



Joint Committee on Human Rights

Oral evidence: [Freedom of speech in universities](#),
HC 589

Wednesday 7 February 2018

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Members present: Ms Harriet Harman (Chair); Fiona Bruce; Alex Burghart; Joanna Cherry; Baroness Hamwee; Jeremy Lefroy; Baroness O'Cathain; Baroness Prosser; Lord Trimble; Lord Woolf.

Questions 68–87

Witnesses

Rt Hon Ben Wallace MP, Minister of State for Security and Economic Crime, Home Office; Mr Sam Gyimah MP, Minister of State for Universities, Science, Research and Innovation.

Mr Jacob Rees-Mogg MP; Joanne Midgley, Pro Vice-Chancellor—Student Experience, University of the West England, Bristol (via audio link); Jonathan Wallcroft, Vice-President, Politics and International Relations Society, University of the West of England, Bristol (via audio link); Brandon Gage, Politics and International Relations Society, University of the West of England, Bristol (via audio link); Francesca Smith, Politics and International Relations Society, University of the West of England, Bristol (via audio link).

Examination of witnesses

Ben Wallace MP and Mr Sam Gyimah MP.

Q68 **Chair:** Thank you, Ministers, for coming along and for your joint submission of evidence. As you know, we are looking at free speech in universities. It is great that you have been prepared to come along, especially Sam, so newly arrived in your post. I will kick off the questions by asking Sam: there has been quite a lot on the record from Jo Johnson about what he thinks about the state of freedom of speech in universities.

You can take it as read that we all think it is important so you do not need to dwell on the importance of free speech in universities and how essential it is to the whole student experience and it being at the heart of education. Do you think there is a problem of restriction of free speech in universities—and, if you do, what is the evidence on which you base that view? What do you think is the nature and extent of the problem?

Mr Sam Gyimah MP: Thank you very much for inviting me to this Committee. This is obviously a very topical issue in the media, for a reason. Threats to free speech are on the rise and I am concerned that this represents a creeping culture of censorship in our universities. On the face of it, it does not appear to be the case. The last survey of students in 2016 showed that 83% of students felt free to express views on campus. But it might not be right to accept that at face value because a number of events have given me real cause for concern; for example, the campaigns and protests against events featuring the prominent gay rights activists Peter Tatchell and Julie Bindel. These people are hardly reactionaries yet they have faced the sort of opposition on campus that you would associate with racists and fascists. Take the case of human rights activist Maryam Namazie: when she spoke at the Goldsmiths humanist society she was not only shouted down by members of the university's Islamic society but, ludicrously, she was condemned by the university's feminist society, which you could describe as a sort of secondary form of no-platforming. There is the difficulty of hosting events for Israel. I am reminded of an event at King's College London that had to be closed down because of violent protests. Finally, just as important is what is hard to measure: the large number of events that do not happen at all, either because organisers are worried about obstruction or because the overzealous enforcement of rules makes them seem more trouble than they are worth.

In my view, these restrictions and disruptions are unacceptable. On some US campuses we have seen a cultural censorship that is restricting free speech and I do not want that to happen here. This is the time for us to stand up and act on this before it is too late. It is easy to go looking for a lot of detailed evidence but, as I said, some of this is quite difficult to gather evidence for. You said we did not need to dwell on the importance of free speech but it is so precious that I do not want censorship to become commonplace in our universities because if that were to be the case it would be very difficult to wind the clock back.

Chair: You say there is a creeping culture of censorship. We have had witnesses involved in universities: two will say there is a raging problem of censorship and two will say there is not a problem at all and this is all a fuss about nothing. Obviously, this is very important for you as the Minister responsible. What evidence do you draw on? What are the sources of information that you rely on that give you the sense that this is

prevalent and growing?

Mr Sam Gyimah MP: I have cited a number of high-profile cases. I have personal experience of this. I did an event at Queen Mary, which was my first public event when I got this job. I said that part of my approach to the job would be to speak directly to students and Professor Philip Cowley said to me, "What is this issue of censorship?" and that in his 20-odd years of being an academic he had not experienced censorship. Two weeks later, there was an incident where students from the Socialist Workers Party or something wanted to no-platform Jacob Rees-Mogg. Part of the problem here is that when an event eventually goes ahead we do not see it as restricting free speech; there might have been an objection or a protest but the event went ahead anyway. But I think there is a chilling effect.

Your question was: what data do I draw on? The responsibility for this was originally with HEFCE, the funding agency, which had bolted supervise and prevent on to its responsibilities, but it was not really in a position to actively go around gathering data and study what was going on in universities. But the new regulator, the Office for Students, which comes into force later this month, will be in a position to gather data, look at information, perform thematic reviews and, in extremis, if there are violations of free speech, fine universities.¹ So we are in a better place to gather that evidence now, but the stories that we hear, albeit a few high-profile ones, should give us enough cause for concern to examine the structures that can facilitate or hinder free speech, to make sure that they are working appropriately.

I also feel that what goes on in the United States often, given time, takes root here. In the US that cultural censorship has taken root, I think to the detriment of free speech, and I do not want to see that happen here, which is why we should take pre-emptive action. Yes, we should always study the evidence, but I think that pre-emptive and preventive action is better than sitting back and waiting.

Chair: So you are expecting the OfS to do a more systematic tour of the horizon to judge extent and nature, but are universities and student unions feeding into the department? High-profile means it has been in the papers but sometimes the reporting is not complete or is completely accurate. If you have any other evidence in the department that can help our inquiry in terms of the real practicalities—I appreciate that the OfS has not been set up yet—do send it in to us because there has been quite a lot of conflicting evidence as to what is actually going on.

Mr Sam Gyimah MP: Absolutely. It is an area where there is, as you point out, a lot of anecdotal evidence, but there is a culture. The Prime Minister gave a speech yesterday on the political discourse in our country and the coarsening of it. There is a culture

¹ Correction by witness: The Office for Students comes into force on 1 April 2018.

here that we cannot ignore. We certainly see it on social media and some of it does spill over into our universities. Yes, we will share whatever evidence we have, but I think it is something that we cannot ignore.

- Q69 **Fiona Bruce:** Good afternoon, gentlemen. Sir Michael Barber has written very recently that, “places of learning depend on freedom of thought and speech”. Minister, you talked about a chilling effect. Some people are calling the current generation of students “snowflakes”. Does that chilling effect mean that many students are now unwilling to listen to views that are different from their own? Do you agree that that is part of the culture you have been talking about?

Mr Sam Gyimah MP: I was referring to a culture of censorship. I visit a lot of universities. I started doing that before this job. Snowflakes melt in the heat. A lot of students I have met are made of much sterner stuff. They have a hunger for learning and for new ideas. But there is a section within our universities which feels that you can restrict free speech if what you are doing is essentially mollicoddling someone and shielding them from opinions and views that they might find offensive. I think that is wrong. I also think it is unacceptable. But I will be careful not to tar all students with the same brush. A number of them are even willing to invite and listen to a Conservative MP such as me, so I would not do that.

- Q70 **Fiona Bruce:** Universities are obliged under the Education Act 1986 to provide a code of practice. Our Committee has found that some of these codes are very bureaucratic. Do you think that the duty of having a code of practice is now inhibiting free speech in universities?

Mr Sam Gyimah MP: That is a good question. The code of practice is part of the 1986 Act, which requires universities to take reasonably practicable steps to ensure freedom of speech within the law for students, staff and visiting speakers. We have to remember that that Act was introduced in response to no-platforming at universities at the time, so the Act and the code of practice were meant to facilitate, support and help promote free speech, not simply to tolerate or hinder it.

I can see that there might be cases where overzealous application of the code of practice could lead to the restriction of free speech, or that it could be interpreted in such a way that free speech is something to be tolerated rather than promoted. But every university has its code of practice so, again, you have to look at each one.

Lord Woolf: And they are by no means all the same.

Mr Sam Gyimah MP: Exactly. They are by no means the same, but I would also hesitate to say that you need one code of practice for all universities. Anything like that would be a national code of practice and we have to respect universities’ autonomy, which was

enshrined in the Higher Education and Research Act. I think that is right.

