

CODE OF PRACTICE FOR FREEDOM OF SPEECH

Audience:	All College
Requirement:	Essential
Policy Owner:	Director of Student Experience & Transition
Review Delegation:	ELT
Review Cycle:	Every 2 years
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SOUTH HAMPSHIRE COLLEGE GROUP

CODE OF PRACTICE FOR FREEDOM OF SPEECH

1.0 Statement of Principles

- 1.1. South Hampshire College Group (SHCG) recognises and endorses 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.
- 1.2. Institutions are obliged to comply with the Human Rights Act (1998) and the Education (No.2) Act (1986) allowing 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, Education Reform Act (1988).
- 1.3. At the same time, all such freedoms are subject to limitations under the law, to protect the rights and freedoms of others. These are set out in the Education Act 2011, the Equality Act 2010 and the Counter Terrorism and Security Act 2019 - Section 26 PREVENT duty. The Duty states that specified authorities including Further Education colleges, in the exercise of their functions, must have “due regard to the need to prevent people from being drawn into terrorism”.

2.0 Scope

- 2.1. The provisions of this Code apply to all Staff, Students & Visitors to the SHCG. The Code also applies as appropriate to outside organisations hiring College premises and to public meetings held on its premises.
- 2.2. 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 and the use of social media.

3.0 Detail

Freedom of Speech and Expression

- 3.1. This Code of Practice is intended to ensure that, as far as reasonably practicable, freedom of speech and [and expression] within the law is secured for all members of the College Group community as well as for visiting speakers or external clients paying to use College group facilities.
- 3.2. The freedom to express views should 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.

- 3.3. 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 and do not constitute incitement to riot, insurrection, racial hatred, religious hatred, sexual harassment or other activities which are likely to cause a breach of the peace or public disorder.
- 3.4. Or such speech and expressions significantly increase the risk of an individual being drawn into terrorism or otherwise be unlawful, and by allowing such views to be expressed, and by allowing the activity to take place in the format proposed (for example, a non-religious event being held with men and women in segregated seating) South Hampshire College Group would not be failing in its wider legal duties, in particular to have due regard in carrying out its functions to the need to;
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; 2
 - 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; and (d) prevent people being drawn into terrorism.

Activities on College Group Premises

- 3.5. 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.
- 3.6. 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 might be drawn into terrorism and/or
 - a breach of the peace.

- 3.7. 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 with the Executive or Senior Leadership Team (SLT) at the earliest opportunity. Examples may include e.g. visits by public figures if their views have aroused controversy or where the subject matter of the activity is likely to be regarded as controversial, objectionable or an incitement to terrorism.

Sanctions and Penalties

- 3.8. Where those responsible for the breach are students or staff of SHCG, action may be taken against them under the relevant disciplinary procedure.
- 3.9. Where a breach of this Code of Practice takes place at an activity or as a result of an activity taking place, 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