedom of Speech, no reasonably practicable measures can be taken and:
- i. the views likely to be expressed by any speaker are likely to be contrary to the law;
 - ii. the intention of any speaker is likely to be to incite breaches of the law or to intend breaches of the peace to occur;
 - iii. the intention of any speaker is likely to be to incite breaches of the law or to intend breaches of the peace to occur;
 - iv. the Event will include or is likely to include the denial of the right to hold or to express an opposing opinion;
 - v. in accordance with BSU's responsibilities under the Prevent Duty, the views likely to be expressed by any speaker are likely to promote an illegal organisation or purpose, including organisations listed on the government's list of proscribed groups or organisations; or
 - vi. in accordance with BSU's responsibilities under the Prevent Duty, the views likely to be expressed by any speaker are likely to promote an illegal organisation or purpose, including organisations listed on the government's list of proscribed groups or organisations; or
 - vii. it is in the interest of public safety, the prevention of disorder or crime or the protection of those persons lawfully on Premises under the control of BSU, that the Event does not take place.
- 5.5 The Conference & Events Department will normally ensure that a Principal Organiser is appointed for a proposed Event. The Principal Organiser can be the Event Requestor provided the individual is a staff member of BSU. A Principal Organiser has responsibility to organise, control and manage all aspects of the Event, including (but not limited to) health and safety, compliance with the Code of Practice (if applicable) and all other responsibilities outlined herein. Where agreed and appropriate, an individual from the Conference & Events Department will be delegated as the Principal Organiser for an Event.

- 5.6 In relation to Events which fall within the scope of the Code of Practice, if control measures and reasonably practicable steps to manage any Freedom of Speech risks have been identified, these must be implemented as part of the Events organisation. The relevant sections of the risk assessment must also be shared with relevant individuals who may be affected, for example, the Estates & Services Department where the risk assessment requires a road closure or car park segregation.
- 5.7 Logistical arrangements for all Events must also be organised in accordance with the separate Timetable and Room Booking Policy.
- 5.8 All approved Events will be registered on the central Events Register by the Principal Organiser.
- 5.9 Events will be costed appropriately and will be divided into two groups with different 'rate card' costs. This is to ensure BSU maximises the potential for commercial revenue. The categorisation of an Event will be either "Internal" or "External", as follows:
 - 5.9.1 Internal: An event that is organised 'in house' with all costs and revenue being generated with BSU and an internal budget code associated.
 - 5.9.2 External: An event that is organised by, or in association with, an outside party or association where revenue is generated externally and costs invoiced.
- 5.10 Any permission required from internal departments or Support Services, for example, Grounds Team, Estates & Facilities Management, Parking etc. must be obtained in writing by the Principal Organiser.
- 5.11 Anyone directly involved in the delivery or management of the Event will be fully briefed on health and safety implications and plans by the Principal Organiser and/or Conference & Events Department.
- 5.12 All catering and licensing requests or requirements must first be sought through the Conference & Events Department and will be in line with BSU's Catering Policy. If external providers are to be considered, this requires written approval from the Head of Facilities and Services and the required forms must be completed and authorised by the University's Environmental Health Officer.
- 5.13 For student society Events, these must be overseen by the Society's Social Secretary or other relevant post holder who will act as the Event Requestor.
- 5.14 All contractors who are used in relation to an Event must have a current and up to date Employers/Public Liability Insurance certificate, their own activity risk assessment, method statement and any other relevant documents checked before they come onto any Premises.

- 5.15 Contractors providing services such as those supplying scaffolding, inflatable equipment, temporary structures (such as marquees), etc. must receive BSU and local Health and Safety inductions before they come onto the Premises to work. The Estates and Service Maintenance Department are responsible for providing this induction.
- 5.16 Any external Licences that may be required are in place, for example, public entertainment, alcohol etc. and checked with the BSU Licence Holder.
- 5.17 Where required by the Conference & Events Department following completion of a suitable risk assessment, the Principal Organiser may be required to attend and monitor the entire Event or is at least contactable for the entire Event.
- 5.18 Any accidents or near misses are reported to the Principal Organiser, who is then responsible for reporting it in accordance with BSU's accident reporting procedures.

6. External Speakers

For the avoidance of doubt, this paragraph only applies to Events which fall within the scope of the Code of Practice.

- 6.1 External Speakers play an important role at BSU as part of the regular academic experience, allowing students and staff to be exposed to a range of different ideas, beliefs and opinions. Although most External Speakers are uncontroversial, some may express views which members of our community deem to be contentious, inflammatory or offensive. In some cases, their presence on the Premises may be divisive. As stated in the Code of Practice, BSU has to take into consideration a wide range of legislative provisions when deciding whether to permit External Speakers to speak at Events and/or at our Premises, including but not limited to, the Equality Act 2010, the Public Order Act 1986 and the Counter Terrorism and Security Act 2015.
- 6.2 Anyone organising an External Speaker or Event must do so in accordance with the procedures and complete a local risk assessment (and Referral Process, if relevant), as outlined above **before** booking the External Speaker(s).

