

Code of Practice on Freedom of Speech (including External Speakers)



Policy Title	Code of Practice on Freedom of Speech (including External Speakers)
Policy Category	Compliant
Owner	Assistant Director of Governance
Group Executive Lead	Executive Director of Governance, Assurance and Risk
Date Written	July 2019
Considered By	Executive Board
Approved By	Corporation
Date Approved	September 2019
Equality Impact Assessment	The implementation of this policy is not considered to have a negative impact on protected characteristics
Freedom of Information	This document will be publically available through the Groups Publication Scheme.
Review Date	June 2022
Policy Summary	The purpose of this Code is to ensure, as far as it is reasonably practicable, that freedom of speech within the law is secured for Corporation members, staff and students and for visiting speakers.

Applicability of Policy	Consultation Undertaken	Applicable To
Newcastle	Yes	Yes
Newcastle 6th Form	Yes	Yes
Carlisle	Yes	Yes
Kidderminster	Yes	Yes
Lewisham Southwick	Yes	Yes
West Lancashire	Yes	Yes
InTraining	Yes	Yes
Rathbones	Yes	Yes
Group Services	Yes	Yes

Changes to Earlier Versions	
Previous Approval Date	Summarise Changes Made Here
	NA – New Document
Linked Documents	
Document Title	Relevance
	<i>Directly relates to the operation of this document.</i>
	<i>Directly relates to the operation of this document.</i>

1. Introduction

The purpose of this Code is to ensure, so far as it is reasonably practicable, that freedom of speech within the law is secured for Corporation members, College Board members, staff, students and for visiting speakers. It sets out the principles and procedures to be observed in respect of meetings and activities generally, and the conduct expected of all individuals involved in organising or attending such events.

This Code is established in compliance with the provisions of section 43 of the Education (No.2) Act 1986.

The Code also acknowledges the duty imposed by section 26 of the Counter-Terrorism and Security Act 2015 to have due regard to the need to prevent people being drawn into terrorism. This includes not just violent extremism but also non-violent extremism, which can create an atmosphere conducive to terrorism and can popularise views that terrorists exploit. There is a particular need to protect vulnerable individuals from being drawn into extremism.

2. Scope

The Code is applicable to all staff, students, visiting speakers and guests attending meetings or taking part in the organisation's activities taking place on or off site, through systems (including events held in the open air) or on premises procured by the organisation. It is the duty of all such persons to act in conformity with this Code.

For the purposes of this Code, "meetings and activities" includes, but is not limited to, all events arranged for:

- Business purposes, such as governors' meetings, team meetings, employee training events, conferences, provision relating to students and customers including lessons, tutorials and curriculum enrichment activities, careers talks, advice events and "taster" sessions of facilities or hire of facilities.
- Staff purposes, such as celebrations, events for charities and trade union meetings.
- Student purposes, such as meetings of a students' union.

Accommodation and systems are not available for events proposed by persons who are not staff or students or for events other than those defined.

3. Principles

So far as is reasonably practicable (and recognising the balance between the right to Freedom of Speech with other legal duties), no individual or body of persons shall be denied access to premises or systems on any grounds related to the beliefs or views of that individual or any member of that body or the policy or objectives of that body unless there is reason to believe that such will commit an offence against the law, such as:

- An expression of views in a manner contrary to criminal law.

- Encouragement of terrorism or inviting support for a proscribed Terrorist organisation.
- Incitement to racial hatred.
- Sexual harassment.
- Violence.
- Breach of the peace.
- Unlawful activities generally.
- Direct support of an organisation whose aims and objectives are illegal.
- The person has been debarred by due process.

As a result of the above, should an event or activity go ahead that fails to meet the requirements as documented, then the organisation would be failing in its wider legal duties, such as the:

- Duties under the Equality Act 2010 to eliminate discrimination against those with a protected characteristic, advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- Duty imposed by section 26 of the Counter-Terrorism and Security Act 2015 to have due regard to the need to prevent people being drawn into terrorism.

The decision on whether or not to host a particular speaker should be taken after careful consideration of whether the views being expressed, or likely to be expressed, constitute extremist views that risk drawing people into terrorism or are shared by terrorist groups. In these circumstances, the event should not be allowed to proceed except where there is evidence that such risk can be fully mitigated without cancellation of the event. This includes ensuring that, where any event is allowed to proceed, speakers with extremist views that could draw people into terrorism are challenged with opposing views as part of that same event, rather than in a separate forum. Where there is any doubt that the risk cannot be mitigated, the event should not be allowed to proceed.

This Code provides a system for assessing and rating the risks associated with planned events. An event should only proceed if the requirements of the Code are fully met.

