

## Freedom of Expression Policy

### **POLICY / DOCUMENT PURPOSE STATEMENT**

This document details the College's responsibilities regarding fostering freedom of expression and the circumstances in which that freedom may be restricted in order to prevent violence, abuse or discrimination.

### **APPLICATION**

The policy and procedure applies to all staff, students, governors and visitors

### **INTERPRETATION**

Further guidance on the use or interpretation of this policy may be obtained from the HR or Student Services Teams.

### **LINKS WITH OTHER POLICIES / DOCUMENTS**

Safeguarding Policy

The Counter Terrorism and Security Act 2015

Preventing Radicalisation Guidance

Freedom of Expression Legal Framework, Equality and Human Rights Commission  
March 2015

Single Equality Scheme

Policy for Organising Events with External Speakers

Professional Code of Standards

Disciplinary Policy

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## Freedom of Expression Policy

### 1. Introduction

- 1.1 Freedom of Expression is a fundamental right under both British and European law and is protected by Article 10 of the European Convention on Human Rights. Article 10 is a qualified, not an absolute right which means that the rights of the individual must be balanced against the interests of society. Article 10 allows for restrictions to be placed for specific purposes. This policy is also written with reference to the Prevent Duty contained within Section 26 of the Counter Terrorism and Security Act 2015. The Duty states that specified authorities including Adult Education Colleges, in the exercise of their functions, must have “due regard to the need to prevent people from being drawn into terrorism”.
- 1.2 This Policy describes the philosophy, principles and procedures relating to our responsibility to foster freedom of expression and the circumstances in which that freedom may be restricted in order to prevent violence, abuse or discrimination. The Policy also details the College’s responsibilities regarding visiting speakers, including external lettings.

### 2. Objectives

- 2.1 To clarify the College’s responsibility to promote freedom of expression.
- 2.2 To identify the circumstances under which freedom of expression may legitimately be restricted.
- 2.3 To outline the College’s responsibilities regarding visiting speakers including external lettings.

### 3. Rationale

- 3.1 Section 43 of the Education (No 2) Act 1986, places a positive duty on college establishments to ensure that freedom of speech within the law is secured for their members, students and employees and for external speakers.
- 3.2 Colleges are expected to allow open debating of challenging ideas which may need to use controversial resources. Controversial materials should not be left unchallenged by the member of staff using them.

## **4. Core Principles**

- 4.1 The College has a duty to promote British values. These are:
- i. Democracy
  - ii. The rule of law
  - iii. Individual liberty
  - iv. Mutual respect and tolerance for those with different faiths and beliefs.
- 4.2 Freedom of expression does not protect statements that unlawfully discriminate against or harass, or incite violence or hatred against, other persons and groups, particularly by reference to their race, religious belief, gender or sexual orientation, nor does it limit or undermine the human rights of others.
- 4.3 The College is subject to the statutory duty to have due regard to the need to promote good relations between different communities protected by equality law. This will require active challenge to the use of offensive communication and hate speech.
- 4.4 Although there is no universally accepted definition, hate speech is generally understood to describe forms of expression which incite violence, hatred or discrimination against other persons and groups, particularly by reference to their ethnicity, religious belief, gender or sexual orientation, language, national origin or immigration status.
- 4.5 The College also has statutory duties under the Counter Terrorism and Security Act 2015, to prevent people from being drawn into terrorism.
- 4.6 The college will protect and support all students, staff, governors and visitors subject to this inappropriate behaviour and act in accordance with internal disciplinary policies and Safeguarding/Prevent guidance. We will report offensive communication and hate speech to the police and/or other agencies if appropriate. The college will also give particular attention to supporting students at risk and vulnerable and support them in these matters accordingly.

## **5. Visiting Speakers and Lettings**

- 5.1 Fircroft College is a specialist adult residential College, regulated by Ofsted and subject to legislation and statutory guidance relating to safeguarding children and vulnerable adults and advancing equality of opportunity. The College reserves the right to monitor any activity associated with the College or delivered on its premises, to ensure that it supports the College values and behaviours. See separate External Speakers Policy.

## **6. Equality Analysis**

- 6.1 By virtue of the Equality Act 2010, the College has a duty to have due regard to the need to:
- i. Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct
  - ii. Advance equality of opportunity between people of different groups
  - iii. Foster good relations between people of different groups when implementing the strategy.
- 6.2 In implementing this Policy and associated procedures, the College will actively take these aims into account as part of its decision making process and will demonstrate how this has been undertaken.
- 6.3 Where necessary a full equality impact assessment will be undertaken.

## **7. Implementation, Monitoring and Review**

- 7.1 The College will ensure that this Policy is effective in terms of outcomes as well as intent.
- 7.2 The Head of Student Experience is accountable to the Management Team for the delivery of this Policy.
- 7.3 Appropriate key managers will take responsibility for the risk assessment of external speakers and external lettings.
- 7.4 This Policy will be reviewed every three years and updated, as applicable, to ensure that it remains appropriate in the light of a relevant changes to the law, organisational policies or contractual obligations.