

Moulton College

Freedom of Speech Policy and Code of Practice

- 1. Author:** Principal
- 2. Date:** September 2015
- 3. Date of last review:** Not Applicable as this policy is being introduced for the first time
- 4. Next review due:** September 2017
- 5. High Level Strategic Objectives this Policy feeds in to:**
 - 5.1 Learning and Skills Development**
No direct feed.
 - 5.2 Quality Assurance and Improvement**
No direct feed.
 - 5.3 Business Development and Community Engagement**
No direct feed.
 - 5.4 Human Resources and Organisational Development**
Foster a culture of, equality, diversity, inclusion and safety for all (D3).
 - 5.5 Finance and Resources**
No direct feed.
- 6. Legislative Framework that this Policy relates to:**
 - 6.1 Education (No 2) Act 1986 and 2002
 - 6.2 Prevent Duty Guidance and the Counter-Terrorism and Security Act 2015
 - 6.3 Working together to safeguard children – March 2015
 - 6.4 Children Act 1989 and 2004
 - 6.5 Keeping children safe in education – July 2015
- 7. Links to other Policies and Procedures that may be relevant to the reader;**
 - 7.1 Safeguarding and Child Protection Policy and procedures
 - 7.2 Prevent Duty guidance and procedures
 - 7.3 Child Protection procedures
 - 7.4 Health and Safety procedures
 - 7.5 Disciplinary procedures
- 8. Introduction**
 - 8.1 This Policy and Code of Practice sets out Moulton College's approach to freedom of speech for the benefit of students, staff and governors of the College.

9. Policy Statement

- 9.1 The College is required under the terms of the Education (No 2) Act 1986 (the "Act") to issue and keep up to date a code of practice setting out the procedures to be followed by members, students, staff and governors of the College, in connection with the organisation of meetings and activities taking place on its premises, and which fall within any class specified in the code. All concerned with the governance of the College are required to ensure compliance, through disciplinary measures if necessary, with the terms of the code of practice.

10. Principles of the Code

- 10.1 The College believes that an atmosphere of free and open discussion is essential to its life and work. Such an atmosphere can be achieved only if all concerned behave with necessary tolerance and avoid needlessly offensive or provocative action and language.
- 10.2 All meetings taking place on College premises are private, unless the public is expressly invited to attend. The College is not obliged to admit members of the public to meetings taking place on its premises, and must take account of other legal obligations which may require it to have regard to what is said on its premises. (A speaker, for example, who incites an audience to violence or to breach of the peace or to racial hatred, transgresses the bounds of lawful speech. Equally, assemblies of persons, even if directed to lawful purposes, cease to be lawful if they cause serious disorder or breaches of the peace.)

11. Scope of the code

- 11.1 The requirements of this code apply to all the staff of the College, the students registered at the College and the Governors of the College.

12. Requirements of the Act

- 12.1 The Education (No 2) Act 1986 (the "Act") states that every individual and body of persons concerned in the government of any further education institution shall take such steps as are reasonably practicable to ensure freedom of speech within the law is secured for students and employees of the institution and for visiting speakers.
- 12.2 There is also a requirement that, so far as is reasonably practicable, the use of College premises shall not be denied to any individual or body of persons on any ground connected with:
- a) the beliefs or views of that individual or any member of that body; or
 - b) the policy and objectives of that body.
- 12.3 The Act further requires the College's governing body shall, with a view to facilitating the discharge of this duty issue and keep up to date a code of practice setting out:
- a) the procedures to be followed by students and employees of the establishment in connection with the organisation:
 - i. of meetings and other activities which are to be held on College premises and which fall within any class of meeting specified in the code; and
 - ii. of other activities which are to take place on those premises and which fall within any class of activity so specified; and
 - b) the conduct required of such persons in connection with any such meeting or activity.

