

Freedom of Speech Policy



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Scope of policy:

All visitors, external speakers, staff and students

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1. Purpose & Aims

RNN Group are committed to creating an environment where everyone is treated with dignity and respect and where diversity is valued. As a College we want to provide the best education and opportunities to learn through effective engagement with external speakers and organisations, ensuring that we are protecting both staff and students and the reputation of our Colleges, whilst following the legislation that we're responsible for upholding.

This policy is written with reference to the Prevent Duty contained within Section 26 of the Counter Terrorism and Security Act 2015. 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".

Violent and non-violent extremism in the context of terrorism is of great concern within our liberal democracy where freedom of speech is quite rightly considered a fundamental right and an important feature for Colleges as open institutions, where the freedom to express ideas and opinions is a fundamental principle. The UN International Covenant on Civil and Political Rights guarantees the right to freedom of expression and freedom of opinion. The same convention also requires the prohibition of "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence". At the same time, all such freedoms are subject to limitations under the law, to protect the rights and freedoms of others.

We are also committed (as articulated in our Articles of Government) to ensuring that our students and staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions without placing themselves at risk of losing their positions or any privileges they may have at the RNN, College and College Sites.

2. Working in Partnership

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The RNN Group will refer concerns that a child or young person might be at risk of significant harm to the Multi-Agency Safeguarding Hub, the Police or Channel and concerns for assessment of need and onward referral for other services if required to the Early Help Unit using the Early Help Assessment Form.

The RNN Group work in partnership with the Safeguarding Boards and attend the local FE Colleges' Safeguarding and Prevent Forums.

3. Legislative Framework

The Colleges operate its Freedom of Speech Policy through its acknowledgement and acceptance of its responsibilities set out in:

Counter Terrorism and Security Act 2015

<http://www.legislation.gov.uk/ukpga/2015/6/contents/enacted/data.htm>

Prevent Strategy

<https://www.gov.uk/government/publications/prevent-strategy-2011>

Prevent Duty Guidance for Further Education

<https://www.gov.uk/government/publications/prevent-duty-guidance>

Protection of Freedoms Act 2012

<http://www.legislation.gov.uk/ukpga/2012/9/contents/enacted>

Equality and Human Rights Commission on The Legal Framework for Freedom of Expression

<http://www.equalityhumanrights.com/publication/freedom-expression-legal-framework>

Article 10 of The Human Rights Act 1998

<http://www.legislation.gov.uk/ukpga/1998/42/schedule/1/part/I/chapter/9>

The Race Relations (Amendment) Act 2000

<http://www.legislation.gov.uk/ukpga/2000/34/contents>

Equality Act 2010

<http://www.legislation.gov.uk/ukpga/2010/15/contents>

The Education (No 2) Act 1986

<http://www.legislation.gov.uk/ukpga/1986/61>

Section 43 of The Education Reform Act 1998

http://www.legislation.gov.uk/ukpga/1988/40/pdfs/ukpga_19880040_en.pdf

and other associated legislation.

4. Related Policies and Procedures

Key college policies contribute to the Freedom of Speech Policy and are available on the college portal and websites.

5. Purpose and Objectives

This Policy sets out the way in which the rights and obligations associated with freedom of speech and expression operate at College whose principles are supported and shared nationally by the National Union of Students¹.

It is College policy to ensure that guidelines, procedures, training and support are in place so that staff and learners can carry out their duties in line with the contents of this policy.

It will ensure that designated personnel will be available to assist staff who identify concerns and that all concerns will be treated seriously and referred as outlined in the College Safeguarding for All Policy.

Objectives:

- To provide an environment where freedom of expression and speech are protected balanced with the need to ensure that our community is free from harm and that incitement to hatred is never acceptable.
- To provide a supportive, inclusive and safe space for students.
- To provide clearly defined and effective procedures to ensure that the law is upheld.
- To collaborate with others to reach sound, evidenced judgments about proposed external speakers ensuring that the Colleges can meet their legal obligations.
- To encourage and provide a balance of opinion at any academic discussion or debate.
- To communicate to all members, volunteers, staff and visitors, that it is our mutual responsibility to comply with equality and safeguarding and that both the Colleges and the individual can be held liable if they contravene the law.
To provide clear instructions for organising an event with external contribution and guidance for researching an external speaker.

