CATEGORY: Safeguarding

TYPE: Code of Practice

TITLE: Freedom of Speech Policy

PERSON RESPONSIBLE: Assistant Principal for Student Services & Designated Safeguarding Lead

PURPOSE:

This Code of Practice applies to all staff, students, governors and visiting speakers at NSCG.

NSCG expects students, staff, governors and visitors to ensure freedom of speech within the law is assured. Whilst there is no legal prohibition on offending others, NSCG nevertheless believes that discussion that is open and honest can take place only if offensive or provocative action and language is avoided. Students, staff, governors and visiting speakers are, therefore, required to demonstrate sensitivity to the diversity of the College community and to show others respect.

1.0   Introduction

The role of Colleges/Universities in ensuring free speech is reinforced in two pieces of legislation:

1.   The 1986 Education Action states that: 'persons concerned in the government of any establishment 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.'

 NSCG will not, therefore, as far as is reasonably practicable, deny access to its premises to individuals or bodies on the basis of their beliefs, views or policies.

2.   The Equality Act 2010 covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

 The associated public sector equality duty requires Colleges/Universities, in the exercise of their functions, to have due regard to the need to:

- • eliminate discrimination, harassment and victimisation and any other conduct that is prohibited under the Act;

- advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it;
- foster good relations between people who share a relevant protected characteristic and those who do not share it.

In addition, clear guidance is provided to all 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.**

2.0   Code of Practice

This Code of Practice applies to all staff, students, governors and visiting speakers at NSCG

- NSCG requires that the organiser of the meeting provides written notice of the meeting to the Assistant Principal for Student Services/DSL at least four weeks prior to the meeting taking place. Setting out the following:
  - ➢ Proposed date
  - ➢ Time
  - ➢ Place of the Meeting
  - ➢ Subject of the address
  - ➢ Private or public meeting

- The Assistant Principal for Student Services will consider the written information and complete a risk assessment based on the information provided and make a judgement as to whether the meeting should take place.

- If he/she decides the event complies with the NSCG's Code of Practice it can go ahead. They may, however, require the organisers to put in place safeguards, such as extra security or a strong and well-informed chair with the power to intervene or close the event down if there is a breach of the Code. They will also require the organisers to record the event, so there is no dispute afterwards about what is said by whom.

- A named Principal Organiser should be identified for each event who is responsible for the booking and control arrangements and conduct of the events including stewarding and moderating, chairing, monitoring and entry and are under a duty to see that nothing in their preparations for it or their conduct of it infringes the law

- The Assistant Principal for Student Services will appoint a member of staff as a controlling officer for the event.

- The organisers of the event will be responsible for any extra expense incurred.

- The Assistant Principal for Student Services may at his/her discretion refuse and withdraw permission at any time, even if the permission has already been given.

- The organisers may appeal, using the College's Complaints procedure.

- Should there be a request to use the College premises for an external hire, all requests should go to joy.smith@nscg.ac.uk – who will complete a hire facility risk assessment and liaise with the Assistant Principal for Student Services to check for compliance with the Code of Practice.

  An event which creates an environment of fear, harassment, intimidation, verbal abuse or violence, particularly as a result of age, disability, gender, gender reassignment/identity, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation is likely to be unlawful.

- If students, staff, or Governors believe that an event they are organising poses a risk under this Code, they are required to refer the matter in the first instance to the Assistant Principal of Student Services. No advertising of the event is permitted until a decision is reached on its compliance with the Code of Practice.

- If the Assistant Principal of Student Services decides the event poses too great a risk under the Code they will make a recommendation to deny access College premises to the Principal. The Principal may decide to consult with students, staff or other groups before coming to the final decision, or take legal advice. The Principal's decision will be final and will not be subject to appeal.

- The expression of views that may be controversial, but do not breach the law, will not constitute reasonable grounds for refusal. Reasonable grounds for refusal would include: incitement to commit a criminal act; unlawful expression of views; support for an organisation whose aims are illegal; the creation of an environment likely to give rise to a breach of the peace.

- Willful breach of this Code will be dealt with under NSCG's disciplinary procedures and, if necessary, by recourse to law.

- NSCG will withhold the right to use College premises if it fears there is a likelihood of this Code being breached.

Appendix 1

Risk assessment/checklist for external guest speakers
(to be completed for all guest speakers)

Name of tutor arranging guest speaker:	
Line Manager:	
Course:	
Session Title:	
Dates of session(s)	
Aim of the session	
Name of Guest speaker:	
Name and address of organisation:	
Date/type of confirmation of organisation:	
Resources to be used:	
Resources received in advance of event	Date:
Actions taken: Identify any special considerations/actions to minimise risk/rejections	
Approval of speaker to be signed by line manager:	
Name of tutor to be present during session:	