

# Freedom of Speech Policy

## **Document Summary**

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### 1: Introduction

Freedom of speech (and academic freedom) underpins the nature of all activities at The City College. In the pursuit of new knowledge and learning, free and open debate is crucial. We will, therefore seek to encourage a culture of vigorous and fearless discussion within the law that ensures critical thinking and challenges violent extremist and illegal narratives and those who seek to promote them.

### 2: The legal basis of freedom of speech

The role of the college in ensuring freedom of speech is linked to three key pieces of legislation:

- The Education Act 2011 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.’ The College 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.
- The Equality Act 2010 identifies protected characteristics: age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation.

In addition, the associated public sector equality duty requires colleges, 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.
  - Article 10 of the Equality Act refers to freedom of expression, protecting an individual’s right to hold their own opinions and express them freely without government interference, although this can be restricted if views are expressed that encourage racial or religious hatred. Any restriction must be ‘proportionate’ and Higher Education Providers need to consider complaints due to offences possibly caused by discussions or speakers with the need for academic freedom and the freedom of speech.
- The Counter-Terrorism and Security Act 2015 imposes a duty on “specified authorities”, in the exercise of their functions, to have “due regard to the need to prevent people from being drawn into terrorism” (i.e. the Prevent duty).

### 3: Freedom of Speech at The City College

3.1: This outlines the principles of free speech, which apply to all members of the College, students, stakeholders or staff, and to visiting speakers.

3.2: The College is strongly committed to the principle of freedom of speech and expression. It fosters an environment where all its members can participate fully in the life of the College, and where each member feels confident and able to research, question and test received wisdom, and to express new ideas and controversial or unpopular opinions, without fear of isolation, marginalisation or discrimination.

3.3: Equally, the College expects its members to receive and respond to intellectual and ideological challenges constructively and peaceably. The College also acknowledges its statutory duties in protecting its members and other people from "radicalisation" as identified in the Prevent duty (\*see below)

3.4: Subject to paragraph 3.3 above, no premises of the College will be denied to any member or body of members by reason of the beliefs or views of that individual or of that body or the policy or objectives of that body.

3.5: In holding to these key principles, the College will take into account its obligations regarding freedom of speech, the management of the health and safety of its members and the general public, the promotion of equal opportunities and prevention of discrimination on the grounds of belief, race, gender or sexual orientation or other legally protected characteristics, and its duties associated with preventing people from being drawn into terrorism or the promotion of terrorist activities.

As an example of this, the College reserves the right to refuse access to its premises if it is of the opinion that a visiting speaker or the purpose of a meeting is likely to give rise to the incitement of crime and/or is likely to cause a breach of the peace.

3.6: In determining the likelihood of risk of harm to members of the College and/or the general public, or members of the College being drawn into terrorism, or otherwise promoting any violent or illegal action, the College publishes policies and/or procedures to set out and manage:

- the behavioural expectations of students;
- academic freedom and the management of college activities at which controversial views may be expressed (whether or not they are held at the College); and
- the management and conduct of visiting speakers at meetings held within the College.

### 4: Freedom within the law

It deserves emphasis that freedom of speech equates to freedom within the law. This involves not only national law but also European and international law.

### 5: Freedom of speech and responsibility

All members of the college community should be aware that freedom of speech has a fundamental and far-reaching character. The right of freedom of speech is balanced, however, by the obligation to use that freedom responsibly in the context of the professional values in which it is grounded.

### 6: Freedom of Speech and Prevent

It is not intended that academic freedom should conflict with the Prevent Duty. The motivation at The City College is solely to keep each other safe and help and support those who may be vulnerable to being drawn into extremism. This is entirely in accordance with other related college policies, such as the Academic Freedom Policy, Equality and Diversity Policy, External Speaker Policy, Sexual Misconduct, Anti-Bullying and Harassment Policy, Computer Access Policy and Social Networking Policy, and the Code of Conduct.

\*Radicalisation is defined as the process by which people come to support terrorism and extremism and, in some cases, to participate in terrorist groups. Extremism is 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.