FREEDOM OF SPEECH POLICY

1. GOVERNANCE AND CONTROL

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Accountable member of Group SMT	Robert Dale
Responsible member of staff	Vicki Ellis
Document author	Robert Dale

2. AUDIENCE

Applicable to students?	Y
Accessible to students?	Y
Accessible to public?	Y

3. PURPOSE

3.1. Freedom of speech is a basic element of all forms of Education; education institutions are places where ideas and perspectives can and should be shared within a culture that acknowledges and respects difference.

3.2. The Hart Learning Group values freedom of speech and the freedom to express beliefs and ideology and sees them as fundamental rights underpinning our society's values. Both students and teachers have the right to speak freely and voice their opinions.

3.3. With that freedom, however, comes responsibility and free speech that is designed to manipulate the vulnerable or that leads to violence and harm of others or that transgresses the laws and policies that govern equality, human rights, community safety and community cohesion will not be tolerated by the Group.

3.4. The Group therefore requires all employees, governors and students of the College, Hart Learning & Development and any subsidiary businesses to tolerate and protect the expression of opinions within the law whether or not they agree.

3.5. The policy helps us ensure that:

3.5.1. The Group's commitment to protect free speech and encourage open debate is reinforced.

3.5.2. Staff and students fully understand their responsibilities for ensuring that the principle of free speech does not get abused.

3.5.3. There is a clear process for organising guest speaker events throughout the Group.

4. SCOPE

4.1. This policy prescribes our approach to freedom of speech for all Staff, Students and Governors within North Hertfordshire College (NHC), Hart Learning & Development, and subsidiary businesses and Group Corporate Services.

5. DEFINITIONS

5.1. **The Group**: refers to the Hart Learning Group (HLG) and for the purposes of this policy, includes NHC, HL&D, and any subsidiary companies employing Staff for HLG.

5.2. **Meeting**: An event or activity which is additional or supplementary to activities that are necessarily part of a curriculum or course programme.

5.3. **Staff**: for the purposes of this document, the term staff is used to refer to employees, volunteers, agency workers and contractors.

5.4. **Students**: any learner undertaking a course of education and training provided by HLG, including full- and part-time programmes or apprenticeships, at all levels.

5.5. **Governors**: members of the Corporation Board of North Hertfordshire College, and Directors of any subsidiary companies.

6. THE LAW

6.1. Section 43 (1) of the Education (No. 2) Act 1986 ('the Act') imposes a duty on every individual and body of persons ('the Responsible Person') concerned in the governance and management of the Group to take all reasonably practicable steps to ensure that freedom of speech within the law is secured for Governors, Students and Staff of the Group and for speakers visiting the Group.

6.2. The Act also imposes a particular duty on those persons to ensure so far as is reasonably practicable that the use of Group premises shall not be denied to any individual or body of persons on any ground connected with their beliefs or views or their policies or objectives.

6.3. The Act imposes a further duty on the governing body of the Group (which duty has been accepted by the Board of Governors) to establish, issue and keep up to date a code of practice ('the Code' – see Section 10) setting out:

6.3.1. procedures to be followed by Governors, Students and Staff of the Group with regard to the organisation of meetings held on Group premises and specified as being within the Code; and

6.3.2. any other activities which shall take place on Group premises and specified to be within the Code. The Code shall also specify the conduct required of Governors, Students and Staff of the Group in connection with any meeting or activity mentioned above.

6.4. The Act imposes a specific duty on responsible persons to ensure compliance with the Code.

6.5. In adopting this Code, the Corporation Board will have due regard to factors such as public safety, the safety of Staff, Students and visitors to the Group, and the costs and practicalities of providing facilities to ensure their reasonable safety and protection.

6.6. The Group will take into account the following legislation:

6.6.1. The Human Rights Act 1998 - We are mindful of an individual's right to freedom of expression in UK Law.

6.6.2. Charity Law (mainly the Charities Act 2011) - We are mindful of charities' duty to ensure freedom of speech within the law.

6.6.3. The Equality Act 2010 - We are mindful of the duty placed upon public authorities to prevent discrimination and advance equality of opportunity on the basis of protected characteristics.

6.6.4. Health and Safety Law - We are mindful of the duty placed upon public authorities to ensure compliant arrangements for safe and healthy working and operations.

6.6.5. The Prevent Duty - We are mindful of the duty placed on relevant higher education bodies under the powers of the Counter-Terrorism and Security Act 2015 to prevent Students and Staff from being drawn into support for or participation in terrorism.

7. EXAMPLES OF ILLEGAL SPEECH

7.1. The Group regards the following as examples of illegal speech:

(a) Speech that **encourages or supports violence against specific groups or individuals**.

(b) Speech that **encourages support for or participation in terrorism** as defined by the Terrorism Act 2001.

(c) Speech that **encourages or supports any other form of criminal activity**.

7.2. Speech that may cause offence to individuals or specific groups and is not illegal speech as defined in (a) and (b) above, while not necessarily supported or encouraged by the Group, will be permitted, although appropriate mitigation may be required.

7.3. The Group recognises that its legal duties must on occasion be balanced against one another, particularly with regard to its duty of care to Staff and Students, and we will ensure that any decision taken is subject to a reasonableness test. This will include an assessment of the potentially disproportionate impact upon those who are vulnerable and protected under the Equality Act 2010.

7.4. While we will, as part of our duty of care to our Students and Staff, offer support to those who have been negatively impacted by the free expression of controversial or challenging ideas or views, we will not seek to prevent or sanction speech that is within the law.

8. PROCESS

8.1. The key aspects of the policy are:

8.1.1. **The Group's commitments**: the Group is committed to freedom of speech throughout the organisation as long as it is lawful.

