



# FREEDOM OF SPEECH

CODE OF PRACTICE ISSUED BY

**EALING, HAMMERSMITH AND WEST LONDON COLLEGE (EHWLC) IN  
ACCORDANCE WITH SECTION 43 EDUCATION (No 2) ACT 1986**

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## **Scope of the Code**

1. The requirements of this code apply to all the staff of the College, the students registered at the College, the sabbatical officers of the Student Union, where applicable, and the governors of the College.
2. The Instruments and Articles of the FE Corporation of Ealing, Hammersmith commit the College to upholding principles of academic freedom:

*'In making rules under article 14, the Corporation shall have regard to the need to ensure that academic staff at the institution have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without putting themselves at risk of losing their jobs or any privileges which they may enjoy at the institution.'*

(Article 15, EHWLC FE Corporation Instruments and Articles of Government, approved 17 July 2019)

## **Requirements of the Act**

3. The Education (No 2) Act 1986 (the 'Act') requires every individual and body of persons concerned in the government 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.
4. The College is required to take such steps as are reasonably practicable to ensure that freedom of speech is secured within the law. Freedom of speech is not therefore an absolute right, and there is no requirement to provide a platform for speech which amounts to a breach of the law, for example: speech which is defamatory or in contempt of court, or which constitutes an incitement to violence or terrorism (or glorification or encouragement of acts of terrorism) or incitement to religious or racial hatred, or harassment under the Equality Act 2010 (or other legislation as amended from time to time).
5. The College also has a statutory duty under the Counter Terrorism and Security Act 2015 s.26(1), when exercising its functions to have due regard to the need to prevent people from being drawn into terrorism (the "Prevent Duty").
6. The College must always adhere to its obligations under law and will not tolerate any unlawful acts against its people, community, property or the

- institution itself, whether through speech or physical action. A speaker who, for example, engages in any conduct outlined in point (3)(a) above, will be deemed to have transgressed the bounds of lawful speech. Equally, assemblies of persons, even if directed to lawful purposes, cease to be lawful if they cause serious public disorder or breach of the peace.
7. The College reserves the right to take advice from external bodies on the appropriate and reasonable assessment and mitigation of risks related to any speakers.
  8. 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. For the purposes of these arrangements meetings means activities which fall outside the normal scope of college business (ie not lectures, internal meetings, approved Trade Union and Student Union meetings).
  9. Finally, every individual and body of persons concerned in the government 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.

### **Principles of the Code**

10. The College is a vibrant and diverse community, where debate and challenge are encouraged in line with its core values of providing a space for the discussion of difficult topics. The College has a commitment to ensuring a working, learning and living environment in which all College members and visitors are treated fairly and with dignity, respect and tolerance. Individuals should be mindful of their obligations with regard to behaving in a way that respects the rights and dignity of others, when articulating views. The College will not permit gender segregation except for the purposes of collective religious worship.
11. EHWLC affirms its commitment to freedom of speech. It must, however, take account of its other legal obligations, beyond those imposed by the Act. For example, a speaker who incites an audience to violence, breach of the peace or racial hatred is acting contrary to public order laws and shall not be regarded as lawful speech within the remit of this code. Speakers must respect the rights and freedom of others as protected by the law (for example, they must not make statements which are actionable for defamation).
12. All meetings that take place on College premises are private, unless the public is expressly invited to attend. For the avoidance of doubt, by virtue

of Section 43 (8) of the Act of this code applies to any premises occupied by the Student Union.

### **Speakers**

13. The code is concerned with ensuring that all students and employees of the College, and visiting speakers, have freedom of speech within the law.
14. In the case of meetings organised by students, speakers preferably should come at the invitation of the Student Union or Student Council or of a club or society recognised by the Student Union or Student Council. An invitation should not be sent by a student or students individually without prior consultation with the Student Union or Student Council.
15. In the case of meetings organised by staff, speakers must come at the invitation either of a collective body such as a Department or a trade union, or of a member or members of the staff individually. The latter must first consult their Head of Department or the CEO/Representative before issuing any invitation.
16. In the case of meetings organised by the College, speakers must come at the invitation of the Governing Body collectively or a member or members of the Governing Body individually. The latter must first consult the Chair of the Governing Body or (in his or her absence) the Vice Chair of the Governing Body.

