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Freedom of Speech Policy & Code of Practice 2022/24

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1. Policy Statement

- 1.1 Section 43 of the Education (No 2) Act 1986 requires the College to issue and keep up to date a code of practice to be followed by governors, students, and employees of the College for the organisation of meetings and other events, which are to be held on College premises, and for the conduct required of governors, students, and employees of the College in connection with meetings and other events.
- 1.1 The College recognises and endorses that freedom of speech within the law is of fundamental importance for colleges as places of education. Freedom of lawful speech and expression is enshrined in Article 10 of the Human Rights Act 1998.
- 1.2 Academic staff have freedom within the law to question and test received wisdom relating to academic matters, and to put forward new ideas and controversial or unpopular opinions about academic matters without placing themselves in jeopardy or losing the jobs and privileges they have at the Corporation.
- 1.3 Governors, students, and employees of the College must conduct themselves so as to ensure that freedom of speech within the law is secured for governors, students and employees of the College and for visiting speakers. The freedom protected by this Code of Practice is confined to the exercise of freedom of speech within the law.
- 1.4 Whilst there is no legal prohibition on offending others, the College expects speakers and those taking part in meetings or protest activities to respect its values and to be sensitive and respectful in relation to the diversity of its community. An event which is likely to give rise to an environment in which people will experience (or could reasonably fear) harassment, intimidation, verbal abuse or violence, particularly because of their ethnicity, race, nationality, religion or belief, sexual orientation, gender, disability or age, is also likely to be unlawful.

2. Purpose of the Policy

- 2.1 The purpose of this policy is to set out the College's principles and Code of Practice in respect of freedom of speech.

3. Aims and Objectives of the Policy

- 3.1 The aim of this policy is to provide a clear and simple code of practice for governors, staff, students and guests of the College to understand and adhere to the College's principles and Code of Practice in respect of freedom of speech.

4. Scope

- 4.1 This Code applies to all governors, students and employees of the College, in respect of all College premises. Outdoor as well as indoor meetings and other events on College premises are included.
- 4.2 The Code also applies to persons invited to speak or otherwise take part in events to be held on College premises.

4.3 The Code of Practice covers freedom of speech and expression in whatever form that may take including (but not limited to) events, speeches, debates, meetings, demonstrations, written publications and social media.

5. Meetings, Activities and Events

5.1 Overview

- 5.1.1 In this part of the Code covers occasions where the nature of the proposed meeting, activity or event gives rise to reasonable concerns on the part of the organiser, another member of staff concerned individual. This concern may relate to the identity of the speaker or speakers, or a concern that the event may be disrupted or may result in violence, disorder, harassment or any other unlawful activity.
- 5.1.2 In order to assess what may be considered a reasonable concern that could result in a referral please see sections 1.4, 6.1 and 6.3.
- 5.1.3 The Assistant Principal Teaching, Learning and Quality is the College's nominated referral point and is responsible for approving suitable arrangements for such meetings and events, as set out in 5.1.1. They may make such directions, or issue such guidance, as is necessary to ensure that the nature and conduct of the meeting is lawful and in accordance with the provisions of this Code.

5.2 Organisation of such meetings, activities or events

- 5.2.1 It shall be the duty of the organisers of every such meeting, activity or event to seek the approval of the Assistant Principal Student Teaching, Learning and Quality for the holding of that meeting.
- 5.2.2 Any other member of the College who has concerns about a proposed meeting, activity or event should bring concerns promptly to the attention of the Assistant Principal Teaching, Learning and Quality who shall take such reasonable steps as set out in paragraph 5.1.3.
- 5.2.3 Organisers should supply details of the date, time and place of the meeting, the names, and addresses of the organisers, the name of the organisation making the arrangements, and the name of any expected speaker, whether or not a member of the College. Organisers should also highlight any concerns and any actions proposed to mitigate risk. Information should be provided at least 15 working days in advance. The Assistant Principal Curriculum and Quality may cancel any meeting or event where the required information has not been provided within given timeframes.
- 5.2.4 The organisers of meetings and events should comply with any conditions set by the Assistant Principal Teaching, Learning and Quality concerned with the arrangements for the conduct of the meeting. Such conditions could include a requirement that an adequate number of stewards is provided, that tickets are issued, that the police are consulted, or that the time and place of the meeting should be changed. The cost of meeting such requirements, and the responsibility for fulfilling them, rests with the organisers (save for where the expense rests with the department concerned).
- 5.2.5 The Assistant Principal Teaching, Learning and Quality will not seek to curtail or cancel a meeting or event unless in their considered opinion the meeting, activity or event infringes

on the legitimate rights and freedoms of others or poses a significant risk to health and safety or there is some other substantial and lawful ground for the curtailment or cancellation. The Assistant Principal Teaching, Learning and Quality will consult as necessary with the Head of Facilities Management and the police (where relevant) about forthcoming meetings and events covered by the Code (see 5.1.1). In any case where serious disruption may be anticipated which may not be effectively addressed by any condition specified under paragraph 5.2.4, the Assistant Principal Teaching, Learning and Quality shall have power, having taken into consideration any advice received to order the cancellation, postponement, or relocation of the meeting, activity or event.

