

FREEDOM OF SPEECH AND EXPRESSION POLICY (Including Visiting Speakers and Events for staff and students)



The purpose of this Policy is to set out the College's procedures on freedom of speech.

Following the procedures set out within this Policy will ensure that The College is aware of who is speaking and of the views that are being promoted within our organisation. Having such a Policy in place gives time for staff to intervene should it be found that any proposed content or event would stand to harm students or staff in anyway, such as inciting violence or discrimination. Following this policy will ensure that the rights and responsibilities within the Equality Act 2010, and the Prevent Duty 2015 are adhered to.

Who does this policy apply to?

This Policy applies to all staff of the College, the students registered at the College, the officers of the Students' Union and the Governors of the College. It also extends to volunteers and visitors to the College.

Policy Statement

The Bournemouth and Poole College affirm its commitment to the fundamental rights of freedom of speech and expression; and academic freedom so far as that is reasonably practical within the realms of the law. The College has a duty to maintain safety and good order on its premises and to ensure that the articulation of beliefs, points of view and opinion do not lead to the commission of an offence or otherwise constitute incitement to riot or incitement to discrimination of any of the protected characteristics¹ as defined under the Equality Act 2010.

The College will ensure the use of College premises is not denied on grounds connected with the beliefs, views, policies or objectives of an individual or body of individuals, as long as such use is at all times within the law. All meetings/events/activities taking place on College premises are private, unless the public is expressly invited to attend. For the avoidance of doubt, by virtue of Section 43(8) of the Act this code applies to any premises occupied by the Students' Union.

All persons to whom this Policy applies are required to observe the principle of freedom of speech and expression while on College premises and shall show respect and tolerance towards the expression of views, opinions and beliefs of others, even though those views, opinions or beliefs may run contrary to their own personal views, opinions or beliefs.

This policy takes account of the following legislation:

- Education Act (No 2) 1986
- Education Reform Act 1988
- Equality Act 2010
- Prevent Duty 2015

¹ The protected characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

Why do we need this Policy / background information

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 and employees of the institution and for visiting speakers.

The Act further requires the governing body of the institution to issue a code of practice setting out the procedures to be followed by students 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 activity.

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.

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 Guidance² and in line with the Counter-Terrorism and Security Act 2015.

Definitions for the Policy

- **‘Event’** means any event of any kind organised on behalf of The College including those off site, including but not limited to tutorials, meetings, seminars, lectures, debates, workshops and speeches.
- **‘Organiser’** refers to the person or persons who are primarily responsible for organising the event.
- **‘College premises’** shall mean all premises owned, leased or controlled by the College as well as any premises owned or occupied by the Students’ Union.
- **‘Visiting Speaker’** means a person invited to speak at an event; this can include a panel for a debate (see definition of ‘event’ above).
- **‘Working Day’** refers to Monday to Friday inclusive and excluding bank or public holidays in England.
- **‘Extremism’** Vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs (as defined within the Prevent Duty).

² The Prevent Duty Guidance for Further Education and for Higher Education can be viewed here: <https://www.gov.uk/government/publications/prevent-duty-guidance>

Roles and responsibilities

Directors of Learning and Support Departments

All Directors of Learning and Departments are responsible for assessing the suitability and effectiveness of requests for input from external agencies or individuals to ensure that:

- Any message communicated to students are consistent with the ethos and values of The College, including British Values, and do not marginalise any communities, groups or individuals.
- Any messages do not lead to the incitement of criminal activity, the unlawful expression of views, and incitement of extremism (violent and non-violent) or a breach of the peace.
- Any activity that should not lead to the radicalisation of an individual or group through extreme or narrow views of faith, religion, culture or other ideologies.
- Activities are suitably matched to the needs and safety of students.
- Activities are carefully evaluated by the College and/or Curriculum Areas to ensure that they are effective.
- Checks are completed and recorded³, regarding suitability and content, prior to an event occurring.
- Any potentially controversial events or concerns raised as a result of background checks are referred to The College Prevent Lead⁴ or Deputy Prevent Lead⁵. In the event that neither post holder is available then the request should go to the Vice Principal – Curriculum.

In instances where there are concerns that permission has been requested to host a controversial event, the speaker or event request (along with the completed Visiting Speakers and Events Approval Form) must be referred to The College Prevent Lead or Deputy to consider for approval. **The activity must not go ahead until approval has been granted.**

Reasons for referring a request may include, but are not restricted to, the following:

- Talks or representatives by organisations generally considered to be extremist, or that could potentially incite extremism, including those on or linked to the UK Government list of proscribed terrorist organisations⁶.
- A speaker who is known to have spoken previously at another institution on a topic that has caused fear or intimidation to students or staff.
- A speaker considered as being highly controversial.

