

## Policy: Freedom of Speech

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## 1. Purpose and Introduction

As an institution of Further Education, which values academic freedom, the Franklin Sixth Form College is committed to promoting and positively encouraging free debate and enquiry. This means that it accommodates a wide range of views, political as well as academic, even when they are unpopular, controversial or provocative.

Franklin Sixth Form College affirms its commitment to freedom of speech. It must, however, take account of its other legal obligations, beyond those imposed by the Act. For example, a speaker who incites an audience to violence, breach of the peace or racial hatred is acting contrary to public order laws and as such shall not be regarded as lawful within the remit of this code. Speakers must respect the rights and freedom of others as protected by the law (for example, they must not make statements which are actionable for defamation).

All meetings taking place on College premises are private, unless the public is expressly invited to attend.

This policy is concerned with ensuring that all students and employees of the College and visiting speakers have freedom of speech within the law.

## 2. Scope and Legal Definitions

### 2.1 Law

The role of the College in promoting and encouraging free debate and enquiry is reinforced in three pieces of legislation:

1. The 1986 Education Act states that: 'persons concerned in the government of any establishment...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.'

The College will not, therefore, as far as is reasonably practicable, deny access to its premises to individuals or bodies on the basis of their beliefs, views or policies.

2. The Equality Act 2010 covers the following protected characteristics: age, disability, gender, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief and sexual orientation.
3. In addition, clear guidance is required to students, staff, governors and external agencies as to how the College manages freedom of speech as part of its Prevent Duty Guidance and in line with the Counter-Terrorism and Security Act 2015. Training has been provided to all members of staff regarding their obligations to Prevent Duty.

The associated public sector equality duty requires colleges in the exercise of their functions to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited under the Act
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it; and
- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

### 2.2 Equality Statement

This policy applies to all College staff regardless of age, race, disability, religion or belief, gender, sexual orientation, marital or civil partnership status, gender reassignment, pregnancy or maternity, or any other status. All individuals will be treated in a fair and equitable manner recognising any special needs where adjustments can be made. No individual will suffer any form of unlawful discrimination, victimisation, harassment or bullying as a result of this policy.

### 3. Policy Statement and Code of Practice

#### 3.1 Scope of the Policy

This Code of Practice applies to all staff, students, governors and visitors invited to speak at or take part in meetings, events or other activities.

The College expects students, staff, governors and visitors invited to speak at or take part in meetings, events or other activities to ensure that freedom of speech within the law is assured.

#### 3.2 Statement and Code of Practice

A meeting, event or other activity which is likely to give rise to or creates an environment in which people will experience fear, harassment, intimidation, verbal abuse or violence, particularly because of their age, gender, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief and sexual orientation (protected characteristics), is likely to be unlawful.

If students, staff and/or Governors believe that a meeting, event or other activity that is being organised poses a risk of the above, they are required to report the matter in the first instance to the Principal, Vice Principal or Assistant Principal-Pastoral. No advertising of the meeting, event or activity is permitted until a decision is reached on its compliance with this Code of Practice.

The Principal, Vice Principal or Assistant Principal-Pastoral will decide if the meeting, event or activity complies with the College's Code of Practice and if it can go ahead. They may, however, require the organiser to put in place safeguards, such as a strong and well-informed Chair for the meeting, event or activity, before it can go ahead. They may also require the organiser to record the meeting or event or activity, so there is no dispute afterwards about what is said by whom.

A named organiser should be identified for all meetings, events or activities organised on the College's premises and the proforma in the College Visitor System should be completed to inform the Principal, Vice Principal or Assistant Principal-Pastoral of the meeting or activity.

If the Vice Principal or Assistant Principal-Pastoral decides the meeting, event or activity poses too great a risk, they will make a recommendation to the Principal to deny access to the College's premises. The Principal, Vice Principal or Assistant Principal-Pastoral may decide to consult with students, staff or other groups or take legal advice before coming to such a recommendation.

The Principal's decision will be final and not subject to appeal.

The expression of views that may be controversial, but do not breach the law, will not constitute reasonable grounds for refusal for a meeting, event or activity. Reasonable grounds for refusal would include: incitement to commit a criminal act, unlawful expression of views (Freedom of Expression is limited by laws to protect national security, such as the Counter Terrorism and Security Act 2015, and public safety, for the prevention of disorder or crime, for the protection of the reputation or rights of others and to prevent the disclosure of information received in confidence. A speaker from an organisation proscribed by law would therefore not be allowed. A significant strand in the regulatory framework is the duty (under the Equality Act 2010) to promote good relations between persons of different racial groups, infringement of the civil and human rights of others, support for an organisation whose aims are illegal, the creation of an

environment likely to promote violent extremism, to pose a threat to the health and safety of individuals or which gives rise to a breach of the peace.

If a meeting, event or activity has been advertised, students and staff may still make representations to the Principal or Vice Principal if they feel it breaches this Code of Practice. If the event is allowed to take place, they will be allowed the right of peaceful protest for one hour prior to the meeting, event or activity taking place. They will not be permitted to interfere with the running of the meeting or event.

The Student Union encourages debate and political activity. As representatives of the student body at the College, they have a responsibility to ensure that student led events are conducted in a safe space and are free from discriminatory activity. Any individual student or groups of students wanting to organise a meeting, event or activity at the College must contact the President of the Student Union and the Assistant Principal-Pastoral to ensure that the meeting, event or activity proposed is feasible logistically and complies with this Code of Practice. Ultimately, it is the College's decision whether to allow a meeting, event or activity to take place on its premises.

College students will be allowed to distribute leaflets or other publicising material (including electronic) in College provided that material produced is not in breach of the College's Equal Opportunities Policy. If an individual student or group of students wants to distribute leaflets or other publicising material (including electronic) they must contact the Assistant Principal-Pastoral before doing so, so that a decision can be made as to whether this material complies fully with the College's Equal Opportunities Policy.

Non-College students or staff would need to agree any distribution of leaflets or other publicising material activity with the Assistant Principal-Pastoral. This material must also comply with the College's Equal Opportunities Policy. There may be a charge for this activity.

Wilful breach of this Code will be dealt with under the College's disciplinary procedures and, if necessary, by recourse to law.

If you are proposing to run a meeting, event or activity and are concerned it may constitute a breach of this Code of Practice, please contact in the first instance the Vice Principal.

## 4 . Policy References

### **4.1 Access to the policy**

The policy will be available via the College's Microsoft Teams presence and also published on the College's website [www.franklin.ac.uk](http://www.franklin.ac.uk)

### **4.2 Quality and Assurance Monitoring**

The College Leadership Team will review the policy no less than every three years.

## APPENDIX A

### Procedure for Inviting a Guest speaker