I also feel that a national code of practice could be even more open to abuse. Some politicians have said that they would not want politicians of other parties to be able to set foot on campuses. Imagine if you had a national code of practice in that political environment. Ultimately, whatever code of practice you have, it has to be implemented on the ground, and I think it is best that universities take ownership of that.

Fiona Bruce: Do you agree that it is very important that codes of practice on such an important matter as freedom of speech are careful that they do not restrict speech in a way that is outwith the law, so that their restrictions are not effectively against the law?

I will read you Newcastle University's *External Speaker Code of Conduct*. It says: "Speakers must be careful not to discriminate against, harass or insult any person or group on the basis of their faith, race, nationality, sex, age, religious beliefs or sexual orientation". Manchester Metropolitan University's *Student Code of Conduct* expects students to "behave and communicate in ways that do not unreasonably offend others". Do you think that the words "insult" and "offend" are problematic?

Mr Sam Gyimah MP: First, you do want civility in public debate. You want people to have different views, you want them to exchange those views, and you want them to do so with grace. But if you do not hold an event for fear that you will offend, it is a slippery slope to restricting free speech, in the same way that if you do not hold an event because the views of the speaker are unfashionable on campus, you could be restricting free speech.

We have to be careful that we are talking here about legal free speech and that we do not get involved in what in some cases is the politicisation of free speech so that in applying the code of practice you are essentially saying what is and what is not acceptable on campus. I think that is wrong.

Jeremy Lefroy: Thank you, Minister. Students go to university often without having had the chance to participate in much political or other debate and discourse at school. Do you not think there is much greater space within the curriculum for properly formulated debate in schools so that when students go to university they are already used to the idea of debating with others who may disagree with them, and doing it in a constructive manner?

My own constituency has just started a schools debating competition. We had the first one here last year and I was immensely impressed by the quality of debate. Many of those students said that it was the first time they had ever done anything like that, and it had not only enabled them to discuss and debate issues but given them much greater self-confidence. Could we not perhaps get at some of these issues by having

schools engaged in debate, rather than just leaving it until students go to university?

Mr Sam Gyimah MP: Of course, and there is scope in the existing curriculum, whether it is citizenship classes or PSHE, to engage in very robust and vigorous debate. Censorship runs contrary to everything I think about positive education, but I am very cautious not to tar every student with the same brush. Some of the people who engage in restriction of free speech on campus are what I would call wreckers. They are the offline trolls, the ones who use the no-platforming and safe-space rules in order to obstruct, restrict and annoy other students. They are the ones I have in my sights. Some of them even think that it is a way to eventually launch a political career. I was not surprised that one of the wreckers who was unmasked at the event last Friday at the University of the West of England had stood for election before.

Lord Trimble: It appears with regard to that event that the wreckers were not students. They were people who had come in from outside. We have to look at that as well.

Mr Sam Gyimah MP: Of course. In both cases, whether it is a non-student who turns up at a non-campus event or a student who decides to restrict free speech, whether using the rules or aggressively, where there is a public order issue I would want to see universities take appropriate steps, including involving the police where necessary.

Q71 **Baroness Hamwee:** Who should be responsible for what happens on student union premises? I know, and we have heard, that they do not all have the same legal position as to whether they are part of the university or they are owned by the student union and are not on a campus. There is a variety of premises. Should the universities be responsible for what happens there, or should it be a matter for the student unions themselves?

Mr Sam Gyimah MP: The 1986 Act makes the universities responsible.² It says that they should take reasonably practicable steps to ensure freedom of speech within the law for students, staff and visiting speakers, including having a code of practice. The students' union also has a key role here in relation to its ability to approve some events or not.

Baroness Hamwee: Do these things need changing in the law? We are not stuck with them.

Mr Sam Gyimah MP: In response to the issues that I have come across I am holding a summit to which I am inviting representatives from universities, the NUS and the Charity Commission, which has a role here, to look through the existing legal framework, as well as

² Correction by witness: The Act ensures universities are responsible for students unions premises.

the codes of practice, to make sure that they are acting to facilitate and promote free speech. I will be doing that in the coming weeks. That is the best way to start in this respect.

Q72 Baroness O'Cathain: Will the Office for Students have an impact on that? Will it have any powers?

Mr Sam Gyimah MP: Absolutely. The Office for Students has freedom of speech as part of its remit, and it has already said that it will be interpreting that in the widest possible sense. To start with, it has a regulatory power so that in the most serious cases it could name, shame, fine or suspend a university that is not upholding its duty to promote free speech. It can also take action to investigate and to change culture. Michael Barber, the OfS chair, has agreed with me that the OfS will champion free speech beyond its formal levers.

What does that mean? It means, for example, gathering information on how universities are upholding free speech, including via the codes of conduct; ensuring that it remains high on universities' agenda; supporting the sector by identifying and sharing good practice; and investigating allegations that free speech is being undermined.

The last point is quite material, because under the 1986 Act—Baroness Hamwee asked about this—the only way to deal with this was to have recourse to the courts, but actually the Office for Students can receive, investigate and act on complaints. That is a much sharper focus on freedom of speech than existed in the 1986 Act.

Baroness O'Cathain: You were talking about debate in schools. Surely you have the power to insist that debating takes place in all schools.

Mr Sam Gyimah MP: I do not have that power because I am not the Schools Minister or the Secretary of State for Education. Of course, I think that part of a good education is being exposed to new and different ideas. What makes university unique and different from school is that for most people who arrive at university, it is the first time they have been away from home and away from people who are similar to them and the issues that they have grown up with. A wonderful part of university is expecting a clash of ideas and ideals and for people to collide, but we want that to be a really positive and enriching experience. For me, the core uni experience is not just the transmission of skills or learning a new subject—or having your first beer, if you are that late—but coming across ideas that might even change your mind. I met a Jewish student who had been to Jewish schools all their life. They had a particular view of the Israeli-Palestinian issue. They went to university and were challenged and thought things through differently, and now one of their best friends is a Palestinian. That is what you want the uni experience to be.

Q73 **Alex Burghart:** One of the many interesting things that our inquiry has thrown up is that the Charity Commission's regulation of student unions may be having a negative effect on free speech. There are two bits to this. There is charity law, which obviously has a bearing on how student unions, as charities, behave, and then there is the regulation and guidance that the Charity Commission itself puts out. I will start with that bit of it, because we saw that the guidance was encouraging student unions to be quite risk-averse. Are you familiar with this? Do you think that the Charity Commission should be regulating student unions in this way?

Mr Sam Gyimah MP: That is a good point. I will be very honest and say that I am grateful to the Committee, looking at your previous evidence sessions, for highlighting the importance of this issue. The Committee drew that out in the evidence session with the Charity Commission. I will be writing to the chief executive to ask to meet and discuss what more can be done. Specifically, I welcome its commitment to clarify its guidance and make sure it does not frustrate free speech, but I think it needs to go further and facilitate the promotion of free speech. It should be giving student unions the permission to host debates about controversial issues and expose students to a wide range of viewpoints. That should be the core purpose. I do not want to see the guidance being interpreted in such a way that in one university Jon Lansman of Momentum is acceptable but in another Nigel Farage is acceptable. It should cut both ways, and it appears from the way the guidance is operating that it can give a licence to decide essentially what free speech is, and that is censorship and unacceptable.

Alex Burghart: Thank you. We would be very interested to see the response that you get. After our session with the Charity Commission, we wondered what its role should be in relation to the other regulators working in this sphere and whether there is a degree of overlap between the other bodies working on this, so we ask you to bear that in mind.

Mr Sam Gyimah MP: The Committee is right to point this out. You have the 1986 Act; a new regulator, the Office for Students; the Charity Commission; the autonomy of universities; and within universities you have the NUS, but you also have clubs and societies. I am holding this summit to thrash out not only where the responsibilities lie but to make sure that they do not cut across each other and in so doing achieve the opposite of what all these guidelines are meant to achieve, which is to promote free speech.

