

Policy: Freedom of speech policy

Ref: AP/8GS/SP111

Approved By: Assistant Principal

Date: November 2018

Signature:

Lakes College: Freedom of speech policy

This applies to the Lakes College policy on freedom of speech in relation to teaching and learning sessions, meetings and events held on the college premises.

Fundamental principles and legal status of Freedom of Speech

Colleges have an important role to play as places of debate and discussion where ideas can be tested without fear of control, where learners are educated to explore and challenge ideas, think for themselves, and where the pursuit of knowledge is underpinned by rational arguments, evidence and debate.

The role of colleges and universities in ensuring free speech is reinforced in two pieces of legislation:

*The **1986 Education Act** states that: ‘persons concerned in the government of any establishment...shall take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers.’*

*The **Equality Act 2010** covers the following protected characteristics: age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation.*

Lakes College Policy

Lakes College will not, as far as reasonably practicable, deny access to its premises to individuals or bodies on the basis of their beliefs, views or policies as outlined in the 1986 Act.

However, as part of our public sector equality duty and commitment to implementation of The Prevent Duty we will have due regard to:

- eliminate discrimination, harassment and victimisation and any other conduct that is prohibited under the Act;
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it;

- foster good relations between people who share a relevant protected characteristic and those who do not share it.

Lakes College Code of Practice

This Code of Practice applies to all staff, learners, governors, Students' Guild, guests and visiting speakers on all Lakes College premises and venues.

- The College expects learners, staff, governors, and visitors to ensure freedom of speech within the law is assured. Whilst there is no legal prohibition on offending others, the College nevertheless believes that discussion that is open and honest can take place only if offensive or provocative action and language is avoided. Learners, staff, governors and visiting speakers are therefore required to **demonstrate sensitivity to the diversity** of the College community and to show others respect, which is one of Lakes College core values (Ready/Respectful/Potential).
- An event which promotes extremist views or behaviours creating an environment of fear, harassment, intimidation, verbal abuse or violence, particularly as a result of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation is likely to be unlawful.

If learners, staff, governors believe that an event they are organising poses a risk under this Code, they are required to refer the matter in the first instance to the Designated Safeguarding Officer (DSO) who is the Assistant Principal. No promotion of the event is permitted until a decision is reached on its compliance with this Code of Practice following completion of the established risk assessment.

The DSO will make an initial assessment. If he/she decides the event complies with the College Code of Practice, it can go ahead. They may, however, require the organisers to put in place safeguards, such as extra security or a strong and well-informed chair with the power to intervene or close the event down if there is a breach of the Code. They will also require the organisers to record the event, so there is no dispute afterwards about what is said by whom.

A named Principal Organiser should be identified for each event, who is responsible for the booking and control arrangements and conduct of the events including stewarding and moderating, chairing, monitoring and entry.

The organisers of the event will be responsible for any extra expense incurred.

If the DSO decides the event poses too great a risk under the Code they will make a recommendation to deny access to College premises. The DSO may decide to consult with learners, staff or other groups before coming to a decision, or take legal advice. The DSO decision will be final and will not be subject to appeal.

The expression of views that may be controversial, but do not breach the law, will not constitute reasonable grounds for refusal. Reasonable grounds for refusal would include:

- incitement to commit a criminal act or act of terrorism;
- unlawful expression of views;
- support for an organisation whose aims or existence is illegal;
- the creation of an environment likely to give rise to a breach of the peace.
- Contravention of the college core value of respect for others
- Refusal to provide information relating to the event prior to any risk assessment or approval

If an event has been advertised, learners and staff may still make representations to the DSO if they feel it breaches the College's Code of Practice. If the event is allowed to take place, they will be allowed the right to peaceful protest for one hour prior to the event taking place. They will not be permitted to interfere with the running of the event.

Wilful breach of this Code will be dealt with under the College disciplinary procedures and, if necessary, by recourse to law.

The College will withhold the right to use College premises if it fears there is a likelihood of this Code being breached.

The Student Representative body actively encourages debate and political activity. As a representative body for all students at the College, we do have an equal opportunities policy to ensure that student-led events are conducted in a safe space for attendees, free from discriminatory activity. All learner groups looking to hold an event with external speakers should contact the Learner Support department for assistance with the event and to ensure all logistical considerations have been factored in. Ultimately it is the College's decision whether to allow an event to take place on its premises.

If speakers at an event or as a guest were to break this code of conduct on social media, it would be treated exactly the same as any other breach.

If you are proposing to run an event and are concerned that it may constitute a breach of the Code of Practice, please contact in the first instance the DSO.

Supporting Policies, Procedures & information

- [Lakes College Single Equality Policy](#)
- [Lakes College Safeguarding & Prevent Policy](#)
- Lakes College Prevent Duty Risk Assessment & Action Plan
- Lakes College Prevent Strategy
- Lakes College Guest speaker approval form