Risk control

Managing Protests in Higher Education
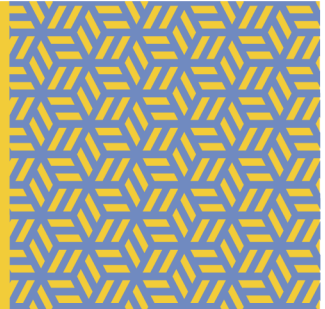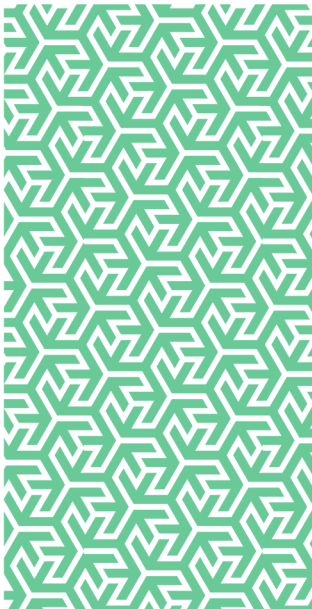
Managing Protests in Higher Education

Introduction

Protests in Higher Education conjures images of students with placards marching for a cause they believe in or picket lines of staff protesting for better pay and conditions. These scenarios certainly occur; however, protests take many different forms and can prove difficult to manage. Freedom of Speech is integral to universities ensuring that Articles 10 and 11 of the European Convention of Human Rights[1] is protected for individual right to freedom of expression and assembly.

These articles together safeguard the right to peaceful protest. Institutions encourage staff and students to express their views and contribute to debates both locally, nationally and internationally. Institutions have obligations to maintain welcoming and respectful environments for everyone, students, staff, alumni and visitors must be able to go about their business without obstruction or intimidation.

Types of Protest

Protests can take many forms, for example:

— Walkouts

— Sit-in

— Boycott

— Picket

— Demonstration

— Petition

— Vigils

Walkouts

In industrial disputes, a walkout is a strike, the act of employees collectively leaving the workplace and withholding labour as an act of protest. Industrial relations protocol have long since been established and Institution should follow these.

Sit-in

A sit-in is a form of direct action that involves one or more people occupying areas for a protest, often to promote political, social or economic change. The protestors gather conspicuously in a space or building, refusing to move unless their demands are met. Within Higher Education sit-ins occur in lecture theatres, graduation halls and meeting rooms/chambers causing disruption to university activities. Institutions should consider how they will manage such protests having set procedures or protocols in place will assist staff members in the management of these situations.

Boycott

A boycott is an act of nonviolent, voluntary abstention from a product, person, organisation, or country as an expression of protest. Recently the Higher Education saw disruption with marking boycotts.

Picket

Picketing is a form of protest in which people congregate outside a place of work or location where an event is taking place. Often, this is done in an attempt to dissuade others from going in, but it can also be done to draw attention to a cause. Higher Education Institutions have experienced pickets as a result of industrial action caused disruption to other staff members and students.

Demonstration

A demonstration is an action by a mass group of people in favour of a political or other cause or people partaking in a protest against a cause of concern, it often consists of walking in a mass march formation and either beginning with or meeting at a designated endpoint, or rally, in order to hear speakers. Demonstrations and marches may occur on university campuses or students may be involved at other locations in support of a protest.

Petition

A petition is a request to do something, most commonly addressed to a government official or public entity and is signed by numerous individual aiming to achieve positive change. Petitions are more commonly utilised online as this method is easier to engage with.

Vigil

A vigil is a period of purposeful sleeplessness, an occasion for devotional watching, or an observance. Vigils can occur as a result of tragic events effecting local people or further afield as this is marked with quiet reflection. Arrangements to support these activities, treating people who are involved with respect and sensitively clearing the areas after vigils should be considered.

At some time Higher Education Institutions may face any of these types of protest, it is good practice to have management arrangements in place to consider how the impact from protests will be reduced and the expectations of the institution has on those involve or effected by them.