- 12.4 Additionally, the Act states that every individual and body of persons concerned in the governance of the College is required to take such steps as are reasonably practicable (including where appropriate the initiation of disciplinary measures) to secure compliance with the code of practice.
- 12.5 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.

13. Speakers

- 13.1 The code is concerned with ensuring that all students, staff and governors of the College, and visiting speakers, have freedom of speech within the law.
- 13.2 In the case of meetings organised by students these must be done in consultation with the Student Support Manager. An invitation should not be sent by a student or students individually without prior consultation with the Student Support Manager. The Director of Quality Improvement and Student Support must be informed of any invitation issued.
- 13.3 In the case of meetings organised by staff, speakers must come at the invitation either of a collective body such as a Department or a trade union or of a member or members of the staff individually. The latter must first consult the Senior Leadership Team. In all cases the Director of Quality Improvement and Student Support must be informed before the issuing of any invitation.
- 13.4 In the case of meetings organised by the College, speakers must come at the invitation of the Principal.

14. Other Requirements of the Code

- 14.1 Where a meeting is organised by a collective body or by two or more individuals, the organisers should appoint one person as the primary organiser in order to simplify communication and liaison between the organisers and the College and to avoid confusion.
- 14.2 The primary organiser of a meeting must give the Director of Quality Improvement and Student Support four weeks' written notice of the meeting, setting out the proposed date, time and place of the meeting; the subject of the address; the name of the speaker; and a statement whether the meeting is going to be private or open to the public. Exceptionally, where four weeks' notice is impractical, the Director of Quality Improvement and Student Support may agree to accept shorter notice.
- 14.3 Within one week of receiving notice from the primary organiser, the Director of Quality Improvement and Student Support will respond in writing. Where permission is granted, the Director of Quality Improvement and Student Support may attach any conditions which s/he considers necessary for the fulfilment of the College's legal obligations, to protect and secure freedom of speech and/or any other legal obligation and/or fulfil any other College requirements or rule.
- 14.4 The primary organiser and every other person concerned with the organisation of a specified event for which permission has been granted shall be required to comply with all conditions laid down by the Director of Quality Improvement and Student Support for the conduct of the event under the provisions of this code. Such conditions may include but shall not be limited to:

- method of advertising the event
- admittance or non-admittance of members of the public
- issue of tickets where a meeting is to be open to the public
- provision of means of identity by those attending
- provision of a specified number of suitable stewards
- attendance of security staff
- presence of specified senior members of the University
- the refusal of admission of press, radio or television to the event
- the mode of appointment of a Chairman for the event
- appointment of a "controlling officer"

- 14.5 The Director of Quality Improvement and Student Support must be satisfied that the organisers comply fully with all such conditions.
- 14.6 The Director of Quality Improvement and Student Support has discretion to consult with the police and will attach further conditions of approval if this is appropriate. S/he may for example, require a meeting to be declared public (which would allow for police presence); or s/he may arrange for College staff to take complete responsibility for the security arrangements.
- 14.7 The Director of Quality Improvement and Student Support may at his or her discretion refuse permission for a meeting or later withdraw permission already given.
- 14.8 The organisers may appeal, within five days of receiving the Director of Quality Improvement and Student Support decision to the Principal against the whole or part of the Director of Quality Improvement and Student Support decision. The Principal's ruling will be final and will be communicated to the primary organisers within five days of receiving full details of the appeal.
- 14.9 Where a meeting proceeds, the organisers are under a duty to see that nothing in their preparations for it or their conduct of it infringes the law.
- 14.10 It is the ongoing duty of any person involved in organising a meeting or other activity, and also the duty of any person responsible for processing the booking of rooms in the College, to inform the Director of Quality Improvement and Student Support as soon as there are reasonable grounds to believe that:
- a) The activity may be disrupted, for example, by reason of:
 - i. the status of the speaker; or
 - ii. the nature of any of the subjects to be discussed; or
 - iii. the views or beliefs (whether or not related to the activity) of any person attending; or
 - iv. the coincidence of the activity with another activity.
 - b) The personal safety or property of any person attending may be at risk by reason of their involvement in the activity; or
 - c) Intimidation, duress, or harassment might be applied to any person in an attempt to prevent their attending the activity; or
 - d) The activity might be picketed.

