

Freedom of Speech Policy

Review

Formal Review Cycle	3 Yearly		
Latest Formal Review (date)	03 July 2019	Next Formal Review Due (date)	June 2022
Policy Owner	Vice Principal Student Services and Registry		
Policy Author	Sally Dixon		

Approvals

Board of Corp Y/N	Y	Committee	N/A	Date Board approved	17/03/2020
SLT Y/N	Y	SLT date approved	Jul 2019	Additional committee	

Publication

Website Y/N	Y	Intranet Y/N	Y	Student VLE Y/N	Y	Other	
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Change History

Version	Date Reviewed/ Revised	Description of Change	Reviewed by	Approved by

Freedom of Speech Policy

1. Policy Statement

- 1.1. This policy is a policy of the City of Sunderland College, trading as Education Partnership North East (which includes Sunderland College, Hartlepool Sixth Form College and Northumberland College). These colleges will be referred to as “the College” throughout this document.
- 1.2. The College is committed through its values to intellectual freedom, including freedom of speech. It must, however, take account of its broader legal obligations beyond those imposed by the Act. This includes those outlined in the Prevent Duty Guidance dated July 2015 such as vocal or active opposition to fundamental British Values. 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 Policy. Speakers must respect the rights and freedom of others as protected by law (for example, they must not make statements which are actionable for defamation).

2. Scope

This Policy applies to all students, staff, governors and visiting speakers of the College and any meeting taking place on College premises. This Policy extends to those events where one or more external speakers are participating in the event by any means of remote access, such as Skype, teleconferencing and audio conferencing.

3. Aims of the Policy/Underpinning Principles

- 3.1. This Policy is concerned with ensuring that all learners, governors, employees of the College and visiting speakers have freedom of speech within the law.
- 3.2. The College values diversity and inclusion and is committed to promoting equal opportunities and eliminating discrimination. Therefore, everyone will apply and administer this policy fairly and consistently to ensure that there is no discrimination on the grounds of age, disability, gender reassignment, marital and civil partnership status, pregnancy and maternity, race, religion or belief, sex, sexual orientation, persons in care and care leavers, carers and care givers, young parents, youth offenders, and those receiving free school meals.
- 3.3. Institutions, such as the College, must also have regard to the need to respect the sometimes-conflicting rights to freedom of expression, respect for private and family life, freedom of thought, conscience and religion, and freedom of assembly and association under the European Convention on Human Rights, as incorporated into English law by the Human Rights Act 1998.
- 3.4. The duty to preserve freedom of speech is included among the list of registration conditions for higher education institutions in the Office for Student’s (OfS) Regulatory Framework, issued on 28 February 2018 (but not set to become fully operational until 1 August 2019). The framework states that the OfS expects all providers of higher education and their governing bodies to take ‘such steps as are reasonably practicable to ensure that freedom of speech within the law is secured within the

provider'. A failure by an institution to abide by its own freedom of speech code will henceforth constitute non-compliance with the OfS's registration conditions.

- 3.5. The Education (No 2) Act 1986 (the "Act") requires every individual and body of persons concerned in the government of any further education institution to "take such steps as are reasonably practicable" to ensure that freedom of speech within the law is secured for students, employees of the institution, the governors of the College and visiting speakers.
- 3.6. The Act further requires the Corporation (Governing Body) of the institution to issue and maintain up to date a code of practice setting out the procedures to be followed by governors, learners and employees of the establishment in connection with the organisation of meetings and other activities which are to be held on College premises and the conduct required of such persons in connection with any such meeting or activity.
- 3.7. 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 grounds connected with the beliefs or views of that individual or any member of that body, or with the policy and objectives of that body.
- 3.8. Finally, every individual and body of persons concerned in the government 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 Policy.
- 3.9. 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.

4. Responsibilities

- 4.1. The Board of the Corporation has the responsibility for monitoring implementation and reviewing this Policy.
- 4.2. Vice Principal Student Services and Registry has overall responsibility to ensure the Policy is administered fairly as described in Section 5.
- 4.3. Directors of Student Services have overall responsibility for the administration and implementation of this Policy with specific responsibilities provided in Section 5.
- 4.4. Organisers have a responsibility to follow the requirements and procedures as provided in this Policy.

