

Freedom of Speech and Visiting Speaker Policy (incorporating the Code of Practice)

Policy Principles

The Group supports the principle of freedom of speech and expression within the law as one of its fundamental principles. It also has regard to the need to ensure that students and staff have freedom to question, test and to put forward new ideas and controversial or unpopular opinions, without placing themselves at any risk. Freedom of speech is a key part of the education experience. Sharing ideas freely is crucial for learning, and allows students to think critically, challenge and engage with different perspectives. Every person employed at the Group and every student enrolling at each of the four Colleges should be aware that joining the Group community involves obligations and responsibilities, which are consistent with the above principle and the law.

1. Policy Objectives

South Thames Colleges Group College (STCG) has a long history of attracting external speakers and organisations to enrich the experience of students, staff and the community. This process seeks to capture the benefits that visiting speakers might bring. The underlying principle of this Policy, and the starting point of the management processes underlying it, is that external speakers are welcome and that all effort is made to provide those opportunities. The Policy and the Group must also ensure that such activities are within the law and that the Group meet the requirements of the Prevent Duty Guidance for Further Education Institutions in England and Wales, published in July 2015 (see section 5).

The aim of this policy is to ensure that the student and staff experience is enriched by input from external speakers/organisations and that any benefits and risks are considered appropriately in advance of a speaker event. This policy seeks to reduce the likelihood that visiting speakers or organisations might seek to promote extremist views or attempt to radicalise students and staff. In addition, it seeks to reduce or eliminate any risks of disruption or poor behaviour for example, because of a controversial or popular speaker's presence in one of our Groups sites.

The Policy incorporates the Code of Practice that will operate at South Thames Colleges Group (STCG) including the articulation of the rights and obligations inherent in supporting the principle of freedom of speech and expression within the law. The Code's obligations and rights apply to:

- a) the College (which includes all bodies or persons having authority to determine any matter relevant to this Code);
- b) governors and staff;
- c) students;
- d) the Students' Union;
- e) any alumnus invited by the Group;
- f) all contractors and commissioned services;
- g) any person or organisation wishing to hire premises controlled by the Group for an event.

- h) In relation to the holding of any events on premises, the Code’s rights shall also apply to persons invited or otherwise lawfully on the premises for the purposes of the event; and
- i) persons who, if it were not for the provisions of this Code, would have been invited to the event.

Nothing in this Code will affect the rights of any person taking any steps pursuant to lawful industrial action.

3. The principle of Freedom of Speech

The principle of freedom of speech set out in this Code shall extend to the performance by all staff of their duties and responsibilities and to any visiting or guest lecturer invited by the Group. It shall also extend to students presenting or exhibiting work produced during the course of their studies with the Group.

Any person, or body, to which this Code applies shall not take any action (other than by reasonable and peaceful persuasion) to prevent the holding or continuation of any lecture, tutorial, exhibition, or other academic activity because of the views held or expressed, except as provided for in section 6 of this Code.

Any person or body, to whom this Code applies shall not take any action (other than reasonable and peaceful persuasion) to prevent any student or group of students from attending any academic activity required by, or properly associated with, the course for which they are enrolled because of the views or beliefs held or lawfully expressed (whether or not within the Group) by that student.

4. Legal Background to Policy and its content

4.1 Article 10 of the Human Rights Act 1998

Article 10 of the Human Rights Act states

“(1) that everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.”

(2) The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

4.2 Education (no2) Act 1986

Section 43 of the Education (No 2) Act 1986 states that *“every individual and body of persons concerned in the government of universities and colleges 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”*.

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This includes in particular the duty to ensure, so far as is “*reasonably practicable*”, that the use of any Group premises are not denied to any individual or body of persons on any ground connected with:

- a) The beliefs or views of that individual or of any member of that body or the policy or objectives of that body.
- b) The Act requires that the Corporation, with a view to facilitating the discharge of this duty issue and keep up to date a code of practice (which this document represents) setting out:
- c) The procedures to be followed by members, students and employees of the establishment in connection with the organisation of meetings which are to be held on premises of the establishment and which fall within any class of meeting specified in the code; and
- d) of other activities which are to take place on those premises and which fall within any class of activity so specified; and
- e) the conduct required of such persons in connection with any such meeting or activity.

Additionally, the Act states that every individual and body of persons concerned in the government of the Group shall take such steps as are reasonably practicable (including where appropriate the initiation of disciplinary measures) to secure that the requirements of the code of practice for the Group are complied with.

