

FE Freedom of Speech Code of Practice

*Integrity • Valuing Others • Teamwork •
Supportiveness*

Our Mission

Raising Aspirations, Unlocking Potential, Advancing Futures

Our Values

Excellence, Passion, Teamwork, Integrity, Innovation,
Sustainability, Valuing Others and Supportiveness

Sparsholt College Group

The Sparsholt College Group (the College Group) includes Sparsholt College, Andover College, University Centre Sparsholt, Sparsholt College Services, Westley Enterprises and Andover Town Football Club. College Group policies apply to each part of the group unless specified otherwise.

The FE Freedom of Speech Code of Practice was approved by the Board of Governors in March 2022. This supersedes the previous publications.

Originator:	Vice Principal(s) Curriculum
Located:	College Group Websites College Group Intranet
Due for review:	February for March/April 2025

FE Freedom of Speech Code of Practice

1. Introduction

- 1.1 Freedom of speech is basic to Further Education. Sparsholt College Hampshire incorporating Andover College (the College) therefore requires all employees and students of the College to tolerate and protect the expression of opinions within the law whether or not they agree.
- 1.2 This Code is binding on all members of staff, the Board of Governors and on all students of the College (hereinafter referred to as employees, members and students). For students it has the force of the Student Code of Conduct. Any alleged breach of this Code will be subject to proceedings under the Policy and Procedures for Managing Student Conduct and, where appropriate, under contracts of employment.

2. The Law

- 2.1 Section 43 (1) of the Education (No. 2) Act 1986 ('the Act') imposes a duty on every individual and body of persons ('the Responsible Person') concerned in the governance and management of the College to take all reasonably practicable steps to ensure that freedom of speech within the law is secured for members, students and employees of the College and for speakers visiting the College. The Act also imposes a particular duty on those persons to ensure so far as is reasonably practicable that the use of College premises shall not be denied to any individual or body of persons on any ground connected with their beliefs or views or their policies or objectives.
- 2.2 The Act imposes a further duty on the governing body of the College (which duty has been accepted by the Board of Governors) to establish, issue and keep up to date a code of practice ('the Code') setting out:
 - procedures to be followed by members, students and employees of the College with regard to the organisation of meetings held on College premises and specified as being within the Code; and
 - any other activities which shall take place on College premises and specified to be within the Code.

The Code shall also specify the conduct required of members, students and employees of the College in connection with any meeting or activity mentioned above.

- 2.3 The Act imposes a specific duty on responsible persons to ensure compliance with the Code.
- 2.4 In adopting this Code, the Board of Governors will have due regard to factors such as public safety, the safety of staff, students and visitors to the College, and the costs and practicalities of providing facilities to ensure their reasonable safety and protection.
- 2.5 The College will take into account the following legislation:

- **The Human Rights Act 1998**

We are mindful of an individual's right to freedom of expression in UK Law.

- **Charity Law (mainly Charities Act 2011)**

We are mindful of charities' duty to ensure freedom of speech within the law.

- **The Equality Act 2010**

We are mindful of the duty placed upon public authorities to prevent discrimination and advance equality of opportunity on the basis of protected characteristics.

- **Health and Safety Law**

We are mindful of the duty placed upon public authorities to ensure compliant arrangements for safe and healthy working and operations.

- **The Prevent Duty**

We are mindful of the duty placed on relevant higher education bodies under the powers of the Counter-Terrorism and Security Act 2015 to prevent students and staff from being drawn into support for or participation in terrorism.

- **Examples of illegal speech**

The College regards the following as examples of illegal speech:

- (a) Speech that encourages or supports violence against specific groups or individuals.
- (b) Speech that encourages support for or participation in terrorism as defined by the Terrorism Act 2001.
- (c) Speech that encourages or supports any other form of criminal activity.

Speech that may cause offence to individuals or specific groups and is not illegal speech as defined in (a) and (b) above, while not necessarily supported or encouraged by the College, will be permitted, although appropriate mitigation may be required.

The College recognises that its legal duties must on occasion be balanced against one another, particularly with regard to its duty of care to staff and students, and we will ensure that any decision taken is subject to a reasonableness test. This will include an assessment of the potentially disproportionate impact upon those who are vulnerable and protected under the Equality Act 2010.

While we will, as part of our duty of care to our students and staff, offer support to those who have been negatively impacted by the free expression of controversial or challenging ideas or views, we will not seek to prevent or sanction speech that is within the law.

3. Code of Practice

- 3.1 This Code will be reviewed at least every three years, and more regularly if required, by the Board of Governors.