All of that said, there is also an extent to which students have to get along with each other. We all have a natural tendency to retreat into our own bubbles. Most of us probably read the same newspaper every day. We live in an online world where you can personalise your experience—you choose who you want to follow and who to listen to, and you can exclude others. We want the university experience to be open rather than closed, in the way that

can happen in the online world. The way to do that, as the Committee is hinting, is to look at all the interlocking bits of guidance, practice, et cetera, and make sure that they are promoting that rather than doing the reverse.

Chair: Perhaps you could add to your list for what it sounds like is going to be a very useful meeting with the Equality and Human Rights Commission—students are looking over their shoulder to see whether or not they are transgressing in relation to the Equality Act—and also your colleagues from the Home Office. We will move the discussion on with Ben here but we have had lots of evidence about the biggest restriction being the fear of transgressing the Prevent duty. Obviously, if you are going to look at things across the piece, as well as the Charity Commission being looked at there are those other issues.

Mr Sam Gyimah MP: Absolutely. I will definitely take that on board, Madam Chairman, and include them. The big point to make here is that it is wonderful to have free speech in universities. What has been unfortunate about the debate so far is that it has been couched very negatively. It is wonderful. It widens one's horizons to come across different views and perspectives, and that is why it should be encouraged and it should flourish. That is where I want to get to with this, rather than see it as an opportunity, as some people do, to launch a culture war. That is not it at all. It is wonderful and it should be celebrated and promoted.

Chair: In that spirit, perhaps it was just a slip of the tongue, but you talked about the Charity Commission giving "permission" for meetings.

Mr Sam Gyimah MP: That was a slip of the tongue, yes.

Chair: The whole point of freedom is that you do not have to get permission. You do not have to fight your way through organograms of different applications or have a relationship with the Charity Commission and go through loads of policies. Let us move on to the Prevent duty, which Alex will take us forward on.

Q74 **Alex Burghart:** One other thing that has come up during our inquiry is that some students feel that the Prevent duty is effectively impinging on free speech. Do you think that view is justified?

Rt Hon Ben Wallace MP: I think I would echo the earlier questions from Chair. We have yet to see actual, solid evidence of events being cancelled because of the Prevent duty. In a recent court case the judge made the point that not one higher education institution had come forward with evidence to say that free speech, or indeed debate, had been curtailed. I hear people say that there has been a chilling effect, but we have struggled to find actual examples of events that have been cancelled as a result.

This is where I would say that freedom of speech is not absolute within the law—this is the man from the Home Office speaking, next to the man from the Department for Education. There are lots

of duties that, while they may not curtail it, put freedom of speech in an envelope. The Public Order Act 1986 prevents you inciting racial hatred or religious hatred. The Equality Act 2010 puts an equality duty on institutions and the public sector to bear in mind those obligations. Prevent is not a prescriptive duty: it does not say "You can't have people of an extremist nature". What you have to bear in mind is that you must have a procedure within your safeguarding policies to make sure that you either mitigate it or ask yourself, as the institution or organising event, whether there is a danger of people expressing views that are likely to draw others into terrorism.

Alex Burghart: What would you say to students who said that they were nervous about going to certain events in case a speaker said some controversial things that then put them, as audience members in a small room, on Prevent's radar? How would you reassure them?

Rt Hon Ben Wallace MP: First, Prevent is not a spying scheme. I have heard the critics but it is not radar or anything like that at all. Prevent is fundamentally one string of safeguarding, whether in a school, a health setting or even a higher education setting. It is the safeguarding obligation that these institutions have to their students. We should not forget that they deserve an obligation of care. There is a duty of care; they cannot run amok in anarchy and do whatever they like on campus. I am a parent and I want to know that my children are going to a higher education institution where elements of safeguarding policy are in place.

We know that there are and have been terrorist radicalisers and recruiters, and terrorists active on campus, who have recruited young men and women into terrorism. We know that from some convictions. I can give an example of someone who was head of Society X; one is currently serving time in prison for a terrorist plot to kill police and soldiers. He was head of one society at the university and engaged busily in more than just espousing his beliefs, so we know that it is a recruiting ground. We have intelligence to suggest that young minds are targeted in schools and in other education.

The Prevent duty is nothing more than saying to an institution that if there is someone coming on to your campus to speak, case by case you have to have regard—I do not think there is an easy line to draw, whether on freedom of speech or extremism—to the people who run these organisations. The institution has to ask itself: "Is there a danger? Will this person be challenged? Are we going to have an environment that allows that challenge to happen?" and I do not think that has a chilling effect on freedom of speech. The NUS has often criticised the Prevent duty as having a chilling effect but we have evidence that one thing which closes down debate is no-platforming, which the NUS supports. That slightly contradicts its position.

Alex Burghart: Why do you think the NUS has taken that position against Prevent?

Rt Hon Ben Wallace MP: I am not going to second-guess student politics or positioning. I am here to reassure that, to go to the heart of your question, Prevent is not a spying thing, any more than the referrals for child safeguarding in schools, of which there are 620,000 a year. They are done for domestic abuse and sexual abuse up and down the country. There may be implied duties on teachers, social workers and parents about people. Just because the state is worried about children's well-being does not mean that it is a spying exercise. It does not mark the children down as contributing to the abuse, any more than if you attend an event where an extremist speaker speaks. We are not saying that you cannot have extremists speaking but that you have to mitigate that effect and bear in mind that that extremism could lead people into terrorism. But people can attend and no one takes names.

Alex Burghart: Do you think Prevent has an image problem in British universities?

Rt Hon Ben Wallace MP: When the perceptions are challenged, we find that they pretty much melt away. If you meet people who are engaged in delivering some of our Prevent programmes in the communities, or whom Prevent has helped to divert from the path they were on—some 381 people who were in danger of getting into violent extremism or terrorism were diverted in 2015-16 from terrorism, roughly 30% of them below the age of 20—it is quite hard to look them in the face and say that Prevent is not working. We can say, "Your son is no longer going to Syria", and we have stopped 150 people going off to fight there, but there are young women who are now dead in Syria because no one stopped them. Some of those young girls were 15, 16 or 17; they idolised someone and went abroad. Some were in higher education or FE institutions. It works, and when I hear its critics I say, "You tell me what we should have as Prevent"—and they go on to describe Prevent itself.

Alex Burghart: So fear of Prevent is based on a misunderstanding.

Rt Hon Ben Wallace MP: They give three examples that we often hear peddled. One is their child saying, "I live in a terrorist house". You often hear that peddled in the media. The *Guardian* often repeats that a child was referred to Prevent because he had written that at school, rather than "I live in a terraced house". It was a child from Lancashire, my part of the world. Actually, that child had said, "I live in a terraced house and I am beaten". He said he was beaten by his uncle and it was nothing to do with Prevent; it was a referral based on child abuse, but that example is peddled and peddled. When you point out that it is not true, people say, "That is because you have an image problem with Prevent" but they still repeat it.

What do I think of the word Prevent? It is safeguarding and these young adults are within the remit. They are not minors; they are young adults at a university but they are preyed upon by some people. There are sexual groomers. There are radicalisers and racialisists who deliberately target young minds. I ask the Committee to look at the actual wording of the guidance that is sent to universities, rather than the perception of it. That guidance really calls upon institutions to have a process to mitigate the effect and to take that head on.

Q75 Alex Burghart: What is the extent of radicalisation in British universities at the moment?

Rt Hon Ben Wallace MP: We have 23,000 people who are a cause for worry in this country—some with extremist mindsets, some formerly engaged in terrorist plots and some who have been of concern to the security services. That is a lot of people and they are not wholly students at all. I have to be careful because it might be sub judice but, at the moment and recently, we certainly see quite a lot of young people being engaged by ISIS recruiters in educational settings. We should all be worried by that. I have in my brief sexual exploitation and serious organised crime, and we see the same type of grooming going on in that space.

Alex Burghart: Do you see a growing problem in educational settings?

Rt Hon Ben Wallace MP: I see a growing problem in society—and education is just one setting—because of the power of the internet. We used to see the extreme right wing as individuals spread out around the country. They could not form networks. Probably wrongly, they were often painted as loners or people obsessed with the Nazis. But now they have a whole internet to connect through, to share how to make a bomb or how to hurt someone.

