



Bexhill 6th Form College

**FREEDOM OF
SPEECH POLICY**

POLICY NUMBER: HE1

September 2019

The purpose of this Code of Practice is to provide means of ensuring debate and challenge are not only permitted but promoted across all HE courses within Bexhill College. It sets out the procedures and conduct required to achieve this.

It outlines what the law says on freedom of expression in England and Wales, specifically in higher education environments. It provides a code of practice which aims to protect free speech and makes it clear to students and staff what they should expect from Bexhill College including

The procedures that staff and students (including student bodies/union) have to follow in relation to meetings and other activities held on the premises, and the behaviours required of any people in connection with those activities.

What the College will do to ensure students and staff follow the code. Including disciplinary measures where appropriate

How the college will follow the free speech public interest governance principle built into the regulatory framework of the Office for Students (OfS)

Bexhill College is a registered charity and therefore have a charitable purpose to further students' education for the public benefit.

This Code is binding on all members of staff, the Corporation and on all HE students within the College. Any alleged breach of this Code will be subject to proceedings under the student Disciplinary Policy for students, under contracts of employment for staff and as part of the Code of conduct for Governors.

The legal position

Section 43 (1) of the Education (No. 2) Act 1986 ('the Act') imposes a duty on every individual and body of persons ('the Responsible Person') concerned in the governance and management of the College to take all reasonably practicable steps to ensure that freedom of speech within the law is secured for Governors, students and employees of the College and for speakers visiting the College. The Act also imposes a particular duty on those persons to ensure so far as is reasonably practicable that the use of College premises shall not be denied to any individual or body of persons on any ground connected with their beliefs or views or their policies or objectives.

The Act imposes a further duty on the Corporation of the College to establish, issue and keep up to date a code of practice ('the Code') setting out:

- procedures to be followed by Governors, students and employees of Bexhill College with regard to the organisation of meetings held on College premises and specified as being within the Code; and
- any other activities which shall take place on College premises and specified to be within the Code.

The Code also outlines the conduct expected of students, employees and Governors of the College in connection with any meeting or activity mentioned above.

The Act imposes a specific duty on responsible persons to ensure compliance with the Code.

In adopting this Code, the Corporation will have due regard to factors such as public safety, the safety of staff, students and visitors to Bexhill College, and the costs and practicalities of providing facilities to ensure their reasonable safety and protection.

In accepting this duty, the Corporation have delegated the responsibility for this policy to the Strategic Planning and Quality Committee of the Corporation who will review the policy every three years.

Why this code is important

“The right to express views and ideas freely, without fear of interference or persecution, is an essential part of democracy. Respectful debate and conversation helps us challenge discrimination, get rid of intolerance and harmful attitudes, and build strong, positive communities.” (Equality and Human Rights Commission 2019)

“Freedom of expression is a key part of the higher education experience. Sharing ideas is crucial for learning, and allows students to think critically, challenge and engage with different perspectives. In England and Wales, most universities and other publicly funded higher education providers have legal duties to protect free speech.” (Equality and Human Rights Commission 2019)

What is freedom of expression and freedom of speech?

Everyone’s right to express lawful views and opinions freely, in speech or in writing, even when this may offend others. Giving everyone the right to debate and discuss ideas and express opinions including political views. This is an important aspect of HE provision at Bexhill College as it helps to challenge discrimination, get rid of intolerance and harmful attitudes, and build a strong, positive academic community. Freedom of expression also supports artistic, scientific and commercial development.

Freedom of expression includes spoken word, written word, actions, gestures and the display of images intended to show meaning. Sharing ideas freely is crucial for learning, and allows students to think critically, challenge and engage with different perspectives. Therefore, staff should encourage discussion and exchange of views on difficult and controversial issues.

Bexhill College has a legal duty to protect freedom of expression for their staff members, students and visiting speakers. However, freedom of expression can be limited by law for example, to prevent crime, for national security or public safety, or to prevent unlawful discrimination and harassment.

This code is based around five core ideas based on Freedom of expression: a guide for higher education providers and students' unions in England and Wales (Feb 2019)

- **Everyone has the right to free speech within the law.**
- **Higher education providers should always work to widen debate and challenge, never to narrow it.**
- **Any decision about speakers and events should seek to promote and protect the right to freedom of expression.**
- **Peaceful protest is a protected form of expression; however, protest should not be allowed to shut down debate or infringe the rights of others.**
- **Freedom of expression should not be abused for the purpose of unchallenged hatred or bigotry. Providers of higher education should always aim to encourage balanced and respectful debate**

Everyone has the right to express and receive views and opinions, including those that may ‘offend shock or disturb others’ and protecting this freedom of expression is a legal requirement for higher education providers.