Definitions

- 3.2 The following terms have these meanings for the purposes of the Code where the context so admits:

3.2.1 Meetings or other activities:

Meeting means any gathering or assembly of more than three persons on any College premises, where the subject matter of such gathering or assembly will, or is reasonably likely, to involve discussion or debate on matters relating to:

- a) Politics whether international, national or local or internal to the College or its Students' Councils;
- b) Racial or sexual discrimination;
- c) Religious beliefs;
- d) Equal opportunities and/or equal rights;
- e) Animal rights;
- f) Other matters of topical interest likely to promote discussion or debate.

Other activity means any demonstration or march relating to matters referred to in sub-clause (a) to (f) inclusive of the above definition of Meeting. For the avoidance of doubt, meetings and other activities may also include any lecture or seminar forming any part of the College's approved study or lecture programmes.

3.2.2 Unlawful meeting

An unlawful meeting is any meeting that contravenes the provisions of the Education Act 1986, or of any succeeding legislation considered relevant by the Principal.

3.2.3 Contentious meeting

Means any meeting or other activity at which there is a likelihood:

- that the speaker may not be able to enter or leave the building safely and/or deliver his or her speech without serious interruption;
- or that any danger to the safety of persons attending the meeting or other activity or of those in the vicinity could arise;
- or that any damage of College premises or property could be caused;
- or that the name of College could be brought into disrepute.

3.2.4 Premises

Means any premises which the College owns or in respect of which it holds a lease or habitually uses by licence or permission.

3.2.5 Department

Means a Faculty, section, unit or service of the College. A list of departments can be obtained, on request, from the PA to the Principal.

3.2.6 Assistant Principal

Means the person appointed to be in charge of a Department or Faculty.

3.2.7 Organiser

Means the person responsible for organising the meeting or other activity as prescribed under paragraph 5. below.

3.2.8 Principal

The expression 'Principal' shall, for the purpose of the Code, include the Deputy Principal acting where the Principal shall not be immediately available to deal with any matter arising under the Code or, any other person to whom the Principal may, in writing, delegate his/her powers and duties under this Code.

4. Jurisdiction

4.1 This Code of Practice is established under English Law.

5. Introduction to the Code

5.1 The College confirms its commitment to the free expression of opinions within the law, including the expressions of beliefs, views, policies and objectives which may be contrary to those held by many of the staff and students of the College. The College will only permit the holding of contentious meetings on its premises under the conditions set out in this Code in so far as those premises, in the opinion of College management, are suitable for the contentious meeting in question and are not otherwise required in connection with the ordinary purposes of the College.

5.2 The College also confirms its commitment to the principles of inclusive education and of equal opportunities and, in so far as its actions shall be lawful, will conduct itself in the manner required by its Single Equality Scheme, copies of which can be obtained, from the College website at www.sparsholt.ac.uk.

6. The organisation of a meeting or other activity

6.1 A person or persons, including the Student Councils, shall not hold any meeting or other activity on College premises otherwise than in accordance with this Code.

6.2 Where a meeting or other activity is organised by a Faculty/Department, the Assistant Principal of that Faculty/Department shall be deemed to be the organiser for the purposes of the Code.

- 6.3 In the case of a meeting or other activity organised by the Student Councils, the Proposer shall be deemed to be the organiser for the purposes of this Code.
- 6.4 In all other cases the person or persons organising the meeting or other activity shall be regarded for the purposes of this Code as the organiser or joint organisers of that meeting or other activity.
- 6.5 Where a meeting or other activity on the premises is organised by an outside body, the person signing the letter of authority for the premises to be used shall be regarded as the organiser. Under these circumstances the hirer must be asked to abide by the terms of this Code and the relevant section embodied in the hiring document.
- 6.6 Where an external speaker is involved in the meeting or activity, the External Speaker Policy & Procedure should be followed (see Appendix 1 attached).

7. 'Unlawful' meeting

- 7.1 The Principal shall not allow a meeting to take place if in his/her reasonable belief or suspicion the meeting would be unlawful.
- 7.2 **Lawful restrictions on freedom of speech:** The College will not unreasonably refuse to allow events to be held on its premises unless a legal provision is identified as a reason to refuse or limit the events.

The expression of controversial views which do not breach the law will not be deemed reasonable grounds for withholding permission for an event.

Reasonable grounds for refusal include, but are not limited to, the fact that the event is likely to:

- Incite those attending to commit a criminal act;
- Lead to the unlawful expression of views;
- Support for an organisation whose aims and objectives are illegal or are on a UK government proscribed organisations list;
- Give rise to a breach of the peace;
- Promote radicalisation and extremism.

