

Freedom of Speech Policy

& Code of Practice

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1. Introduction & Policy Scope

1.1 Southport Education Group recognises and endorses that freedom of speech [and expression] within the law has fundamental importance for institutions as places of education, learning and the disinterested pursuit of truth. In particular, institutions are obliged under section 43 of the Education (No.2) Act 1986 to take reasonable measures to protect freedom of lawful speech.

- 1.2 In addition, a principle of freedom of lawful expression is enshrined in Article 10 of the European Convention on Human Rights.
- 1.3 Southport Education Group is required to have regard to the need to ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions without placing themselves at risk of losing their jobs or any privileges they may have at Southport Education Group. Institutions have a responsibility, so far as is reasonably practicable, to protect and advance the principle of academic freedom.
- 1.4 This Code of Practice sets out the rights and obligations inherent within the principles of freedom of speech and expression and academic freedom and the Code shall be construed and applied in the spirit of upholding those principles wherever reasonably practicable within the law.
- 1.5 The Code of Practice covers freedom of speech [and expression] in whatever form that may take including (but not limited to) speeches, debates, meetings, demonstrations, written publications and through the use of social media.
- 1.6 The Code's rights and obligations shall apply to:
 - 1.6.1 Southport Education Group, including members of the Governing Body;
 - 1.6.2 all persons (whether academic staff or otherwise) working for Southport Education Group [whether for payment or otherwise];
 - 1.6.3 all duly enrolled students of Southport Education Group (whether full or part-time);
 - 1.6.4 all students studying with Southport Education Group (whether full or part-time) under an agreement with a partner organisation of *Southport Education Group* (e.g. a college or school) [even if not enrolled as students at *Southport Education Group*¹];
 - 1.6.5 Any societies, clubs or associations which normally operate *on* Southport Education Group's premises²; and
 - 1.6.6 all persons invited to speak and/or express views (whether in person or otherwise including through the use of social media) and/or otherwise take part in activities which take place on or are planned or proposed or due to take place on Southport Education Group's premises or through its ICT systems in accordance with the provisions of section 3 of this Code.
- 1.7 References in the Code to Southport Education Group and/or Southport Education Group include premises and/or facilities which are owned by Southport Education

Group, premises and/or facilities which Southport Education Group does not own but over which it exercises some degree of control, and premises and/or facilities occupied or controlled by Southport Education Group's students' union whether or not Southport Education Group owns or has control of such premises and/or facilities.

1.8 References in the Code to any institutional employee (e.g. *Deputy Principal and the Principal/Chief Executive*) includes reference to their nominee.

2. Freedom of Speech and Expression

2.1 Southport Education Group shall take such steps as are reasonably practicable to ensure that freedom of speech and expression within the law is secured for every person to whom this Code's rights apply.

2.2 Every person to whom this Code's obligations apply shall assist Southport Education Group in upholding this Code of Practice.

2.3 *Southport Education Group* will not suppress freedom of speech and expression, however abhorrent certain expressions may be to the majority of the members of Southport Education Group, provided that:

2.3.1 such speech and expressions do not go beyond the articulation of points of view, are within the law and do not constitute incitement to riot, insurrection, racial hatred, religious hatred, sexual harassment or other activities which are likely to cause a breach of the peace or public disorder, significantly increase the risk of an individual being drawn into terrorism or otherwise be unlawful; and

2.3.2 by allowing such views to be expressed, and by allowing the activity to take place in the format proposed Southport Education Group would not be failing in its wider legal duties, in particular to have due regard in carrying out its functions to the need to:

2.3.2.1 eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;

2.3.2.2 advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

2.3.2.3 foster good relations between persons who share a relevant protected characteristic and persons who do not share it; and

2.3.2.4 prevent people being drawn into terrorism.

2.4 Southport Education Group shall ensure, so far as is reasonably practicable, that the use of its premises and facilities is not denied to any individual or body of persons on any ground connected with:

- 2.4.1 the beliefs or views of such individual or any member of such body; or
- 2.4.2 the policy or objectives of such body.

2.5 Every person to whom this Code's obligations apply shall refrain from organising or engaging in or otherwise being associated with any conduct (other than by lawful, reasonable and peaceful persuasion) intended to prevent the enjoyment of rights under this Code of Practice.

2.6 Southport Education Group shall take such steps as are reasonably practicable (including where appropriate the initiation of disciplinary measures) to secure that the obligations under this Code of Practice are complied with.

3. The Holding of Activities

3.1 References in the Code to "activities" include (but are not limited to) meetings, demonstrations, events and publications through whatever media (including social media) which take place or are proposed or planned or due to take place on Southport Education Group's premises or through its ICT systems.

3.2 Southport Education Group has the responsibility to take reasonable steps to maintain good order on its premises. It has the right and the power to regulate and, if necessary, to impose conditions or restrictions upon activities which take place or are planned or proposed or due to take place on its premises or through its ICT systems³. The organisation and holding of any such activities, and the arrangements therefor, must comply with this Code of Practice.

3.3 Any person to whom this Code's rights apply must submit a request, in writing, to the Deputy Principal of Southport Education Group for permission for an activity to take place where it is reasonably foreseeable (in the reasonable opinion of Deputy Principal). Any such request should be submitted to Deputy Principal not less than 14 days before the proposed date of the activity and must contain details of the proposed subject matter and the purpose and format of the activity, including seating arrangements, the name and identity of any speakers or authors and the proposed timing and location of the activity.