The organisation of a meeting or other activity

A person or persons, including the Student Union shall not hold any meeting or other activity on College premises unless it is in accordance with this Code.

Where a meeting or other activity is organised by a Section, the Head of Section shall be deemed to be the organiser for the purposes of the Code. In all other cases the person or persons organising the meeting or other activity shall be regarded for the purposes of this Code as the organiser or joint organisers of that meeting or other activity.

Where a meeting or other activity on the premises is organised by an outside body, the person agreeing the letting of the premises to be used shall be regarded as the organiser. Under these circumstances the hirer must be asked to abide by the terms of this Code and the relevant section embodied in the hiring document.

Where an external speaker is involved in the meeting or activity, the External Speaker Policy & Procedure should be followed (see Appendix 1 attached).

'Unlawful' meeting

There are some circumstances where UK law limits the right to freedom of expression, for example,

- acts intended or likely to stir up hatred on grounds of race, religion or sexual orientation
- speech amounting to a terrorism related offence
- causing a person harassment, alarm, or distress

The Principal, or designated deputy shall not allow a meeting to take place if in their reasonable belief or suspicion the meeting would be unlawful.

Contentious meeting

A contentious meeting shall not be held unless the organiser has given 14 days notice to the Principal, outlining the nature of the contentious meeting and indicating the topic of the speeches and the name(s) of the visiting speaker(s), along with the external speaker form (appendix 1).

The Principal or designated deputy has the discretion to instruct that any proposed contentious meeting shall not be held on the premises, and shall notify the Corporation at its next meeting of this instruction and any action taken to enforce it.

The Principal or designated deputy shall decide whether or not the contentious meeting should proceed, taking account of the following criteria:

- is there a potential likelihood of confrontation or disturbance at the contentious meeting. If there is a possibility of any disturbance, the College will consult with the relevant authorities including the Police regarding public safety in order to establish whether it is reasonably practicable to allow the meeting to go ahead.
- Under such circumstances, taking into account any advice received, the Principal will decide if the College is able, within reasonable cost limits taking into the location and security of the premises, provide suitable facilities for the meeting.

The Principal may, in some circumstances, agree that the contentious meeting may take place subject to specified conditions being met and/or the payment of sums to cover the costs of such

measures as are deemed necessary to safeguard the safety of persons and the security of premises. This may include:

- Ensuring that speakers are accompanied by a member of staff at all times.
- Ensuring the subject matter of a talk is clear so that, people who attend are aware of any content and views likely to be expressed by the speaker.
- Protests such as rallies, holding counter-events and staging sit-ins to protest around issues they are passionate about are held peacefully without disruption for example a speaker is stopped from speaking freely;
- Challenging high-risk speakers with opposing views
- Having an independent chairperson to facilitate an event and make sure a range of viewpoints can be heard
- Filming an event to deter the use of unlawful speech
- Ticketing an event to avoid non-student violent protest
- Requesting to see any promotional materials before the event
- Look at ways to ensure students who may feel vilified or marginalised feel included and welcome
- Postponing the event if necessary to enable one or more of the steps above to be take

If the Principal or designated deputy decides that, even after taking all reasonable precautions, the safety of staff, students or members of the public, or the speaker, or College property, or the Colleges reputation is above a reasonable level of risk, the Principal will not permit the contentious meeting to take place.

Breach of Code

A member of staff or student who organises or attempts to organise a meeting or other activity contrary this Code, or who continues to act as organiser for a contentious meeting which the Principal or designated has instructed should not be held, shall be liable to disciplinary action contract of employment or Student Code of Conduct.

The conduct of a meeting

The organiser of any meeting or other activity shall be responsible for the orderly and lawful conduct of the meeting or activity and shall also be responsible for regulating the admission of persons to the meeting or other activity and ensuring appropriate levels of staff will be present as may be necessary to manage the meeting/activity.

If at any point the organiser, or any member of staff has reasonable grounds to believe that a meeting or other activity is about to lead to, or has already led to, an unlawful occurrence they have a duty to warn those present, and if necessary, bring the meeting or other activity to a close immediately. The Police should be called for assistance if there is reasonable cause to believe that an breach of the peace is likely.