5. Implementation

5.1. Visiting Speakers or meetings

- 5.1.1. A "visiting speaker" is defined as anyone properly invited to the College in accordance with this Code.

- 5.1.2. A “meeting” in this context is defined as any gathering or assembly of more than three persons to larger events such as ‘lectures, seminars, committee meetings, and musical and theatrical performances.
- 5.1.3. All meetings taking place on College premises are private, unless the public is expressly invited to attend.
- 5.1.4. The principal organiser of a meeting must give the Director of Student Services 4 weeks’ written notice of the meeting, setting out:
 - 5.1.4.1. the proposed date, time and place of the meeting;
 - 5.1.4.2. the subject of the address;
 - 5.1.4.3. the name of the speaker
 - 5.1.4.4. the organisation represented by the speaker (where relevant) and
 - 5.1.4.5. a statement whether the meeting is going to be private or open to the public.
- 5.1.5. Exceptionally, where the 4 weeks’ notice is impractical, the Director of Student Services may agree to accept shorter notice.
- 5.1.6. Within one week of receiving notice from the principal organiser, the Director of Student Services will respond in writing and may attach conditions which are considered 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.
- 5.1.7. These conditions may, for example, include:
 - 5.1.7.1. the need for a thorough risk assessment;
 - 5.1.7.2. adherence to relevant College policies and procedures;
 - 5.1.7.3. a requirement that tickets must be issued where a meeting is to be open to the public – in which case the Marketing and Communications Manager at Sunderland and/or Marketing Manager at Northumberland must be consulted;
 - 5.1.7.4. an adequate number of stewards must be provided by the organisers and that the Director of Student Services must be satisfied about their suitability;
 - 5.1.7.5. that members of the College’s staff must be present to help in keeping order;
 - 5.1.7.6. that a member of the College’s staff, appointed by the Director of Student Services must be there as a “controlling officer”;
 - 5.1.7.7. the exclusion of representatives of the media (unless by prior agreement) and the use of recording equipment.
- 5.1.8. The organisers are expected to comply fully with all such conditions.
- 5.1.9. The Director of Student Services has discretion to consult the Police and – if they do so and then think it appropriate – to attach further conditions. They may, for example, require a meeting to be declared public (which would allow for police presence), or they may arrange for College staff to take complete responsibility for the security arrangements.
- 5.1.10. The Director of Student Services may at their discretion refuse permission for a meeting or later withdraw permission already given. Reasonable grounds for refusal would include, but are not limited to, events which may:
 - 5.1.10.1. incite those attending to commit a criminal act;
 - 5.1.10.2. lead to the expression of views in a manner contrary to criminal law;
 - 5.1.10.3. be in direct support of an organisation whose aims and objectives are illegal;

5.1.10.4. incite a breach of the peace.

5.1.11. In determining whether holding a meeting on College premises might reasonably be refused, consideration will also be given to:

5.1.11.1. the safety of persons attending the event and persons on College premises who might be foreseeably put at risk;

5.1.11.2. the security of college premises and equipment;

5.1.11.3. the College's reputation;

5.1.11.4. advice obtained from the police;

5.1.11.5. the likelihood that the event might be disruptive to staff/learners not involved;

5.1.11.6. the ability of the College to manage the event.

5.1.12. The organisers may appeal to the Vice Principal Student Services and Registry within 5 days of receiving the Director of Student Services' decision, against the whole or part of the decision. The Vice Principal's ruling will be final and will be communicated to the principal organiser within 5 days of receiving full details of the appeal.

5.1.13. 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.

