



**Teitl / Title:** *Freedom of Speech Policy & Code of Practice*

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Adolygu a Chymeradwyo / Review and Approval

<b>Cyfrifoldeb / Responsibility:</b>	<i>Is-Bennaeth Ansawdd / Vice Principal of Quality</i>
<b>Corff Cymeradwyo / Approval body:</b>	<i>Communications &amp; Culture Committee - January 2021 LPIC &amp; Governing Body</i>
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Cwmpas / Scope

*Please see the Policy for details.*

*I'w bennu gan y Rheolwr Gweinyddol a Gwasanaethau Cwsmeriaid /  
/ To be assigned by the Admin & Customer Service Manager*

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## **Contents**

- Policy Statement on Freedom of Speech (P2)
- Code of Practice on Freedom of Speech (P3)
- **European Convention on Human Rights (P4)**
- Meetings and events on College premises (P3)
  - a. Meetings and events to which this Code applies
  - b. Organisation of such meetings or events
- College premises made available for use by outside organisations (P4)
- Appendix (P5)

## **Policy Statement on Freedom of Speech**

1. Students, governors and employees of the College must conduct themselves so as to ensure that freedom of speech within the law is secured for students, governors and employees of the College and for visiting speakers.
2. The freedom protected by this Code of Practice is confined to the exercise of freedom of speech within the law. 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 College expects speakers and those taking part in meetings to respect its values, to be sensitive to the diversity of its community and to show respect to all sections of that community.
3. An event which is likely to give rise to an environment in which people will experience, or could reasonably fear, harassment, intimidation, verbal abuse or violence, particularly because of their ethnicity, race, religion or belief, sexual orientation, gender, disability, age, marriage/civil partnership or gender reassignments, is also likely to be unlawful under the Equality Act 2010.
4. The Counter Terrorism and Security Act 2015 expects all FEIs to show 'due regard to the need to prevent people from being drawn into terrorism'. This is set out in Section 26 and the accompanying Prevent duty guidance under section 29 of the Act. This act expects that all education providers have clear protocols for visiting speakers and that they are suitable and appropriately supervised. The Prevent duty is not intended to limit discussion of these issues. The College is however mindful of their existing duties to forbid political indoctrination and secure a balanced presentation of political issues.
5. This policy statement also is a reflection of the College's Whistleblowing Policy which is intended to encourage and enable staff to raise serious concerns within the College and employees are assured that such concerns, which are raised lawfully, in good faith, without malice and in the public interest, will be investigated.
6. This policy conforms to the College's values which include being 'respectful and transparent'.

## **Code of Practice - Freedom of Speech**

### **Code of Practice issued under section 43 of the Education (No 2) Act 1986:**

7. Section 43 of the Education (No 2) Act 1986 requires the College to issue and keep up to date a code of practice referring to freedom of speech in universities, polytechnics and colleges. This code of practice(outlined here) will be followed by all students and employees of the College for the organisation of meetings and events which are held on all College premises (indoor and outdoor) and for the conduct required of students and employees of the College in connection with meetings and events.
8. An intentional or reckless breach of this Code of Practice is an offence and may be the subject of disciplinary action (following the relevant procedures for students or employees) and where any acts of individuals involve alleged breaches of criminal law, the College will assist the prosecuting authorities in implementing the due process of law. Any internal disciplinary proceedings may be deferred or suspended pending the outcome of criminal proceedings.

### **Meetings and events on College premises**

#### **(a) Meetings and events to which this Code applies**

9. In this part of the Code reference to a meeting or an event refers to meetings or other events where the nature of the meeting or event, the identity of the speaker or speakers or some other factor gives rise to reasonable concern on the part of the organisers, the College management or other individuals that the proposed meeting or event may be disrupted or may result in violence, disorder, harassment or any other unlawful activity.
10. The College is responsible for approving suitable arrangements for such meetings and events and may make such directions, or issue such guidance, as is necessary to ensure that the nature and conduct of the meeting is lawful and in accordance with the provisions of this Code.

#### **(b) Organisation of such meetings or events**

11. Authority is required for meetings and public gatherings to be held on College premises, whether indoors or out of doors. The permission to the relevant Director of Curriculum or other relevant senior manager is required, together with details of the date, time and place of the intended activity. All visiting external speakers must be approved prior to the event in accordance with the visiting speakers process and risk assessment.
12. The organisers of meetings and events must comply with any conditions set by the College concerning the organisation of the activity and arrangements to be made to ensure safety of all involved.
13. Anyone who has concerns about a prospective meeting or event should bring their concerns promptly to the attention of their Senior Manager and the Senior Manager shall take such reasonable steps as are warranted under paragraph 2 of (a) Meetings and Events to Which This Code Applies (above).

14. The organisers of meetings and events should comply with any conditions and bear any ensuing costs set by the College concerned with the arrangements for the conduct of the meeting. Such conditions may include a requirement that tickets should be issued, that an adequate number of stewards should be provided, that the police should be consulted about the arrangements, and that the time and place of the meeting should be changed.
15. The College will not seek to curtail or cancel a meeting or event which has followed all requirements set out in this Code unless in their considered opinion the meeting or event infringes on the legitimate rights and freedoms of others or poses a significant risk to health and safety or there is some other substantial and lawful ground for the curtailment or cancellation.
16. All decisions will be reached by the College following careful consideration of the evidence available to them and will be limited to those actions that are reasonable, proportionate and necessary to prevent crime or disorder, or otherwise protect the legitimate rights and freedoms of others.
17. If an organiser is unhappy with the outcome of a decision of the College they may write to the Chief Executive Officer setting out clear reasons for unhappiness with the decision and requesting a reconsideration of the decision.

**(c) College premises made available for use by outside organisations**

18. In any case where the College is proposing to grant permission to an outside organisation or group to hold meetings or events on College premises, the outside organisation or group shall be required to act in accordance with this Code of Practice.

**European Convention on Human Rights**

19. All universities and colleges must also comply with the right to freedom of expression (Article 10) and the right to freedom of assembly and association (Article 11) of the European Convention on Human Rights (ECHR) The ECHR is incorporated into UK Law by the Human Rights Act 1998

## **APPENDIX**

### **Relevant legislation and sources of information**

- Education Act 1986 Education (No. 2) Act 1986
- Education Reform Act 1988
- **European Convention of Human Rights – Human Rights Act 1998**
- Human Rights Act 1998 (incorporating the European Convention on Human Rights)
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- Race Relations Act 1976
- Race Relations (Amendment) Act 2000
- Sex Discrimination Act 1976
- Disability Discrimination Act 1995, as amended
- Equality Act 2006
- Racial and Religious Hatred Act 2006
- Public Order Act 1986
- Crime and Disorder Act 1998
- Protection from Harassment Act 1997
- Criminal Justice Act 2003 and Criminal Justice (Scotland) Act 2003
- The Counter Terrorism and Security Act 2015

### **College Policies**

Staff can access this by clicking on the 4Policies link on their desktop or by clicking [here](#)

Relevant College policies and procedures:

- Strategic Equality Plan
- Anti-Harassment Bullying and Victimisation Policy
- Prevent Policy
- Purdah (during election periods)
- Whistleblowing Policy
- **[Visiting Speaker Process Map](#)**