

Freedom of Speech Code of Practice 2018 - 2021

Equality Impact Assessment: Askham Bryan College recognises the importance of the Equality Act 2010 and its duties under the Act. This document has been assessed to ensure that it does not adversely affect staff, students or stakeholders on the grounds of any protected characteristics.

1. POLICY STATEMENT

“If liberty means anything at all, it means the right to tell people what they do not want to hear.” — George Orwell

- 1.1 Askham Bryan College is committed to the principle of free speech and in particular, the principle of free academic debate and discussion, to the fullest extent permitted by law. This extends to a wide range of issues, including, but not limited to social, political, economic and religious issues, and legal and moral issues, and subject to 1.3 and 1.4 below, ideas that have the potential to offend, shock or disturb the listener. Ideas and opinions should be capable of being expressed in an atmosphere of mutual respect and tolerance.
- 1.2 This principle applies to all staff, Governors, members of the Corporation, students, Student Union and visitors to the College.
- 1.3 However, the College will not tolerate or countenance an environment of fear, harassment, intimidation, verbal abuse or violence.
- 1.4 Freedom of speech also means freedom from intimidation, harassment and fear.

2. SCOPE

- 2.1 Section 43, subsection (1) of the Education (No.2) Act 1986 provides that every individual and body of persons concerned in the government of any establishment to which that section applies, ie educational institutions such as the College, 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.
- 2.2 The duty imposed by subsection (1) includes, in particular, the duty to ensure, so far as is reasonably practicable, that the use of any premises of the establishment is not denied to any individual or body of persons on any ground connected with (a) the beliefs or views of that individual or of any member of that body, or (b) the policy or objectives of that body.

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- 2.3 The Act requires the governing body of an institution to issue a Code of Practice which establishes the procedures to be followed by members of the institution regarding meetings held on the premises which fall under the purview of this Code, and the conduct required in connection with these meetings.
- 2.4 Every individual and body of persons concerned in the government of the institution, including the members of the Students Union, is required to take such steps as are reasonably practicable (including where appropriate the initiation of disciplinary actions) to ensure that the Code of Practice and any associated procedures are complied with.
- 2.5 Section 43 is also reinforced by the provisions of the Equality Act 2010 which makes it illegal to discriminate against someone, whether directly or indirectly, because of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 2.6 The College also celebrates and values the diversity brought to it by all those individuals who live, work and learn here and believes the College will benefit from attracting and retaining learners and staff from a variety of backgrounds. The principles of equality and diversity are therefore also at the heart of College life and are also supported by appropriate policies, procedures and good practice.
- 2.7 This Code of Practice is also written with reference to the Prevent Duty contained within Section 26 of the Counter Terrorism and Security Act 2015 (CTSA 2015). The duty states that specified authorities including further education colleges, in the exercise of their functions, must have “due regard to the need to prevent people from being drawn into terrorism”.
- 2.8 The College is committed to supporting vulnerable students through its safeguarding policies and procedures and recognises that this can support the College’s contribution to the Prevent duty. The guidance on Prevent is included within SCA6 (Safeguarding Policy).
- 2.9 Breach of this Code will be dealt with under the College’s disciplinary procedures and, if necessary, by recourse to the law.

3. EXTERNAL SPEAKERS

- 3.1 The College recognises the value that external speakers bring to the College and its students, and seeks to encourage the provision of enrichment to learners and staff through exposure to high quality visiting speakers and organisations.
- 3.2 The College is committed to attracting external speakers and organisations to enrich the experience of students, staff and the community. However, the requirements of the Prevent Duty will be met when responding to requests from external speakers to ensure that any risk of attempted radicalisation is considered to the College.

