

# The Management of Protest Situations on University Campuses

## Part 2 of 2 Higher Education (Freedom of Speech) Act 2023 and University Policies



In August 2024, the Higher Education (Freedom of Speech) Act 2023 will come into force. This will enact freedom of speech in higher education, rather than rely on previous guidance with the new Act being designed to protect and promote free speech and academic freedom, amongst other requirements for Campus Governing bodies and Students Unions. Part 1 of this series examined the introduction of the Act on the role of Campus staff. Whilst there are many ongoing discussions on the strategic implications of the incoming legislation, this second article considers what other policies or procedures and good practices on an operational level are worth considering.

## Supporting Policies and Procedures

A University Governing body will be fully aware of their duty of care to any person on their campus property and will have established Generic Risk Assessments, policies and procedures. With the introduction of the Act and consideration of the challenges facing campus staff it may be worth reviewing these. This may include the risk assessment of potential Designated Protest Areas, the potential impact on daily learning and business continuity. A detailed 'impact to business' statement can also provide important and relevant information about potential disruption to both campus staff and police.

Campus Security Officers are employees (or agents if subcontracted) of the Governing Body and accordingly their actions will reflect the guidance and policies developed by the Authority. Police resources are a finite resource and will have competing demands, and it will be the responsibility of the university to ensure their security and facilities staff are able to deal with protest situations if the police are unable to attend. In any case the development and implementation of a Code of Practice, separately, by both the Governing Body and Student Union is required under the new Act, and any Policy or Procedure currently in use or in development will be required to reflect the Code of Practice.

It is therefore up to the organisation to provide detailed policy guidelines and processes on expectations in a protest management situation. Key considerations worth including can be expectations of Safety and Security staff on their use of reasonable force, in what situations and the ethical use of body-worn video. Training on correct, appropriate and lawful procedures should be provided including planning and responding to various scenarios, and the following list may be a useful starting point.

- Are there are policies and procedures in place for dealing with protest and activism?
- What is the threat profile of the organisation protesting or being protested?
- Ongoing Risk Register of operations
- Building and asset survey – define site ownership
- Permission to remove 'unlawful' protestors from private land – who owns the land?
- Communication and training of operational procedures
- Consideration of organisational reputation

## Preparedness

RMR Ltd undertook some polling during a recent webinar on the impact of the Higher Education (Freedom of Speech) Act 2023. There were 35 UK Further Education institutions represented on the webinar and the respondents answered the poll in the following way.

► **I expect protests on campus to become more frequent and difficult to manage in the next 12 – 18 months.**

- Strongly agree – **27%**
- Agree – **53%**
- Disagree – **13%**
- Strongly disagree – **7%**

► **I am confident that legislative changes will make it easier to manage protest activity on campus.**

- Strongly agree – **0%**
- Agree – **40%**
- Disagree – **60%**
- Strongly disagree – **0%**

► **Where is your organisation investing to increase your ability to withstand disruptive protest?**

- Risk Assessments – **38%**
- Crisis management Planning – **25%**
- Tools and Tech – **8%**
- Threat Monitoring – **29%**
- Training – **0%**
- Physical Security – **0%**
- All the above – **0%**
- None of the above – **0%**

## Conclusion

The implementation of the new Higher Education (Freedom of Speech) Act 2023 in August 2024 will bring challenges to Governing Bodies, Student Unions and the staff who work on their behalf. With respondents to the Risk Management Resources Ltd webinar poll (1 February 2024) indicating that 80% of them either agree or strongly agree that protests on campus will become more frequent and difficult to manage in the next 12-18 months, the challenge on Campus Governing Bodies and their Staff will only increase. With the Office for Students consultation on the guidance for meeting the needs of the Act not closing until 20 March 2024, can Higher Education Governing Bodies afford not to plan.

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Kenny Macleod BSc MSyl is a retired police Superintendent with 30 years' service. He is a former Bronze and Silver Public Order Commander who has accumulated significant operational experience in the Police; especially in relation to public protest, balancing the right of individual protest with the right of other individuals to go about their lawful activity. Since leaving the police, Kenny has been instrumental in developing Dealing with Protest Training and Policy. He has codeveloped the Protest and Activism Special Interest Group on behalf of the Security Institute. He has worked across many industries providing training to ensure safety and appropriate response to protest situations.