

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

The *Freedom of Speech Code of Practice* was approved by the Board of Governors in October 2024 and supersedes the previous versions.

Originator:	Vice Principal & Dean of Higher Education
Located:	College Group Website College Group Intranet
Due for review:	July 2027

FREEDOM OF SPEECH CODE OF PRACTICE

1. Introduction

- 1.1 Academic freedom and freedom of speech is the freedom to question, challenge and debate. These principles are at the very core of the education mission of universities and colleges in the UK. These principles are vital for fostering research, innovation, and cultivating critical thinking among students by encouraging engagement with diverse viewpoints. Without these principles, Tertiary education providers would be unable to fulfil their fundamental mission: advancing knowledge and the pursuit of truth.
- 1.2 This Code is binding on all members of staff, the Board of Governors and on all students within the Sparsholt College Group (hereinafter referred to as employees, members and students). For students, it has the force of the FE/HE Student Code of Conduct. Any alleged breach of this Code will be subject to proceedings under relevant codes and policies for managing inappropriate behaviour for employees, members and students.
- 1.3 This Code relates to the processes in place to ensure that academic freedom and freedom of speech is embedded within the Sparsholt College Group (thereafter “the College Group”) and explains the mechanisms to ensure that those exercising these rights act within the law and to put in place mechanisms to prevent unlawful activities in relation to these activities.

2. Who is this Code for

- 2.1 This Code applies to any:
 - Student or member of staff (including the governing body) of the College Group.
 - person who has applied to become a member of academic staff within the group.
 - person who was, or was at any time invited to be, a visiting speaker.

3. Definitions

- 3.1 The following terms have these meanings for the purposes of the Code where the context so admits:
 - 3.1.1 **Academic freedom:** is a component of freedom of speech. This is the principle that academic staff are free within the law to question and test received wisdom, and put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or the privileges they may have at their university.

3.1.2 **Freedom of speech:** is the right to express opinions, and this may be a speech or in written form, that are lawful. It is recognised that lawful speech may be found to be offensive and hurtful to some. Speech that amounts to unlawful harassment or unlawful discrimination does not constitute free speech and is not protected and therefore not permitted.

3.1.3 **Meetings or other activities:** Meeting means any gathering or assembly of more than three persons on a premises within the College Group, 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 University Centre or its Students' Association;
- 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 Group's approved study or lecture programmes.

3.1.4 **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.

3.1.5 **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 the College Group premises or property could be caused;
- or that the name of the College Group (including University Centre Sparsholt, Sparsholt College and Andover College) could be brought into disrepute.

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

3.1.7 **Department:** Means a Faculty, section, unit or service of the College Group. A list of Departments can be obtained, on request, from the PA to the Principal.

3.1.8 **Assistant Principal:** Means the person appointed to be in charge of a Department or Faculty.

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

3.1.10 **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. Legal & Regulatory Frameworks

4.1 The College Group will take into account the following regulatory frameworks:

Office for Students (OfS) Ongoing Conditions of Registration:

Condition E1: *The higher education provider's governing documents must uphold the public interest governance principles that are applicable to the higher education provider.*

Condition E2: *The higher education provider must have in place adequate and effective management and governance arrangements to, among other things, deliver, in practice, the public interest governance principles that are applicable to it.*

4.2 The College Group will take into account the following legislation and guidance:

- Higher Education and Research Act 2017 (part A1 Protection of Freedom of Speech)
- Section 43 of the Education (No 2) Act 1986
- Public Order Act 1986 section 4
- Communications Act 2003 Section 127
- The Human Rights Act 1998 The European Convention on Human Right (Article 10)
- The Equality Act 2010
- Public sector equality duty (PSED) within the equality act.
- The Prevent Duty under the powers of the Counter-Terrorism and Security Act 2015
- Education Act 1994 <https://www.legislation.gov.uk/ukpga/1994/30/contents>
- Education (No.2) Act 1986 <https://www.legislation.gov.uk/ukpga/1986/61/contents>
- Higher Education Act 2004 <https://www.legislation.gov.uk/ukpga/2004/8/contents>
- Higher Education and Research Act 2017 <https://www.legislation.gov.uk/ukpga/2017/29/contents/enacted>
- OfS strategy 2022 to 2025 www.officeforstudents.org.uk/publications/office-for-students-strategy-2022-to-2025/
- Regulatory advice 21: Publication of information www.officeforstudents.org.uk/publications/regulatory-advice-21-publication-of-information/