3.4 Within 5 of working days of receiving a written request pursuant to paragraph 3.3 above the Deputy Principal shall issue a written decision in reply which shall either grant or withhold permission for the activity to take place on Southport Education Group's premises or through its ICT systems. Permission granted under this Code

may be subject to such conditions or restrictions (for example, as to security precautions, payment of charges, limits on numbers of people to be admitted, seating arrangements or form of publication) as the Deputy Principal reasonably sees fit.

3.5 Southport Education Group will not unreasonably refuse to allow activities to take place on its premises or through its ICT systems. The expression of controversial views which do not breach the law or risk a breach of the law will not of itself constitute reasonable grounds for withholding permission for an activity. Reasonable grounds for refusal would include (but are not limited to) the fact that, if the activity were to take place, a risk would arise that, within the premises of Southport Education Group and/or the scope of its ICT systems there would be:

- 3.5.1 incitement to commit a criminal act;
- 3.5.2 the unlawful expression of views;
- 3.5.3 support of an organisation whose aims and objectives are illegal;
- 3.5.4 the foreseeability that an individual might be drawn into terrorism; and/or
- 3.5.5 a breach of the peace.

3.6 In determining whether permission for an activity to take place on South Education Groups' premises and/or through its ICT system might reasonably be refused, consideration may be given by Deputy Principal (as is appropriate in the circumstances) to:

- 3.6.1 the safety of persons attending the activity or otherwise foreseeably affected by the activity and/or on Southport Education Group premises who might foreseeably be put at risk;
- 3.6.2 the security of South Education Groups' premises; and
- 3.6.3 the good name and reputation of Southport Education Group.

3.7 [A request for an] appeal against a decision of the Deputy Principal may be made, in writing, to the Principal within 7 days of the issue of the Deputy Principal decision⁴. The decision of the Principal shall be final and binding.

4. Practical Measures

4.1 Southport Education Group shall permit the use of its premises and ICT systems only by organisers or other individuals otherwise involved in an activity or proposed activity who undertake in writing to comply with all lawful instructions and conditions

issued by Southport Education Group in relation to (but not limited to) the location, arrangements, form and conduct of such activities, including adequate stewarding, chairing and provision of adequate control over entry.

- 4.2 In cases in which it is reasonable to assume that there is a possibility of disruption arising from the taking place of an activity, Southport Education Group may consult with the police. If the activity is a public one the police may be prepared to be present throughout the event to minimise any disruption.
- 4.3 Any organisers or other individuals otherwise involved with an activity to take place on Southport Education Group's premises or through its ICT systems shall be responsible for any costs involved in organising and holding such activities and for ensuring, as far as reasonably possible, that nothing in the organisation and holding or arrangements of such activities infringes the law or any *[institutional]* rule, regulation or procedure in any way.

5. Sanctions and Penalties

- 5.1 Any member of the Governing Body who breaches this Code may be removed from office.
- 5.2 Where those responsible for the breach are students or staff of Southport Education Group action may be taken against them under the relevant disciplinary procedure.
- 5.3 Where those responsible for the breach are students or staff of a partner organisation of Southport Education Group the Deputy Principal shall consider whether to inform the partner organisation with a view to that partner organisation taking action (whether as well as or instead of) under its relevant disciplinary procedure.
- 5.4 Where a breach of this Code of Practice takes place at an activity or as a result of an activity taking place, Southport Education Group may take steps to assist the police to secure identification of the persons suspected of committing offences with a view to appropriate action being taken against them. In this case, it will be under the responsibility of the Vice Principal – Curriculum and Support to make the appropriate referral (e.g. LADO, PREVENT etc).

6. Review and amendment of Code

6.1 Southport Education Group acknowledges its duty under subsection 3 of section 43 of the Education (No. 2) Act 1986 to issue and keep up to date a Code of Practice on freedom of speech. With this end in view the Governing Body will receive a report on the operation of the Code by the Deputy Principal, together with any recommendations for revision of it, at intervals not exceeding 3 years.

Footers

- 1 The Education (No.2) Act 1986 refers to freedom of speech. However institutions may prefer to include also a reference to freedom of expression to take account of the wider approach in the European Convention on Human Rights, Article 10. The Human Rights Act 1998 requires UK legislation to be interpreted so far as possible consistently with the Convention.
- 2 Delete words in square brackets if the awarding institution does not want to extend the Code this far. It is likely to depend on the extent to which students of the partner institution have rights to use the awarding institution's facilities.
- 3 The students' union should formally adopt this Code e.g. by reference to it in its constitution or in the Code of Practice agreed between the institution and the union under the Education Act 1994.
- 4 Such activities are likely to raise tensions between the need to protect people and property on the one hand and to ensure that members of the institution, visiting speakers etc can express themselves freely. The institution will need to ensure a co-ordinated approach involving all stakeholders in what may need to be a rapid decision -making process.
- 5 This is an unrestricted right to appeal. Each institution may want to consider whether there should be specified grounds for appeal, in the light of its general approach to freedom of speech issues and how many appeals it anticipates it might receive. If there are to be grounds, then this section needs to refer to a request for an appeal being made and someone will then need, as a first step, to sift those requests to determine whether or not grounds are disclosed.