³ checks should be recorded using the Visiting Speakers and Events Approval Form – Appendix 1

⁴ The College Prevent Lead is the Director of Student Experience

⁵ The College Deputy Prevent Lead is the Head of Student Support

⁶ The Home Office list of proscribed Terrorist organisations can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/670599/20171222_Proscription.pdf

- A speaker known, or considered likely, to cause harm, or offense, to a specific group, or cohort, of students or staff.
- A speaker who has a link/or links to any person or group that has been connected with any controversy.
- A speaker who has a significant profile and attracts a following that could create crowd control and health and safety issues.
- A speaker from a political party during an election period.
- Whether an event or speaker might damage the good name and reputation of the College.
- On occasions where the background search has raised potential concerns.

The College Prevent Lead or Deputy

The College Prevent Lead or Deputy will seek advice from appropriate individuals and/or external agencies in order to determine the suitability of any referred requests for controversial events. Requests must be sent to The College Prevent Lead or Deputy at least 10 working days prior to the planned event/visit. The College Prevent Lead or Deputy will communicate their final decision to the Director of Learning or Department within 5 working days of receiving the referral.

Liaison with external agencies

In following the requirements of this Policy, there will be a need for liaison and exchange of information between College departments and external bodies. These may include, but not limited to:

- Student Experience
- Estates
- Students' Union
- Government Prevent Co-ordinator
- Local Authority Prevent Leads
- Local Borough Councils
- Dorset Police
- Other local FE/HE institutions

Links to College values and other College policies

This Policy should be used in conjunction with the following policies and procedures:

- Bournemouth and Poole College Mission, Vision and Values
- Safeguarding and Prevent Policy
- Equality, Diversity and Inclusion Statement
- Health and Safety Policy
- Student Anti-Bullying and Harassment Policy
- E-Safety Policy
- Managing Student Behaviour Policy
- Acceptable Use IT Policy
- Complaints Policy

Who needs to understand this policy and how will they know about it?

The following training and awareness will be put in place:

Who?	How?
Students	Policy available on the College website. Reference made to the Policy in other relevant policies. Staff to advise and inform students when they are arranging events/inviting guest speakers.
Board of Governors and Executive Management Team	Receive mandatory updates, table regular discussions at Board and in Exec meetings.
College managers	SLT Brief to contain information and termly reminders to all College Managers
All teaching staff	Briefing by Directors of Learning 'All Staff' e-mail; visits to team meetings if requested.
Business Support staff who interact with students	Briefing by line managers; copies of the policy to be distributed.

PROCESS / PROCEDURE

Visiting Speakers

This Policy is concerned with ensuring that all students and staff of The College, and visiting speakers, have freedom of speech within the law.

In the case of meetings organised by students, speakers should be invited by the Director of Learning if connected to teaching, learning and assessment, or the Head of Student Support if the event is arranged by the Students' Union or associated club or society. An invitation should not be sent by a student or students individually without prior agreement of the Director of Learning or Head of Student Support (for events held by the Students' Union).

In the case of meetings/events held by staff, speakers must be invited by either 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 their Manager/Director.

Any request for visiting speakers must be made using the Visiting Speakers and Events Approval Form.

Organisation of events

Where an event is organised by a collective body or by two or more individuals, the organisers should appoint one person as the principal organiser in order to simplify communication and to avoid confusion.

The principal organiser must complete the Visiting Speakers and Event Approval Form (See appendix). The form defines details of the activity/event including the proposed date, time and place of the event; the subject; the name of the speaker; and a statement whether the meeting is going to be private or open to the public.

The College Prevent Lead or Deputy may refuse permission for a meeting or later withdraw permission already given.

The organisers may appeal the College Prevent Lead or Deputy's decision to The Vice Principal - Curriculum. The Vice Principal's ruling will be final and will be communicated to the principal organisers within five working days of receiving full details of the appeal.

If an event is in relation to fundraising or promoting a charity then the validity and background of the charity must be researched and recorded as part of this process, this should include verifying that the charity is registered with the charity commission⁷ and that the registered charity number is clearly stated on any PR materials for the event.

Controversial and offensive posters, notices, banners and literature

The College has the right to take such steps as it considers necessary, including confiscating any notices, banners or other literature, that in the opinion of the College go beyond the mere expression of points of view and opinion upheld by this policy, or are otherwise unlawful. Any material produced by students in relation to an event must be checked by their tutor prior to being displayed.