### **Other Requirements of the Code**

17. The College is committed to ensuring a welcoming and secure environment for its staff, students and visiting speakers. Where the College is in any doubt about the personal safety of any person present at an event, it is obliged to exercise caution and ensure that an appropriate assessment of the risks is carried out. The College reserves the right to impose conditions on an event in order to mitigate any identified risks, or to refuse permission for the event to proceed should it determine that any identified risks cannot be appropriately and reasonably mitigated.
18. Any event where there is a strong likelihood that the speaker or attendees may not be able to enter or leave the building safely and/or have the freedom within the law to deliver the speech will also be deemed to fall within the requirements of this Code.
19. Where a meeting is organised by a collective body or by two or more individuals, the organisers should appoint one person as the CEO organiser in order to simplify communication and liaison between organisers and the College and to avoid confusion.
20. The CEO organiser of a meeting must give the Chief Operating Officer (COO) of the College four weeks' written notice of the meeting, setting out

- the proposed date, time and space of the meeting; the subject of the address; the name of the speaker; and a statement whether the meeting is going to be private or open to the public. Exceptionally, where four weeks' notice is impractical, the COO may agree to accept shorter notice.
21. Before a meeting is organised by the Student Union or Student Council or by a club or society recognised by the Student Union or Student Council, the availability of a suitable room to accommodate the meeting must be determined with the COO
  22. The CEO organiser of such a meeting must book a room using the standard booking form which may be obtained from the COO. This should preferably be done before the notice of the meeting is given to the COO. If all the suitable rooms are already booked, the meeting must be held over until a room becomes free.
  23. Within one week of receiving notice from the CEO organiser, the COO will respond in writing. Where s/he grants permission, the COO may attach any conditions which s/he considers necessary for the fulfilment of the College's legal obligations to protect and secure freedom of speech and/or any other legal obligation and/or to fulfil any other College requirement or rule.
  24. These conditions may, for example, include a requirement that tickets must be issued where a meeting is to be open to the public; or that an adequate number of stewards must be provided by the organisers and that the COO must be satisfied about their suitability; or that members of the College security staff must be present, to help in keeping order; or that a member of the College's staff, appointed by the COO, must be there as a 'controlling officer'. They may also concern the admission or exclusion of representatives of the media. The organisers are expected to comply fully with all such conditions.
  25. The COO has discretion to consult the police and, if s/he does so and then thinks it appropriate, to attach further conditions. S/he may, for example, require a meeting to be declared public (which would allow for police presence); or s/he may arrange for College staff to take complete responsibility for security arrangements.
  26. The COO may at his or her discretion refuse permission for a meeting or later withdraw permission already given.
  27. The organisers may appeal, within five days of receiving the COO's decision to the Chief Executive Officer (CEO) of the College against the whole or part of the COO's decision. The CEO's ruling will be final and will be communicated to the CEO organisers within five days of receiving full details of the appeal.

28. Where a meeting proceeds, the organisers are under a duty to see that nothing in their preparations for it or their conduct of it infringes the law.
29. It is the on going 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 COO as soon as there are reasonable grounds to believe that;
  - (a) the activity may be disrupted, for example, by reason of:
    - (i) the status of the speaker; or
    - (ii) the nature of any of the subjects to be discussed; or
    - (iii) the view or beliefs (whether or not related to the activity) of any person attending; or
    - (iv) the coincidence of the activity with another activity.
  - (b) the personal safety or property of any person attending may be at risk by reason of their involvement in the activity; or
  - (c) intimidation, duress, or harassment might be applied to any person in an attempt to prevent their attending the activity; or
  - (d) the activity might be picketed.

In the event of any of these issues listed at (a) to (d) above being brought to the attention of the CEO/COO in advance of the meeting then permission to hold the meeting in the College shall be removed.

30. No articles or objects may be taken inside the building where a meeting is taking place, or taken or used elsewhere on College premises, in circumstances where the presence or use of those articles or objects is likely to cause injury or damage.
31. The responsibility for conducting a meeting rests with the appointed chairperson. This calls for a close liaison and consultation beforehand between the chairperson and the CEO organiser, especially if the COO has attached any conditions to permission to use College premises. At the meeting, the chairperson has a duty to keep order and to secure that both the speaker and the audience act in accordance with the law.
32. College premises used for meetings must be left clean and tidy. In default, the organisers may be charged for any additional cleaning and for any repairs which are necessary. Payment in advance, or evidence of ability to pay, may be required before a meeting takes place.

### **Sanctions**

33. Failure to observe the requirements of this code or of any conditions laid down by the COO makes any student or member of staff concerned liable

to disciplinary action by the College and, at the discretion of the College, to regard any booking of a room as void.

34. If any actions involve breaches of the criminal or civil law, the College will assist the prosecuting authorities as appropriate.

### **Conclusion**

35. All meetings for which the use of College premises is granted or withheld under this code will be reported to the Governing Body.
36. The SLT will review the code from time to time on behalf of the Governing Body.