The internet has given a lot of people networks. It is not that universities radicalise and other places do not—not at all—but due to the power of grooming, whether it is sexual exploitation, crime, abuse, online bullying or school bullying, all violent extremism is on the rise. That is why we are all trying to find a solution with the CSPs, but it is not confined to universities at all.

Alex Burghart: Are you seeing evidence that Prevent is being successful in educational settings?

Rt Hon Ben Wallace MP: Yes, I look at the referrals. I was very keen as Security Minister to start publishing the details of Prevent. When I took over as Minister there were no details. I would meet the providers and the people who support Prevent, and they would say, "Where are the Government? We are in our communities, we are working hard, we are helping divert people from violent extremism". So I said, "Let's publish the figures and then we can see".

The figures put it into context. In 2015-16—and I am literally shouting at my officials to get the figures out for 2016-17—of 621,000 safeguarding referrals for abuse and everything else, 7,000 were Prevent. Some 30% had no further action, which is exactly the same, funnily enough, as the cohort of 621,000; 50% required safeguarding and help but in another area—it turned out to be domestic or sexual abuse or whatever. Of the 50%, about 18% went on to the next step, the Channel programme. That is where we see that about 25% are in the extreme right wing.

In the end, at least 83% of people have had their issues addressed and helped. They come from all ages, so it is not just a university thing, but a significant proportion are under 20. I do not have the exact figure, but some 36% in the Channel programme are from the educational sector. But it is working.

This is the thing about extremism: it is difficult. Some of these people have views that my constituents would not like, but they are not violent extremists, and if we can get them to desist and disengage from using violence and turn them away from terrorism, that is a first step in keeping us safer.

A bit like Sam's example of the Palestinian, we had an extreme right-wing referral in the pupil referral unit—a 15 year-old, so not universities, I am sorry. What was interesting is that usually 15 year-olds in pupil referral units are very hard to get back into mainstream education. The head teacher told me, "Give me Prevent every time". Prevent came in. That boy is now at an FE college, back in mainstream education, and his best friend is a Sikh. It works. It is not perfect. It does not work for everyone, but it is a system.

I totally agree about free speech at university, but it is not absolute. Prevent is not prescriptive. It does not pick and choose speakers. It does not tell universities to cancel things. It says that you must have due regard, just as with public order if there is a provocative speaker. I should think that universities do not like having to have security if a provocative speaker comes. That is an admin thing. That is a gold-plating issue: are universities doing too much? But I do not think that is because of the Prevent duty.

Chair: This is the issue about the definitions and people knowing what you actually mean and not being risk-averse. The Prevent guidance says: "Furthermore, when deciding whether or not to host a particular speaker"—that goes beyond mitigation and countenances not hosting a particular speaker—universities "should consider carefully whether the views being expressed, or likely to be expressed, constitute extremist views that risk drawing people into terrorism or are shared by terrorist groups".

Basically, they have to assess whether there is a risk that the speaker is likely to express a view that is shared by terrorist groups. Is that not very

wide? A particular terrorist group could be really strong on veganism or something. If universities are being risk-averse and if students are anxious about being caught in the Prevent net, do you not have a duty to be a bit more specific than that, bearing in mind that we are trying to protect free speech? That could incorporate anything.

Rt Hon Ben Wallace MP: I disagree. Let us say that the IRA believed in veganism.

Chair: Ignore that point about veganism. It could be anything.

Rt Hon Ben Wallace MP: Let us say that the IRA had a Marxist manifesto and you turned up at a Marxist event and there was a person on the stage espousing Marxism. Just because that person is a Marxist does not make them a member of the IRA, because the definition of what the IRA is not Marxist, it is the use of violence and terrorism.

In the guidance, it is whether or not they are a terrorist or are espousing terrorism. I am sure there are plenty of terrorists who agree with all of us; I am sure there are lots of people in prison who vote Conservative or Labour. I do not think it is wide at all. It clearly means terrorists' beliefs rather than their broader manifesto, if they have one.

Chair: It is extremist views that risk drawing people into terrorism. There are some things that are evidently that, but "extremist views" is quite wide because it can mean many different things to different people. There is a lack of definition here.

Rt Hon Ben Wallace MP: I will be honest with the Committee that where extremism migrates to violent extremism or incitement is not an easy line to draw. That is why a lot of people operate in that sphere. Mr Choudary, who is currently serving a prison sentence, was very careful to be on one side of a line between extremism and inciting terrorism. That is why the guidance asks the institution itself to take that decision on a case-by-case basis.

As you say, sometimes it is perfectly obvious. If the head of the IRA Army Council turns up and gives a speech to students and asks them all to join, he is clearly a terrorist recruiter, and that should not be allowed to happen. It is harder when you get into extremism. You said it yourself: not all extremists are terrorists. That is true, but all terrorists are extremists. We are never going to have a perfect fit. If we had a perfect line set by somebody at a desk in the Home Office, we would probably be in front of an inquiry saying, "I can give you an example of one that is above the line". It is about asking these institutions to use their judgment in accordance with the guidance, and the judgment is about whether it is drawing people into terrorism. The key word in that paragraph is terrorism, not extremism.

Chair: The key word is risk, is it not? It says: "In these circumstances the event should not be allowed to proceed except where [universities] are entirely convinced that such risk can be fully mitigated without cancellation of the event". We have heard Sam leaning towards much encouragement of free speech. Then there is a whole swathe of activity—for perfectly good motivations; none of us wants anybody to be unsafe in this country. But the question is whether, as students believe is the case, there is risk-aversion on the part of the higher education institution. There is also a lack of ability for them—they are not experts. We heard that they google a name, perhaps get one foreign name muddled up with another, read something frightening about them on the internet and that is it.

Rt Hon Ben Wallace MP: I come back the point I made at the very beginning: if that was the case, we would see evidence of these events being cancelled entirely or curtailed. I refer you to the ruling by Justice Ouseley in *Butt v Secretary of State for the Home Department*. He said in his summing up that no higher education institution had challenged the Prevent duty, "or provided, as an institution, evidence that it has created difficulties in practice for the values of freedom of speech and academic freedom". That ruling was made in October 2016, I think.

Chair: Sure, but that is the universities rather than the students, is it not? Harry will take the next question.

Q76 **Lord Woolf:** In your evidence to us, you have been using, understandably, the word "extremist". Is it not very important to identify some forms of extremism that should not be the subject of Prevent? It is what the extremist views are advocating that you are really concerned about. Do you agree?

Rt Hon Ben Wallace MP: Yes. Prevent is not about extremism.

Lord Woolf: That is very important, but if you use the words "extremist" or "extremism" by themselves, there is a danger that you will be going beyond the proper remit for what you are trying to do.

Rt Hon Ben Wallace MP: The challenge is that some extremists use that extremism to recruit into terrorism, and some do not.

Lord Woolf: Some forms of extremism will be nothing to do with terrorism at all.

Rt Hon Ben Wallace MP: Exactly. That is why the guidance is fairly clear in saying that it is extremism that risks drawing people into terrorism that is the issue, not extremism in itself. The type of extremism that risks drawing people into terrorism is where you should be concerned.

Lord Woolf: Then you and I are in agreement. But I am concerned that if you use the word "extremism", you really have to warn people that it has to be properly interpreted in the way you have just done. Do you

think that currently your guidance does that sufficiently?

Rt Hon Ben Wallace MP: In the absence of evidence to the contrary—no events cancelled, the submission by HEFCE, the recent court case where no evidence was submitted to the court that things were being cancelled—I would say that our guidance does achieve that.

Lord Woolf: Is that necessarily a safe approach? If the use of the language which has been adopted is having a chilling effect, something will not happen. Free speech could be curtailed but there is no adverse consequence. Lack of evidence should not be the criterion which you are seeking to make it. Before you rely on what Mr Justice Ouseley said, it is very important to know the context in which you say there has been no evidence. The very purpose of Prevent is to prevent something from happening. The question we have to be concerned with is: are only the right things being prevented or is there a danger of other things, which really are unobjectionable, being prevented as well?

