



KIRKLEES COLLEGE FREEDOM OF SPEECH & GUEST SPEAKER CODE OF PRACTICE

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Introduction

- Freedom of speech and expression is an important feature for all colleges and educational institutions, where the freedom to express ideas and opinions is a fundamental principle.
- At the same time, all such freedoms are subject to limitations under the law, to protect the rights and freedoms of others.
- All colleges have certain legal and regulatory obligations to protect freedom of lawful speech and expression and this code of practice acknowledges the fundamental right of freedom of speech.
- Those legal obligations are found in the Education Act 1986, the equality Act 2010 and the Counter Terrorism and Security Act 2015.
- Student and staff welfare is at the heart of the College’s policies and protocols. The freedom to express views can sometimes be tempered with the need to protect students, staff and communities from risk of harm. The College therefore needs to ensure that, where there is potential for these rights to come into conflict with external speakers, appropriate actions are taken to mitigate those risks and ensure the safety of College members and the wider community.
- Though relatively few in number, external speakers at FE Colleges can create a disproportionately negative reaction from the media and other sectors where they are seen to contravene aspects of the Equality Act or where they ‘impose’ prior conditions to their talk such as a requirement for segregated audiences.

- This code of practice is designed primarily to support the safeguarding and well-being of students and staff and to also reduce the risk of adverse publicity for the College.

Code of conduct statement

- The Counter Terrorism and Security Act 2015 requires all further education institutions to have policies and procedures in place for the management of events held on their premises.
- The policies and procedures must apply to all staff, students and visitors.
- The Education (No 2) Act 1986 (the “Act”) requires every individual and body of persons concerned in the governance 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 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.
- 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.
- In addition, clear guidance is required to 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.

Scope of the code of practice

This code of practice applies to all members of Kirklees College, which includes:

- Members of the governing body
- All employees of the College and any subsidiary companies and other organisations / bodies undertaking duties on its behalf
- All students of the College (whether full or part-time) throughout the period in which they are formally enrolled at the College
- The Students’ Union and any of its societies, clubs or associations
- All persons invited to speak or otherwise take part in events to be held on the College’s premises in accordance with the provisions of this Code.

References in the Code to “the College’s premises” mean those premises over which the College exercises some degree of control (whether or not those premises are owned by the College)

Principles of the code of practice.

Every person to whom the Code's obligations apply is required to assist the College in upholding this Code of Practice.

- The College will not suppress freedom to express controversial or unpopular views, provided that the expression of those views does not go beyond the articulation of points of view and specifically does not constitute incitement to riot, insurrection, racial hatred, religious hatred, sexual harassment or other activities which are likely to cause a breach of the peace or public disorder or otherwise to be unlawful.
- **Whilst upholding the principles of freedom to express potentially controversial or unpopular views, the College will not permit its premises or resources to be used to promote or support radicalisation or extremism.**
- In considering whether to allow the expression of potentially controversial or unpopular views, the College shall also take account of its wider legal duties, in particular to have due regard to the need to:
 1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by law;
 2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- Encouragement of terrorism and inviting support for terrorist organisations or activities are criminal offences. The College should not provide a platform for these offences to be committed.
- The College shall take such steps as are reasonably practicable, including where appropriate the initiation of disciplinary measures, to secure compliance by groups or individuals with their obligations under this Code of Practice.

Operational implementation of the Code

- The College has the right and the power to regulate and, if necessary, to impose conditions or restrictions upon events and activities taking place on its premises.
- College managers and teaching staff are responsible for ensuring that the principles underpinning this Code are taken into account in the planning of teaching and learning activities.
- In addition, any off-site event (i.e. one taking place away from the College's premises) held in the College's name or on its behalf must, as far as reasonably possible, be organised and managed in compliance with the principles underpinning this Code.
- For any other events or activities (particularly meetings and demonstrations) which are not part of the approved academic course content or officially authorised business of the College where it is expected, or reasonably foreseeable, that the event/activity will raise controversial issues, prior approval for use of College premises and or resources must be secured in accordance with the Event Approvals Procedure which accompanies this Code.