6. Terms and Definitions

External Speaker is used to describe an individual or organisation who is not a student or member of College staff

Presentation for the purpose of this document should be read to include all talks, debates, workshops and speeches.

¹ National Union of Students: Freedom of Expression <http://www.nus.org.uk/en/news/universities-must-ensure-the-freedom-of-speech-for-all/>

Extremism The Government's Prevent Strategy² describes extremism as: "vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. Also included in the Government's definition of extremism are calls for the death of members of our armed forces, whether in this country or overseas". In the absence of a UK legal definition of extremism, this College guidance document uses the Prevent definition as a starting point to identify and mitigate risk to the public.

7. Policy expectations

All members of staff working within the Colleges in whatever role will be accountable to this policy, and have a responsibility to take seriously all concerns that come to their attention in line with College Safeguarding Policy.

8. Roles & Responsibilities

All those working with or on behalf of children or vulnerable adults have a responsibility to protect them. The RNN Group has appointed key people who have specific safeguarding responsibilities and constitute the organisation's designated safeguarding team.

To ensure the implementation of this policy, the following key members of staff have been identified.

Assistant Principal – Student Support and Safeguarding shall have overall responsibility for the College Prevent Action Plan and Group Safeguarding for All Policy Incorporating Child Protection and Prevent.

HR Director shall have overall responsibility for recruitment policies and procedures.

Assistant Principal - Quality shall have overall responsibility for the organisation of staff Development and training.

Event Organiser shall have responsibility for carrying out research into the external speaker(s) and organisation, gaining agreement from the speaker in line with RNN Groups responsibility under Prevent and Safeguarding duties and legislation and ensuring that an event supervisor is allocated. The event organiser shall complete and submit all the necessary documentation and evidence to support permission for approval for the event to take place.

Department Manager/Curriculum Team Leader shall have responsibility for completing the risk assessment with the event organiser and indicating steps to reduce risk if the event is permitted to take place with steps to reduce risk.

² See Prevent Strategy <https://www.gov.uk/government/publications/prevent-strategy-2011>

Head of Department/Curriculum Manager shall have overall responsibility as department head to ensure that all staff are aware of their responsibilities in terms of this policy and embedding Fundamental British Values and Prevent throughout the organisation and curriculum. The Head of Department/Curriculum shall have overall responsibility for signing off the risk assessment of each event.

Event Supervisor shall have responsibility for ensuring that the external speaker(s) is supervised at all times whilst on premises and that the speaker(s) follow visitor protocols, ensuring the return of visitor badges at the end of the event.

Student Services shall store all external speaker event documentation and record on a central register of events.

Learner Success Team Leader shall have responsibility for ensuring Progress Tutors are equipped to provide consistent quality delivery to learners through the College tutorial programmes on the subject of British Values and Prevent.

Progress Tutors shall ensure that consistent, quality delivery is embedded within the group tutorial programme and pastoral support for learners.

9. Quality and Monitoring

It is College policy to ensure that all staff are briefed during their induction, have access to regular training, and that designated personnel have regular contact with appropriate agencies to ensure that guidelines and procedures meet with nationally agreed recommendations. The policies and procedures will be examined on an annual basis for accuracy and updated on a regular basis.

10. Organising an External Speaker Event and Visitor Protocols

It is the duty of all staff to follow the College's established Visitor Protocols for external speakers and ensure that all visitors are pre-booked, sign in at the appropriate reception area, wear visitors passes and are supervised **at all times whilst on site** and return visitor badges to reception and sign out.

It is the responsibility of the staff member, supported by their line manager, to appropriately research the speaker or organisation before agreeing to allow the external speaker to address students.

Extra care should be given to speakers or organisations who make first contact.

An agreement with the speaker and organisation they represent should always take place before the event in which the outline of the presentation is discussed and both parties understand the purpose and boundaries of the presentation. The speaker should be fully informed of the need to use appropriate language to address students and the educational level of students they will be addressing.

