

From: **SU President** <[su-president@sheffield.ac.uk](mailto:su-president@sheffield.ac.uk)>

Date: Fri, 1 May 2020 at 15:31

Subject: Response to a letter from the Free Speech Union, dated 2 April 2020

To: <[info@freespeechunion.org](mailto:info@freespeechunion.org)>

Cc: Dawn M Stewart <[d.stewart@sheffield.ac.uk](mailto:d.stewart@sheffield.ac.uk)>, <[r.l.frith@sheffield.ac.uk](mailto:r.l.frith@sheffield.ac.uk)>, <[k.lamberts@sheffield.ac.uk](mailto:k.lamberts@sheffield.ac.uk)>, <[gavin.williamson.mp@parliament.uk](mailto:gavin.williamson.mp@parliament.uk)>, <[sirmichaelbarber@gmail.com](mailto:sirmichaelbarber@gmail.com)>

Mr Toby Young

General Secretary

The Free Speech Union

[toby@freespeechunion.org.uk](mailto:toby@freespeechunion.org.uk)

28 April 2020

*(Sent by email only)*

Dear Mr Young,

Thank you for your letter, dated 2 April 2020, raising your organisation's concerns about Sheffield Students' Union and its approach to freedom of speech and expression. I note that you are writing on behalf of Mr Thomas Woollard and Mr Ewan Somerville who are both founding members of the Students' Union's Free Speech Society.

You raised a number of topics and questions in your letter, which I have listed below:

- Section 43 of the Education (No 2) Act 1986
- Article 10 of the European Convention on Human Rights
- Public authorities
- Society Status as 'Red Risk'
- External Speaker Forms (Students' Union and the University of Sheffield)
- Students' Union guidance for events
- Event chairs and competency
- Speaker approval processes

I believe it will be helpful if I share with you the Students' Union position with regard to external speakers, and freedom of speech and expression, before I respond to your specific questions about the registration status of Sheffield Students' Union's Free Speech Society.

1. In accordance with the law, the Students' Union works in partnership with the University to fulfil the s.43 duty, abiding by the Code of Practice Relating to Meetings and Other Activities on University Premises. We take this duty seriously and work closely with the University on this.
2. As you will be aware, the s.43 duty does not mean that any group or speaker has the right to be invited to speak to students on University or Students' Unions premises. We do not invite, nor allow, unlawful speech and as a democratic membership organisation, we must also listen to the views of our members. Through democratic decision-making, our members inform our decisions and policies; however, this is of course, always within the law and recognises the importance, as you highlight, of the need to protect freedom of speech and expression, as well as the autonomy

of our student societies.

3. Students' Unions are not public authorities and do not undertake public functions. Nevertheless, we have an External Speakers' Policy which recognises the importance of human rights and freedom of speech and expression.
4. The External Speakers' Policy held by the University and the Students' Union is linked to the University's Prevent Duty, and incorporates guidance from Universities UK and the National Union of Students.
5. In 2019, Trustees reviewed and updated the External Speakers' Policy to take account of the following national guidance:-
  - EHRC Freedom of expression: a guide for higher education providers and students' unions in England and Wales (2019)
  - Revised 2018 Charity Commission Operational Guidance for Students' Unions (OG 48)
  - Charity Commission guidance Chapter 5: Protecting charities from abuse and extremist purposes (2018)
6. The External Speakers Policy also incorporates 'Annex 1 Free Speech: guidance for universities and students organising events' published in 2018 by the Parliamentary Joint Committee on Human Rights from the report of their inquiry into Freedom of Speech in Universities.
7. All Students' Union societies, committees and staff are required to follow our External Speakers' Policy regardless of their registration status. This includes guidance for organising events with external speakers, including submission of an External Speakers Form in order for us to risk-assess events, prevent unlawful speech and plan resources accordingly. With around 400 societies and committees, it is necessary for requests for external speakers to be submitted in advance to allow sufficient time for external speakers and organisations to be researched. We endeavour to carry out this important work as quickly as possible to support student groups in organising and delivering their events.
8. In order to support the University's s.43 duty, we take reasonable and practical steps to promote balanced debate, allow challenge at events and reduce any legal risks. One of these steps is to aim to have meetings chaired by an informed, experienced individual who can be impartial and ensure a range of viewpoints can be heard – we use the shorthand of 'competent' chair to reflect this intention.
9. The University has its own External Speakers process and therefore you may wish to raise any concerns you have about University policy directly with them.
10. The Free Speech Society make an interesting observation regarding their registration status as a 'Red Risk' group. This term has been used for over a decade to identify groups which will require more resource due to the nature of their activity. This is necessary so that we are able to support and resource all of our societies - Free Speech Society included. However, we recognise

how this might be perceived by new societies and suggest a more accurate term may be to allocate groups with a 'Resource' rating as this is what we consider when approving new society applications. Having reflected on the views of Free Speech Society, I will ask the Activities Officer to make this change (i.e. replace 'Risk' with 'Resource') as we do not wish to mislead any of our student groups.

Thank you again for your correspondence and I do hope this provides some clarity and reassurance on the matter.

Yours sincerely,

**Jake Verity**  
**President**  
**The University of Sheffield's Students' Union**

Cc **Professor Koen Lamberts**, President and Vice-Chancellor of the University of Sheffield

**Rt Hon Gavin Williamson MP**, Secretary of State for Education

**Mr Michael Barber**, Chair, Office for Students

**Mr Thomas Woollard** and **Mr Ewan Somerville**, Free Speech Society

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**Jake Verity**  
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*The Officers are currently finding out what the main student concerns and questions are, to make sure you're best supported during these uncertain times. If you have a question you'd like on their radar, please submit it via [this form](#).*

*This can be a difficult time and it's important to look after yours and your members' mental wellbeing. Guidance to support with this can be found on the [NHS website](#) and [Student Minds](#).*

*If you have any other questions or concerns, the [University is regularly updating its FAQ page](#).*

**\*Due to my work/life balance, you may sometimes get emails from me outside of normal working hours. Please don't feel any pressure to respond outside of your own working hours\***