The Group is complying with this duty in all its aspects, which in practice means striking a fine balance between concerns around extremism and concerns around censorship. The work in promoting British values, the Groups values and its Equality Policy all aim to address positively this challenge. It covers many areas of activity, including pastoral support for students, staff training, information sharing and assessing external speakers for a range of events in connection with curriculum, wellbeing, progression, safeguarding, enrichment and student union events. In the assessment of speakers for external events the Group will have due regard to the Governments/Home Office’s list of terrorist groups or organisations banned under UK law and details of proscription criteria.

4.3 Office for Students (OfS)

The Office for Students (OfS) regulates English Higher Education Providers. It was set up by the Higher Education and Research Act 2017. The OfS’s role to uphold the freedom of speech operates at both provider and sector level. As a condition of registration with the OfS, HE providers such as South Thames Colleges Group (STCG) are expected to adhere to a list of public interest governance principles; these include a requirement that a provider’s governing body “*takes steps as are reasonably practicable to ensure the freedom of speech within the law is secured within the provider.*”

‘For some time now the government has expressed concerns about whether the existing provisions protecting free speech in higher education providers are sufficiently robust. The Higher Education (Freedom of Speech) Act (“the Act”), which have finally completed its parliamentary process and received Royal Assent on 11 May 2023, brings major changes in this area. Most of the provisions in the Act will be brought into force by statutory instrument at a later date (currently unknown). The new legislation will apply to registered higher education providers in England – of which there are currently 416, including many FE colleges and private providers, as well as universities.

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Below highlights the key points in the legislation and what they mean in practice for English higher education providers including the:

- *extended duty on institutions to take steps to secure freedom of speech*
- *new provisions concerning the Code of Practice on Free Speech*
- *new duty to promote free speech on campus*
- *extension of free speech obligations to students' unions*
- *new rights for individuals to claim compensation arising from a breach by an institution of its duties*
- *creation of a free speech champion*
- *extended functions and powers of the Office for Students, including updated conditions of registration*
- *overseas funding*
- *new complaints scheme*

4.4 Public Sector Equality Duty (PSED)

Section 149 of the Equality Act 2010 requires the Group as part of its duty to consider the need to:

- a) eliminate discrimination, harassment, victimisation and other behaviour that is prohibited by the Equality Act 2010;
- b) advance equal opportunities between people who share a relevant protected characteristic and people who do not, and
- c) encourage good relations between people who share a relevant protected characteristic and people who do not, including the need to tackle prejudice and promote understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. This means that the Group and its staff have a legal responsibility to think about how it can promote equality and minimise tension and prejudice between different groups when promoting freedom of expression.

5. The Group's Prevent Duty and its implications for Freedom of Speech

The Counter Terrorism and Security Act 2015 means the Group must "*have due regard to the need to prevent people from being drawn into terrorism*" (Section 26). The Group must also "*have particular regard to the duty to ensure freedom of speech*" and "*to the importance of academic freedom*" (Section 31). Under Section 29, the College must "*have regard to any such guidance in carrying out that duty.*"

6. Situations where the Group will not support events and speakers

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Where any person or body subject to the obligations of this Code wishes to hold any event for the expression of any views or beliefs held or lawfully expressed on premises controlled by the Group, consent shall not be unreasonably refused.

It shall be accepted as reasonable, to refuse consent, or withhold facilities for any event to which this Code applies where the Group reasonably believes (from the nature of the speakers or from similar events in the past whether held at the Group or otherwise) that:

- a) the views likely to be expressed by any speaker are contrary to the law;
- b) the intention of any speaker is likely to be to incite breaches of the law or is to intend breaches of the peace to occur;
- c) the views likely to be expressed by any speaker are for the promotion of any illegal organisation or purpose;
- d) it is in the interests of public safety, the prevention of disorder or crime or the protection of those persons lawfully on premises under the control of the Group, that the event does not take place.
- e) The views of any speaker are widely known and published and do not align with the values of the Group, regardless of the focus of the event in question.

Subject to the content of this section (6) and where the Group is reasonably satisfied that the otherwise lawful expression of views at any event is likely to give rise to disorder, the Group shall consider what steps it is necessary to take to ensure:

- a) the safety of all persons,
- b) the maintenance of order; and
- c) the security of premises.