Sanctions and Penalties

- The College shall be entitled to take action, under the relevant disciplinary procedure, against any person who breaches this Code.
- In addition, if an offence is allegedly committed at or in connection with an event or activity to which the provisions of this Code apply, the College may take steps to assist the police in identifying any persons committing offences with a view to appropriate action being taken against them.

Code Review and Amendment

- The College shall, in accordance with its obligations under section 43 of the Education (No. 2) Act 1986, periodically review and, where necessary, update this Code. Review periods will be no longer than three years.

Procedures

- The following procedure applies to events and activities which are not deemed (by the relevant College management teams) to be part of the College's internally- authorised teaching and learning activity.
- Formal approval by the College must be obtained, in advance, for any event to be held on the College's premises (whether or not an external speaker is involved) where it is expected, or reasonably foreseeable, that the event will raise controversial issues which may risk infringement of or non-compliance with the College's Code of Practice on Freedom of Speech.
- Formal approval must also be obtained for any events which are college affiliated, funded or branded but which take place away from college premises.
- Examples of such events include, but are not limited to, meetings or gatherings where the topics to be covered include social, political or religious issues which are known or can be reasonably expected to invoke fiercely opposing views.
- To seek formal approval, the organiser(s) of the event must submit a written request (using the Event Request Form at Appendix 1) for consideration. The request must be submitted not less than 10 working days before the proposed date of the event, to safeguarding@kirkleescollege.ac.uk
- In the event of any doubt as to whether a proposed event might require approval under this procedure, the organiser(s) of the event shall consult the approving manager or the delegated substitute at the earliest opportunity so that the correct procedures may be followed.
- In considering whether to approve the event request, the approving manager or delegated substitute shall take account of actual and potential risks associated with the event, which may involve the completion of a formal risk assessment. The risk assessment will be carried out by Health & safety and the safeguarding team.
- The approving manager or delegated substitute shall decide whether the request to hold the event is: approved, or approved with conditions, or rejected.
- The approving manager or delegated substitute shall seek to provide written confirmation via email of their decision to the event organiser(s) within 5 working days of receiving the written request. However, the approving manager or delegated

substitute may require more time to reach their decision; in such circumstances, the decision will be communicated as quickly as circumstances allow.

Reasonable grounds for refusal include, but are not limited to, consideration by the approving manager that the event may:

- incite those attending to commit a criminal act;
- lead to the unlawful expression of views including extremist views that risk drawing people into terrorism;
- be in direct support of an organisation which is proscribed or whose aims and objectives are illegal;
- be likely to give rise to a breach of the peace or other public disorder; or
- undermine the College's reputation or its values, or compromise its ability to comply with its legal and regulatory obligations as a charity and as a further education institution.

In determining whether the holding of an event on the College's premises might reasonably be refused, consideration will also be given to:

- the safety of persons attending the event and persons on the College's premises who might foreseeably be put at risk;
- the security of the College's premises; and
- the reputation of the College.

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 Assistant Principal Quality & Learner Experience, or Assistant Principal Student Experience, or Head of Security, if there are reasonable grounds to believe that the activity may be disruptive, for example, by reason of:

- the status of the speaker;
- the nature of any of the subjects to be discussed;
- the views or beliefs (whether or not related to the activity) of any person attending;
- 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;
- intimidation, duress, or harassment might be applied to any person in an attempt to prevent their attending the activity;
- the activity might be picketed.
- If the decision of the approving manager or delegated substitute is to approve the request with conditions, or to reject the request, the organiser(s) shall be entitled to submit an appeal against the decision. Any such appeal must be submitted in writing to the College Deputy Principal.
- The decision of the Deputy Principal shall be final and there shall be no further mechanism for appeal within the College.
- In refusing an event request, the College shall have no liability to the organiser(s) of the proposed event for any costs or other obligations incurred by the organiser(s) in connection with the proposed event.
- Authorised events must have named persons supervising the event.
- While an event is in progress, the College shall have the right to require the organisers to terminate the event if the conduct of the event gives rise to concerns for the College that the safety of persons attending cannot be reasonably guaranteed, or

that a breach of the law or a material breach of this Code or any of the conditions imposed in the event approval process is likely to occur.