- Securing student success: Regulatory framework for higher education in England www.officeforstudents.org.uk/publications/securing-student-success-regulatory-framework-for-higher-education-in-england
- DfE Keeping Children Safe in Education statutory guidance (preventing radicalisation)
- HM Government Prevent Duty Guidance: Guidance for specified authorities in England and Wales

5. Free Speech

- 5.1. Academic freedom encourages us to explore new ideas and to challenge conventions beliefs. However, for students, where their courses are marked based on defined national mark schemes (e.g. many level 3 qualifications), this freedom needs to be balanced with the needs to support the students in gaining their best possible outcome.
- 5.2. The College Group 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.
- 5.3. 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 Group, will be permitted, although appropriate mitigation may be required.
- 5.4. The College Group 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.
- 5.5. 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.

6. Implementation of the Code

- 6.1. The College Group 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 organisation and may even be offensive to some, provided they are lawful. This code related not only to meetings but also recognises the right of academic freedom as define in section 3 that may impact upon curriculum and delivery of courses.

The College Group will also have in place safeguards to assess the extent to which funding may present a risk to free speech and academic freedom.

- 6.2. With regards to meetings, the College Group will only permit the holding of highly contentious meetings that are likely to lead to incitement or physical unrest on its premises under the conditions set out in this Code in so far as those premises, in the opinion of College Group management, are suitable for the contentious meeting in question and are not otherwise required in connection with the ordinary purposes of the College Group.
- 6.3. The College Group 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 EDI Policy (www.sparsholt.ac.uk/policies-reports/).

7. The organisation of a meeting or other activity

- 7.1. A person or persons, including the Students' Association/Council(s) shall not hold any meeting or other activity on College Group premises otherwise than in accordance with this Code.
- 7.2. 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.
- 7.3. In the case of a meeting or other activity organised by the Students' Association/Council(s), the Proposer shall be deemed to be the organiser for the purposes of this Code.
- 7.4. 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.
- 7.5. 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.
- 7.6. Where an external speaker is involved in the meeting or activity, the External Speaker Policy & Procedure should be followed (see Appendix 1 attached).

8. 'Unlawful' meeting

- 8.1. The Principal shall not allow a meeting to take place if in their reasonable belief or based on the balance of probabilities, the meeting would be unlawful.

9. Lawful restrictions on freedom of speech

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

9.3. 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

10. Contentious meeting

10.1. 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).

10.2. The Principal may at their 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 if any such instruction and subsequent action that has been taken to enforce it.

10.3. The Principal shall decide whether or not the contentious meeting should proceed, taking account of the following criteria:

- a) Whether, in consultation with the Students' Association/Council(s) 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, they 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 Students' Association/Council(s) on College Group premises, the Proposer from the Association/Council(s) or his/her nominee shall be entitled to be present when these discussions take place.
- b) Under these circumstances and after receiving any advice from the Police, the Principal will decide whether the College Group 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 the College Group 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 Group property, or the good name of the College Group (including University Centre Sparsholt, Sparsholt College and Andover College), cannot be ensured to a reasonable level then the Principal shall not permit the contentious meeting to be held.
- c) If the Principal decides that a contentious meeting should not proceed then they 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.

11. Implementation

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

12. Breach of Code

12.1. A member of staff or student of the College Group who organises or attempts to organise a meeting or other activity contrary to 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 Group contract of employment or FE/HE Student Code of Conduct (as appropriate) and any regulations made thereunder.