The Law

The UK has several pieces of legislation providing a framework for the policing of protests. The Public Order Act 1986[2] provides the police with powers to restrict protests by placing conditions on them. These powers were strengthened by part 3 of the Police, Crime, Sentencing and Courts Act 2022[3].

On 2 May 2023 the Public Order Act 2023[4] received Royal Assent. The 2023 Act established several criminal offences in relation to protest, including offences of causing serious disruption by locking-on, being equipped to lock-on, causing serious disruption by tunnelling, obstructing major transport works, and interfering with key national infrastructure.

Marching

By law the organiser of the protest must tell the police in writing 6 days before a public march.

The police must be given the following information for a march:

— date and time of the march

— route

— the names and addresses of the organisers

The police have the power to:

— limit or change the route of the march

— set any other condition of the march

If a march is arranged at short notice, the police must be informed as soon as possible.

The police can also:

— change the location

— limit how long a rally lasts

— limit the amount of people who attend

— stop a sit-down protest if it blocks road traffic or public walkways

If there's no march involved, there is no need to inform the police.

Freedom of Speech

Institutions should consider promoting good relations between different groups on campus, creating a climate in which all students and staff can discuss a range of topics (including the complex and controversial) in the knowledge that everyone will be listened to and treated with mutual dignity, tolerance, and civility. Everyone, including those from marginalised groups, should be able to speak up without fear of harassment or discrimination – which should never be tolerated or excused.

Getting this balance right is not always straightforward and relies on the close cooperation of all members of the university community, including in partnership with students' unions. Working together universities can continue to oppose harassment and discrimination, while also remaining steadfast in the commitment to the pursuit of truth and free exchange of ideas.

Working Collaboratively

Certain types of protest will require institutions to establish clear plans, identifying partner organisations that will assist in the management of protests is essential. Having positive relationships with partner organisations bring significant benefits to the institution. Working with Students' Unions, Trade Unions, local Police and with relevant employee groups such as Security Teams can assist in formulating effective policies and arrangements with relevant groups aware of their responsibilities and potential actions.

Planning

Pre-planning for protests will allow institutions to properly prepare ensuring that any protests happen without incident or can respond adequately if incidents occur. Having existing relationships with partner organisations may bring early intelligence of forthcoming protests allowing for plans to be set in motion.

Things to consider

Policies and Arrangements

Setting a holistic policy for institutions will establish boundaries that are acceptable and those that are not, for example an institution can support "the Right to Protest". Having clear policies and arrangements that are communicated, implemented and practiced will ensure that everyone that may be involved in managing or taking part in protests are aware of what needs to be done to ensure safety. Some plans may need to be confidential to specific teams, for example Security Teams responses and possible lockdowns of buildings or areas. However, senior leaders of institutions should assure themselves that these plans are in place and are adequate. Protests may attract individuals or groups that may want to inflame or incite escalation of legitimate protestors resulting in violence, the planning process must take into account how these situations will be

managed, the police will be able to advise institutions on measures that may be required.

Risk Assessment

Risk assessments should be undertaken as part of any planning stages to look at foreseeable risks associated with protests to identify suitable control measures that need to be in place ensuring the safety of all involved. As a result of this process valuable information can be extracted such as required safe staffing levels and partner organisations that need to be engaged. Equipment may also be identified to assist with the management of protests, CCTV, bodycams or high-visibility clothing for those marshalling. An important output of the risk assessment process will be the identification of relevant training for those involved.

Training

Training identified through risk assessments may be different for the people involved in the managing different types of protests. Any training should feed into planning stages and institutions must ensure relevant staff receive the training required.

Communication

Having a clear institutional policy on protesting requires an affective communications strategy. Utilising available communications channels within organisation should be defined.

Institutions have important roles to play in local and national communities, any communication on specific issues either contentious or not should be considered fully before publishing. Controlling institutions media presence is essential to prevent any adverse effects occurring.

