



# **FREEDOM OF EXPRESSION CODE OF PRACTICE**

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<b>Associated Documents</b>		0010 Guest Speaker and Events Form	

## **Contents**

Aim and Introduction .....	3
Definitions .....	3
Principles of Freedom of Expression .....	4
Procedures .....	5
Appeals.....	6
Compliance with this Code .....	6
Review and amendment of this Code.....	6

## **Aim**

The aim of this policy is to clarify the College's responsibility to foster Freedom of Expression in an educational setting within the boundaries of the law and with consideration of our core principles and values.

## **Introduction**

This Code of Practice has been produced in accordance with statutory duties that include the requirement of Section 43 of the Education (No. 2) Act 1986 for Higher Education providers to have a Code of Practice to protect freedom of lawful speech and expression and academic freedom. This Code of Practice also reflects the Counter-Terrorism and Security Act 2015 that requires, as part of the Prevent Duty, that further educational providers have policies and procedures in place for the management of events on premises belonging to the further education providers or events hosted by the college on other premises.

Freedom of expression is a fundamental right protected by the Human Rights Act 1998 and by Article 10 of the European Convention of Human Rights. It is also protected under common law. Protection under Article 10 extends to the expression of views that may shock, disturb or offend the deeply held beliefs of others.

Section 43(1) of the Education (No 2) Act 1986 requires that 'every individual and body of persons concerned in the government of any establishment to which this section applies shall take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers'.

Telford College is committed to safeguarding freedom of expression and upholding academic freedom of enquiry in its teaching, research and associated activities. The College values the rights, responsibilities and dignity of all individuals, accommodating their wide range of views even where they are controversial, unpopular and provocative. This includes ensuring free and open discussion can take place in an atmosphere of tolerance, and in compliance with policies and procedures and statutory duties, referenced within section 6 of this document.

The college is also committed to discharging its positive duty under the Equality Act 2010 to promote good relations within the college.

The college also has regard for the Human Rights Act 1998 when making decisions on matters pertaining to freedom of expression, including in relation to external speakers.

The College has a duty to promote fundamental British Values: democracy, the rule of law, individual liberty, mutual respect and tolerance of those of different faiths and beliefs.

This Code of Practice should be read in conjunction with the Guest Speaker and Events Form.

## **Definitions**

The rights and obligations of this Code of Practice shall apply to:

- The members of the College, including students and staff;
- The members of the Council and co-opted members of its committees;

- The students' unions of Telford College, its staff, members and the premises in which they occupy, including any societies, clubs and associations;
- External speakers and attendees at events to be held on premises in accordance with this Code and the Guest Visitor & Events Form.

External speakers are defined as persons who are not members of the College, who are invited to speak on College premises (or on premises hosted by the College) as part of the normal academic curriculum (teaching, research and its administration) or at other events, such as public lectures, student society events, meetings, debates and conferences.

Events are defined as any organised meeting, gathering or similar activities, which take place on College premises or off campus but are organised under the control of the College, including events held in the normal course of the College's teaching, learning and research programmes or its administration.

College premises are defined as any building, land or space owned or occupied by the College.

The organiser of the external speaker will complete the necessary paperwork and follow the college process to gain relevant authorisation to ensure that all members, students and employees of the College, members of the student union and visitors comply with the provisions of this Code.

## **Principles of Freedom of Expression**

This Code enables the College to take such steps as are reasonably practicable to ensure that the rights to freedom of expression within the law is secured for members, external speakers and visitors to the College, even if such speech is controversial, contentious or provocative. This principle extends to conduct online and on social media.

The College, so far as is reasonably practicable and within the law, will not deny the use of premises to any individual or organisation on any grounds connected with:

- a) The beliefs or views of that individual or organisation; or
- b) The policy or objectives of that individual or organisation.

The College will not permit any form of event on its premises, or to be hosted by the College on other premises that is likely to:

- Result in a breach of criminal law or incite attendees to commit a criminal offence;
- Result in a civil disorder or breach of peace;
- Result in an increased risk to health and safety;
- Result in a security risk;
- Result in a detrimental effect on College reputation and/or standing.