7. Principal organiser responsibilities in relation to events

- 7.1 It is the responsibility of the Principal Organiser to:
 - 7.1.1 If applicable, conduct an initial risk assessment of the External Speaker Event with reference to the questions outlined in paragraph 5.2.1 above;

- 7.1.2 complete the relevant booking process relating to the Event, including the Referral Process as outlined in paragraph 5 above (if required);
- 7.1.3 in relation to “Events” which fall within the scope of the Code of Practice, ensure that the Code of Practice and this policy is communicated to all speakers at the Event once approved);
- 7.1.4 ensure that the Event meets the accessibility needs of the attendees/guests, including in relation to venue access, parking requirements, accessible routes etc.;
- 7.1.5 obtain the additional permissions and authorisations from relevant BSU departments as outlined in paragraphs 4.1.4 and 5.3.1 above; and
- 7.1.6 ensure that all reasonable steps are taken to ensure that the requirements within the Code of Practice (if applicable) and External Speakers and Event Policy are upheld during the running of the Event. This includes all provisions relating to the required conduct at an Event.
- 7.2 This policy will be continually reviewed and updated in response to legislative changes and other factors. It is the responsibility of the Principal Organiser to ensure that they are acting in accordance with the most recent version of this policy, which will be published by BSU on its website.

8. Conduct required at an event

- 8.1 BSU expects attendees and speakers at Events to act in accordance with the law and not to breach the lawful rights of others. This paragraph sets out required conduct of speakers and attendees at a relevant Event. It is the responsibility of the Principal Organiser to ensure as far as possible that both the attendees at an Event and any speakers act in accordance with the law during the course of the Event and the required conduct outlined in this paragraph.
- 8.2 Please note that this the below is not intended to be an exhaustive list of required and unacceptable conduct by speakers and attendees. BSU reserves the right to not permit any speaker or any attendee to speak at or attend an Event, to refuse to permit an Event and/or to halt an Event at any time if it reasonably considers there may be a breach of this policy or of any legal obligation. During the course of the Event at which they participate, speakers and attendees shall:
 - 8.2.1 observe good order by not acting disruptively, not preventing speakers from being heard, not using abusive or threatening language, not refusing reasonable requests from the Principal Organiser, any chair or steward, or other BSU staff, and not preventing others from exercising their right to Freedom of Speech within the law;

- i. follow the BSU's policy and instructions relating to health and safety;
- ii. present ideas and opinions, in particular those that may be contentious or potentially offensive, in the spirit of academic debate, being open to challenge and question;
- iii. comply with BSU's 's External Speakers and Events Policy at all times in relation to an Event;
- iv. comply with the Code of Practice (if applicable);
- v. not act in breach of the criminal law;
- vi. not incite hatred or violence or any breach of criminal law;
- vii. not encourage or promote any acts of terrorism or promote individuals, groups or organisations that support terrorism;
- viii. not spread hatred and intolerance;
- ix. not discriminate against or harass any person or group on the grounds of their sex, race, nationality, ethnicity, disability, religious or other similar belief, sexual orientation or age;
- x. not defame any person or organisation; and
- xi. not raise or gather funds for any external organisation or cause without the express permission of BSU.

8.3 In the case of any potential breach of the provisions above, the Principal Organiser shall where possible be required to deescalate including through giving appropriate warnings and, in case of continuing breach, to require the withdrawal or removal of persons concerned by stewards or security staff. Such persons may be liable to disciplinary proceedings in accordance with BSU's relevant disciplinary policy.

8.4 If the External Speaker or any attendee infringes the law, the Principal Organiser shall be entitled to curtail, suspend or end the Event, require the removal of any individual, and may refer the matter to the BSU's security staff, who may escalate it to the police (if deemed necessary by BSU's security staff).

9. Segregation

9.1 Universities have duties under the Equality Act 2010 as education providers, employers and service providers; thus they must not unlawfully discriminate against students, employees and other individuals to whom services are provided.

9.2 Segregation by sex is not permitted in any academic meetings or at Events, lectures or meetings provided for students, or at Events attended by members of the public or employees of BSU or the Students' Union.

9.3 Segregation is therefore not permissible for any Event. The only exception to this is events that are for the purpose of collective religious worship.

10. Security Costs

10.1 BSU confirms that, apart from in exceptional circumstances, use of our Premises by an individual or body will not be on terms that require the individual or body to bear some or all of the costs of security relating to the use of the Premises. The criteria for determining whether there are exceptional circumstances for requiring any individual or body to bear some or all security costs would normally include

- The likely numbers to attend the Event and the scale of the Event.
- The operating hours of the Premises where the Event is due to take place.
- The security resources which are available and would be required for the Event.
- The alternative, less expensive, options for running the Event.
- The cost of security is significantly disproportionate to the other demands on the BSU's resources.
- The cost of security is very high.

10.2 The decision on bearing the security costs will be normally be made by the Head of Facilities and Services as part of the process set out above, and such costs will be made clear.

11. Queries

11.1 For further information how the Conference & Events Department can support proposed events, please contact conferencing@bathspa.ac.uk. For any queries pertaining to Freedom of Speech matters, please contact legal@bathspa.ac.uk

Document Details

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Code of Practice on Freedom of Speech

Supersedes:

Events Policy and

External Speaker Policy

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