Rt Hon Ben Wallace MP: You say that we will not have any evidence about things that did not happen because they did not happen. What we do have evidence of is that where people have applied—and I think HEFCE referred to 147 events and 53 providers—we would have had evidence of people starting the process and universities saying, “We do not agree so we are shutting that down”. There would be some trail of that.

Lord Woolf: There might be a trail or there might not.

Rt Hon Ben Wallace MP: Let me give you the figures we have, Lord Woolf. HEFCE said that there were 147 events delivered by 53 providers, and 190 speakers—so I suppose that is different from an event—and 45 HE providers, and that no event or speaker had been cancelled as a result of the Prevent duty. That is HEFCE’s evidence to this committee. It would know about attempted events and things like that. Speculating about events that may never have happened is quite hard—it is an unknown unknown—unless you can tell me that X number of events did not happen and they never went through the process. At the moment there is no evidence to suggest that events did not happen. There are no speakers writing in, saying, “I wanted to go and speak at the LSE and I was prevented”. There are no actual events being put up to us by the NUS, saying, “This is what we wanted to do and we did not do it”. I am sure it could provide that evidence if there was some.

Lord Trimble: You spoke earlier about extremism and what you are really focusing on. It sounded at times as though we were slipping back into the line of saying that our concern is not with non-violent extremism but other forms of extremism. That worries me, because what at one stage in Northern Ireland was called non-violent extremism was often very much the first step to people getting on to a path that led to getting involved in a terrorist organisation and committing violence and all the

rest of it. I think that this focus on the degree of extremism is drawing attention away from what the important thing should be, which is challenging the ideology that leads people into violence. Behind all the terrorist groups there is an ideology. We need to identify that ideology and attack it on its own terms. Here we are relying on opinion formers and on government. It is not a matter for the criminal law. It is a matter of challenging the assumptions that the ideology is based on. Unless we do that, we will not get on top of this. The ideology has to be one's first target.

Rt Hon Ben Wallace MP: I absolutely want the ideology and the theology challenged. I do not want these people to get away with being unchallenged on some of the beliefs they espouse. That is why the Prevent duty is not about stopping these people being challenged on a platform. If you have the misfortune, as I do, of reading, weekly or monthly, the al-Qaeda magazine, *Inspire*, or the ISIS magazine, *Rumiyah*, which it puts out through Twitter, you will know that they are about two-thirds theology, one-third brutality. Some of it is very poor theology—Poundland-quality theology—and deserves to be challenged, absolutely.

I would love to see those who say, "I believe in the ideology, not the violence", come into a university and be challenged. That is absolutely right, and Prevent is not there to prevent that happening; it is when that theology is being used in an environment unchallenged or to recruit or without due diligence—it is a process by the university to make sure that anyone who is there who is vulnerable is not coerced, or whatever.

It is perfectly acceptable that those events go ahead, but just like with other parts of free speech they must be in a space that is within the envelope of the Public Order Act, which would apply to extremists who do not espouse terrorism but may espouse racial or religious hatred. That is not Prevent, but there is the public sector duty under the Equality Act, and the university has to have regard to existing Acts.

Ironically, the 1986 Act was enacted in the same year as the Public Order Act that dealt with having regard for those implied or actual duties. I want them to be challenged. We want them to be challenged. That is where they get found out. It is how intolerant people get found to be intolerant, whether they are far-right, Islamist, bigoted or racist. I am all for that.

Q77 Joanna Cherry: I apologise to the Committee my lateness. I was required to attend a debate in Westminster Hall. Apologies also to the Ministers, who have very kindly come to give evidence today.

Mr Gyimah, your predecessor, Jo Johnson, was very concerned about what he called no-platforming policies undermining freedom of speech in universities. However, the evidence this Committee has heard so far is that no-platforming is relatively rare and that regulatory regimes and a

lack of clarity have had a greater impact on freedom of speech in universities than student-led activities such as no-platforming. Can you give us an outline of your views on these matters?

Mr Sam Gyimah MP: Thank you. I think I have hinted at some of it already—

Joanna Cherry: I apologise.

Mr Sam Gyimah MP: —but I am willing to rehearse some of the points again. I agree that we should look at the regulatory regime. The new regulator, the Office for Students, which comes into force at the end of this month, will be able to do a lot of the work on promoting free speech, investigating issues where there are issues, and looking at the codes of practice in universities. There are other organisations, of course, that impinge on the regulatory regime, such as the Charity Commission. There is also the 1986 Act and the codes of practice there. I will be holding a summit to work with those organisations to make sure that these all actually lead to the widest possible interpretation of free speech on campus.

I am very cautious that we do not say that this is just part of the system and not student-led activity. In a number of cases, there have been attempts at no-platforming that were not successful, and because they were not successful it is easy to say that there is no evidence that no-platforming is widespread. Actually, there are attempts all the time. Only last week, as I said before you arrived, I tweeted in support of Jacob Rees-Mogg, whom a group of Socialist Worker students wanted to no-platform from an event. I had been to a similar event the previous week and I tweeted to say, "The last time I checked, being a Conservative MP was not being part of a proscribed organisation". That event went ahead, but you do not want a culture of censorship to be commonplace in our universities, even if it is just attempts that fail, because that will ultimately have a chilling effect on free speech on campus.

Joanna Cherry: Equally, this Committee has heard evidence from people, including Linda Bellos and Peter Tatchell, of attempts to no-platform them that were unsuccessful. Can we at least agree that any decisions must be evidence-led rather than based on perceptions of situations?

Mr Sam Gyimah MP: Of course. That is how we make policy. I signalled that I want to work with all the relevant organisations, but by the same token can we also agree that these stories that we read have not come out of a vacuum? The last time I checked, Peter Tatchell was not an extreme reactionary who should be treated like a fascist or a racist on campus, yet there was an attempt to no-platform him. We should not hide behind, "We do not have reams of evidence, so no action needs to be taken". We should take this incredibly seriously, not least because we all know that, in our general political discourse, bullying and harassment,

certainly on social media, are becoming more commonplace. We do not want that to spill over on to campus or to become the norm. Universities should be an assault on the senses and I want that to remain the case.

Joanna Cherry: We heard evidence from the Charity Commission, and I explored some correspondence with it a couple of weeks ago, which seemed to suggest that it was telling student unions to avoid controversial speakers. Do you agree that a distinction really has to be drawn between what is controversial and what is extremist, and that it is very important that we draw that distinction to preserve freedom of speech?

Mr Sam Gyimah MP: Freedom of speech should exist within the law. So long as it is within the law, we should be very careful about what we call controversial. Controversial could be an unpopular or unfashionable view. It could be a Member of Parliament who took a stand in Parliament on an issue that they genuinely believed in but that students at a particular university did not think was acceptable. I do not think it is the role of the Charity Commission or of the NUS to police what is and is not acceptable, because that leads to the politicisation of free speech.

Q78 **Chair:** Sam, you probably cannot hear it, but the Division Bell is ringing. Therefore, I am very sorry but we have to conclude this session. We are really grateful for your evidence, but there is one question that perhaps I can follow up in writing, if you would be good enough to reply to me, which is: what on earth does the Office for Students know when it is looking at Prevent reports? How can it ascertain what is dangerous and what is not? If it is not looking at reports that are secret and security-conscious, why can it not publish them? If they are security-sensitive, they should not be published, and why is the OfS looking at them?

Rt Hon Ben Wallace MP: I cannot answer for the Office for Students, but HEFCE has reports at the moment that I do not see the detail of either, because it says that in order to allow universities openly to discuss and submit evidence about their experiences, it seeks to protect their identity. I can follow up with a letter, but that is my understanding of why. I do not see them either. I just see the summaries.

Chair: Thank you very much indeed for your evidence. We will do a bit of follow-up, if we may, but the session has been very helpful. Thank you for being prepared to give us written joint evidence and for coming together.

Examination of witnesses

Mr Jacob Rees-Mogg MP, and, via audio link, Joanne Midgley, Jonathan Wallcroft, Brandon Gage and Francesca Smith.