Where a presentation is likely to be distressing to some students, the staff member should inform the Deputy Head of Student Services/Health & Wellbeing Team Leader to make sure members of staff from the welfare team can assist with any student affected by the issues discussed.

Where a presentation is likely to be seen as controversial or addresses topics of religion or Politics extra consideration must be given in consultation with the safeguarding team and Deputy Designated Safeguarding Leads (DDSLs) before agreeing to the presentation. Consideration should not just be given to the content of the presentation but also to the individual who attends, for example the risk of someone high profile.

In situations where the presentation is on religion, politics or controversial issues and the speaker is unable to attend at short notice and instead offers an alternative speaker, without giving the college time to consider the new speaker, the presentation must not proceed.

Making the decision on referred speakers

Any presentation with referred speakers will be authorised by the event organiser's department manager. The event organiser will conduct a short investigation into the speaker and the presentation and this may involve liaising with the local Prevent Coordinator.

In making recommendations the level of risk will be assessed on the following basis:

- The potential for any decision to limit freedom of speech
- The potential for the presentation going ahead to cause the College to be in breach of its Single Equality Scheme
- The potential for the event going ahead to cause reputational risk to the College/Group
- The potential for the speaker's presence on campus to cause fear or alarm to members of the student body
- The potential for the speaker's presence on campus to give rise to breach of peace

As a result one of the following recommendations will be reached:

- Fully permit the presentation with the external speaker to go ahead unrestricted
- Not permit the presentation with the external speaker to go ahead
- Permit the presentation with the external speaker to go ahead on the basis of steps designed to reduce risk

Examples of steps that could be taken to reduce risk;

- Requiring that a copy of any presentation or speech to be delivered by the speaker be submitted in advance of the presentation
- Requiring that an event promoting a particular view includes an opportunity to debate or challenge that view
- Requiring the use of the Security Team to be on the door of any large scale event

When considering any steps designed to reduce risk, their potential to cause risk themselves (for example, the sense of oppression felt by the imposition of security on the door) should be taken into account.

11. Community Groups, Charities and Fundraising

Charity

Collecting money for a local, national or international registered charities should always been seen as a positive more and can build up excellent links for the College and our students.

All staff wishing to organise a collection for a charity should always first discuss this with their line manager. It is the line manager's responsibility to make sure the charity is registered with the Charity Commission and does not have potential links to extremist groups. Where the charity is not registered with the Charity Commission or there might be potential links to extremist groups the line manager should contact HR Director and Assistant Principal – Student Support and Safeguarding for further advice.

Community Group(s)

The College will seek to work with community groups to support the learning and enrichment of our student body and will actively seek to work in partnership. Where there is a concern raised about a community group and their involvement in any aspect of College life, we will investigate this accordingly.

Extremist Literature

It is the duty of all staff to follow the College Safeguarding Policy and report incidents where they believe someone might be at risk of potential harm. Extremist Literature in the form of leaflets or pamphlets can be the first step in grooming a young person into extremism. It is the duty of all staff to be vigilant to any literature they find on the college premises that might be trying to engage young people in extremism activity. All literature found should immediately be reported to the College's Safeguarding Officer via the normal procedure for reporting concerns.

Where any person is seen to be handing out extremist literature this should immediately be reported to a member of the Safeguarding team who will liaise with Campus Security to deal with the issue.

Approval Form: External Speakers



The completed form should be sent to the event organiser’s Line Manager and Department Head to obtain consent and then forwarded to Student Services for recording purposes.

Name(s) of visiting speaker(s):		Organisation(s) they represent:	
Address		Landline:	
Website:		Mobile:	
Topic/Content			
Group	No of Learners	Date	Venue
			Time
			Duration
Background checks (please circle all that apply) (Please attach copies to the approval form)			
3-page Google Search	References	Testimonials	DBS ID Other _____
Are there any matters that require further investigation/action? Supply brief description.			
Is there any known or likely media interest in the proposed event? YES/NO – please provide details:			
Is the content likely to be distressing to learners? No/Yes – referral for welfare support required			
Has the content, level, boundaries and language been agreed for suitability and appropriateness? Yes/No			
Declarations			
We confirm we have read and understand the related policies and procedures with regards to external speakers. We will ensure the Speaker(s) follow visitor protocols and are not left unsupervised at any time.			
Event Organiser	Signature	Date	
Event Supervisor	Signature	Date	
Event fully approved / Event declined/ Event permitted with steps to reduce risk:			
Line Manager	Signature	Date	
Department Head	Signature	Date	

