

Government response: Charity Commission responds to Joint Committee on Human Rights

Responding to a report published today by the Joint Committee on Human Rights on freedom of speech in universities (HC 589 / HL Paper 111), the Charity Commission has said:

We welcome the recognition the report gives to the Commission's regulatory role and that it may be appropriate and necessary for us to act when concerns are raised.

We recognise the important role that students' unions play in promoting or engaging in analysis, debates or discussions on controversial or sensitive issues. Our existing guidance is clear that charities can legitimately challenge traditional boundaries, encourage the free exchange of views and host speakers with a range of views.

What we expect of students' union trustees – as is expected of all charity trustees in accordance with charity law – is that when carrying out activities, they consider and take reasonable steps to assess and manage any associated undue risks to their charity and people who come into contact with it. The Committee's report gives a number of examples where students' unions have facilitated very successful speaking events.

We recognise that the regulatory framework in this area can be difficult for students' unions to navigate. Going forward we will continue to work closely with the Office for Students, the Equality and Human Rights Commission, and other key stakeholders including the Department of Education, the National Union of Students and Universities UK to ensure that each of our respective regulatory roles and approaches are clearer.

Further background

The Commission's role is to ensure that trustees fulfil their legal duties, which flow from the privilege and benefits of charitable status. This must be done on a level-playing field. The Commission cannot and should not treat students' union charities unequally compared to other charities and doing so would risk undermining trust and confidence in the wider charitable sector.

The Commission does however recognise that how those duties might be satisfied will vary depending on the context of a charity and its activities.

In light of the evidence heard in the inquiry, the Commission has already

committed to reviewing its guidance [Protecting your charity from harm](#) to ensure that it is read and understood in the manner in which it is intended – to support trustees to recognise, manage and mitigate risks to their charities. This guidance applies to all charities.

Furthermore, the Commission confirmed that it would also review its internal guidance on students' unions to ensure a clearer distinction is made between the roles and responsibilities of the trustees of students' unions, the student societies that are members of students' unions and the students themselves.

The Commission provided detailed [written and oral evidence](#) to the Committee and will formally respond to the Committee's report in due course.