Q79 **Chair:** I am very grateful to you, Joanne and Jacob, for coming today to give evidence to us about events last Friday at the University of the West of England. We are undertaking an inquiry into free speech at universities and our final evidence session is today, so we are particularly grateful to you for readjusting your diaries at the last minute to help us by telling us about what actually happened. We are also grateful to three students from the Politics and International Relations Society, who we hope are on the line.

Joanne is the pro vice-chancellor responsible for student experiences—this definitely counts as a student experience. Do we have the students on the phone? Why do we not crack on while others take the phone off somewhere else and press the buttons, then bring them in at some point? Can we mute the sound until we have them, so that we can get on? Are they not answering their phone or is the phone not working?

Hello there. Can you hear me?

Jonathan Wallcroft: I can, yes—you are calling a mobile, not the landline.

Chair: Jonathan, thank you very much for joining us. I am Harriet Harman and I am Chair of the Joint Committee on Human Rights. We are very grateful to you for joining us in this session.

Jonathan Wallcroft: Thank you. We are very glad to be able to speak. We are only sorry that we were not able to make it in person.

Chair: Do not worry. We have Joanne Midgley, who is the pro vice-chancellor for student experience, and we have Jacob Rees-Mogg. Do you have with you Brandon and Francesca?

Jonathan Wallcroft: Brandon could not make it. We are not entirely sure where he is but Francesca is here.

Francesca Smith: Yes, I am here.

Chair: Thank you, Francesca. Jonathan, were you at the event?

Jonathan Wallcroft: Yes, I was the planner of the event.

Chair: I shall start by asking Jacob what actually happened. Tell us all about it.

Mr Jacob Rees-Mogg MP: First, thank you very much for asking me to come and see you. This is obviously one of the most distinguished Committees in the Commons, so I am very honoured to be here—yes, and from the Lords. It is one of the most distinguished Joint Committees.

What happened? First, it is important not to get this out of proportion. As a starter, the television pictures made it look much more dramatic than it was. I get up to speak and have just begun an ordinary introduction to a speech when a few people—half a

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dozen or so—burst into the back of the room and start shouting. They do not want me to be heard; that is the point of their protest. A protest of that kind is perfectly legitimate. As a politician, you should expect that people may come and heckle what you have to say and that not everybody will want to sit there quietly and listen to my view of the world. As MPs we can hardly complain, considering the noise we sometimes make in the Chamber of the House of Commons when people are speaking.

I then went up to talk to them, to see if we could have a discussion. That was not very successful. They did not want to engage in any discussion. They said that I was not worth debating with and should have no platform for my views. That was fine as far as it went; it would have come to a conclusion at some point. But at that point, some members of the audience came up—and it was quite a large audience—because they wanted to get on with the talk. They were saying, “Please will you leave?”. The protestors said, “No, we don’t want to leave”—and at that point they were coming a bit close to each other. That was when there was a little bit of pushing and one lady said that she had been hit. It looked as if two people were going to hit each other, which I obviously wanted to avoid. So I stood between them because I knew they were not going to hit me.

Chair: This lady was one of the protesters.

Mr Jacob Rees-Mogg MP: She was one of the protesters. Why did I think they were not going to hit me? The people who were there to hear me were very unlikely to want to hit me and the protesters had given no indication that they wanted to be violent, until they said that this lady had been hit. But then they had somebody else they were concerned about and obviously had not thought it was anything to do with me.

The only thing that I think was odd was that they turned up wearing masks. Wearing masks is the one bit that ought not to have happened. People coming along and shouting at you, or heckling you, is part of political life. To be perfectly honest, as a politician, a bit of heckling can make your speech. It can actually be very good for the speaker rather than damaging the speech—but masks are just a little sinister.

Lord Trimble: On that last point, an interesting thing is that during our Troubles—and for a period of 25 years—it was an offence to wear a mask without having good reason to do so.

Chair: The thing about wearing a mask is that it sends a message: I am going to do something that I do not want to be held accountable for and I do not want to be identified. That is very important in two ways—that they burst in and did not just come in with everybody else, and that they were wearing masks. So the woman who was hit was not wearing a mask.

Mr Jacob Rees-Mogg MP: She was not wearing a mask.

Chair: Did you see her being hit? Do you not know who she was hit by?

Mr Jacob Rees-Mogg MP: I did not see what had happened. I just heard somebody say immediately afterwards, "She's just been hit". At that point I did not know whether she was a protester or just a member of the audience who happened to be sitting at the back. I did not see that.

Chair: So you do not know anything about this man in the white shirt who was supposed to have hit her.

Mr Jacob Rees-Mogg MP: No, but I knew that he was the man who was accused of having hit her because one of the most vocal protesters started pointing at him saying, "He hit her", and asking what I was going to do about it.

Chair: You said that MPs should be robust and go to these meetings and expect a bit of heckling, albeit you say that a mask is crossing the line. But if an MP is going on their own—a woman or even a man on their own—and has to travel back late at night after the meeting, do you think that bursting into a room from the back to chant a protest will deter people from going to speak? Suppose it was someone who was 67, with brown hair, and had been an MP for 35 years. Would she be prepared to speak at meetings if somebody was going to come bursting in and she had to go back on a train on her own?

Mr Jacob Rees-Mogg MP: I do not think anyone would ever suggest that you were not quite brave. But I think that there is a really serious point. I am much more concerned about the online abuse that female MPs in particular receive—threats of violence and attacks. Male MPs do not seem to get that. Even people like me, who are quite controversial, do not suffer from online abuse in the way that female MPs do. That is deeply unpleasant and very risky for who will represent us in future, because it is much more off-putting than a small protest.

Chair: Or who will go out to universities in towns where they do not know people and speak, when they have this background of threats.

Mr Jacob Rees-Mogg MP: It would a great shame if MPs felt that they had to go along with security or always had to be accompanied, because part of the strength of our political system is that MPs are part of the ordinary population. We are just there. Absolutely, some of the very high office holders of state have to have protection, for very good reasons, but it would be really sad if Back-Bench MPs felt that was necessary, because how do we know what is going on in the country if we are always behind some protective cordon?

Chair: Jonathan, you were there as well. Tell us what happened and also whether you were concerned in advance that there might be any

disruption. Were you expecting people to break through the front or back door—and, if so, what precautions had been organised by you on behalf of the meeting?

Jonathan Wallcroft: There was a Facebook event created to “protest the speech”.

Chair: Sorry, Jonathan, could you speak a bit more slowly, because there is something about the phone line that is a bit unclear. Could you just speak really slowly?

Jonathan Wallcroft: Sorry about that. There was a Facebook event created to “protest the speech”, so we were aware that it was an outlandish possibility that there would be some form of disruption, although we did not take that seriously. We took it seriously in the sense that we asked security to be present, but we certainly did not expect what happened to occur, if for no other reason than that a week earlier we had had representatives from the Israeli embassy come and speak to the same group of students and had had no disruptions. Since that had received no real opposition, we thought that Jacob Rees-Mogg would be similarly accepted.

Chair: So you asked for security in advance?

Jonathan Wallcroft: Yes, I asked for security when I first arranged the event back in August of last year. I asked pretty much every time I discussed the event with the student union—I said that we were all right for security, and the student union agreed with me on that, and we formally requested security to arrive on the Tuesday beforehand.

Chair: Was the security there?

Jonathan Wallcroft: They were not there beforehand, no. They arrived after they were called after the disturbance began, but there was no one present beforehand, no.

Q80 **Baroness O'Cathain:** Jacob, did you anticipate that the event would be controversial or that it might be disrupted? Just following the last statement by Jonathan, who said that security were not there at the beginning, were they drafted in in the middle of it?

Mr Jacob Rees-Mogg MP: Some of the events that I go to have in the past had protests, though not one at a university that had affected me. I had spoken at the Mile End Institute the night before, which had a protest. But there I never even saw the protest; security took me in and out in a way that meant I did not have any idea that there was one. I knew that there was because they told me, but I did not see it. So I thought that it was a possibility, yes, but I assumed that it would be dealt with by the university. I did not think that I needed to do anything about it. That may have been unreasonable of me—or not—not to have

raised it as an issue. There was a protest when I spoke at the Tory Party conference outside the secure zone and a protest when I went to speak at Cardiff Cathedral—but that was two speeches out of probably 100 that I gave in the period. So, mostly, the speeches that I give are not disrupted.