Where the Group concludes that imposing conditions would not be sufficient to prevent serious disorder within premises subject to their control, it may decline permission for such events. Before doing so, however, the Group will generally consult with external authorities such as the police with a view to establishing whether the serious disorder can be prevented, or otherwise dealt with appropriately by the deployment of security staff or the attendance of police officers (or alternative conditions).

7. Approval and management of events and external speakers

Organisers of a visiting speaker or an externally staffed event should, in advance, complete the **on-line** pro forma entitled “Visiting Speakers and Organisations Approval Form and Checklist” <https://forms.office.com/e/b4z3MHLHns>. A copy is appearing in appendix A, which includes consideration of the background of speaker(s) and the organisation they represent, the content of any presentation and the potential audience to whom it is intended to be delivered. The content of this pro forma, and the points to consider by the event organiser, have been informed by the Equality and Human Rights Commission’s “*Freedom of Expression Publication - A guide for higher education providers and students’ unions in England and Wales.*” Section 6, entitled “*Guidance for Higher Education Providers when making decisions on how to promote the freedom of speech*”, and the flow chart on page 32 is the basis for the decision-making criteria in this checklist.

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Where a speaker or organisation requests to come to the Colleges Group to speak to students and / or staff, the member of staff who is contacted, or the member of staff who leads the organisation of the event, should complete the on-line checklist. <https://forms.office.com/e/b4z3MHLHns>

The checklist should be discussed with the event organiser’s line manager prior to confirmation of the visiting speaker or organisation. If the line manager has concerns about the speaker(s) and/ or the organisation they represent, content or any other aspect of the event, she/he should discuss these concerns with the relevant Group’s Principal, (or if unable to contact), the Vice Principal, Student Services, and with the Director of Facilities and Estates in the case of concerns about disruption or crowd control.

Any of these post holders are able to veto the visiting speaker or organisation, or suggest additional controls.

Once the on-line form is submitted by the organiser, the line manager will receive an electronic notification requesting their approval (update the checklist and/or require the creation of a specific risk assessment) to allow the event to go ahead.

Organisers must not proceed until approval has been received from their line manager. Once approval is received an automatic notification is sent to the visiting speaking requesting their agreement to the guidelines set out in Appendix B – Agreement and Guidelines for Visiting Speakers. The organiser is also copied in and will be required to ensure that the guidelines are agreed to.

Organisers of the visiting speaker should notify the Group’s Reception of the visitor prior to their arrival. All external speakers will be required to enter the Group via the Visitors’ Entrance (or equivalent). Their arrival (and departure) will be recorded, and visitors will be issued with a Visitor badge, instructions about the College’s Health and Safety and Emergency Evacuation procedures (see appendix B). Please note that a visiting speaker with a disability or mobility problem will need to complete a Personal Emergency Evacuation Plan (PEEP) and this may require such arrangements being made in advance). As with all visitors who have not been subject to criminal record checks the guest speaker should be collected from reception by a member of the event organising staff and accompanied within the College site at all times.

Where any visiting speakers or organisations address students, the organiser must ensure that the Colleges Group has at least one member of staff present at the event, who has received Safeguarding and Prevent training, to ensure that if extremist or unlawful views are unexpectedly presented, that they are challenged appropriately.

A central log of approved and declined visiting speakers will be maintained and monitored by Central Curriculum Admin Teams.

The log will be monitored and reported upon to the College Management Team on a termly basis.

8. General

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Any breach of the provisions of this Code by staff, students or governors will be punishable under the applicable Disciplinary Procedures.

It shall be the duty of all those subject to the Code to assist the Group in upholding the rights of freedom of speech set out in this Code. Where a breach of this Code occurs, it shall be a duty of all to whom this Code applies to take all reasonable steps to secure the identification of persons involved in that breach.

Where breaches of the criminal law occur, the Group shall assist, where appropriate, the Police and the Crown Prosecution Service. In respect of any criminal charges, the Group, shall not, unless the Group Principal determines otherwise, proceed with any disciplinary proceedings in respect of the same matters, until the conclusion on any ongoing criminal proceedings.

The operation of the Code shall be monitored by the College's Group Leadership Team.

9. Review

Section 43(3) of the Education (No.2) Act 1986 requires that the Corporation shall issue, and keep up to date, a Code of Practice on Freedom of Speech. In order to comply with this duty, the Corporation will review annually, the code and its operation.