5.1.14. It is the ongoing duty of any person involved in organising a meeting or other activity, and the duty of any person responsible for processing the booking of rooms in the College, to inform the Director of Student Services as soon as there are reasonable grounds to believe that:

5.1.14.1. the activity may be disrupted; for example, by:

5.1.14.2. the status or identity of the speaker, or

5.1.14.3. the nature of any of the subjects to be discussed, or

5.1.14.4. the views or beliefs (whether related to the activity) of any person attending, or

5.1.14.5. the coincidence of the activity with another activity;

5.1.14.6. the personal safety or property of any person attending may be at risk by reason of their involvement in the activity;

5.1.14.7. intimidation, duress or harassment might be applied to any person to prevent their attending the activity;

5.1.14.8. the activity might be picketed.

5.1.15. Organised by Students

5.1.15.1. In the case of meetings organised by learners, speakers normally should come at the invitation of the Student's Union or equivalent. An invitation should not be sent by a learner as an individual or a group of learners (not being a recognised or affiliated club or society) without prior consultation with the Student's Union or equivalent. The Head of HE must be informed of all invitations issued.

5.1.15.2. Where a meeting is organised by an affiliated club or society or by two or more individuals, the organisers should appoint one person as the principal organiser to simplify communication and liaison between the organisers and the College and to avoid confusion.

5.1.15.3. Where the meeting is organised by the Students' Union or by a club or society recognised by or affiliated to the Students' Union, it must be held in a room specified by the College. The availability of a room may be confirmed by contacting the Estates department at the College.

5.1.15.4. The principal organiser of such a meeting must book the room using the normal booking procedure, details of which are available from the Estates Department. This should be preferably done before the notice of the meeting is given to the Director of Student Services. If a suitable room is not available, the meeting must be held over until such a room becomes free.

5.1.16. Organised by Staff

5.1.16.1. In the case of meetings organised by staff, not related to the normal business of the College, speakers must come at the invitation either of a collective body such as a department, curriculum area, trade union or of a member or members of the staff individually. The latter must first consult their line manager and in all cases the Head of HE must be informed before the issuing of any invitation.

5.2. Displays

5.2.1. The display of posters, notices and temporary signs is restricted to officially designated notice boards on College premises. The display of such material on doors, walls or any other surface (internal or external) is not permitted. Permission to display material on notice boards must be obtained first from the relevant Director of Student Services. Material must contain the name of the group/person responsible for its production. Material displayed in contravention of this Code will be removed. Anyone responsible for a poster, notice, sign etc. which is offensive, intimidating, threatening, indecent or illegal may be subject to disciplinary action.

5.3. Breaches

5.3.1. Wilful breach of this Code or of any conditions laid down by a senior manager makes any learner 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.

5.3.2. If any actions involve breaches of the criminal or civil law, the College will assist the prosecuting authorities as appropriate.

5.3.3. Where a breach of this Code of Practice takes place at a meeting or demonstration, steps will be taken by the College and/or the police to secure identification of the persons committing offences and for appropriate action to be taken against them.

6. Associated Documents

This Policy must be read in conjunction with other College policies and procedures which are available to Staff via the intranet and to learners and the wider public via the website. These are:

- Safeguarding and Prevent Policy
- Equality Diversity and Inclusion Policy
- Student Protection Policy
- Student Disciplinary Policy
- Staff Disciplinary Policy
- External Speakers Procedure

7. Policy Monitoring and Review

This Policy will be monitored by the Board of the Corporation through an annual report by the Vice Principal Student Services and Registry.

8. Equality Impact Assessment

Have you sought consultation on this policy?		Higher Education Board Directors of Student Services Safeguarding Committee		
Details:				
Could a particular group be affected (negatively or positively)?	Impact Y/N	Description of Impact	Evidence	Mitigation/Justification
Protected characteristics under the Equality Act 2010				
Age	No			
Disability	No			
Gender Reassignment	No			
Marriage and Civil Partnership	No			
Pregnancy and maternity	No			
Race	No			
Religion or belief	No			
Sex	No			
Sexual Orientation	No			
Additional characteristics to consider				
Young Persons in Care & Care Leavers	No			
Young Carers & Care Givers	No			
Young Parents	No			
Youth Offenders	No			
Those Receiving Free School Meals	No			
If there is no impact, please explain:				