Policy	Freedom of Speech Policy – ORG01
Document owner	Director of Communications, Information & Technology
Date first implemented	September 2015
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Associated documents	
Reference documents	Education Act (no 2) 1986
Initial reviewing body	Senior Leadership Team
Final approval body	Board of Governors
Published on website	Yes

Purpose	To specify the College's policy in respect of the requirements of Freedom of Speech, as specified in the Education Act 1986.
Scope	The policy applies to all College staff and governors, and students registered at the College.
Equality, Diversity & Inclusivity	*"[Derwen] College is committed to promoting equality, good relations and to challenging discrimination. This is reflected in all College policies, procedures, processes and practices."* *Derwen College Equal Opportunities Policy* Derwen College's ethos is to embrace diversity, to offer equality of opportunity, and to treat every individual fairly and with respect. Equality, diversity and inclusivity are embedded throughout the organisation. This policy should be applied in accordance with this ethos. If you would like a copy of this document in a different format, such as large print, please contact the Human Resources Department who will provide help with alternative formats.

Requirements of the Act

The Education (No 2) Act 1986 (the "Act") requires every individual and body of persons concerned in the government of any further education institution to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for students/other users and employees of the institution and for visiting speakers.

There is also a requirement that, so far as is reasonably practicable, the use of College premises shall not be denied to any individual or body of persons on grounds connected with the beliefs or views of that individual or any member of that body, or with the policy and objectives of that body.

The Act further requires the governing body of the institution to issue a code of practice setting out the procedures to be followed by students and employees of the establishment in

connection with the organisation of meetings and other activities which are to be held on College premises and the conduct required of such persons in connection with any such meeting or activity.

Finally, every individual and body of persons concerned in the governance of the College is required to take such steps as are reasonably practicable (including where appropriate the initiation of disciplinary measures) to secure compliance with the code of practice.

Principles of the Code

Derwen College affirms its commitment to freedom of speech. It must, however, take account of its other legal obligations, beyond those imposed by the Act. For example, a speaker who incites an audience to violence, breach of the peace or racial hatred is acting contrary to public order laws and what is said shall not be regarded as lawful speech within the remit of this code. Speakers must respect the rights and freedom of others as protected by the law (for example, they must not make statements which are actionable for defamation).

All meetings taking place on College premises are private, unless the public is expressly invited to attend and activities must further the objects of the Charity.

Speakers

The code is concerned with ensuring that all students/ / clients and employees of the College, and visiting speakers, have freedom of speech within the law.

In the case of meetings organised by students/clients, speakers should come at the invitation of a curriculum area, Student Union Board or Client Forum.

In the case of meetings organised by staff, speakers must come at the invitation of a collective body such as Human Resources or the Senior Leadership Team, or of a member or members of staff individually. The last must first consult a member of the Senior Leadership Team.

In the case of meetings organised by the Board of Governors, speakers must come at the invitation of the Board collectively or a member or members of the Board individually. The latter must first consult the Chair of the Governors or (in his or her absence) the Vice Chair of Governors.

Other requirements of the code

The principal organiser of such a meeting must book a meeting room through the Room Bookings System. If all the specified rooms are already booked, the meeting must be held over until one of the rooms becomes free.

Where a meeting is organised by a collective body or by two or more individuals, the organisers should appoint one person as the principal organiser in order to simplify communication and liaison between the organisers and the College and to avoid confusion.

The principal organiser of a meeting must give the Principal & CEO four weeks' written notice of the meeting, setting out the proposed date, time and place of the meeting; the subject of the address; the name of the speaker; and a statement whether the meeting is going to be private

or open to the public. Exceptionally, where four weeks' notice is impractical, the Principal & CEO or another member of the Senior Leadership Team (SLT) may agree to accept shorter notice.

