

# FREEDOM OF SPEECH & EXTERNAL SPEAKER / VISITOR POLICY 2024/25

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## 1.0 Policy Principles

The College 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 College and every student enrolling at the College should be aware that joining the College community involves obligations and responsibilities, which are consistent with the above principle and the law.

The policy sets out City of Portsmouth College's (COPC) approach to freedom of speech for the benefit of College students and staff as long as the pursuance of such freedoms remains within the law, and within college policies and is not articulated as to incite riot, insurrection, racial hatred, harassment, criminal activities or other unacceptable activities. The principles of this policy apply to speech in both written and verbal forms.

There are a number of pieces of legislation that have relevance in relation to this policy, and the policy is therefore informed in particular by the following key pieces of legislation:

### ***1.1 Article 10 of the Human Rights Act (1998)***

Article 10 of the Human Rights Act states 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.

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.

### ***1.2 Equality Act 2010***

The Equality Act and the Public Sector Equality Duty requires publicly funded educational institutions to have regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations. The College needs to consider whether any arrangements for freedom of speech and expression satisfy the provisions of the Equality Act. For example, it may be unlawful to allow a member of a group whose views could be perceived to advocate discrimination to address students or staff on college grounds.

### ***1.3 Education Acts***

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.

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

- The beliefs or views of that individual or of any member of that body or
- the policy or objectives of that body.

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 setting out:

- The procedures to be followed by members, students and employees of the establishment in connection with the organisation:
  - i) 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
  - ii) of other activities which are to take place on those premises, and which fall within any class of activity so specified; and
  - iii) 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 College 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 College are complied with.

The Higher Education and Research Act 2017 extended section 43 of the 1986 Act to include any registered higher education provider in England. The Office for Students (OfS) regulatory framework (2018) sets out the initial and ongoing conditions which higher education providers need to satisfy in order to be registered with the OfS. One such condition for registration requires the provider to have in place adequate and effective management and governance arrangements to deliver, in practice, the public interest governance principles that are applicable to it. Amongst the public interest governance principles are that the governing body takes such steps as are reasonably practicable to ensure that freedom of speech within the law is secured within the provider and that academic staff at an English higher education provider have freedom within the law to question and test received wisdom and to put forward new ideas and controversial or unpopular opinion without placing themselves in jeopardy of losing their jobs or privileges they may have at the provider

#### ***1.4 Prevent Duty***

The Counter Terrorism and Security Act 2015 means the College must “have due regard to the need to prevent people from being drawn into terrorism” (Section 26). The College 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, we must “have regard to any such guidance in carrying out that duty.”

The College 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 and the College’s values and its Equality Policy all aim to positively address this challenge. It covers many areas of activity, including pastoral support for students, staff training, information sharing and assessing speakers for events. In the assessment of speakers for events the College will have due regard to the Government’s list of terrorist groups or organisations banned under UK law and details of proscription criteria.

#### ***1.5 Charity Law***

Although the College is exempt from registration with the Charity Commission, it is nevertheless subject to Charity law and our compliance with charity law will be monitored by the Office for Students and Department for Education, acting through the Education and Skills

Funding Agency. The College is required to manage the risk of criminal conduct, including terrorism or inciting racial or religious hatred, comply with civil law obligations, such as the Equality Act 2010, satisfy the 'public benefit requirement' and manage its resource responsibly.

## **2.0 Policy Objectives**

COPC 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 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 College sites.

The Policy incorporates the Policy of Practice that will operate at COPC including the articulation of the rights and obligations inherent in supporting the principle of freedom of speech and expression within the law. The Policy's obligations and rights apply to:

- a) the College (which includes all bodies or persons having authority to determine any matter relevant to this Policy).
- b) governors and staff.
- c) students.
- d) the Students' Union.
- e) any alumnus invited by the College.
- f) all contractors and commissioned services.
- g) any person or organisation wishing to hire premises controlled by the College for an event.
- h) In relation to the holding of any events on premises, the Policy'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 Policy, would have been invited to the event.

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

## **3.0 The Principle of Freedom of Speech**

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

Any person, or body, to which this Policy 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 Policy.

Any person or body, to whom this Policy 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 College) by that student.

