

FREEDOM OF SPEECH & GUEST SPEAKER POLICY

Date of issue	6 September 2023
Approved by	Senior Leadership Team
Scheduled review	August 2026
SLT Lead	Deputy Principal Quality & Curriculum
Available on	Website: Key Documents



1. Purpose

The Education Act (No.2) 1986 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.

There is also a requirement that, as far as is practical, the use of educational 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 aims of that body.

Under the Act, the College must also issue and keep up to date a policy on Freedom of Speech, setting out the procedures to be followed by students and staff regarding the organisation of meetings and activities which fall within any class specified within this policy, together with the conduct required of staff and students in connection with those meetings and activities.

The Instruments and Articles of the College Corporation commit the College to upholding principles of academic freedom. The 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 shall not be regarded as lawful speech within the remit of this policy. 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).

In addition, clear guidance is needed 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 Counterterrorism and Security Act 2015.

The OfS (Office for Students) regulates matters relating to free speech and academic freedom through the Office for Students' public interest governance principles, which underpin initial and ongoing conditions of registration relating to management and governance. The Higher Education (Freedom of Speech) Act (2023), an institution must take practical steps to secure freedom of speech for its staff, members, students and visiting speakers. The Act also provides that staff should have freedom within the law to question and test received wisdom and to put forward unpopular without placing themselves in jeopardy of losing their jobs or privileges they may have at their provider.

The College also has obligations under the European Convention on Human rights and the Higher Education in Research Act 2017 with respect to Free Speech.

2. Scope

The requirements of this policy apply to all the staff of the College, the students registered at the College, and the governors of the College. All meetings that take place on College premises are private unless the public is expressly invited to attend.

Every individual and body of persons concerned in the government of the College is required to take such steps as are practical to secure compliance with the Freedom of Speech policy and ensure procedures for arranging guest speakers is followed.

3. Principles

The College is a vibrant and diverse community, where debate and challenge are encouraged in line with its core values of providing a space for the discussion of difficult

topics. The College has a commitment to ensuring a working, learning, and living environment in which all College members and visitors are treated fairly and with dignity, respect, and tolerance. Individuals should be mindful of their obligations about behaving in a way that respects the rights and dignity of others, when articulating views.

As such it will, therefore, promote an environment in which all of staff and students can fully engage in educational debate and feel able to question and test ideas, and to express new concepts and controversial or unpopular opinions, without fear of disrespect or discrimination. However, the College must take account of its other legal obligations, beyond those imposed by the Education 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. The opinions made by staff or speakers also cannot or should not cause or lead to any harm or upset to students and colleagues that fall under any of the nine protected characteristics under the Equality Act (2010). Full details of the college commitment to equality, diversity and inclusion can be found on the College website/Key Documents: Equality, Diversity and Inclusion Policy.

The College will ensure that there is no hindrance beyond the requirements of the law placed on a member of the College's right to freedom of speech or academic freedom through any relevant policy or procedure.

All individuals – visitors and others – present on College owned or controlled property shall conduct themselves following the law. If an individual engages in behaviour or conduct that is inconsistent with this policy, or any other College policy, or that is otherwise inconsistent with the best interests of the College, the individual will be asked to refrain from such conduct and may be asked to vacate College owned or controlled property at once.

The College must always adhere to its obligations under law and will not tolerate any unlawful acts against its people, community, property, or the institution itself, whether through speech or physical action. A speaker who, for example, engages in any conduct outlined in the policy, will be considered to have transgressed the bounds of lawful speech.

Failure to adhere to this request may result in law enforcement being summoned to take appropriate action, including possible removal for trespassing.

The College is a private institution and, as such, reserves the right to lawfully restrict or prohibit access to College owned or controlled property and to prohibit certain individuals from being present on College owned or controlled property at any time at its discretion.

4. Role of staff

When planning to invite a visitor to engage with students (i.e. – enrichment workshops, curriculum provision, etc.) staff should consider the following points or undertake the following actions:

- Does the input enhance learning and have a clear place in the curriculum/enrichment?
- What value they are adding that is different from what the teacher and College can do alone?
- Are the values of the visitor clear, do they differentiate between fact and opinion and how can we be sure there is no hidden agenda behind their visit?
- What experience have they had working with colleges and young people previously? What are their reasons for working with colleges?
- Is there evidence that the visitor has had a DBS check?

- Carry out a Google search on the visitor – what exactly do you know about their background? For example, are they members of a specific extremist organisation?
- Does the input support the capacity of the College to deliver good quality curriculum, enrichment, and work-related activity?
- Is the visitor adequately trained and competent to deliver content?
- Is their knowledge and experience relevant and appropriate to the nature of their visit?
- Does the input from external visitors follow the Equalities Duties and will it provide a balanced view of any social, economic, religious, or political issues?
- Does the external visitor want to use their visit as an opportunity to raise funds?
- Will staff and students evaluate input from external visitors?
- A risk assessment form for guest speakers (Appendix 1) should be completed by the Head of School / Head of Student Services in advance of any guest speaker visiting for curriculum/enrichment delivery.