All duly authorised meetings and activities shall proceed without disruption, without access or exit for speakers or audience being improperly impeded, without the safety of those attending or in the vicinity being endangered, without intimidation or segregation by gender (unless allowed as part of a religious service) and without breach of the peace.

4. Organisation and Authorisation of Meetings and Activities

For every meeting and activity, an individual person must take responsibility as the “Organiser”.

4.1. Events for business purposes

Staff members may arrange meetings and activities for business purposes. Special approval for this is not normally required.

The Organiser must seek prior authorisation from the Principal / Group Executive Lead (or a deputy nominated for this purpose) if there is any related cost (e.g. visitors’ fees, expenses or hospitality) or if in the extremely unlikely instance where the event must proceed however there is a reasonable likelihood that the requirements of section 3 may not be met for reasons beyond the Organiser’s ordinary control.

On receipt of approval from the Principal / Group Executive Lead, the organiser must consult the Director of Property and Development not less than fifteen working days prior to the proposed date of any commercial event outside the normal curriculum. For the purpose of this event a ‘commercial’ event is defined as any activity for which a fee has been charged (for example the hire of college premises or equipment).

The Organiser must seek further approval from the Principal / Group Executive Lead prior to the event for which the requirements of section 5 may not be met for reasons beyond the Organiser’s ordinary control.

4.2. Events for students and for staff other than for business purposes

The Organiser must apply, a minimum of 15 days in advance, for authorisation in writing from the Principal / Group Executive lead (or a deputy nominated for this purpose).

Where the event is any form of public demonstration, approval must be obtained both from the Principal (if applicable) and from NCG’s Director of Property and Development (or a deputy nominated for this purpose).

The Organiser must ensure that the venue does not have any prior bookings and identify whether the proposed activity would be likely to cause any disruption to activities in surrounding accommodation.

The application shall contain a statement of:

- The intended purpose and nature of the proceedings, including seating arrangements.
- The name and subject of address of any invited speaker.
- An explanation of the circumstances if there is a reasonable likelihood that the requirements of section 5 may not be met for any reason; this must be accompanied by details of proposed action to mitigate any such risk.

- Any request for financial or other resources from the college or the Student Union in connection with the event.

In deciding whether to authorise the event, the person identified above is responsible for ensuring that:

- Conditions and controls are set, and any necessary consultation (for example, with the police) is undertaken as necessary, to provide a reasonable expectation that the requirements of section 3 are met.
- There is sufficient resource available, including funding for costs associated with the event.
- The Director of Property and Development is consulted to ensure property requirements are met.
- Any authorisation for the event is limited to rooms or areas identified for the purpose.

The Organiser is personally responsible for ensuring compliance with any conditions and controls set for the event. Every person involved in the event is required to comply with such conditions. The Organiser must settle all final arrangements with the person identified above and satisfy that person that all such conditions will be complied with. If this requirement is not fulfilled, then permission for the event may be refused or the event cancelled.

5. External Speakers

It is important that appropriate due diligence is undertaken in respect of any external speaker and that at any point where the following guidelines are not met that approval be obtained from the Principal or Group Executive Lead.

Therefore approval should be obtain where:

- Any person or group is on / or linked to the UK Government list of proscribed terrorist organisations.
<https://www.gov.uk/government/publications/proscribed-terror-groups-or-organisations--2>
- The speaker is part of an organisation generally considered to be extremist by NUS and related internet searches.
- The speaker is known to have spoken at another institution on a topic that has caused fear or intimidation of students or staff.
- A speaker is accepted in mainstream as being highly controversial.
- A speaker is known to / or likely to cause harm to specific groups of students.
- A speaker has a link or links to any person or group that has, in the team's internet searches, been connected with any controversy of a negative or positive nature.

- A speaker has a significant profile and attracts a following that could cause crowd control and health and safety issues.
 - A speaker can be deemed high profile if the search returns reports of mainstream media coverage (national or regional) and has 10,000+ social media followers.

6. Planning and Conduct of Meetings and Activities

At all meetings and activities:

- The Organiser has a duty to secure as far as reasonably practicable that nothing in the preparations for or conduct of the event infringes the law.
- The Organiser has a duty to ensure that steps are planned and taken to promote equality and to avoid unlawful discrimination, including segregation on the ground of gender. This should include consideration of access, seating arrangements and special dietary requirements based on consultation about needs, as appropriate.
- The Organiser must ensure that the maximum capacity of the venue, as advised by the College / Group Health and Safety Lead, is not exceeded at any time during the event and to ensure that all corridors and exit points are kept clear throughout the meeting.
- The Organiser shall seek permission for any proposed use of public address systems during a meeting. Authorisation for a meeting may or may not include the use of public address systems and constraints on the use of such systems may be set. The use of public address systems must comply with Health and Safety legislation.
- It is the duty of the Organiser to secure as far as reasonably practicable that publicity materials for the event, including those produced by third parties, shall not be offensive.
- It is the duty of the Organiser to secure as far as reasonably practicable that the audience and speaker(s) act in accordance with the law during the meeting and, in the event that unlawful conduct continues, require the withdrawal of persons concerned or their removal. In the absence of a Controlling Officer (as defined in the annex), it is the responsibility of the Organiser to call for Police assistance, as necessary, to prevent serious disorder.
- All persons attending must act in accordance with the law, and recognise the rights of others to freedom of speech within the law. The Chair (or in the absence of a Chair, the Speaker) may decide to limit the time for discussion of each topic, to reject topics which are outside the agenda for the meeting / presentation or to postpone issues for discussion at the end of the meeting.
- In the event of a breach of this Code, every effort is to be made by the Organiser to identify offenders in order that appropriate action can be taken.

- Premises used for meetings and activities must be left in a clean and tidy condition. Failure in this respect will result in the College (for business events) or the Organiser / Organisers Organisation (for other events) being liable for costs arising from any repairs or exceptional cleaning that are made necessary.
- For this purpose only, authorisation for an event may be subject to either a returnable deposit being paid in advance, or evidence of ability to pay such charges as may be incurred.

The Organiser shall not, in publicity materials relating to a meeting or activity or in any other way, imply:

- That NCG or any of its divisions, subsidiaries, contractors or partners is party to or supportive of the policies of other bodies, unless specifically authorised to do so.
- That a Student Union is party to or supportive of the policies of other bodies, unless specifically authorised to do so by the President of the Student Union.

7. Refusal to Authorise an Event

Authorisation for an event may be refused on the grounds referred to previously in this document. Subject to NCG's responsibility to ensure freedom of speech, nothing in this Code shall preclude refusal to accept a booking on administrative grounds, such as unavailability of suitable accommodation, inability to agree arrangements, past work or behaviour record, inadequate notice or undue distraction to the work of those not directly involved.

8. Sanctions

Offences against this Code may give rise to disciplinary action under the relevant staff or student disciplinary procedures. Persons who are neither staff nor students may be barred from further events. In addition, information may be supplied to the police where there are grounds for believing that a breach of the criminal law may have taken place.

9. Complaints and Appeals

Any complaint alleging breach of this Code in relation to the conduct of meetings and activities is to be addressed, in writing, to the Director of Governance, Assurance and Risk who will investigate the complaint and respond.

Any appeal against a decision Director of Governance, Assurance and Risk is to be addressed, in writing, to the Chief Executive of NCG. The decision of the Chief Executive of NCG on this appeal will be final.

9.1. Offensive Views in the Classroom

In addition to the above guidance for external events it is essential that colleagues are able to challenge learners on views expressed within the classroom. Therefore, where views / behaviours are expressed in the classroom at inconsistent with this policy colleagues should challenge and provide opportunity to discuss alternative viewpoints.

It is important however that were concerns of radicalisation are expressed by an individual / group of learners that this be reported in line with the guidance provided within the Safeguarding policy.

Annex – Examples of conditions and controls that may be required for events

- Restrictions on attendance.
- Disclosure of details of any potentially controversial invitations.
- That the meeting be declared a public meeting.
- Control of entry such as provisions for checking the identity of persons attending the meeting or the issue of tickets for meetings open to the public.
- Provision by the Organiser of a Risk Assessment and Safety Management Plan for the meeting.
- Provision by the Organiser of any speech in advance, especially when subject matter may be perceived as contentious or may pose a significant threat to the personal safety of the speaker.
- Planning of entry / exit routines.
- Arrangements for seating to ensure reasonable access for persons with disabilities and to ensure there is no unlawful segregation of those attending.
- Checking of all booking systems to ensure availability of the proposed venue.
- Consideration of the risk of disruption of activities in the vicinity e.g. exams.
- Timing, duration and location of event.
- Restrictions on use of public address systems.
- Times of arrival and departure of any invited speaker.
- Restriction of alcohol availability in the vicinity.
- Restrictions on the display of banners, flags, placards etc.
- Liaison and co-operation with police and security staff.
- Control of press, radio and TV reporting facilities and whether a member of NCG staff attend to handle media and external communications queries.
- Number and suitability of stewards, whether security staff be responsible for all security arrangements connected with the meeting or whether specialist security personnel (for example SIA Door Supervisors or Personal Protection Officers) be appointed by NCG and the cost charged back to the Organiser.
- Whether a Controlling Officer is to be nominated by NCG and have the right to be present on behalf of NCG and issue directions to the Organiser, Chair and stewards as the Controlling Officer deems necessary.