Pre-Protest

Before any protest is planned, institutions should consider providing information on their policies and arrangements to relevant people. Consideration of using existing forms of communication such as Student Handbooks or guidance which sets the institutions expectations and provides advice on behaviours and safety. Students' Unions may assist institutions with disseminating information to students. Providing essential safety tips to possible student protestors could be considered. Below is an example, but not an exhaustive list.

Safety Tips for protesters:

— Let someone know that you will be attending a protest, try to attend with others

— Keep a copy of emergency phone numbers and medical information

— Take water and snacks

— Don't cause harm or distress to other protestors and member of the public.

Social media plays a huge part in universities and student lives consideration of using the institutions social media feeds to promote messages that ensure the safety of participants and staff. It is essential that institutions have processes in place to review and control social and main-stream media messages before they are published, sending out an ill-conceived message may inflame protests and have repercussion on the institution.

During Protests

Whatever type of protest is taking place having trained experience staff in place will reduce risks of incidents occurring. Protests can be unsettling for staff, institutions should consider when protests are taking place to ensure all staff have all the information they need to know to remain safe.

If buildings are occupied ensuring that staff and students are aware of the alternative arrangements will assist in reducing impact to university activities. Arrangements should also be in place to ensure those taking part are managed appropriately and treated with respect and without harassment.

If any large scale protests are taking place on campuses then collaborative working with partners should be in place to ensure the safety of all involved. If management of the protest loses control, then clear escalation processes should be in place and utilised to ensure protestors and staff remain safe and peaceful, for example who and when should the police be called?

Post-Protest

Hopefully any protest has occurred without incident this will present institutions with the opportunity to undertake a management review looking for areas where improvements can be made.

However, sometimes protest do not occur without incident and failures should be investigated and possible further action required.

Disciplinary action

It may become apparent that criminal acts occurred during a protest and police may be taking legal action. Institutions should consider providing any CCTV footage to enforcing authorities in these cases.

However, institutions may deem behaviours of individual inappropriate even if legal action isn't being taken. Institutions may wish to take disciplinary action against perpetrators displaying poor behaviours, this may be protestors or could even be staff members that acted inappropriately.

Investigations

If events haven't gone to plan undertaking a formal investigation maybe deemed appropriate. Any investigation should be performed by an independent person or team that evaluates the situation holistically considering actions before, during and after a protest. All investigations should try to establish opportunities and recommendations for improvement and prevention of reoccurrence of undesired events.

The justification of a protest being allowed should be explored. Could pre-emptive measures been appropriate. On reflection was legal action required for example, would taking out an injunction to prevent a protest an appropriate response? If so, an institution may wish to set standards with criteria that would instigate pre-emptive legal action deemed to be appropriate to prevent any reoccurrence of adverse events.

Continuing Threats

Institutions will be aware that certain research activities will attract a continuing threat from protests. Robust measures must be establish, maintained and reviewed to ensure that any threat can be controlled and that staff remain safe and free from harassment.

Conclusion

Ensuring suitable and sufficient arrangements are in place to manage protests that are well known and resourced adequately is essential to manage risks to institutions from protests.

It is essential to provide any support for staff and student that are affected by protests.

References

1. European Convention on Human Rights (coe.int) - https://www.echr.coe.int/documents/d/echr/convention_ENG

2. Public Order Act 1986 (legislation.gov.uk) - https://www.legislation.gov.uk/ukpga/1986/64

3. Police, Crime, Sentencing and Courts Act 2022 (legislation.gov.uk) - https://www.legislation.gov.uk/ukpga/2022/32/contents

4. Public Order Act 2023 (legislation.gov.uk) - https://www.legislation.gov.uk/ukpga/2023/15/contents/enactedhttps://www.legislation.gov.uk/uksi/1996/341/contents/made

Further information

For access to further RMP Resources you may find helpful in reducing your institution's cost of risk, please access the RMP Resources or RMP Articles pages on our website. To join the debate follow us on our LinkedIn page.

Get in touch

For more information, please contact your broker, RMP risk control consultant or account director.

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