8.1.2. **Code of Practice**: there is a clear procedure that must be followed when organising a speaker event.

8.1.3. **Failure to comply with the Code**: the Group takes the Code of Practice very seriously and failure to comply with it is likely to lead to disciplinary action under the Positive Behaviour Policy, Staff or Governor Code of Conduct and/or, where appropriate, under contracts of employment.

8.1.4. **Monitoring and review**: the Group is committed to ensuring that this policy operates effectively and is reviewed regularly.

9. THE GROUP'S COMMITMENT

9.1. The Group is committed to:

9.1.1. Ensuring that Students, Staff and visitors feel supported to express their right to freedom of speech.

9.1.2. Ensuring that its premises are not being used for unlawful speeches or activities that may lead to disorder or breaches of the peace.

9.1.3. Ensuring the Code of Practice outlining the procedures related to the freedom of speech within the Group is followed.

10. CODE OF PRACTICE

GENERAL PRINCIPLES

10.1. All views, including those that can be difficult to hear, should be able to be expressed and heard with tolerance and mutual respect. The Group supports the right to have discussions and talks on controversial topics.

10.2. The Group encourages the freedom of speech as long as it does not break the law in any way.

10.3. The Group will not tolerate any abuse of the principle of free speech. For example, a speaker who incites violence or breaches of the peace, or uses threatening words or behaviour which are intended to provoke hatred or to encourage or draw people into terrorism is unlawful and will be dealt with accordingly.

10.4. All of our Staff and Students have a responsibility to ensure that the principles of free speech are upheld in a way that doesn't incite hatred, encourage extremism or draw people into terrorism.

10.5. Speakers must respect the rights and freedom of others as protected by law.

ORGANISING MEETINGS WITH SPEAKERS

10.6. Guest speakers provide a central part of enrichment and input into employability skills in the Personal and Academic Development (PAD) programme. Guest speakers are screened by the Designated Safeguarding Person, with input from the local police Prevent team where required and placed on an approved speaker list.

10.7. The selection of guest speakers is undertaken by curriculum and PAD staff, using existing networks/partners and approved speaker schemes (such as Speakers for Schools).

10.8. The 'approved speaker' list can be found in the central online Safeguarding and Prevent area of SharePoint.

10.9. Any staff member wishing to book a guest speaker that is not already on the approved speakers list, must complete an "External Speaker" form found in the Forms Centre on SharePoint, which is submitted for screening by the DSP.

10.10. For student arranged meetings, a request should be submitted to the Student Governor, who must liaise with the Student Engagement Officer and the Deputy Head of Student Experience for screening and approval. They would then apply the central External Speaker screening process outlined above.

10.11. 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.

10.12. It is the ongoing duty of any person involved in organising a meeting or other activity, and also the duty of any person responsible for processing the booking of rooms, to inform the Senior Management Team as soon as there are reasonable grounds to believe that:

10.12.1. The activity may be disrupted for whatever reason.

10.12.2. The personal safety or property of any person attending may be at risk by reason of their involvement in the activity.

10.12.3. Intimidation, duress, or harassment might be applied to any person in an attempt to prevent their attending the activity.

10.12.4. The activity might be picketed or result in a demonstration taking place.

10.13. No articles or objects may be taken inside the building where a meeting is taking place, or taken or used elsewhere on Group premises, in circumstances where the presence or use of those articles or objects is likely to lead to injury or damage.

10.14. The responsibility for conducting a meeting rests with the appointed meeting chairperson. This responsibility requires close liaison and consultation beforehand between the chairperson and the principal organiser, especially if the SMT member has attached any conditions to permission to use Group premises.

10.15. At the meeting, the chairperson has a duty to keep order and, so far as possible, to secure that both the speaker and the audience act in accordance with the law. The chairperson should issue warnings if unlawful conduct, such as the use of violence is threatened or takes place and where such conduct continues, should require the offenders to withdraw or to be removed by the stewards or security officers.

10.16. If order in the meeting cannot be maintained, for whatever reason, any "controlling officer" present will take charge. If there is no "controlling officer", any security officers present will take charge, acting on instructions or advice which the Centre Manager has given to them beforehand but otherwise using their own initiative. In the absence of a "controlling officer" or security officer, the chairperson must send one or more of the stewards to seek help from the security Staff at their normal station of work.

HIRING OF PREMISES BY THIRD PARTIES

10.17. Group premises are not available for hire by third parties. Any decision to make such premises available for hire will be made by the SMT on a case by case basis.

10.18. In such circumstances, the Estates Team will as far as is reasonably practicable carry out checks on organisations hiring premises for any purpose to secure reasonable assurance that they are not an extremist organisation.

10.19. Conditions set out in paragraphs 10.1. to 10.19 will apply where relevant.

11. FAILURE TO COMPLY WITH THE CODE

11.1. Failure to observe the requirements of this code or of any conditions laid down by the relevant SMT member makes any Student or member of Staff or Governor concerned liable to disciplinary action.

11.2. If any actions involve breaches of law, the Group will assist the prosecuting authorities as appropriate.

12. MONITORING AND REVIEW

12.1. The Board and its Audit Committee are responsible for this policy and will:

12.1.1. Review it every three years, or as required by new legislation or regulatory guidance.

12.1.2. Receive updates on compliance.

12.2. The Senior Management Team:

12.2.1. Will monitor the day-to-day operation of the policy.

12.2.2. Be responsible for ensuring that there is awareness of this policy through regular communication and promotion.

12.2.3. Be responsible for ensuring that Staff with defined responsibilities within this policy receive appropriate training.

13. LINKED POLICIES / PROCESSES

- Dignity at Work policy
- Equality and Diversity policy
- Positive Behaviour Policy
- Code of Conduct