

CODE OF PRACTICE ON FREEDOM OF SPEECH

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Policy Owner:	Higher Education Manager
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SOUTH HAMPSHIRE COLLEGE GROUP

CODE OF PRACTICE FOR FREEDOM OF SPEECH

1.0 Purpose and Scope

South Hampshire College Group (SHCG) recognises that freedom of speech and expression within a culture of free and open discussion is an essential part of its role as an academic institution.

This Code of Practice is intended to ensure that freedom of speech and expression within the law is secured for all members of the College Group community as well as for visiting speakers and/or external clients paying to use College group facilities.

The provisions of this Code apply to all staff, students and visitors to the SHCG, including the Corporation. The Code also applies to outside organisations hiring College premises and to public meetings held on its premises.

A copy of this code must be supplied to all external speakers and anyone hiring the college premises for the purposes of a talk, meeting or similar activity. Adherence to the code must be agreed to as a condition of hire.

The Code of Practice covers freedom of speech and expression in whatever form that may take including (but not limited to) speeches, debates, meetings, demonstrations, written publications, social media content and meeting/events held on the SHCG premises or via its ICT systems.

2.0 Legal Framework

Institutions are obliged to comply with relevant laws which allow staff and learners their freedom of speech and expression, particularly in the context of academic freedom to question and put forward new ideas including controversial or unpopular opinions.

- Human Rights Act 1998 (Articles 9 and 10 of the ECHR)
- Higher Education (Freedom of Speech) Act 2023
- Education (No.2) Act 1986
- Education Reform Act 1988 (academic freedom protections)

At the same time, all such freedoms are subject to limitations under the law, to protect the rights and freedom of others. These are set out in:

- The Education Act 2011
- Equality Act 2010
- Counter-Terrorism and Security Act 2019 – Section 26 Prevent Duty

The Prevent duty states that specified authorities, including Further Education Colleges, in the exercise of their functions are expected to participate fully in work to prevent the risk of people becoming terrorists or supporting terrorism.

3.0 Core Principles

Within this legal framework, SHCG recognises that protecting freedom of speech and expression is of fundamental importance to its role as a place of education and learning but acknowledges that the right to freedom of speech is not absolute. The freedom to express views must be balanced with the need to protect students, apprentices, staff and communities from risk of harm. SHCG will ensure that appropriate actions are taken to mitigate these risks and ensure the safety of the College group and its communities.

SHCG will always endeavour to maintain a balance between the following principles.

Promotion and Protection of Freedom of Speech: Freedom of speech means that all individuals have the right to express lawful views and opinions, even if those views are controversial, offensive, or unpopular. This includes the right to receive and impart ideas through speech, writing, art, or electronic media.

Academic Freedom: Academic freedom is the right of academic staff to question established knowledge, express new or controversial ideas, and research topics without fear of institutional censure, job loss, or other forms of disadvantage. Academic freedom applies equally to teaching, research, and public engagement. No person applying to become a member of academic staff shall be disadvantaged in relation to that application because they have exercised their right to academic freedom.

Respectful Engagement: SHCG promotes a culture of rigorous yet respectful debate. Members of the community should engage with challenging ideas in a spirit of intellectual curiosity, courtesy, and inclusion. Protest is legitimate but must not suppress the rights of others to speak or be heard.

Maintaining Safeguarding and Upholding the Law: SHCG will always prioritise the safeguarding of its students, staff and other members of its community. SHCG will not permit to take place on its premises or through its ICT systems, speech and expression which would:

- constitute incitement to violence, riot, insurrection, racial/religious or other forms of hate speech/hatred.
- constitute sexual harassment.
- constitute defamation
- constitute incitement to commit any other criminal act
- constitutes an expression of support for an organisation whose aims and objectives are illegal
- be likely to cause a breach of the peace or public disorder.
- result in SHCG failing in its wider legal duties, in particular to have due regard in carrying out its functions regarding the need to:
 - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it;
 - prevent people being drawn into terrorism and therefore breach the SHCG's Prevent Duty.
- be otherwise unlawful.

SHCG will not suppress freedom of speech and expression provided that such speech and expressions do not go beyond the articulation of points of view and are within the law.

SHCG has a duty to have measures in place to prevent its facilities being exploited by radicalisers. This includes seeking to ensure that any event spaces or IT equipment are not being used to facilitate the spread of extremist narratives which encourage people into participating in or supporting terrorism. Such measures will help to limit access to platforms that can be used to radicalise others. This duty applies to the use of college facilities by staff and students, guest speakers and other external users.

4.0 Promotion and Protection of Freedom of Speech

SHCG will promote the importance of both freedom of speech within the law, and academic freedom for its academic staff, in the provision of Higher Education. This will be achieved through making students and staff aware of this code of practice annually during induction, through the group's tutorial programme and any other means as deemed appropriate.

5.0 Guest Speakers

SHCG recognises that bringing in guest speakers and lecturers to address students can add significant value to the curriculum and staff are encouraged to facilitate such opportunities.