10. Definitions

By 'visiting speaker' this policy/code means any person invited to address the meeting other than members of any audience at that meeting, and members of staff of South Thames Colleges Group.

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Appendix A – Copy of On-line Approval Form and Checklist



Carshalton
College

Kingston
College

Merton
College

South Thames
College

PLEASE USE THE ON-LINE PROFORMA TO ENSURE THE INFORMATION CAN BE STORED CENTRALLY

Visiting Speakers and Organisations Approval Form and Checklist

About the Event

Date / time		Organiser (staff member)	
Location – College and Room number		Audience (e.g. group / course / staff)	
Speaker(s)		Presentation Topic	
Organisation		Address of organisation and contact details (email and telephone number)	

Checklist

Consideration	Yes / No	Details (where “No” the content here will require more detail)
1. I have considered the benefits that the speaker / organisation will bring to students and the Colleges Group and they align with the College Group’s mission and objectives.		
2. Is the speech likely to cover content that is lawful?		
3. I have researched the speaker / organisation and / or know them from a previous event (or from a recommendation) and they do not appear on the Governments/Home Office’s list of terrorist groups or organisations banned under UK law.		
4. I have thought about my legal duty, including Prevent and Public Sector Equality Duty (PED), and potential risks and consider that NO such risks		

are likely to arise (e.g. illegal topics, controversial views, disruption, and inappropriate subject matter).		
5. Is the speaker/organisation DBS Checked? If NOT, a member of staff will accompany them at all times.		
6. I have discussed the event with my line manager and she/he is happy for the event to go ahead.		

Authorisation

a) I approve the speaker- event described above / I have concerns (answers to the above questions are NOT exclusively YES) and have passed this checklist to the Principal/ Assistant Principal Student Services / Director of Facilities for a decision. *(Delete as appropriate)*

Line Manager of organiser Name:	Date:	Signature:
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b) Only to be completed if the line manager has concerns:

I approve / do not approve the event described above *(Delete as appropriate)*:

Principal/Assistant Principal Student Services/Duty Principal in the absence of the above Name:	Date:	Signature:
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c) Only to be completed where there is a specific requirement for additional risk assessment and/or additional management/security controls at the event.

I approve / do not approve the event described above and the specific risk assessment submitted *(Delete as appropriate)*:

Director of Facilities Name:	Date:	Signature:
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Appendix B

AGREEMENT AND GUIDELINES FOR VISITING SPEAKERS

South Thames Colleges Group is committed to safeguarding and promoting the welfare of children and young people and expects all staff, teaching and non-teaching (including temporary and supply staff), governors and volunteers to share this commitment. South Thames Colleges Group takes seriously its responsibility under section 175 of the Education Act 2002, and existing documentation including 'Keeping Children Safe in Education' July 2015, relating to Child Protection and the safeguarding and promotion of the welfare of children. That responsibility encompasses College operations carried out in collaboration with others.

Name of visiting speaker(s):

The visiting speaker(s) agrees to the following terms and conditions:

1. The presentation must be appropriate to the age and maturity level of the student audience. Appropriate dress, language, and behaviour are required at all times.
2. The presentation must not incite hatred, violence or call for the breaking of the law.
3. The visiting speaker is not permitted to encourage, glorify or promote any acts of extremist behaviour including individuals, groups or organisations that support such acts.
4. The visiting speaker must seek to avoid insulting other faiths or groups, within a framework of positive debate and challenge.
5. Visiting speakers are not permitted to raise or gather funds for any external organisation or cause without express permission from the Head of the College.
6. Compliance with the Colleges Equal Opportunities and Safeguarding Policy.
7. Group staff have the right and responsibility to interrupt and/or stop the presentation for any violation of this agreement. I have read these guidelines and agree to abide by them.

Fire Evacuation details

I confirm receipt of the Colleges Fire Evacuation document (Word title: xxxxx) that outlines Fire action notices, On-Site Assembly points/Emergency door release instructions.

I agree to familiarise myself with the nearest fire exit and assembly point/s from both the location where I am working and the common areas, so that in the unlikely event of hearing the alarm, I will understand which evacuation route to take and where to assemble outside of the College buildings.

Please tick to indicate if you have a disability or mobility problem - As the College will need to complete a Personal Emergency Evacuation Plan (PEEP) before you commence.

Note: The Fire Alarms are tested and sound every xxxxx morning at xxx

Visiting speaker's signature: _____ Date: _____

Visiting speaker's signature: _____ Date: _____