- 5.2.6 All decisions will be reached by the Assistant Principal Teaching, Learning and Quality following careful consideration of the evidence available to them and will be limited to those actions that are reasonable, proportionate and necessary to prevent crime or disorder, or otherwise protect the legitimate rights and freedoms of others.
- 5.2.7 If an organiser is unhappy with the outcome of a decision of the Assistant Principal Teaching, Learning and Quality they may **appeal in writing** to the Principal, within 5 working days of receipt of such a decision, setting out clear reasons for unhappiness with the decision and requesting a reconsideration of the decision.
- 5.2.8 The Assistant Principal Teaching, Learning and Quality may withdraw permission already given to hold the event, activity or meeting, or amend or impose additional conditions, at any time up to or during the event or activity and the College reserves the right to halt an event or activity at any time if it reasonably considers there may be a breach of this Code of Practice or of any legal obligation.

5.3 Conduct at such meetings or events

- 5.3.1 The organisers and those in attendance at any meeting or event must comply with any reasonable instructions given during the course of a meeting or event by the Assistant Principal Teaching, Learning and Quality, by any other person authorised to act on behalf of the College in the proper discharge of their duties, or by the relevant authorities, e.g. police.
- 5.3.2 It is the duty of every College governor, student, and employee not to impede any person entitled to be present from entering or leaving a place where the right to freedom of speech is being or is to be exercised. This duty is subject only to such conditions as may have been specified in accordance with the terms of this Policy or any limitations imposed or directions given by the police or other relevant public authority.
- 5.3.3 Nothing in this Code shall be taken to prohibit the exercise of the right to protest by peaceful means; provided always that such protest is conducted lawfully within the general principles and requirements of this Code, and the provisions of the Statutes and Bylaws of the College.

6. External Speakers

- 6.1 The protection of freedom of speech does not extend to allowing a speaker to break the law or breach the lawful rights of others e.g. using abusive, threatening or insulting language or

behaviour, particularly with a view to incite hatred or draw others into extremism. The College therefore expects external speakers to act lawfully and not breach the lawful rights of others.

6.2 The College reserves the right to not permit an external speaker to participate in an event or activity, to refuse to allow an event and/or to halt an event at any time, as set out in section 5.

6.3 During the course of the event or activity at which he or she participates, no speaker shall:

- Act in breach of the criminal law;
- Incite hatred or violence or promote extremism or intolerance;
- Encourage or promote any acts of terrorism or promote individuals or groups which support terrorism;
- Discriminate against or harass any person or group on the grounds of their sex, race, nationality, ethnicity, disability, religious or other belief, sexual orientation or age;

6.4 It is the responsibility of anyone organising an event or activity at the College to ensure that all external speakers are made aware of this policy, together with a copy of the Visitors' Guide which highlights safeguarding requirements such as the requirement to sign in, wear a visitor's badge and be accompanied by an appropriate member of staff whilst on campus.

7. Use of College premises by other organisations or individuals

7.1 In any instance where the College is proposing to grant permission to an outside organisation or group to hold meetings or events on College premises, the organisation, group or individual shall be required to act in accordance with this Code of Practice.

8. Legal requirements

8.1 The College is mindful of its duties under equality legislation. The right to freedom of speech is constrained by laws protecting others from discrimination, victimisation and harassment, protecting national security and public safety, preventing of disorder or crime, protecting the reputation and rights of others, and preventing the disclosure of information received in confidence. Reference to such legislation and guidance can be found in Section 11 of this Policy.

9. Confidentiality

9.1 The Data Protection Act and GDPR are not only restrictions on disclosure of information about the College, they are bound by a common law duty of confidentiality. This duty prevents the College from releasing information about individuals, without their consent. This duty applies to manual records as well as information held on computers.

9.2 Information which must be treated as confidential includes the names and addresses of individuals and any other information which is not publicly known, i.e. "personal data". Accordingly, to ensure that the College does not breach its duty, no information, even if it only exists in printed form, should be disclosed unless all relevant procedures have been followed.

10. Application of the Code of Practice

10.1 Any person who is in any doubt about the application of this Code of Practice in respect of any activity, meeting, event or public gathering on College premises is under an obligation to consult the Assistant Principal Teaching, Learning and Quality who will determine whether the provisions of the Code should apply.

10.2 An intentional or reckless breach of this Code of Practice is an offence and may be the subject of disciplinary action. Where the acts of individuals involve alleged breaches of criminal law, the College will assist the relevant authorities in implementing the due process of law and any internal disciplinary proceedings may be deferred or suspended pending the outcome of criminal proceedings.

11. Other Relevant Documents

11.1 This policy and related procedures are driven by the following legislation and guidance:

- Counter-Terrorism and Security Act 2015: Section 26(1)
- Crime and Disorder Act 1998
- Criminal Justice Act 2003 and Criminal Justice (Scotland) Act 2003
- Disability Discrimination Act 1995, as amended
- Education (No. 2) Act 1986, Section 43
- Education Act 1986
- Education Reform Act 1988
- Employment Equality Regulations 2003
- Equality Act 2006
- Higher Education and Research Act 2017
- Human Rights Act 1998 (incorporating the European Convention on Human Rights)
- Keeping Children Safe in Education (2022)
- Office for Students (OfS) Regulatory Framework
- Protection from Harassment Act 1997
- Public Order Act 1986
- Race Relations Act 1976
- Race Relations (Amendment) Act 2000
- Racial and Religious Hatred Act 2006

11.2 The following College documents relate to this policy:

- Complaints, Comments and Compliments Procedure
- Equality and Diversity Policy
- Maintaining Student Responsibility (Conduct Procedures)
- Safeguarding Policy