SHCG has the responsibility to take reasonable steps to maintain good order on its premises. It has the right and the power, if necessary, to impose conditions or restrictions upon activities which take place or are planned to take place on its premises or through its ICT systems.

To ensure compliance with this code of practice, staff organizing an external speaker will need to complete the "External Speaker Authorisation Form" at least 14 days in advance of the proposed date for the speaker to visit.

Full details of the process to follow are outlined in the "External Speaker Procedure", available on the SHCG intranet.

6.0 Code of Conduct for External Speakers

All external speakers will be obliged to act in accordance with the law and not to breach the lawful rights of others. They should abide by the College's expectations, including but not limited to:

- Compliance with the College's Code of Practice for Freedom of Speech
- Compliance with legislation regarding freedom of speech
- The presentation of ideas and opinions, in particular those that may be conscientious or potentially offensive, in the spirit of academic debate, being open to challenge and question.
- Compliance with all College group policies and procedures, including health and safety.

External speakers should not:

- Act in breach of criminal law.
- Incite hatred or violence.
- Encourage or promote any acts of terrorism or promote individuals, groups or organisations that support terrorism or radicalisation.
- Discriminate against or harass any person or group on the grounds of their protected

characteristics.

- Defame any person or organisation.
- Raise or gather funds for any external organisation to cause without express permission of the College.

While an event is in progress, the SHCG shall have the right to require the organisers to terminate the event if the conduct of the event gives rise to concerns that the safety of persons attending cannot be reasonably guaranteed, or that a breach of the law or a material breach of this Code or any of the conditions imposed in the event approval process is likely to occur.

Staff are reminded that the obligations listed above apply equally to all teaching or research related activities within the SHCG.

7.0 Other Activities on College Group Premises

SHCG makes its premises available for private hire so external groups can make use of them for meetings, events or other activities beneficial to the local community.

Any meeting, event or other activity due to take place on College premises where there is a reasonable expectation on the part of the event organiser or other member of the College Group community that freedom of speech within the law may be compromised should be highlighted to the Executive or Senior Leadership Team (ELT/SLT) at the earliest opportunity.

A member of ELT or SLT should review the proposed event using the same procedure set out in the "External Speaker Authorization Form" in order to reach a decision about whether the event should be permitted to go ahead. Possible outcomes of this review could include.

- Event allowed to go ahead as planned.
- Event permitted to go ahead with modifications to ensure compliance with the SHCG Code of Practice on Freedom of Speech.
- Event will be refused and cancelled.

SHCG will not unreasonably refuse to allow activities and the expression of controversial views (which do not breach the law or risk a breach of the law) will not of itself constitute reasonable grounds for refusal. Reasonable grounds for refusal would include (but are not limited to)

- incitement to commit a criminal act; the unlawful expression of views;
- support of an organisation whose aims and objectives are illegal;
- the foreseeability that an individual (or individuals) might be drawn into terrorism and/or a breach of the peace.
- a credible threat to public safety
- organisers refuse to put in place reasonable mitigation measures
- any other likely breach of the SHCG Code of Practice on Freedom of Speech.

8.0 Security Costs

SHCG will cover standard security costs for all external events as per the normal booking arrangements.

Should an event be deemed to need an additional security presence to ensure compliance with the

Code of Practice, these costs shall be met by the individual or organization making the booking.

Where the speaker is a high-profile public figure requiring their own security, these costs shall be met by the individual or organization making the booking.

9.0 Complaints and Enforcement

Complaints about suppression of speech or academic freedom must be handled according to the appropriate staff or student complaints procedure.

Likewise, any concerns regarding speech deemed to breach the core principles relating to Maintaining Safeguarding and Upholding the Law should also be dealt with according to the most appropriate policy.

Depending on the specific circumstances of the case, anyone with a complaint should follow the SHCG Complaints Policy and Procedure which could also link to the following policies:

- SHCG Behaviour Management Policy (students)
- SHCG Code of Conduct for Parents and Carers
- SHCG Disciplinary Policy and Procedure (staff)
- SHCG Grievance Policy (staff)
- SHCG HE Sexual Harassment or Misconduct Policy (staff and students)
- SHCG Prevent Policy
- SHCG Staff Code of Conduct (staff)
- SHCG Whistleblowing Policy

Where complaints or concerns raised in relation to this Code of Conduct concern a suspected breach of the law, SHCG may take steps to assist the police to secure identification of the persons suspected of committing offences with a view to appropriate action being taken against them.

Where individuals (including current and former staff/students and external speakers) do not feel that SHCG has dealt with their complaint satisfactorily, they are able to access the Office for Students complaints scheme which can lead to investigation, recommendations and financial penalties.

10.0 Prohibited Practices

- Non-disclosure agreements are banned in cases of harassment or sexual misconduct.
- Staff and students must not be compelled to endorse contested beliefs as a condition of study or employment.
- SHCG policies must be regularly reviewed to ensure they do not indirectly chill lawful speech.