5. Organising Guest Speakers

The organisers of a meeting should appoint one person as the principal organiser to simplify communication and liaison between the organisers and the College and to avoid confusion.

The principal organiser of a meeting must submit a request to the Director of Learner Experience, Marketing and Communications two weeks in advance of the meeting, setting out the proposed date, time, and place of the meeting; the subject of the address; the name of the speaker using the appropriate Risk Assessment form. Exceptionally, where two weeks' notice is impractical, the Director of Learner Experience, Marketing and Communications may agree to accept shorter notice.

Within one week of receiving notice from the principal organiser, the Director of Learner Experience, Marketing and Communications will confirm or reject the application. Where he grants permission, he may attach any conditions which 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.

These conditions may, for example, include a requirement that tickets must be issued where a meeting is to be open to the public; or that an adequate number of stewards must be provided by the organisers and that the Director of Learner Experience, Marketing and Communications must be satisfied about their suitability; or that members of security staff must be present, to help in keeping order; or that a member of the College's staff, must be there as a "controlling officer". They may also concern the admission or exclusion of representatives of the media. The organisers are expected to comply fully with all such conditions.

The Director of Learner Experience, Marketing and Communications may at his discretion refuse permission for a meeting or later withdraw permission already given. The organisers may appeal, within five days of receiving the decision to the Deputy Principal Curriculum and Quality. The Deputy Principal's decision will be final and will be communicated to the principal organisers within five days of receiving full details of the appeal.

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. The responsibility for conducting a meeting rests with the principal organiser, especially if there are any conditions to permission to use the College's premises.

6. Other Requirements

In this guidance an external visitor guest speaker is anyone who is not a regular member of college staff but enters to work alongside teaching staff or other enrichment staff, supporting the planned delivery of any curriculum activity. Any external visitor who has unsupervised access to children or who works in the College on a regular basis will be subject to DBS checks.

Given that most external visitors will come to the College infrequently and will not be left in sole charge of students, DBS checks will not normally be needed. An external visitor who has not had a DBS check will not be left in sole charge of a student or students.

In all instances, whether the external contributor is DBS checked or not, it is strongly recommended that a teacher is present in the classroom for the whole of each lesson or enrichment staff for communal areas, so that they can maintain responsibility for class management and devise follow-up work to reinforce student learning and engagement.

Visitors should not have phones or cameras out whilst in the presence of students and should not take any photographs or videos of students. The College will confirm who is allowed to participate in any photographs and videos.

All visitors should be aware that staff at the College have the right and responsibility to interrupt and/or stop a presentation for any violation of the expectations outlined above. In addition, all visitors should be aware that any visits to the College, with the purpose of raising funds for a specific cause, must be authorised by the Deputy Principal Curriculum and Quality prior to their visit to the College.

Large events delivered by external guests may need support from the Estates Team and IT helpdesk and requests for support should be made at least 1 week in advance via an online request for logistical support in room set up.

7. College decision making

The College is committed to ensuring a welcoming and secure environment for its staff, students and visiting speakers. Where the College is in any doubt about the personal safety of any person present at an event, it is obliged to exercise caution and ensure that an appropriate assessment of the risks is carried out. The College reserves the right to impose conditions on an event to mitigate any identified risks, or to refuse permission for the event to proceed should it determine that any identified risks cannot be appropriately and reasonably mitigated.

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 Deputy Principal Curriculum and Quality as soon as there are reasonable grounds to believe that the activity may be disrupted, for example, by reason of:

- the status of the speaker
- the nature of any of the subjects to be discussed
- the view or beliefs (whether or not related to the activity) of any person attending
- the coincidence of the activity with another activity.
- the personal safety or property of any person attending may be at risk by reason of their involvement in the activity or
- intimidation, duress, or harassment might be applied to any person in an attempt to prevent their attending the activity;
- the activity might be picketed.

In the event of any of these issues listed above being brought to the attention of the Deputy Principal Curriculum and Quality in advance of the meeting then permission to hold the meeting in the College shall be removed.

8. Confidentiality & standards

We expect all guest speakers/visitors to:

- Help us in providing supportive opportunities for students to talk.
- Only talk in a professional manner about students and their families
- Never promise unconditional confidentiality to a student
- Where other professionals work to their own codes of practice, confidentiality must be clearly explained to students from the outset.
- Where worries exist about a student's safety because of their contribution to a workshop or lesson delivered by an external visitor, the visitor must refer this concern immediately to the member of staff present with them in the room.
- Potential safeguarding issues i.e., risk of significant harm, must always referred to the BeSafe Team or deputy DSL.
- All visitors must not provide students with their personal contact details, email address or social media contact details.
- All external visitors must not take any personal information from students during their visit, i.e. – mobile number, e-mail address, social media log-in details, etc.

9. Sanctions

Failure to observe the requirements of this policy or of any conditions laid down by the Deputy Principal Curriculum and Quality 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.

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

This policy should be read and considered in conjunction with the following:

- **Equality, Diversity, and Inclusion Policy**
- **Safeguarding & Prevent Policy**
- **ICT Acceptable Usage Policy**