Reporting of disturbances

The organiser of any meeting or activity held under this code where a disturbance has occurred has the responsibility of providing a detailed written report of the disturbance to the Principal within 48 hours.

Legal considerations

Nothing in this Code shall affect: the individual legal rights of persons affected by actions under the Code; the right of Bexhill College to take appropriate action, including action at law, to seek redress for damage to or loss of its property including cleaning as a result of the meeting/activity.

Academic freedom

Freedom of expression is relevant to freedom of speech and, freedom of expression but academic freedom also relates to the intellectual independence of academics in respect of their work, including the freedom to undertake research activities, express their views, organise conferences and determine course content without interference.

Bexhill College will not use student complaints to impose limits on course content or speaker events organised by tutors.

The college will provide support to their staff, where necessary to make sure that the pressure of student complaints does not lead to self-censorship of academic work.

Complaints regarding Freedom of expression/speech and academic freedom should follow the complaints procedure.

The HE board will oversee that College policies for example, Prevent policy do not inhibit academic freedom.

APPENDIX 1 – External Speaker Policy and Procedure

The aim of this policy is to ensure that the student and staff experience at the College is enriched by input from external speakers and organisations, and that any benefits and risks are considered appropriately in advance of a speaker event whilst ensuring these procedures do not create unnecessary barriers to free speech

The College has a long history of attracting external speakers and organisations to enrich the experience of students and staff. This process seeks to capture the benefits that visiting speakers might bring and to meet the requirements of the new Prevent Duty Guidance for Further Education Institutions in England and Wales.

This policy applies to all staff who organise external speakers.

Policy statement

This policy highlights the Colleges commitment to freedom of speech. The College recognises the value that external speakers bring to the College and its students, and seeks to encourage the provision of enrichment for students through exposure to high quality visiting speakers and organisations

This policy aims to reduce the likelihood that visiting speakers or organisations might seek to promote extremist views or attempt to radicalise students and staff. In addition, it seeks to reduce or eliminate any risks of disruption or poor behaviour, for example as the result of a controversial or popular speaker's presence in College.

Procedure

The Organiser/s of a visiting speaker or organisation event will be required to complete the checklist prior to the event which includes consideration of the speaker(s) and content of any presentation, and the potential audience to whom it is intended to be delivered. Copies of the visiting speaker forms will be held on the CQLT drive by Section. A copy goes to reception.

Where a speaker or organisation requests to come to the College to speak to students and or staff, the member of staff who is contacted, or the member of staff who leads the organisation of the event, will use the same checklist as provided below.

If the topic is potentially politically contentious or likely to compromise the College's values, the organiser will discuss concerns related to the speaker(s) and the content of the presentation with the College's Single Point of Contact for the Prevent Duty (the Assistant Principal i/c Student Services)

If required, the Assistant Principal is able to veto the visiting speaker, organisation or suggest additional controls to allow the event to go ahead.

Where any visiting speakers or organisations address students, the organiser must ensure that at least one member of staff, preferably who has received Prevent training, is present at the event to ensure that any extremist views presented can be challenged.

External Speaker Check and Review Form

Completed forms which result in Amber or Red outcome must be sent to your Vice or Assistant Principal for review. A copy of all completed forms must be stored within the relevant curriculum area on CQLT drive.

Please note speakers must be accompanied by a member of staff at all times

Name of person completing form:
Name of Line Manager:
Curriculum/College area to be visited:
Name of requested speaker/visitor:
Topic of Talk/Discussion/Presentation:
Organisation Represented:
Individual/Organisation contact details (Address, telephone, email)
Does this form relate to a single or multiple visit(s):
Date of planned visit:

Have the speaker been used before Yes/No

If no, the following checks have been completed:

Action	Completed	Outcome
Name of individual Googled	Yes/No	Red / Amber / Green / N/A
Name of organisation Googled	Yes/No	Red / Amber / Green / N/A
Individual/organisation referred by colleague who has previously utilised speaker/visitor	Yes/No	Red / Amber / Green / N/A
Other action taken:		Overall activity outcome: Red / Amber / Green
Any Amber or Red outcomes must be passed to VP prior to the speaker being engaged		

Risk Reduction Measures (for Amber and Red);

Action	Completed
Recent (no more than 6 months old) DBS provided by speaker/visitor if they have one	Yes/No
The speaker will supply their materials/resources in advance of the activity for internal security	Yes / No / N/A
Other actions taken:	

Signature of Staff member _____ Date _____

Signature of HOS _____ Date _____

Signature of VP (if required) _____ Date _____