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- 3.3 This Code of Practice seeks 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.
- 3.4 The College, however, is mindful that it needs to balance its legal duties, in terms of ensuring freedom of speech whilst at the same time protecting student and staff welfare. Encouragement of terrorism and inviting support for a proscribed terrorist organisation are both criminal offences. The College will not provide a platform for these offences to be committed.
- 3.5 When deciding whether or not to host a particular event that involves a residential element, the College will consider carefully whether the views being expressed, or likely to be expressed, constitute extremist views that risk drawing people into terrorism or are shared by terrorist groups.
- 3.6 Likewise the College will consider whether the activities of the organisation wishing to book a residential event constitute a risk of drawing people into terrorism or are shared by terrorist groups.
- 3.7 In these circumstances the event should not be allowed to proceed except where the College is entirely convinced that such risk can be fully mitigated without cancellation of the event. Where the College is in any doubt that the risk cannot be fully mitigated, then the College should err on the side of caution and not allow the event to proceed.
- 3.8 The College will undertake a process for assessing risks associated with any planned events, which provides evidence to suggest whether an event should proceed, be cancelled or whether action is required to mitigate any risk (for further, see below). There is also a mechanism in place for assessing the risks associated with any events which are College-affiliated, funded or branded; but which take place off their premises and for taking swift and appropriate action.
- 3.9 The College will ensure that staff involved in the physical security of the estate have an awareness of the Prevent duty. Where appropriate and legal to do so, the College will also follow established guidance in place for the sharing of information about speakers with other institutions and partners.

4. EXTERNAL SPEAKERS AND THEIR RESPONSIBILITIES

- 4.1 An external speaker or visitor is used to describe any individual or organisation who is not a student or staff member for the College or one of its contracted partners and who has been invited to speak to students and/or staff. This includes any individual who is a student or staff member from another institution. It also includes the main contact from any external venue hire client who is paying to use College facilities.

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- 4.2 An event is any event, presentation, visit, activity or initiative organised by a student group/society, individual or staff member that is being held on the College premises. It also includes events where external speakers are streamed live into an event or a pre-recorded film is shown. It also includes activity being held on the College premises but organized by external venue hire clients.
- 4.3 All speakers or visitors should be made aware by the person or group arranging the event (by referring visitors to this policy on the College website) that they have a responsibility to abide by the law and the College's policies, including that they:-
- must not advocate or incite hatred, violence or call for the breaking of the law;
 - are not permitted to encourage, glorify or promote any acts of terrorism including individuals, groups or organisations that support such acts;
 - must not spread hatred and intolerance in the community and thus aid in disrupting social and community harmony;
 - must be mindful of the risk of causing offence to or seek to avoid insulting other faiths or groups, within a framework of positive debate and challenge;
 - are not permitted to raise or gather funds for any external organisation or cause without express permission of the College (available from Head of Student Services or Head of Marketing).
- 4.4 To assist in deciding if an external speaker is appropriate or not, the organiser should consider:
- Do they represent an organisation proscribed by the UK Government?
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/538297/20160715-Proscription-website-update.pdf
 - If the event were allowed to go ahead, could they breach UK laws on hate speech?
<https://www.libertyhumanrights.org.uk/human-rights/free-speech-and-protest/speech-offences>
 - If the event were allowed to go ahead, is there the possibility that they could encourage violent extremism or terrorism, or draw people into terrorism?
 - <https://www.gov.uk/government/publications/prevent-duty-guidance>
- 4.5 If in doubt as to the suitability of a speaker, you should refer the decision firstly to your Head of Department or the Head of Marketing, and then to the Director of Student Services. Guidance may also be sought at this point from the Director of Physical Resources.

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- 4.6 In the event of referral, one of the following decisions will be made:-
- To not permit the event with the external speaker to go ahead;
 - To not permit the external speaker to attend the event (if it is a wider event);
 - To fully permit the event with the external speaker to go ahead unrestricted;
 - To permit the event with the external speaker to go ahead on the basis of regulatory steps designed to reduce risk. These may include observation; independent filming; the inclusion of opportunities to debate or challenge the view being held.
- 4.7 In making recommendations, the Head of Marketing or Director of Student Services may consult on a wider basis with the Campus Principal and the risk of the event going ahead will be assessed on the following basis:
- the potential for any decision to limit freedom of speech;
 - the potential for the event going ahead to cause reputation risk to the College;
 - the potential for the speaker's presence on site to cause fear or alarm to students or members of staff AND/OR to give rise to breach of peace.
- 4.8 Managers are responsible for ensuring that their staff team and students are aware of and support this Code of Practice.
- 4.9 The Marketing team will make external venue hire clients aware of this Code of Practice and request details of any external speakers that they are bringing in. This information should be provided no later than 12 days before the booking goes ahead.
- 4.10 Where any visiting speakers or organisations address students, the organiser must ensure that at least one member of staff, who has received Prevent training, is present at the event to ensure that any extremist views presented can be challenged.