All external speakers/visitors have a responsibility to abide by the law and college's policies whilst ensuring:

- They must not advocate or incite hatred, violence or call for the breaking of the law
- They are not permitted to encourage, glorify or promote any acts of terrorism including individuals, groups or organisations that support such acts
- They must not spread hatred or intolerance in the community and thus aid in disrupting social and community harmony
- They must be mindful of the risk of causing offence to or seek to avoid insulting other faiths or groups, within a framework of positive debate and challenge
- They are not permitted to raise or gather funds for any external organisation or cause without the express permission of the College.

### **5.0 Situations where the College will not support events and speakers**

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

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

- the views likely to be expressed by any speaker are contrary to the law.
- 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.
- the views likely to be expressed by any speaker are for the promotion of any illegal organisation or purpose.
- 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 College, that the event does not take place.
- The views of any speaker are widely known and published and do not align with the values of the College, regardless of the focus of the event in question.

Subject to the content and where the College is reasonably satisfied that the otherwise lawful expression of views at any event is likely to give rise to disorder, the College 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 College 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 College 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.

### **6.0 Approval and management of events and external speakers**

Organisers of a visiting speaker or an externally staffed event should, in advance, complete the pro forma entitled “Visiting Speakers and Organisations Approval Form and Checklist” 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.

Where a speaker or organisation requests to come to CoPC 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 same checklist.

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 College’s Vice Principal, (or if unable to contact), the Assistant Principal, Student Experience, and with the Director of Facilities and Estates in the case of concerns about disruption or crowd control.

Any of these post holders can veto the visiting speaker or organisation or suggest additional controls (e.g. require the creation of a specific risk assessment) to allow the event to go ahead.

Copies of the “Visiting Speakers and Organisations Approval Form and Checklist” should be held in a central database, and information provided to College’s Reception in advance of the event (in addition to the normal advice to Reception of the expected arrival of a visitor). All external speakers will be required to enter the College via the main reception. 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 always accompanied within the College.

Where any visiting speakers or organisations address students, the organiser must ensure that the College 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.

## **7.0 General**

Any breach of the provisions of this Policy by staff, students or governors will be addressed through COPC Disciplinary Procedures.

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

Where breaches of the criminal law occur, the College shall assist, where appropriate, the Police and the Crown Prosecution Service. In respect of any criminal charges, the College, shall not, unless the CEO 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 Policy shall be monitored by the College’s Senior Management Team.



## 8.0 Review

The law requires that the Corporation shall issue, and keep up to date, a Policy of Practice on Freedom of Speech. To comply with this duty, the Corporation will review annually, the policy and its operation.

## 9.0 Related Policies

The policy should be read in conjunction with the following policies:

- Safeguarding Children and Vulnerable Adults Policy
- Equity, Equality, Diversity and Inclusion Policy
- External Lettings Policy

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Appendix A

**Visiting Speakers and Organisations Approval Form and Checklist.** This form must be completed at least 14 days prior to the event

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 College, and they align with the College 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 always accompany them.		
6. I have discussed the event with my line manager, and they are 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/ Vice Principal Student Experience / 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)*:

Vice Principal Curriculum/VicePrincipal Student ExperienceName:	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)*:

Head of Estates and Facilities Name:	Date:	Signature:
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**Appendix B**

This form must be completed at least one week prior to the event if a PEEP is required

**AGREEMENT AND GUIDELINES FOR VISITING SPEAKERS**

City of Portsmouth College (CoPC) 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. CoPC takes seriously its responsibility under section 175 of the Education Act 2002, and existing documentation including 'Keeping Children Safe in Education' September 2022, 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):
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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 always required.
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 College.
6. Compliance with the Colleges Equality, Diversity & Inclusion and Safeguarding Policies.
7. College 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.

<u>Fire Evacuation details</u>
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I confirm <input type="checkbox"/> receipt of the Colleges Fire Evacuation document that outlines Fire action notices, On-Site Assembly points/Emergency door release instructions.
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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.
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<input type="checkbox"/> 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.
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Note: The Fire Alarms are tested on XXXX at XXXXX
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Visiting speaker's signature: \_\_\_\_\_ Date: \_\_\_\_\_