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.

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 to prevent violence, abuse, or discrimination. The Policy also details the College’s responsibilities regarding visiting speakers, including external lettings.

1. **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.

1. **Related Policies, Procedures and Documents**

3.1 Safeguarding and Protecting Children Vulnerable Adults and Prevent Policy and Procedure

3.2 The Counter Terrorism and Security Act (2015)

3.3 HRC Prevent Risk Assessment and Action Plan

3.4 External Events and External Speaker Protocol

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

3.6 HRC Single Equity Policy

3.7 HRC Staff Code of Conduct

3.8 HRC Staff Disciplinary Policy

3.9 HRC Student Disciplinary and Behaviour Management Procedure

3.10 HRC Student Code of Conduct

3.11 Equality Act (2010)

3.12 Other policies and documents may be identified from time to time as circumstances change and may be added to this list.

1. **Rationale**

4.1 Section 43 of the Education (No 2) Act (1986) places a positive duty on Further and Higher Education establishments to ensure that freedom of speech within the law is secured for their members, students, and employees and for visiting speakers.

4.2 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.

4.3 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.

1. **Core Principles**

5.1 The College has a duty to promote fundamental British values. These are:

i. Democracy

ii. The rule of law

iii. Individual liberty

iv. Mutual respect & tolerance of those of different faiths and beliefs

5.2 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.

5.3 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 may require active challenge to the use of offensive communication and hate speech.

5.4 The College also has statutory duties under the Counter Terrorism and Security Act (2015), to prevent people from being drawn into terrorism.

5.5 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.

1. **Speakers and Lettings**

6.1 The College is a Further Education 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.

6.2 The Prevent duties identified in the Counter Terrorism and Security Act (2015) require that the College has oversight of the content of any speeches or presentations by visiting speakers.

6.3 The College is entitled to refuse a request to lease its premises for any use which does not match our core values and behaviours.

6.4 The College has a protocol for external events and external speakers.

1. **Equality Analysis**

7.1 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

7.2 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.

7.3 Where necessary a full equality impact assessment will be undertaken.

**8. Implementation, Monitoring and Review**

8.1 The College will ensure that this Policy is effective in terms of outcomes as well as intent. The Head of Student Services will be accountable to the Senior Leadership Team for the delivery of this Policy. Consultation with College members will form an integral part of the process.

8.2 The Head of Student Services, Head of Estates and appropriate key managers will take responsibility for the risk assessment of visiting speakers and external lettings.

8.3 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.

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| **Date of document establishment and initial approval** | October 2018 |
| **Version number** | 2.0 |
| **Approving body** | Senior Leadership Team  Board of Corporation |
| **Designated owner** | Vice Principal Enterprise and Innovation |
| **Linked policies and procedures** | Safeguarding Children & Vulnerable Adults and Prevent Policy and Procedure  Single Equity Policy  Student Disciplinary and Behaviour Management Policy and Procedure  Staff Code of Conduct  Staff Disciplinary Procedure |
| **Date of last review** | March 2024 |
| **Date of next review** | March 2027 |

**Appendix 1**

**Equality Impact Assessment**

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| --- | --- |
| Impact Assessment for the 4 strands of Equality, Safeguarding, Health and Safety  and Sustainability | |
| Initial Form to be completed with Risk Assessments or as part of a proposal or  change to a policy, plan or new way of working | |
| **Title of Activity:**  Freedom of Speech Policy | New Revised  x  Expected Implementation Date: April 2024  What is the review date: March 2027 |
| **Equality and Diversity**.  Which of the characteristics maybe impacted upon?  And, if yes, how has this been considered?  What are the risks? What are the benefits? | Religion, Transgender, Sexuality, Gender  Within the policy it is made clear that we support freedom of expression but that this has limits. Groups may come into conflict over their right to freely express views that are offensive to others. The policy and speakers protocol outline the boundaries of free speech and the safeguards we have in place to prevent abuses of this. However, some groups may feel that this impinges on their right to free speech. A balance needs to be maintained between freedom of expression and the rights of others not to be denigrated, abused or threatened. The Procedures outlined give a clear framework to help decisions be made that are transparent to all. |
| **Safeguarding**:  Are there any aspects of this proposal which could cause a student/member of staff/visitor to feel unsafe?  If yes, how has this been considered?  What are the risks? What are the benefits? | x  Yes No  There are possible Prevent implications if speakers are extremist. The Policy and speakers procedure covers this and the safeguards in place. Also for internal speakers the staff code of conduct covers this. |
| **Health and Safety:**  Have any risks been identified?  If yes, how has this been considered?  What are the risks? What are the benefits? | Yes No  x  External bookings could bring in radical elements and counter demonstrations. The Procedure outlines a framework for this. |
| **Sustainability:**  Are there expected impacts on  sustainability issues? If yes, how have these been considered? | x  Yes No |
| **Evidence:**  What evidence do you have for your conclusions and expectations for these conclusions?  How will this impact be monitored for all these  considerations? | The policy will be monitored via the EDI group and also the Prevent working party |
| Is this policy of a high/medium or low risk? : | x  High Medium Low |

**Equality and Diversity Statement**

HRC is committed to the promotion and development of equality and diversity. This policy is designed to ensure consistent, effective, and fair treatment for all and has been impact assessed to ensure that it does not adversely affect users on the grounds of age, disability, race, gender, sexual orientation, gender reassignment, religion and belief or pregnancy and maternity.