Security did arrive. What happened is that a *mêlée* carried on at the back and I went to the front and began my speech as loudly as I could to try to drown out the *mêlée*. Then after five to 10 minutes the security came, at which point the protesters left in a perfectly orderly manner.

Alex Burghart: Do you know if any of the people who burst into the room first were students?

Jonathan Wallcroft: We believe that none of them was a student.

Alex Burghart: Could you say that again? I did not hear.

Jonathan Wallcroft: We believe that none of the people who burst in was a student. It is still under investigation, but as far as we can tell none of them was a student.

Alex Burghart: I hesitate to call him the man in the white shirt, because it makes it sound like a spy novel.

Jonathan Wallcroft: Like the JFK assassination.

Alex Burghart: Exactly. Do we know if the man in the white shirt was a student?

Jonathan Wallcroft: That is still under investigation but, from what I know, he was not a student either. All I know about him is what I read in the media.

Q81 **Alex Burghart:** Just to broaden this out to fit in with the inquiry that we are undertaking at the moment into freedom of speech in British universities, do you think that there are students out there, maybe in your university or other universities, whose intention it is to shut down views that are different from their own?

Jonathan Wallcroft: I am glad that you raised this question. As to what happens at other universities, I cannot comment, but the University of the West of England gave us every support in having Jacob to speak. The fact is that he was allowed to speak and he carried out—

Chair: Sorry, Jonathan, but can I just ask you to slow down again? There is something about the line, so can you just speak really slowly, as if you were dictating to a very slow computer.

Jonathan Wallcroft: The university gave us every support in hosting Mr Rees-Mogg. The event itself was able to be carried out fine, once the protesters had gone. Jacob was able to deliver a

speech and answer questions afterwards. What happened in the mêlée, as you saw, was that inside there were various students from Labour, Liberal Democrat and Conservative ideologies all standing up to a group of masked men.

Chair: Sorry, but can you really speak more slowly.

Jonathan Wallcroft: Right, sorry, you had students from all political backgrounds going up and saying that they wanted to listen to Jacob Rees-Mogg's speech. So in answer to your question as to whether there is a problem with free speech on campus, I have certainly never seen any evidence of it, and I do not believe that the University of the West of England has a problem with freedom of speech, if for no other reason than Jacob Rees-Mogg was allowed to be invited in the first place.

Mr Jacob Rees-Mogg MP: Jonathan, I hope you do not mind me saying this, but you are not actually a Conservative. So the person who invited me was not a Conservative and invited somebody with the opposite view from himself to encourage free speech, which I think is very impressive—and I think that Jonathan handled it extremely well as chairman of the event.

Jonathan Wallcroft: Thank you. I appreciate that. I am a Labour Party member and I have been able to invite Conservative and Liberal Democrat speakers without any opposition or anything other than the full support of the student union.

Chair: This is by way of the Politics And International Relations Society?

Jonathan Wallcroft: It is by way of the Politics And International Relations Society, yes.

Alex Burghart: We are very pleased to hear that. What would you do differently next time, Jonathan? Would you do anything differently?

Jonathan Wallcroft: I would probably be more insistent about security turning up. Apart from the fact that security did not arrive, which was not something that we could have foreseen, I feel that the event went very well. We had a very good discussion, with people being both supportive and in opposition. In spite of everything, I am still quite proud that we were able to host such a distinguished speaker.

Q82 **Fiona Bruce:** I have a question for Ms Midgley. Thank you for coming. Bearing in mind what we heard just now and in the light of the incident itself, do you think that your code of conduct is adequate or will you be reviewing it?

Joanne Midgley: I think it is adequate. I have to hold my hands up—there was a breakdown in our process on this occasion. As Jonathan indicated, the students went through the process in that they completed the external speaker request form. That was

scrutinised and a risk assessment was completed. That was way back in September when they first arranged for Jacob to come and speak. They then made a subsequent request for security on Tuesday last week, which unfortunately went into the inbox of a member of staff who was on leave. That was a single point of failure in our process, in that the request was not forwarded or logged. Since then, we have obviously reviewed that. In future there will be an inbox that is open to members of the security team and not down to a single individual. That is where the problem lies.

When the risk assessment was submitted, our process was that the student union would perform the scrutiny and carry out the risk assessment. We had a challenge with one event. The university held an Islamophobia awareness month and an event was held off campus, but there was concern in relation to one of the speakers there. That, again, was an SU-organised event. We have said that in future we will ensure that security is present for any political or religious speakers. We feel it is important to ensure that that happens.

That new policy was put in place in January following a review in December. However, we did not go back and retrospectively look at who had been booked before then. Again, that was a failing on our part. Had we gone back and noticed that the talk was due to happen on the Friday evening, that would have been another way of ensuring that security was in place. So I have to hold my hands up and say that on those two points there was a breakdown in the process. However, I do not think that that is an indication that our external speakers policy or our freedom of speech policy are not fit for purpose—I think they both are.

Fiona Bruce: You think you strike the right balance between wanting to ensure that there is not an overly bureaucratic process, which we have seen at other universities, and ensuring that risks are pre-empted.

Joanne Midgley: Yes, I have the freedom of speech and the external speakers policies with me, and I can leave them with you. Both of them are three pages long. We try to be as transparent as we can be with our students, with staff and with external visitors. We positively encourage freedom of speech on our campuses. We want that diversity of views. As an academic institution, we should welcome that and stimulate those types of conversations. What we do not want is something that is so bureaucratic that the students give up trying before they even start. It is a very simple process but obviously there has to be a balance. There is an issue of good judgment and proportionality. On this occasion, the security issue is something that we got wrong.

Fiona Bruce: Thank you. Could I ask the students a question? Bearing in mind what we have just heard, do you think that the code of practice regarding free speech strikes the right balance so that it is not overly bureaucratic but it pre-empted risks appropriately? Bear in mind that in

this particular case there were one or two glitches in the process but a practice was in place.

Jonathan Wallcroft: Yes, I agree with what the Pro Vice-Chancellor has said. I do not believe that what happened meant that there was an issue with our policy on freedom of speech; I believe that it was just a breakdown in communications. As I said, we have been able to have lots of speakers from lots of different parties come to speak at our events and there has never been any issue with someone being rejected for a reason that we did not understand. I think that UWE does a very good job of handling things like this.

Q83 **Fiona Bruce:** I have a final question, which I will address to Mr Rees-Mogg first. If you have any comments on the previous ones, please make them. How do you think universities can ensure that their codes of practice balance the very important issue of free speech with protecting their events?

Mr Jacob Rees-Mogg MP: I do not really know. I always get invitations from the students, so I do not know what procedures they have been through before or after inviting me. All I would say is that it is extremely important that any democratically elected politician is free to be invited by a student body to speak at a university, and any code of conduct should ensure that that is absolutely protected and prioritised. There may be arguments about people in certain areas, but I would have thought that any democratically elected politician, by virtue of being democratically elected, ought to be on a "permissible" list.

Fiona Bruce: Thank you. I want to make a final point but if the others want to come back on that, please do. If I am right, you said earlier that your conclusion was that the protestors thought that you should have no platform for your views. Obviously you have a very wide range of views on many matters. Were there any particular views that you felt caused an issue in this case?

Mr Jacob Rees-Mogg MP: To be perfectly honest, I think that they disapproved of all my views, and we would be here for a very long time if I went through the Rees-Mogg manifesto. I think that they were just not counted among my admirers and basically thought that I should have no platform for anything. That is what they said.

Fiona Bruce: Someone having controversial views should not be a reason to deny them an opportunity to speak at a university.

Mr Jacob Rees-Mogg MP: I completely agree.

Fiona Bruce: Do Ms Midgley or the students have a final point to make on those questions? No.

Q84 **Alex Burghart:** Jonathan, we have heard good circumstantial evidence

that this was an event held in the spirit of free speech—Labour Party men inviting a Conservative MP to speak. Looking more broadly, you are obviously in very high demand as a speaker, Jacob. I imagine that you go to lots of universities. Has anything given you cause for concern that perhaps in some institutions freedom of speech is being limited? Are you aware of being no-platformed yourself? What are your broad experiences as a political speaker?

