

Freedom of Speech and Expression

Code of Practice

This policy should be interpreted in the context of other relevant college policies, in particular the Safeguarding and Child Protection Policy and Visitors Speaker Policy.

Equality and Diversity Statement

This Code of Practice recognises the following categories of individual as Protected Characteristics: age, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex (gender), sexual orientation, disability. In addition to these recognised characteristics, the College will also take socio-economic disadvantage in account under this Policy.

Introduction

Lawful freedom of speech is essential to the life of a College, but can only be attained if all those involved not only exhibit a degree of tolerance and forbearance towards views in opposition to their own but also support the concept of rational debate. The Henley College wishes to ensure that the use of its premises is not denied to any individual or body on any grounds connected with their lawful beliefs or views or their policies or objectives, and that staff and students of The Henley College, may go about their proper business without fear of intimidation. Legal obligations exist, however, which may set limits on certain freedoms in order to preserve the rights and freedoms of others.

The Education (No 2) Act 1986 (the “Act”) requires that:

Every individual and body of persons concerned in the government of any establishment to which this section applies 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.

The duty imposed by subsection (1) above 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—

(a) The beliefs or views of that individual or of any member of that body; or

(b) The policy or objectives of that body.

The governing body of every such establishment shall, with a view to facilitating the discharge of the duty imposed by subsection (1) above in relation to that establishment, issue and keep up to date a code of practice setting out—

(a) 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

(b) The conduct required of such persons in connection with any such meeting or activity; and dealing with such other matters as the governing body consider appropriate.

Every individual and body of persons concerned in the government of any such establishment 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 that establishment, issued above, are complied with.

In addition, clear guidance is required for students, staff, governors and external agencies as to how the College manages freedom of speech as part of its Prevent Duty Guidance and in line with the Counter-Terrorism and Security Act 2015.

The Henley College's commitment to freedom of speech and expression

Staff and students of the College must conduct themselves at meetings and other events on College premises so as to ensure that freedom of speech within the law is secured for staff and students of the College and for visiting speakers. The College believes that a culture of free, open and robust discussion can be achieved only if all concerned avoid needlessly offensive or provocative action and language. The freedom protected by this Code of Practice is confined to the exercise of freedom of speech within the law.

The College affirms its commitment to Freedom of Speech. It must, however, take account of its other legal obligations, beyond those imposed by the Act. 1.2. A speaker who incites an audience to violence, breach of the peace or racial hatred, for example, is acting contrary to public order laws and as such shall not be regarded as lawful within the remit of this code. Speakers must respect the rights and freedom of others as protected by the law

1. Section 43 of the Education (No 2) Act 1986 requires the College to issue and keep up to date a code of practice to be followed by all members, students and employees of the College for the organisation of meetings and other events, which are to be held outdoors, as well as indoors, on College premises, and for the conduct required of members, students and employees of the College in connection with any such meetings and other events.
2. An intentional reckless or negligent breach of this Code of Practice may constitute an offence under the College's Disciplinary Code and members of the College are reminded that alleged breaches of this Code may be the subject of disciplinary action
3. No revision of this code will take effect except by decision of the Governing Body of the College.
4. Where the nature of a proposed meeting or event, the identity of the speaker or speakers or some other factor gives rise to concern on the part of the organisers, or any other member of the College, they are responsible for bringing the meeting or event promptly to the attention of the Safeguarding and Prevent Lead. Members of the College must always report events where they consider that:
 - The meeting or event may give rise to an environment in which people will experience, or could reasonably fear, discrimination, harassment, intimidation, verbal abuse or violence, particularly (but not exclusively) on account of their age, disability, gender reassignment, marriage or civil partnership, pregnancy, maternity, race, religion or belief, sex or sexual orientation;
 - A proposed external speaker is a member of, or is likely to use the event to encourage support for, a proscribed organisation;
 - The meeting or event is likely to pose a risk to health and safety of those lawfully on College premises; or that it may prompt a risk to public safety.

As required by section 12 of the Terrorism Act 2000, the College will not provide a platform for speakers where it is known that:

- The proposed speaker belongs to, or professes to belong to, a proscribed organisation; or
 - The proposed speaker will use the event to support, or to further the activities of, a proscribed organisation.
5. Any member of the College who is in any doubt about the application of this Code of Practice to any meeting, event or public gathering on College premises is under an obligation to consult the Safeguarding and Prevent Lead, who will determine whether the provisions of the Code apply. Under the Terrorism Act 2000, the Home Secretary may proscribe an organisation if she/he believes it is concerned in terrorism. For the purposes of the Act, this means that the organisation: (a) commits or participates in acts of terrorism (b) prepares for terrorism (c) promotes or encourages terrorism (including the unlawful glorification of terrorism) or is otherwise concerned in terrorism.
6. Organisers must supply details of the following, by completing the Microsoft form on share point.
- Time and date of the proposed meeting or event
 - Proposed location of the meeting or event
 - The names, addresses and colleges (if any) of the organisers
 - The name of the organisation making the arrangements
 - The name of any expected speaker
 - An overview of the meeting or event and the topics that will be covered
 - Whether the event will be open to members of the public

Please refer to the Visiting Speaker Policy for more information

Freedom of Speech at The Henley College

At the Henley College, we believe that acceptable Freedom of Speech is where comments do not infringe upon other people's identities and beliefs. The College does not allow or accept any forms of hate speech.

The College strives to build a culture of respect within its community. We are an inclusive College and expect respect for everyone, no matter their belief, background, gender or race.