5. EXTERNAL SPEAKERS PROCEDURE

- 5.1 Events to be held at College, either:
- an 'external' event' i.e for clients external to the College, that involve a visiting speaker or organization;
- OR
- where a speaker or organisation requests to come to the College to speak to students and / or staff i.e. an 'internal' event,

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should be risk assessed, at least 12 days in advance of the event, either by the person taking the booking for the 'external' event or the member of staff who leads the organisation of the 'internal' event.

- 5.2 The risk assessment process included completion of a Checklist form that incorporates consideration of the speaker(s) and content of any presentation, and the potential audience to whom it is intended to be delivered. The Checklist form is available in Appendix B.
- 5.3 The completed form should be discussed with the organiser's line manager prior to confirmation of the visiting speaker or organisation. The line manager of the organiser can countersign the checklist if there are no concerns arising.
- 5.4 If the line manager has concerns about the speaker(s), content or any other aspect of the event, they should refer the matter via the Head of Marketing or Head of Department to the Director of Student Services. The Director of Physical Resources may be consulted in the case of concerns about disruption or crowd control.
- 5.5 In making recommendations on the suitability of the event/speaker, the Director of Student Services may in extreme cases consult on a wider basis with Campus Principal. Either of these postholders is able to veto the visiting speaker or organisation, or suggest additional controls (and update the checklist) to allow the event to go ahead. If they judge in their opinion that the event may go ahead, that decision will be communicated to both the organiser and their line manager.
- 5.6 A copy of the Checklist form should be sent no later than 12 days before a planned event to the organiser's line manager / Head of Marketing (in the case of external conference bookings) for their consideration and sign off (where appropriate).
- 5.7 If any concerns are arising, the form should be forwarded to the Director of Student Services as soon as possible for their consideration and approval / rejection. The decision will be communicated to the organiser and their line manager via email.
- 5.8 Copies of all Checklist forms should be on the shared SMT Drive and a copy lodged at College Reception in advance of the event.
- 5.9 Head of Marketing or Director of Student Services must be informed of any events that involve external speakers through this procedure. No event involving any external speakers may be publicised or considered confirmed until the speaker has been cleared through the procedures detailed in this policy. This includes advertisement through any social media platform.
- 5.10 The College reserves the right to cancel, prohibit or delay any event with an external speaker if the policy is not followed or if health, safety and security criteria cannot be met.
- 5.11 Any room booking/event organisation with an external speaker involved must be made no later than 14 days before the date of the event. This is to allow for the organizer to have made adequate safeguarding checks as well as allowing time for

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alterations to the event if necessary. Any request made outside of this timeframe will be rejected unless there are extreme extenuating circumstances.

- 5.12 The individual/group organising an external speaker should conduct brief research into the proposed speaker. The Head of Marketing (for external events) or the organiser's line manager (for internal events) can approve the risk assessment checklist, where no concerns about the nature of the speaker/proposed content are raised as a result of the research.
- 5.13 As stated above, if in doubt as to the suitability of a speaker, you should refer the decision firstly to your Head of Department or the Head of Marketing, and then to the Director of Student Services. Guidance may also be sought at this point from the Director of Physical Resources.

6. RESPONSIBILITIES

- 6.1 It is the responsibility of all staff and students, Governors and members of the Corporation, to ensure that the principles of free speech, free academic debate and discussion, and equality, diversity and inclusiveness are respected at all times.

7. MONITORING AND REVIEW

- 7.1 The Legal and Compliance Adviser, assisted by the Director of Higher Education, will maintain oversight of the effectiveness of this Code of Practice, which will be reviewed every three years, or when relevant legislation or government guidance is revised.