- 14.11 No articles or objects may be taken inside the building where a meeting is taking place, or taken or used elsewhere on College premises, in circumstances where the presence or use of those articles or objects is likely to lead to injury or damage.
- 14.12 The responsibility for conducting a meeting rests with the appointed chairperson. This calls for a close liaison and consultation beforehand between the chairperson and the primary organiser, especially if the Director of Quality Improvement and Student Support has attached any conditions to permission to use College premises.
- 14.13 At the meeting, the chairperson has a duty to keep order and, so far as possible, to secure that both the speaker and the audience act in accordance with the law. The chairperson should issue warnings of unlawful conduct, such as when the use of violence is threatened or takes place, and where such conduct continues, should require the offenders to withdraw or be removed by the stewards. The chair person may call upon the help of any security officers whose presence the Director of Quality Improvement and Student Support has made a condition of holding the meeting.
- 14.14 However, if the chairperson has made all reasonable efforts to keep order but the meeting goes or continues out of control, any "controlling officer" present will take charge. If there is no "controlling officer", any security officers present will take charge, acting on instructions or advice which the Building Resources Manager has given to them beforehand but otherwise using their own initiative. In the absence of a "controlling officer" or security officer, the chairperson must send one or more of the stewards to seek help from the security staff at their normal station of work.
- 14.15 College premises used for meetings must be left clean and tidy. In default, the organisers may be charged for any additional cleaning and for any repairs which are necessary. Payment in advance, or evidence of ability to pay, may be required before a meeting takes place.

15. Sanctions

- 15.1 Failure to observe the requirements of this code or of any conditions laid down the Director of Quality Improvement and Student Support makes any student or member of staff concerned liable to disciplinary action by the College and, at the discretion of the College, to regard any booking of a room as void.
- 15.2 If any actions involve breaches of the criminal or civil law, the College will assist the prosecuting authorities as appropriate.

16. Related Procedures

- 16.1 Safeguarding procedures
- 16.2 Safeguarding Residential Students procedures
- 16.3 Child Protection procedures
- 16.4 Disciplinary procedures
- 16.5 Prevent Strategy
- 16.6 Health and Safety procedures
- 16.7 Whistleblowing procedures
- 16.8 Data protection procedures

17. Definitions

- 17.1 By '**speaker**' this Code means any organiser or other person invited to address the

meeting other than members of any audience at that meeting.

- 17.2 A 'controlling officer' is a person who is appointed specifically by the Director of Quality Improvement and Student Support to oversee an event being held at or being run by the College. The Controlling officer is likely to be a manager and they will be responsible for overseeing the smooth running of the event and ensuring that it meets the requirements of this code.

18. Review and amendment of this Code

- 18.1 Section 43(3) of the Education (No.2) Act 1986 requires that the Governors shall issue, and keep up to date, a Code of Practice on Freedom of Speech. In order to comply with this duty, the Governors will review formally the operation of the Code on biennial basis.

19. Useful References

- 19.1 Prevent for Further Education and Training. Complying with the Prevent Duty Website.
<http://www.preventforfeandtraining.org.uk/>
- 19.2 Guidance notes for staff and their practice.
<http://www.preventforfeandtraining.org.uk/p-guidance-materials>
- 19.3 The Prevent Duty Guidance for Further Education in England and Wales.
http://www.preventforfeandtraining.org.uk/sites/default/files/Prevent_Duty_Guidance_For_Further_Education_England_Wales_-_Interactive.pdf
- 19.4 External speaker guidance – Association of Chief Police Officers: Community Speakers: Key Points to Support Venue Managers.
<http://www.preventforfeandtraining.org.uk/sites/default/files/Comm%20speakers.pdf>
- 19.5 British values poster by Camden Council for adult learners to explain British Values. This could be used for all age groups.
<http://www.preventforfeandtraining.org.uk/sites/default/files/Camden%20ACL%20British%20Values%20poster2.pdf>