No one can rely on the human right to freedom of expression to limit or undermine the human rights of others.

The college operates in the public sector and has duties to promote good relations between communities protected by equality legislation. This may require active challenge to the use of offensive communication and hate speech. That is, expression which incites violence, hatred or discrimination against other persons and groups, particularly by reference to their ethnicity, religious belief, gender, sexual orientation, language, national origin or immigration status.

The College expects all speakers and attendees, including those that may be involved in protest activities, to respect its values, to be sensitive to the diversity of its community and to show respect to all sections of that community.

The College recognises the right to peaceful demonstration.

The College reserves the right to monitor, regulate, impose conditions or restrictions upon any event on its premises and if necessary, close an event and request all persons to leave College premises.

The College has a duty under the Counter Terrorism and Security Act 2015, to participate fully in work to prevent people from being drawn into terrorism.

Members of the College have the right to work and study unhindered by hostility, offensive conduct or intimidation. It should be noted that 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 likely to be unlawful.

The College would expect the student union to protect freedom of expression and its associated rights whilst complying with its own statutory duties. The student council must comply with the College's Guest Visitors and Events Form where any such event is proposed to take place on premises owned by the College or to be hosted with an association with the College.

The provisions of this Code apply primarily to events; however, it should be understood that the principles also apply to protect freedom of expression and its associated rights during social, private and recreational events. Therefore, all members of the College should observe the principles at all times whilst on the premises or whilst conducting themselves under the College name.

## Procedures

Freedom of Expression is not absolute and without restriction. The College must ensure that there is proportionate and reasonable limitation of expression in order to maintain public order and safety and comply with statutory duties.

Formal approval by the College must be obtained, in advance, for any event to be held on the College's premises, whether or not an external speaker is involved. Where it is expected, or reasonably foreseeable, that the event will raise controversial issues which may risk infringement of or non-compliance with this Code of Practice. This includes where an external speaker is invited to the College to be involved in an event under the remit of the normal academic curriculum.

The College maintains a Central External Speakers Database which records the details of all those external speakers that have been either approved or rejected under the Procedure.

In the case of any doubt as to whether a proposed external speaker might require formal approval under the Guest Visitor & Events Form, the event organiser should consult the Vice Principal Curriculum or duty designate at the earliest opportunity so that the correct procedures can be followed.

## **Appeals**

Appeals against decisions including an appeal against any restrictions or conditions imposed, may be submitted in writing for consideration to any one of the College's Executive Leadership Team within five working days of receiving written notification. All appeals will be heard and decisions confirmed in writing within fifteen working days.

## **Compliance with this Code**

Members of the College are expected to promote and encourage compliance with the principles and spirit of this Code. Members of the College who fail to ensure that the provisions of this Code of Practice are adhered to may be liable to disciplinary action in accordance with College Regulations, policies and procedures, in addition to any possible prosecution for breach of the law.

Where a breach of this Code takes place at an event, the College may take steps to assist the Police, Crown Prosecution Service or any other relevant external body, to secure identification of the persons committing offences with a view to appropriate action being taken against them.

The following College documents should be considered and complied with when organising an event on College premises involving an external speaker:

- Guest Visitor & Events Form
- Data Protection Policy
- Equality, Diversity and Inclusion Policy
- Grievance & Harassment Procedure
- Safeguarding Policy
- Internet, Email and Web Filtering Policy
- Whistleblowing Policy
- Estates & HR procedures, such as Health & Safety Procedures, etc.

These documents, along with other policy documents, are available from the college website.

## **Review and amendment of this Code**

The College acknowledges its duty under Section 43 of the Education (No. 2) Act 1986 to issue and keep an up-to-date code of practice on freedom of expression. In order to comply with this duty, the College will review formally the operation of the Code of Practice at least every three years, led by the Designated Safeguarding Lead and Student Council President in consultation with key internal and external stakeholders, including the Regional Prevent Higher Education & Further Education Coordinator.

The Director of Student Services shall be responsible for ensuring that this Code of Practice and the Guest Speaker & Events Form remains fit for purpose at least annually, in addition to the full review that shall take place at least every three years.

The College Corporation shall have final responsibility for approval of any changes to the Code of Practice.