NWSLC

NORTH WARWICKSHIRE & SOUTH LEICESTERSHIRE COLLEGE

Freedom of Expression Policy 2024(v2)

North Warwickshire and South Leicestershire College

Policy Author: Assistant Principal Student Services and Support

Lead Owner: Vice Principal Quality

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Document History

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V2	APSSS	8.2.24	Date and formatting updates.

Freedom of Expression Policy 2024(v2)

1. Introduction

1.1 Freedom of Expression is a fundamental right under British law and is protected by Article 10 of the European Convention on Human Rights. Article 10 is a qualified, not an absolute right which means that the rights of the individual must be balanced against the interests of society. Article 10 allows for restrictions to be placed for specific purposes such as the prevention of crime or the protection of national security or public health.

1.2 This Policy describes the philosophy, principles and procedures relating to our responsibility to foster freedom of expression and the circumstances in which that freedom may be restricted in order to prevent violence, abuse or discrimination. The Policy also details the College's responsibilities regarding visiting speakers, including external lettings.

2. Objectives

2.1 To clarify the College's responsibility to promote freedom of expression.

2.2 To identify the circumstances under which freedom of expression may legitimately be restricted.

2.3 To outline the College's responsibilities regarding visiting speakers including external lettings.

3. Related Policies, Procedures and Documents

3.1 Safeguarding and Protecting Children and Vulnerable Adults Policy;

3.2 The Counter Terrorism and Security Act 2015;

3.3 Prevent Strategy;

3.4 Prevent Risk Assessment/Action Plan;

3.5 Freedom of Expression Legal Framework;

3.6 Human Rights Act 1998;

3.7 Equality Scheme;

3.8 Staff Code of Conduct;

3.9 Staff Disciplinary Policy;

3.10 Other policies and documents may be identified from time to time as circumstances change and may be added to this list.

4. Rationale

4.1 Section 43 of the Education (No 2) Act 1986, places a positive duty on Further and Higher Education establishments to ensure that freedom of speech within the law is secured for their members, students and employees and for visiting speakers.

4.2 Colleges are expected to allow open debating of challenging ideas which may need to use controversial resources. Controversial materials should not be left unchallenged by the member of staff using them.

5. Core Principles

5.1 The College has a duty to promote fundamental British values. These are:

i. democracy

ii. the rule of law

iii. individual liberty

iv. mutual respect

v. tolerance of those of different faiths and beliefs

5.2 Freedom of expression does not protect statements that unlawfully discriminate against or harass, or incite violence or hatred against, other persons and groups, particularly by reference to their race, religious belief, gender or sexual orientation, nor does it limit or undermine the human rights of others.

5.3 The College is subject to the statutory duty to have due regard to the need to promote good relations between different communities protected by equality law. This may require active challenge to the use of offensive communication and hate speech.

5.4 The College also has statutory duties under the Counter Terrorism and Security Act 2015, to prevent people from being drawn into terrorism.

5.5 Although there is no universally accepted definition, hate speech is generally understood to describe forms of expression which incite violence, hatred or discrimination against other persons and groups, particularly by reference to their ethnicity, religious belief, gender or sexual orientation, language, national origin or immigration status.

6. Visiting Speakers and Lettings

6.1 North Warwickshire and South Leicestershire College (NWSLC) is a Further Education College, regulated by Ofsted and subject to legislation and statutory guidance relating to safeguarding children and vulnerable adults and advancing equality of opportunity. The College reserves the right to monitor any activity associated with the College or delivered on its premises, to ensure that it supports the College values and behaviours.

6.2 The Prevent duties identified in the Counter Terrorism and Security Act 2015 require that the College has oversight of the content of any speeches or presentations by visiting speakers.

6.3 Organisers of a visiting speaker presentation should complete the Colleges External Event and Exhibitor paperwork and include copies of any presentations that are to be used. This includes when speakers will be communication with students online, not just when physically visiting the College's campuses.

6.4 The External Event and Exhibitor paperwork and accompanying presentation must be approved by the Designated Safeguarding Lead, or appointed deputy, prior to the visit taking place.

6.5 If the External Event and Exhibitor paperwork and accompanying presentation raises concerns, the Designated Safeguarding Lead or appointed deputy may choose to either postpone the visit pending investigation or cancel the visit altogether.

6.6 While challenging and controversial content can be allowed, the College is responsible for ensuring that such views are challenged during a presentation. This may necessitate the presence of a member of College staff at any such presentation even if this is externally organised as a premises letting.

6.7 The College is entitled to refuse a request to lease its premises for any use which does not match our core values and behaviours.

7. Equality Analysis

7.1 By virtue of the provisions of the Equality Act 2010, the College has a duty to have due regard to the need to:

i. eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct;

ii. advance equality of opportunity between people of different groups;

iii. foster good relations between people from different groups.

7.2 In implementing this Policy and associated procedures, the College will actively take these aims into account as part of its decision making process and will demonstrate how this has been undertaken.

7.3 Where necessary a full equality impact assessment will be undertaken.

8. Data Protection Impact Assessment

8.1 Data Protection Impact Assessments (DPIA) are an essential part of the College's accountability obligations under the UK GDPR. Conducting a DPIA is a legal requirement for any type of processing, including certain specified types of processing that are likely to result in a high risk to the rights and freedoms of individuals. Under UK GDPR, failure to carry out a DPIA when required may leave the College open to enforcement action

8.2 A DPIA, relating to any relevant areas within this Policy and Procedure, will therefore be undertaken to enable the systematic analysis, identification and minimisation of data protection risks and to demonstrate how the College complies with its data protect obligations.

9. Implementation, Monitoring and Review

8.1 The College will ensure that this Policy is effective in terms of outcomes as well as intent. Director of Student Experience will be accountable to the Executive Team for the delivery of this Policy. Consultation with College members will form an integral part of the process.

8.2 The Designated Safeguarding Lead, or appointed deputy will take responsibility for the risk assessment of visiting speakers and external lettings.

8.3 This Policy will be reviewed every three years and updated, as applicable, to ensure that it remains appropriate in the light of a relevant changes to the law, organisational policies or contractual obligations.