8. Contentious meeting

- 8.1 A contentious meeting shall not be held unless the organiser has given 14 days' notice to the Principal, or such lesser period as the Principal may accept, outlining the nature of the contentious meeting and indicating the topic of the speeches and the name(s) of the visiting speaker(s).
- 8.2 The Principal may at his/her absolute discretion, instruct that any proposed contentious meeting shall not be held on the premises, and shall notify the Board of Governors as soon as is practicable of any such instruction and subsequent action that has been taken to enforce it.
- 8.3 The Principal shall decide whether or not the contentious meeting should proceed, taking account of the following criteria:

- Whether, in consultation with the Student Council or other interested parties, there is any real likelihood of confrontation or disturbance at the contentious meeting. Where the Principal decides there is a possibility of disturbance, he/she will consult with the local Police and any other relevant authorities concerned with public safety or order to establish whether it is reasonably practicable to allow the contentious meeting to proceed. In the case of a contentious meeting organised by the Student Council on College premises, the Proposer from the Association or his/her nominee shall be entitled to be present when these discussions take place.
- Under these circumstances and after receiving any advice from the Police, the Principal will decide whether the College can, within reasonable cost limits and having regard to the location and security of the premises, provide suitable facilities for the visiting speaker to address the contentious meeting. The Principal may, in appropriate circumstances, agree that the contentious meeting may take place subject to specified conditions being met and/or the payment of sums to cover the costs of such measures as are deemed necessary to safeguard the safety of persons and the security of College premises and property. If the Principal decides that, even after taking all reasonable precautions, the safety of staff or students or members of the public, or the speaker, or College property, or the good name of the College, cannot be ensured to a reasonable level then the Principal shall not permit the contentious meeting to be held.
- If the Principal makes a decision that a contentious meeting should not proceed then he/ she must consider whether allowing it to take place at other premises or at another time would enable satisfactory precautions to be taken to ensure safety.

9. Implementation

- 9.1 The Principal, or the Deputy Principal, shall act on these matters as the representative of the Board of Governors.

10. Breach of Code

- 10.1 A member of staff or student of the College who organises or attempts to organise a meeting or other activity contrary to paragraphs 5 and 6 of this Code, or who continues to act as organiser for a contentious meeting which the Principal has instructed should not be held, shall be liable to disciplinary action under the College contract of employment or Student Code of Conduct (as appropriate) and any regulations made thereunder.

11. The conduct of a meeting

- 11.1 The organiser shall be responsible for the orderly and lawful conduct of the meeting or other activity and shall also be responsible for regulating the admission of persons to the meeting or other activity and providing such stewards as may be necessary.
- 11.2 If at any point the organiser, or any member of staff charged with responsibility for the premises concerned, or the Principal, has reasonable grounds for believing that the meeting or other activity is about to lead to, or has already led to, an occurrence listed in paragraph 2.1.2 of this Code, they

shall have the duty to warn those present, and where in their view this is necessary, to close the meeting or other activity forthwith.

- 11.3 The Principal, or the organiser, or any member of staff charged with the responsibility for the premises concerned, shall have the right to call on assistance from the Police where they have reasonable cause to believe that a breach of the peace is likely.

12. Reporting of disturbances

- 12.1 Should any disturbance arise from a meeting or other activity held under this Code, then it is the duty and responsibility of the organiser to make a full and detailed written report of this disturbance to the Principal within 72 hours.

13. Legal considerations

- 13.1 Nothing in this Code shall affect:

- the individual legal rights of persons affected by actions under the Code; the right of the College to take appropriate action, including action at law, to seek redress for damage to or loss of its property. College will seek to recover the costs of cleaning and repairing any damage to property caused by an unruly meeting.

APPENDIX 1 – External Speaker Policy and Procedure

1. Aim

- 1.1. The aim of this policy is to ensure that the student and staff experience at the College is enriched by input from external speakers and organisations, and that any benefits and risks are considered appropriately in advance of a speaker event.

2. Background

- 2.1. The College has a long history of attracting external speakers and organisations to enrich the experience of students, staff and the community. This process seeks to capture the benefits that visiting speakers might bring and to meet the requirements of the new Prevent Duty Guidance for Further Education Institutions in England and Wales. The guidance was published in July 2015, to ensure that any risk of attempted radicalisation is considered when inviting speakers to the College or responding to requests from speakers.

3. Policy statement

- 3.1. The College recognises the value that external speakers bring to the College and its students, and seeks to encourage the provision of enrichment to learners and staff through exposure to high quality visiting speakers and organisations
- 3.2. The College confirms its commitment to freedom of speech in the College.
- 3.3. This policy seeks to reduce the likelihood that visiting speakers or organisations might seek to promote extremist views or attempt to radicalise students and staff.
- 3.4. In addition, it seeks to reduce or eliminate any risks of disruption or poor behaviour, for example as the result of a controversial or popular speaker's presence in College.