Reviewed SLT:	October 2015
Approved Corporation Board:	October 2015
Next Review:	September 2017

Appendix 1 – Equality Impact Assessment

Policy name: Freedom of Speech Policy and Code of Practice

Assessment date: September 2015

What are the aims of the policy?	To ensure the College complies with the Education (No.2) Act 1986 which requires that the Governors issue, and keep up to date, a Code of Practice on Freedom of Speech.
Who does the policy affect?	Students, staff, Governors, customers, visiting speakers.
Who is involved in implementing the policy?	Director of Quality Improvement, SLT members, managers and college staff
What information is currently available about the impact of this policy and its associated procedures?	College complaints and employer related concern records.
Do you need more information to help you make an assessment about the impact of this policy and its associated procedures?	Not at this stage. However, monitoring of complaints and employer related concern records received by different groups to ensure there is no unintentional bias and that freedom of speech is being restricted.
Do you have any examples that show how this policy will have a positive impact on any of the equality characteristics listed in the table below?	No
Which other policies does this policy link with?	Safeguarding, Child Protection, Disciplinary, Prevent Strategy, Health and Safety, Whistleblowing.
What consultation has taken place in the development of this policy?	SLT, Governors and staff.

Characteristic*	Negative impact? Y / N	Evidence to support your impact assessment decision	Requires further action? Y/N
1. Race	N	Policy relates to processes. No evidence to suggest these have a negative impact on race	N
2. Disability	N	Policy relates to processes. No evidence to suggest these have a negative impact on disability	N
3. Gender	N	Policy relates to processes. No evidence to suggest these have a negative impact on gender	N
4. Gender re-assignment	N	Policy relates to processes. No evidence to suggest these have a negative impact on gender re-assignment	N
5. Age	N	Policy relates to processes. No evidence to suggest these have a negative impact on age	N
6. Sexual orientation	N	Policy relates to processes. No evidence to suggest these have a negative impact on sexual orientation	N
7. Religion / belief	N	Policy relates to processes. No evidence to suggest these have a negative impact on religion/ belief	N
8. Pregnancy /	N	Policy relates to processes. No evidence to suggest these have a	N

maternity		negative impact on pregnancy/ maternity	
9. Marriage / civil partnership	N	Policy relates to processes. No evidence to suggest these have a negative impact on marriage/civil partnership	N
10. Socio-economic	N	Policy relates to processes. No evidence to suggest these have a negative impact on socio-economic group	N

Overall EIA judgement

Tick one	
✓	No change required – the assessment is that the policy is/will be robust. There is no evidence of potentially unlawful discrimination and all reasonable opportunities to advance equality and foster good relations have been taken, subject to continuing monitoring and review
	Adjust the policy or practice – this involves taking steps to remove any barriers, to better advance equality and/or to foster good relations. This may involve removing or changing the aspect of the policy that creates any negative or unwanted impact. It may also involve introducing additional measures to reduce or mitigate any potential negative impact
	Continue the policy – this means adopting/continuing with the policy despite the potential for adverse impact. Set out the rationale for this decision, including how the decision is compatible with our legal obligation. Where there is discrimination, but it is considered not to be unlawful – the objective justification must be recorded
	Stop the policy – if there would otherwise be unlawful discrimination or adverse effects that are not justified and cannot be prevented/mitigated

Approved by EDI Steering Group on:**Action Plan**

Action required	Person / team responsible	Completion date	Review and impact
Ensure that all monitoring data analysis includes review by protected characteristic to ensure there is no unintended bias.	DoQI&SS	Sept 2016	

Signed: S M Davies**Position:** Principal**Date:** September 2015**Date of next review:** September 2017