

Jeremy Miles AS/MS
Gweinidog y Gymraeg ac Addysg
Minister for Education and Welsh Language



Eich cyf/Your ref P-06-1298
Ein cyf/Our ref JMEWL/01757/22

Llywodraeth Cymru
Welsh Government

Jack Sargeant MS
Chair - Petitions committee

05 October 2022

Dear Jack

Thank you for your letter of 19th August regarding petition P-06-1298 registered by Christian Wilton-King about Trans rights activists at Cardiff University.

As higher education institutions are autonomous bodies, disputes between students, staff and their universities are a matter for the universities themselves. Therefore, neither the Welsh Government nor Welsh Ministers are able to intervene. Any potential issues of alleged unacceptable behaviour by staff or students are, ultimately, a matter for the university to address under its internal policies. However, I would expect the university to continue to meet all of its legislative requirements in respect of freedom of speech and academic freedom and its obligations under the Equality Act 2010. The Welsh Government expects students and staff to be able to pursue their studies and career in an environment free from harassment, discrimination or victimisation.

Whilst the nature of the allegations falls outside of its purview, my officials have spoken to the Higher Education Funding Council for Wales (HEFCW), the statutory regulator of HE in Wales regarding this matter. They have received assurance from the university that the matter has been investigated thoroughly. I understand the issue has also been referred to the Police who were satisfied that there was no evidence of any laws being broken.

The Free Speech Union letter of 22 February contains a number of assertions. However, there is nothing in the letter that evidences a clear breach of legislative compliance (either Section 43 of the Education (No2) Act 1986 or Section 202 of the Education Reform Act 1988). In particular, HEFCW have seen nothing to suggest that academics have been prevented by the University from expressing controversial or unpopular opinions or that they are in jeopardy of losing their jobs or privileges as a consequence of their views.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Section 43 of the Education (No2) Act 1986 requires universities to issue, and keep up to date, a Code of Practice setting out procedures to be followed with regard to meetings and other activities and the conduct of staff and students in connection with these activities. Cardiff University has published such a Code of Practice on Freedom of Speech, with this last updated in October 2020. The Code of Practice includes reference to conduct by members and employees of the University:

“It is the duty of every member or employee of Cardiff University to refrain from any conduct or course of action which prejudices the lawful exercise of freedom of speech. It will be a disciplinary offence for any member or employee of Cardiff University to act at a specified meeting in a disruptive or intimidatory manner for the purpose of preventing a speaker from being heard, or preventing the discussion or transaction of any other business for which the meeting has been held. It will be a disciplinary offence for any member or employee of Cardiff University to aid or encourage other persons in such actions.”

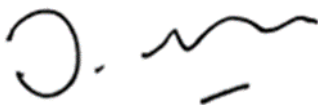
The Code of Conduct primarily relates to meetings and events. However, the university will also have a responsibility under the Education (No2) Act 1986 to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for its employees.

This matter also engages institutions’ responsibilities under the Equality Act 2010. In this context, all universities, including Cardiff University, under the Public Sector Equality Duty (PSED) have duties to have due regard, when carrying out their functions, to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and those who do not; and
- foster good relations between people who share a relevant protected characteristics and people who do not.

As the regulator in Wales of compliance with the PSED any investigative action in relation to this matter would be a matter for the Equality and Human Rights Commission, in the first instance. If an inquiry were to identify any breaches of legislative requirements by the university, then it would be for HEFCW to determine whether the matter also represented a breach of regulatory requirements.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J. Miles', with a stylized flourish extending to the right.

Jeremy Miles AS/MS

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