8. SUPPORTING/RELATED DOCUMENTS

- HR12 - Equality and Diversity and Inclusion Policy
- Peer on Peer Abuse (Students) Policy
- Staff Code of Conduct
- College Charter and Code of Conduct
- Code of Practice for Student Union

9. LIST OF RELEVANT LEGISLATION (NON-EXHAUSTIVE)

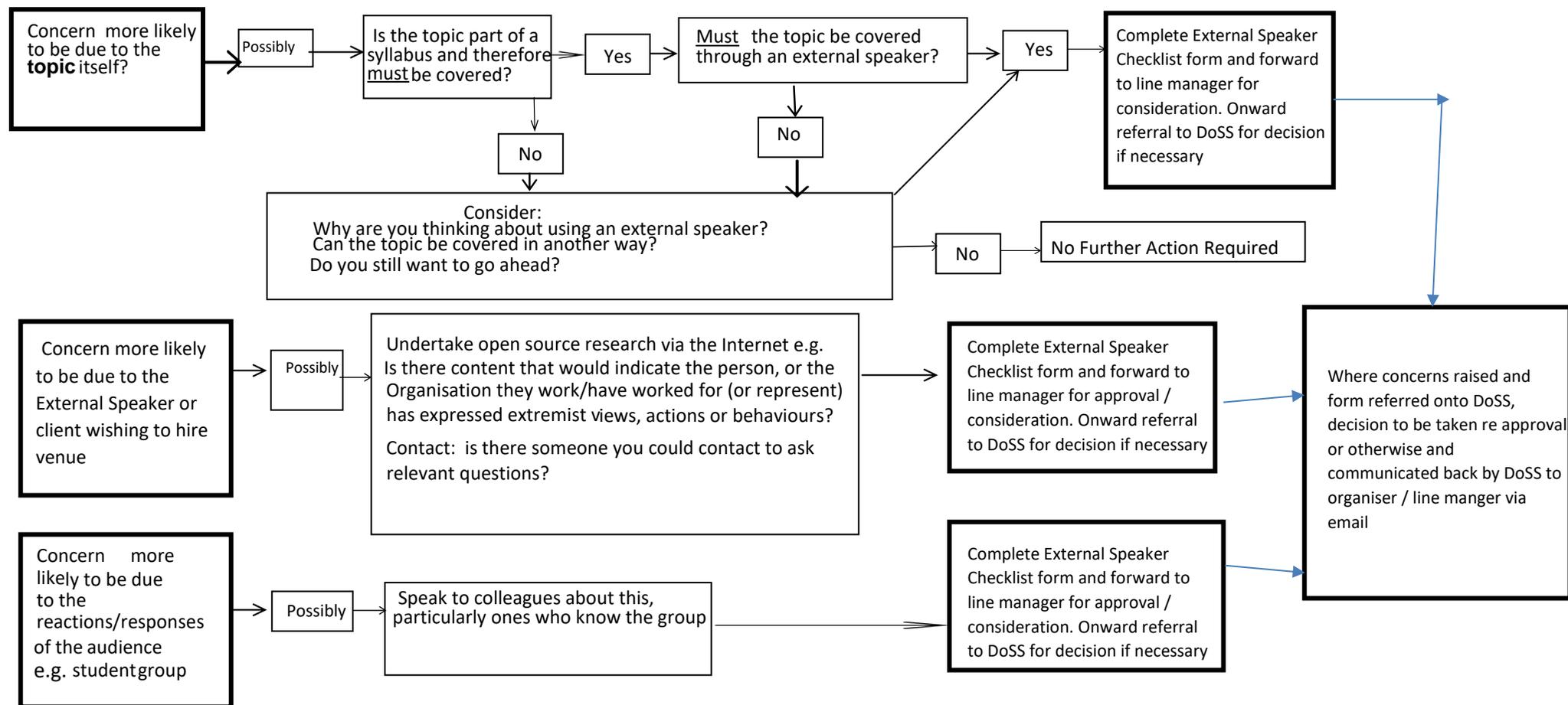
- Education (No2) Act 1986
- Equality Act 2010
- Human Rights Act 1998
- Protection from Harassment Act 1997
- Safeguarding Vulnerable Groups Act 2006
- Terrorism Act 2000
- Terrorism Act 2006
- Counter Terrorism and Security Act 2015
- Public Order Act 1986 (POA) as amended by Racial and Religious Hatred Act 2006 and Criminal Justice and Immigration Act 2008