Risk Assessment Framework for External Speakers



Speaker(s)	Organisation

1. Has an External Speaker approval form been completed which indicates appropriate supervision in relation to the College's Safeguarding duty and that the event organiser will ensure visitor's protocol is adhered to?	No – permission refused until the form is completed and there is appropriate supervision in place.	Yes – go to question 2
2. Has the event organiser researched the speaker and organisation and has no concerns?	No – permission refused until complete	Yes – to go question 3
3. Has the external speaker confirmed that they respect: freedom of speech; the rights and freedoms of others as protected by the law; the College's responsibilities in relation to equality legislation?	No - the College is at risk of breaching its legislative duties and permission must be refused	Yes – go to question 4
4. Has the external speaker confirmed that they will not incite an audience to violence, a breach of the peace or racial hatred?	No – there is a risk that they will act contrary to public order and permission must be refused	Yes – go to question 5
5. Has the external speaker confirmed that they support fundamental British	No – permission must be refused as part of the College's Prevent duty	Yes – go to question 6

Values including democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs		
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6. Has the event leader confirmed with the external speaker the purpose and boundaries of the presentation. Is the speaker should fully informed of the need to use appropriate language to address students and the educational level of students they will be addressing?	No –permission must be refused as part of the College’s Prevent duty	Yes – go to question 7
7. Has the event organiser assessed the content of the presentation to be distressing to some students?	No – event organiser to assess content before permission is granted. Note: if assessed as distressing the event organiser to liaise with Learner Welfare Team Leader to allocate support	Yes – no further action required - go to question 8
8. Is the external speaker/organisation aware that replacement speakers will not be permitted where the content is of a religious, political or controversial nature?	No – advise the organiser that the presentation cannot go ahead if replacements are offered	Yes – the event is authorised to proceed

Comment: This framework is not a justification to curtail legitimate free speech simply because it is challenging. As an example it would be appropriate to allow debate regarding the meaning of democracy or the extent to which it is truly promoted by the British (or other) political system.

The person who is supervising the external speaker should be reminded of the College’s legislative duties with regard to Safeguarding, Equality, Public Order and Prevent duties.

Where appropriate, such as with a potentially challenging speaker who is deemed to present an acceptable level of risk, the Assistant Principal should provide assistance with the risk assessment

Completed by

Name	Job Title	Date	Signature

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External Speaker Declaration Form



RNN Group has both a legal and moral responsibility to ensure that our students are not exposed to views that conflict or undermine fundamental British values including those which might incite others to unlawfully discriminate against racial or gender groups or encourage students to commit acts of violence.

For these reasons we ask that you read the statements below and sign the declaration at the bottom of this page. All visiting speakers to the College sites are to be asked to complete this declaration and we trust that you understand and accept that we are acting in the best interests of our students and not making any kind of unfavourable judgement about visiting speakers or their views and opinions.

I/we confirm that the content of my presentation and discussion will not incite an audience to violence, breach of the peace or racial hatred, and I/we understand that such words or actions are contrary to public order laws and as such will not be regarded as lawful speech.

I/we confirm that I/we will respect the rights and freedom of others as protected by the law (for example, I/we must not make statements which are actionable for defamation). I/we will respect the freedom of speech of others and will ensure that no groups face unlawful discrimination as a result of my/our words or actions.

I/we confirm my/our support for fundamental British Values including democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs. I/we fully understand that freedom of speech does not extend to individuals or organisations not committed to these values.

I/we confirm that I have discussed and agreed the outline of the presentation with a College representative and understand the purpose and boundaries of the presentation.

I/we am/are fully aware of the need to use appropriate language to address students and the educational level of students I/we are addressing

Signed _____

Name _____

Signed _____

Name _____