13. The conduct of a meeting

13.1. 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.

13.2. If at any point the organiser, or any member of staff of the College Group 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 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.

13.3. The Principal, or the organiser, or any member of staff of the College Group 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.

14. Reporting of disturbances

14.1. 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.

15. Freedom of expression in curriculum

15.1. Students will not have a high quality education if that education is not grounded in freedom of speech. That includes freedom of speech for themselves, for fellow students, for those who teach or supervise them and for visiting speakers.

15.2. This Code applies to learners and students from level 1 through to level 8 as well as to staff. Although the application of academic freedom and free speech is commonly understood in the higher education community, owing to the more prescriptive nature of further education

qualifications, it might not be appropriate and in the best interest of FE learners to use controversial or contentious views outside of the prescribed syllabus in the formal classroom setting.

16. Complaints

- 16.1. If you wish to raise a concern about the Code or its application, please contact the Vice Principal for Higher Education by e-mail at: feedback@sparsholt.ac.uk and the relevant process for investigating complaints in either the FE or HE setting will be advised and followed where appropriate.
- 16.2. In making a complaint under the Code, the complainant must demonstrate that they have suffered adverse consequences as a result of action or inaction of the College Group.
- 16.3. Complaints can be raised by a person who is or was a student, member of staff of the College Group, is a person who has applied to become a member of academic staff or a person who was, or was at any time invited to be, a visiting speaker. The College Group has 30 days in which to resolve the complaint.

17. Legal considerations

- 17.1. Nothing in this Code shall affect the individual legal rights of persons affected by actions under the Code or the right of the College Group to take appropriate action, including action at law, to seek redress for damage to or loss of its property.
- 17.2. The College Group will seek to recover the costs of cleaning and repairing any damage to property caused by an unruly meeting.

APPENDICES

Appendix 1 – External Speakers Policy & Procedures

Appendix 2 - Risk Assessment: Visiting Speakers and Organisations

Appendix 3 – Visitor Code of Practice

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 with the College Group 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 Group has a long history of attracting external speakers 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 Higher Education (Freedom of Speech Act) 2023, the requirements of the Office for Students, and the requirements of the Prevent Duty Guidance for Specified Authorities in England and Wales.

3. Policy statement

- 3.1. The College Group recognises the value that external speakers bring to the organisation, and both its staff and students, and seeks to encourage the provision of enrichment to students and staff through exposure to high quality visiting speakers and organisations.
- 3.2. The College Group confirms its commitment to freedom of speech within the organisation.
- 3.3. This policy seeks to reduce the likelihood that visiting speakers or organisations might seek to act unlawfully such as to promote extremist views, to promote discriminatory ideas 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 the College Group.

4. Scope

- 4.1 This policy applies to any:
 - Student or member of staff (including the governing body) of the College Group.
 - person who has applied to become a member of academic staff within the College Group.
 - person who was, or was at any time invited to be, a visiting speaker.

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, logged by the PA to the relevant Vice Principal and stored on the SLT SharePoint noting the details of the booking and where potential risk was identified. The Vice Principal 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 2.

6.2. Where a speaker or organisation requests to come to the College Group 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 Group's values, the organiser will discuss concerns related to the speaker(s) and the content of the presentation with the relevant Vice Principal and, if there is a Prevent concern, to the SLT Prevent lead.

6.4. If required, the Vice Principal (or SLT Prevent lead) 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 the Freedom of Speech Code of Conduct.

6.5. Copies of the risk assessment will be held on the SLT SharePoint.

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 3).

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	Mark score	
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					
		<i>Rate the total score here</i>	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 the Vice Principal) for review</i>				
Date and location			Start and finish time		
Age of student group	16-18	19+ FE	HE		

College Group 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 who will lodge the paperwork on the SLT SharePoint.

APPENDIX 3 – Visitor Code of Practice

The College Group 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 Group values are:

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

The College Group 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.

During your visit to the College Group 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