4. Scope

- 4.1. This policy applies to all staff who host and organise visiting speakers especially those whose content might potentially be contentious, inflammatory or at odds with our College Values.

5. Risk assessments and risk register

- 5.1. We will undertake a risk assessment for every external speaker we engage with. This will include keeping a record of any concerns raised and reasons why, or why not, a speaker was engaged and event held.
- 5.2. A risk register of all external speakers who are considered will be retained by the CA for the curriculum area and any that identify a concern will be forwarded to the Vice Principal Curriculum noting the details of the booking and where potential risk was identified. The Vice Principal Curriculum will

refer a potentially contentious meeting onwards to the Principal as outlined in Section 8 above

6. Procedure

- 6.1. Organisers of a visiting speaker or organisation event will, in advance of the event, complete a risk assessment which includes consideration of the speaker(s) and content of any presentation, and the potential audience to whom it is intended to be delivered. The risk assessment is available in Appendix 8.1.
- 6.2. Where a speaker or organisation requests to come to the College to speak to students and / or staff, the member of staff who is contacted, or the member of staff who leads the organisation of the event, will use the same risk assessment as provided below.
- 6.3. If the topic is potentially politically contentious or likely to compromise the College's values, the organiser will discuss concerns related to the speaker(s) and the content of the presentation with the College's Single Point of Contact for the Prevent Duty (the Vice Principal).
- 6.4. If required, the Vice Principal will recommend to the Principal that the visiting speaker or organisation be vetoed or suggest additional controls (and update the risk assessment) to allow the event to go ahead. The Principal will decide on the most appropriate course of action and report to the Board of Governors as per the process for contentious meetings outlined in 8.2 above.
- 6.5. Copies of the risk assessment will be held in the Curriculum Administrator's office (for each faculty).
- 6.6. Where any visiting speakers or organisations address students, the organiser must ensure that at least one member of staff, who has received Prevent training (preferably the event organiser) is present at the event to ensure that any extremist views presented can be challenged.
- 6.7. All visiting speakers are expected to conform with the Visitor Code of Practice (Appendix 8.2).

7. Review

- 7.1. This policy will be reviewed every three years, or when relevant legislation or government guidance is revised.

APPENDIX 2 – Risk Assessment: Visiting Speakers and Organisations

ABOUT THE EVENT					
Organiser's Details					
Full Name(s)					
Status e.g. staff					
Contact email					
DELIVERER DETAILS					
Speaker		Speaker/Guest A*	Scores		
Organisation		Ex-student	1		
Contact Details		Previously approved speaker	1		
		WP provider	2		
		New speaker	3		
		Previous Visits B*		Scores	Mark score
		6 to 10	1		
		2 to 5	2		
		Less than 2	4		
		Total Score	A* x B*		
Risk Rating Score					
		Rate the total score here	Scores 1-2 Scores 2-4 Scores 5+ 5 yr check 3 yr check Annual check		
Topic –	<i>Does it have the potential to promote extremism or public order offence? If yes, refer to Vice Principal - Curriculum for review</i>				
Date and location	Start and finish time				
Age of student group	16-18	19+ FE	HE		

College Organiser's Declaration: I declare that the information provided here is to the best of my knowledge a true and accurate statement of intentions and requirements. I understand and agree that this event/workshop request is concordant with College Values and policies.

Signature(s) Date

When completed this form should be submitted for consideration by the relevant Approving Manager not less than 20 working days before the date of the proposed event/workshop

Approving Manager's Signature Date

On completion of event and visiting speaker signature (overleaf) please return to your CA/PA

APPENDIX 3 – Visitor Code of Practice

The College aims to enrich the experience of students, staff and the community by capturing the benefits that visiting speakers bring. To enable the College and all its stakeholders to maximise these opportunities we would like to ensure that you are aware of the College’s mission and values.

College’s mission is “ *‘Raising Aspirations, Unlocking Potential, Advancing Futures’*.”

Our College values are:

- Excellence*
- Teamwork*
- Supportiveness*
- Sustainability*
- Innovation*
- Valuing others*
- Integrity*
- Passion*

The College is also committed to promoting British Values, and the Prevent Strategy which has the specific aim of preventing people from being drawn into terrorism or extreme ideology.

We believe British Values equal our own College values.

During your visit to our College we would like to ensure that you understand, respect and promote our mission and values.

Please sign below to state that you understand the information contained within this document and are happy to respect and promote our values.

Name

Company

Date

Signature

On completion of event please return to your CA/PA