Mr Jacob Rees-Mogg MP: Actually, my experience of this is slightly different. I am a trustee of the Oxford Union and we have regular discussions about freedom of speech at our meetings. The Charity Commission can get complaints about the people we invite. I am much more worried about the Charity Commission saying that it is against the charitable objectives to invite somebody with controversial views than I am about the students. I think that the students like inviting people with controversial views. Just before I was up at Oxford, Gerry Adams was invited to speak, which, as you can imagine, in the mid-1980s caused an enormous row. I think that the students like pushing the boundaries of freedom of speech but that other places try to stop it.

Alex Burghart: The Charity Commission is one of the bodies that we have been asking questions of, specifically on the issue you raise. Could you tell us a little about the conversations you have had with the Oxford Union on its guidance?

Mr Jacob Rees-Mogg MP: The Oxford Literary and Debating Union Charitable Trust owns the physical premises where the Oxford Union has its debates. It is run by the students, but we are the charitable part of it. We have had to develop detailed policies for the sake of the Charity Commission as to who the students are allowed to invite. To my mind, that is deeply objectionable. I do not think that it is the business of the Charity Commission. I think it is a matter of routine law that, if we invite people who break the law, we should certainly get into trouble, but if we invite people, whatever their views, who do not break the law, I have never really thought that it was the business of the Charity Commission. But we are worried that, for our charitable status, we have to go along with the requirements that it makes.

Lord Woolf: Can you be kind enough to indicate what concerns you about your charitable status?

Mr Jacob Rees-Mogg MP: If you do not go along with what the Charity Commission wants, you can lose your charitable status; it is the regulator, and there is a natural tendency of regulated people to go along with what the regulator is asking for. I would say that what has taken up more time in our trustee meetings than any other issue is how we have a policy that satisfies the Charity Commission but basically means that the student president of the Oxford Union can invite whoever he or she wants to invite, which we think is a sacrosanct principle of the Oxford Union. There is a

whole protocol whereby, if someone controversial is invited, the trustees must be notified and must then make a judgment—and on and on. I am very suspicious of all this.

- Q85 **Lord Woolf:** The Charity Commission of course is a well-established body that has been there for a long time. Since it was established, others have come on the scene with a regulatory role in relation to universities and students. Is it your view that perhaps the Charity Commission in those circumstances should leave specialist bodies to deal with this rather than thinking that it is a matter of charitable status?

Mr Jacob Rees-Mogg MP: The Oxford Union is in an unusual position because it is not actually part of the university, so the other regulators do not actually apply to it.

Lord Woolf: Oh, I see. Thank you very much. One matter that was very surprising was the use of the masks. What was your impression as to what sort of masks these were? Were they to disguise the people who were there?

Mr Jacob Rees-Mogg MP: Yes, they were. Their faces were pretty comprehensively covered.

Lord Woolf: They were not comical, or anything of that sort.

Mr Jacob Rees-Mogg MP: No, they were not superhero masks, or anything of that kind. But they were not balaclavas. I may have said at one point that they were balaclavas, but that was not correct. They were just pretty comprehensive face coverings.

Joanne Midgley: I think that they had scarves around the bottom of their faces.

- Q86 **Chair:** We have just had the Minister for Universities giving evidence to us, and he said that it was his view that there was a creeping culture of censorship. I would like to ask Jacob and Jonathan whether that is their view. Does that ring a bell with you? Is there a creeping culture of censorship?

Jonathan Wallcroft: I have certainly heard that said quite a lot. I imagine that it is a matter of perception, and where you sit on the political spectrum, dare I say. I think that universities naturally have quite a left-wing atmosphere around them, and as a left-wing person myself perhaps I am in a position where I do not notice any of that sort of censorship happening. I myself have certainly never experienced any form of censorship. Again, as I said, we were able to invite Jacob Rees-Mogg without any meaningful opposition from the Student Union. I do not think that there were any students who at any point came up to any of us and said, "You shouldn't be inviting him". I am sure that people were perhaps upset that someone they disagreed with was speaking, but I never felt at any point that I was being ostracised by my fellow students for inviting a Conservative to speak. Again, we had a speaker from the Israeli

embassy coming the week before. When you add those two things up together and add the fact that the Student Union was incredibly supportive and gave us everything that we needed for them, I find it hard to see evidence for creeping censorship, at least at our university.

Mr Jacob Rees-Mogg MP: The newspapers have stories about people being no-platformed, which is a matter of concern. I am sure that you have looked into those stories to see how accurate they are. What would worry me would be getting into self-censorship. If universities have to have security when people like me go there to speak, that is a cost for them. Do they really want to spend money week in, week out on protecting events that they did not need any security for two years ago?

We discussed briefly the balance between students being free to invite whom they like and the bureaucracy of letting the institution know. If that balance goes too far the wrong way, students will not invite people because it will be too onerous.

My final point is the one that you raised, Chairman. Will people want to go and speak if there are protests? I will carry on regardless, but I can see some people asking whether it is worth the hassle. Politicians do not have to go and speak at universities. It may be a very good thing that they do, and I happen to think that it is, but we could just go home on Thursday and Friday nights, which sometimes can be quite tempting. I would be worried about the news of no-platforming and then the students, the universities and ultimately the speakers thinking that it is just easier not to put the event on.

Chair: What do you think about the newspaper reporting of the event that you were involved in, and how does it fit in with that narrative? If there is exaggerated reporting about no-platforming and about a creeping culture of censorship, does it not become a self-fulfilling prophecy? What did you think when you saw the newspaper reports of what you had been involved in?

Mr Jacob Rees-Mogg MP: When I saw the TV news, it looked much more dramatic than it seemed to me at the time. That is partly because the TV has only two dimensions, and therefore you do not see the broad space there, and I think that the reporting followed that. As I said at the beginning, I think that other politicians, particularly female politicians, face much, much worse than I faced on Friday night, which, other than the masks, was an entirely legitimate protest. It got a little bit pushy but not in a serious way. But perhaps the online abuse and the fear that that must create is under-reported.

Chair: So that is part of the context.

Mr Jacob Rees-Mogg MP: It is part of the context. What happened to me was over-reported, but I think that there are more serious things that are under-reported.

Chair: Jacob has raised the point about whether universities will just think that it is not possible to afford security for meetings week in, week out. Is that going to be an issue? Do you in any case have on the campus security that could be deployed differently at these meetings, or is it a genuine worry that you have?

Joanne Midgley: It is not a genuine worry for my university, although of course I cannot speak for the whole sector. We are a campus university and we have security on site 24 hours a day, seven days a week. More importantly, it is a critical part of the university experience for our students to be exposed to views that differ from theirs and to have the opportunity to discuss and debate them. So certainly, on the basis of the cost of security, we will not be seeking to reduce the number of external speakers whom we bring on site.

Q87 **Fiona Bruce:** Can I go back to your code of practice? Knowing what you know now and how the event panned out, and looking at your code of practice, which says, "The University will refuse to allow meetings ... where it is likely to give rise to an environment in which people will experience, or ... reasonably fear, harassment, intimidation, verbal abuse or violence", for a number of reasons, would you do things differently?

Joanne Midgley: No, but we would have security in place. That would be the difference. We have refused one event this year. It involved members of the Deliverance Worship Church who wanted to use some of our space for an external event. They had been known to offer conversion therapy for homosexuals. We refused them on the basis that they wanted our space but were completely external to the organisation and were not invited by our students or staff. Because of the duration they wanted the space for, the number of people they wanted on the campus and what we felt was our inability to safeguard and protect our students in that environment, we said no. That is the only event that we have said no to this year.

Chair: That was just about the facilities; it was not about communication to students. Thank you very much indeed for coming. The points about masks, the Charity Commission, security on site and the determination of you, Jonathan, and your students to invite people both controversial and non-controversial have meant that this has been a brief but very helpful and interesting session. Thank you very much indeed.

Jonathan Wallcroft: Thank you.