Within one week of receiving notice from the principal organiser, the Principal & CEO/SLT will respond in writing. Where permission is granted, the Principal & CEO/SLT may attach any conditions which are considered necessary for the fulfilment of the College's legal obligations to protect and secure freedom of speech and/or any other legal obligations and/or to fulfil any other College requirement or rule. The organisers are expected to comply fully with all such conditions.

These conditions may, for example, include:

- A requirement that tickets must be issued where a meeting is to be open to the public.
- That an adequate number of stewards must be provided by the organisers and that the Senior Leadership Team must be satisfied about their suitability.
- That staff members appointed by the Senior Leadership Team must be present, to help in keeping order.
- That a member of the College's staff, appointed by the Senior Leadership Team, must be there as a "controlling officer".
- They may also concern the admission or exclusion of representatives of the media.

The Senior Leadership Team has discretion to consult the police and, if in doing so may then think it appropriate, to attach further conditions. For example, require a meeting to be declared public (which would allow for police presence); or arrange for College staff to take complete responsibility for the security arrangements.

The Senior Leadership Team may use discretion and refuse permission for a meeting or later withdraw permission already given.

The organisers may appeal, within five days of receiving the Senior Leadership Team's decision, to the Chair of the Board of Governors against the whole or part of the decision. The Chair's ruling will be final and will be communicated to the principal organisers within five days of receiving full details of the appeal.

Where a meeting proceeds, the organisers are under a duty to see that nothing in their preparations for it or their conduct of it infringes the law.

It is the ongoing duty of any person involved in organising a meeting or other activity, and also the duty of any person responsible for processing the booking of rooms in the College, to inform the Senior Leadership Team as soon there are reasonable grounds to believe that the activity may be disrupted, for example, by reason of:

- the status of the speaker: or
- the nature of any of the subjects to be discussed; or
- the views or beliefs (whether or not related to the activity) of any person attending; or
- the coincidence of the activity with another activity.
- the personal safety or property of any person attending may be at risk by reason of their involvement in the activity; or
- intimidation, duress, or harassment might be applied to any person in an attempt to prevent their attending the activity; or
- the activity might be picketed.

No articles or objects may be taken inside the building where a meeting is taking place, or taken or used elsewhere on College premises, in circumstances where the presence or use of those articles or objects is likely to lead to injury or damage.

The responsibility for conducting a meeting rests with the appointed chairperson. This calls for a close liaison and consultation beforehand between the chairperson and the principal organiser, especially if the Senior Leadership Team has attached any conditions to permission to use College premises.

At the meeting, the chairperson has a duty to keep order and, so far as possible, to secure that both the speaker and the audience act in accordance with the law. The chairperson should issue warnings if unlawful conduct, such as the use of violence is threatened or takes place, and where such conduct continues, should require the offenders to withdraw or to be removed by the stewards. The chairperson may call upon the help of any appointed staff whose presence the Senior Leadership Team has made a condition of holding the meeting.

However, if the chairperson has made all reasonable efforts to keep order but the meeting goes or continues out of control, any “controlling officer” present will take charge. If there is no “controlling officer” any appointed staff present will take charge, acting on instructions or advice which the Senior Leadership Team has given to them beforehand but otherwise using their own initiative? In the absence of a “controlling officer” or security officer, the chairperson must send one or more of the stewards to seek help from the campus staff at their normal station of work.

College premises used for a meeting must be left clean and tidy. In default, the organiser may be charged for any additional cleaning and for any repairs which are necessary. Payment in advance, or evidence of ability to pay, may be required before a meeting takes place.

Sanctions

Failure to observe the requirements of this code or of any conditions laid down by the Senior Leadership Team makes any students or member of staff concerned liable to disciplinary action by the College and, at the discretion of the College, to regard any booking of a room as void. If any actions involve breaches of the criminal or civil law, the College will assist the prosecuting authorities as appropriate.

Conclusion

All meetings for which the use of College premises is granted or withheld under this code will be reported to the Board of Governors.