All staff are responsible for either removing such materials and/or reporting them to the Director of Student Experience. Any reported concerns will be reported to the Safeguarding and Prevent Board.

Sanctions

Any breach of this Policy may result in disciplinary action in accordance with the applicable discipline policy and/or the withdrawal of permission for the event.

If any actions involve breaches of the criminal or civil law, the College will assist the prosecuting authorities as appropriate. Any internal disciplinary proceedings may be deferred or suspended pending the outcome of criminal proceedings.

Appeal procedure

The College seeks to provide a supportive environment for those who wish to make a complaint about how this policy has been administered or appeal a decision that has been made. Those wishing to do this should be referred to the Complaints Policy.

⁷ Checking registered charities can be completed here: <https://www.gov.uk/find-charity-information>

<p>Bournemouth and Poole College Date: January 2019 Function Equal Opportunities</p>	
<p>This policy has been examined for equality impact i.e. the impact that this policy will have on different groups of current or potential learners, service users and staff taking into account the protected characteristics of the Equality Act 2010 (age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation)</p>	
1.	<p>If equality impact analysis is not relevant to this function give reasons and proceed to section 5 below</p>
2.	<p>In what ways could this function have a negative impact on any of the groups above? What actions have been taken to eliminate these? This policy is intended to provide a positive, supportive and transparent approach to safeguarding students from radicalisation or extremism, as such no groups of students with protected characteristics should experience a negative impact.</p>
3.	<p>In what ways could this function have a positive impact on any of the groups above? How will this function be used to eliminate discrimination, advance equality of opportunity and foster good relations between different groups? Are there plans for the future which will further advance equality? This policy ensures that a consistent and transparent approach is in place for all students across college.</p>
4.	<p>What evidence supports your judgements? E.g. Consultations, observations, expert opinions, quantitative or qualitative surveys? If the evidence is in the form of an additional document, where is it stored? Currently there is no evidence to support equal opportunity feedback for Freedom of Expression. This is under review.</p>
5.	<p>Name and job title of manager responsible Director of Student Experience</p>

Policy approved by:

Date:

Visiting Speaker and Events Approval Form

This form must be completed for visiting speakers and for events organised by College staff or students. It must be completed for events hosted on both College premises and externally. One form to be completed per speaker/guest and event. All events and speakers must comply with the College's Freedom of Speech Policy.

Title of Event / Talk:	
Subject Matter:	
Proposed Date and Time:	
Proposed room (internal) or venue (external):	
Proposed audience/estimated number attending (i.e. students, staff, external guests, general public)	
Where will the event be advertised (if applicable):	
What conditions will be requested for the event, e.g. ticketed, opened to the public etc...	
College Organiser's Name:	
College Organiser's Contact Details: (email/tel)	
If more than one speaker, please complete a separate form for each one	
Speaker's Name:	
Speaker's Organisation and Website URL: Registered Charity No (if applicable)	
Has the speaker/visitor attended an event at The College before? If so please provide details:	
Has the content of the talk/event been discussed and agreed with the organiser?	
Is the event likely to generate unsolicited (or solicited) media interest? If yes, please provide details:	
Is there likely to be controversy or threat of disruption at this event? If yes, please provide details:	
Are there any other details about the event that should be noted, i.e. has there been any controversy at	

previous events? If yes, please provide details:	
Details of open source research into the speaker or organisation (information must include nature of research and findings)	
Organiser to read and sign (electronic completion accepted): I confirm the details on this form are correct to the best of my knowledge. I have also read the Freedom of Speech Policy and confirm this event and its speakers will adhere to the principles of the policy:	
Name:	Signed: Date:

Approval Details – Stage 1 (Head of Curriculum or Department)

Please indicate as appropriate

- I confirm that I am aware of this event and happy with the remit and content of the visiting speaker's/speakers' material.
- I confirm that I have concerns that this event may be deemed controversial and am referring the request to the Prevent Lead – Director of Student Experience

Name of Curriculum/Support Area Director

Signature

Date

ONLY IF APPLICABLE

Approval Details – Stage 2 (Prevent Lead – Director of Student Experience, or Deputy)

Please indicate as appropriate

- I confirm that I am aware of this event and happy with the remit and content of the visiting speaker's/speakers' material.
- I confirm that this event is not considered as suitable or effective and as such permission for this event is declined. (Please provide reasons and attach to the form.)

Name

Signature

Date

A copy of all completed forms should be given to Central Administration Team (Curriculum Areas) or Students Support Administrator (Support Areas)