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Appendix A

External Speaker / Guest Flowchart

Does the activity have the potential for extremist views, actions or behaviour to be expressed? If the answer is 'No', or not very likely, then no further action is required. If the answer is 'Yes' or 'Possibly' or 'I do not know' then you should follow the flowchart below. Complete External Speaker Checklist form and forward to line manager for approval / consideration



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**FREEDOM OF SPEECH CODE OF PRACTICE
GA34**

Appendix B: External Speakers and Events Checklist Form (for internal use only)

RISK ASSESSMENT: EXTERNAL SPEAKERS AND EVENTS

	DETAILS / COMMENTS	<i>Date done</i>
WHO WANTS TO USE THE VENUE?		
<i>Name and contact details of main organiser</i>		
<i>Name and details of speaker (if different)</i>		
<i>Check – who do they represent?</i>		
<i>Check – have they spoken elsewhere?</i>		
<i>Date, time, place of meeting</i>		
<i>Expected arrival and departure time</i>		
<i>How many attendees expected?</i>		
THE REASON TO USE ABC AS VENUE		
<i>Check – what is the topic for the event?</i>		
<i>Check – how is the event to be advertised?</i>		
<i>Check – conditions e.g. open event / ticket only?</i>		
<i>Check – will media be present?</i>		
<i>Check – will event be segregated?</i>		
WIDER CONSIDERATIONS		
<i>Check – speaker’s reputation</i>		
<i>Check – who may be prompted to attend?</i>		
<i>Check – will speaker agree to abide by ABC regulations and values?</i>		
<i>Check – any risks for ABC’s reputation?</i>		
<i>Check - Any potential for speaker to use ‘unlawful’ language?</i>		
<i>Check – Any health and safety issues?</i>		
<i>Check – what security may be required?</i>		

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FREEDOM OF SPEECH CODE OF PRACTICE GA34

GUIDELINES:

WHO WANTS TO USE THE VENUE?

- Basic details should be recorded to include speakers address, mobile number and organisation details
- Has the identity of the speaker been confirmed and is their organisation bona fide? Are they known to you?
- Is the speaker from the area? Are they UK citizens or from overseas and are they travelling specifically for this event?
- Check on internet to confirm status of speaker: include – website, Youtube ,social media sites
- How many people are likely to attend (check previous events locally / online)

THE REASONS TO USE ABC AS A VENUE

- What is the topic for the event and how will it be marketed? Will it be advertised locally or at a regional / national level?
- Has the topic met regionally or nationally with any criticism or hostility when it has been hosted before?
- Why has ABC been chosen for this event? Is it capacity, local interest or some other reason?
- Are the event organisers requesting special conditions such as a closed meeting, tickets or segregation?
- Has any pressure (either directly or indirectly) been undertaken by any person to run or not run this event? Is there community pressure to run the event? Or have there been objections by some people to running it?

WIDER CONSIDERATIONS

- Does the speaker or members from the organisation they represent have a reputation for causing disruption at venues?
- Are there likely to be any health and safety or public order issues that may occur as a result of the event?

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- Have we alerted local police and partner contact details if we have concerns regarding the above?
- Are there any risks to ABC reputation by hosting this event?
- Will the event be supervised by venue staff and / or will the speaker agree to abide by any venue conditions of access?

SIGNED ON BEHALF OF ABC:

PRINT NAME SIGNATURE

APPROVED BY: (LINE MANAGER)

PRINT NAME SIGNATURE

COUNTERSIGNED BY DIRECTOR OF STUDENT SERVICES (WHERE APPROPRIATE)

PRINT NAME SIGNATURE

(SEND COPY SIGNED BY ORGANISER/LINE MANAGER TO DIRECTOR OF STUDENT SERVICES)

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