

## Procedure 6.19 Freedom of Speech & Expression Policy

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**Procedure Owner** : Principal / CEO

- ❖ This procedure can be obtained:
  - on our website <https://docklandsacademy.co.uk/policies-and-procedures>,
  - on the desktops of all computers in the library on the top floor,
  - by emailing us at [info@docklandsacademy.co.uk](mailto:info@docklandsacademy.co.uk).
- ❖ The procedure is reviewed and monitored on a regular basis for currency and fitness as part of our Annual 1.9 Policy and Procedures Review.

### 1. Policy Statement

Docklands Academy London (DAL) recognises and endorses that freedom of speech and expression within the law has fundamental importance for training providers as places of education, learning and the disinterested pursuit of truth. In particular, to take measures to protect freedom of lawful speech and expression. This principle is also enshrined in Article 10 of the Human Rights Act 1998. DAL is required under Article 15 of its Articles of Government to have regard to the need to ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions without placing themselves at risk of losing their jobs or any privileges they may have at DAL.

This Policy sets out the rights and obligations inherent within the principles of freedom of speech and expression and academic freedom and the Policy shall be construed and applied in the spirit of upholding those principles wherever reasonably practicable within the law.

The Policy's right and obligations apply to:

- DAL, including members of DAL's Governing Body (The Board).
- All persons (whether academic staff or otherwise) working for DAL or undertaking duties on behalf of DAL.
- All enrolled students of DAL.
- All persons invited to speak or otherwise take part in events to be held on DAL premises in accordance with the provisions of this Policy.

The Policy covers freedom of speech and expression in whatever form that may take including (but not limited to) speeches, debates, meetings, demonstrations, written publications and through the use of social media.

## **2. Freedom of Speech and Expression**

DAL will take such steps as are reasonably practicable to ensure that freedom of speech and expression within the law is secured for every person to whom this Policy's rights apply.

Every person to whom this Policy's obligations apply must assist DAL in upholding this Policy. DAL will not suppress freedom of thought and expression, however abhorrent certain thoughts and expressions may be to the majority of the members of DAL, provided that:

- such thoughts and expressions do not go beyond the articulation of personal points of view or do 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

and provided that by allowing such views to be expressed, DAL would not be failing in its wider legal duties – in particular in relation to:

- eliminating discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act 2010;
- advancing equality of opportunity between persons who share a protected characteristic and persons who do not share it;
- fostering good relations between persons who share a relevant protected characteristics and persons who do not share it; and
- preventing people being drawn into terrorism (Prevent duty under Counter Terrorism & Security Act 2015).

DAL will ensure, so far as is reasonably practicable, that the use of its premises and facilities is not denied to any individual or body of persons on any ground connected with:

- the beliefs or views of such individual or any member of such body
- the policy or objectives of such body.

Every person to whom this Policy's obligations apply must refrain from organising or engaging in or otherwise being associated with any conduct (other than by lawful, reasonable and peaceful persuasion) intended to prevent the enjoyment of rights under this Policy.

DAL will take such steps as are reasonably practicable (including where appropriate the initiation of disciplinary measures) to secure that the obligations under this Policy are complied with.

## **3. Responsibilities under this Policy in relation to External Speakers**

The protection of freedom of speech does not extend to allowing a speaker to break the law or breach the lawful rights of others e.g. using threatening, abusive or insulting words or behaviour, particularly with a view to incite hatred or draw others into extremism or terrorism.

DAL expects external speakers to act in accordance with the law and not to breach the lawful rights of others. DAL reserves the right to not permit an external speaker to speak at or attend an event or activity, to refuse to permit an event and/or to halt an event or activity at any time if it reasonably considers there may be a breach of this Policy of Conduct or of any legal obligation.

During the course of the event or activity at which he or she participates, no speaker shall:

- Act in breach of the criminal law
- Incite hatred or violence or promote extremism or any breach of the criminal law
- Encourage or promote any acts of terrorism or promote individuals, groups or organisations that support terrorism
- Spread hatred and intolerance
- Discriminate against or harass any person or group on the grounds of their sex, race, nationality, ethnicity, disability, religious or other similar belief, sexual orientation or age
- Defame any person or organisation.

It is the responsibility of anyone organising an event or activity at DAL to ensure that all external speakers are made aware of this Policy and its contents.

It is the responsibility of anyone organising an event or activity at DAL to ensure that all external speakers are given a copy of DAL's visitor guidelines, which include key safeguarding and health and safety requirements (including the requirement to sign in, wear a visitor's badge and be accompanied by an appropriate member of staff whilst on campus).

#### **4. Responsibilities under this Policy for the holding of events and activities**

Events and activities include (but are not limited to) meetings, demonstrations, events and publications through whatever media (including social media) which take place or are proposed or planned or due to take place on DAL's premises or through its ICT systems.

DAL has the responsibility to take reasonable steps to maintain good order on its premises. It has the right and the power to regulate and, if necessary, to impose conditions or restrictions upon events and activities which take place or are planned or proposed or due to take place on its premises or through its ICT systems. The organisation, arrangements for and holding of any such events and activities, must comply with this Policy.

DAL has duties under the Equality Act 2010 as an education provider. It must not unlawfully discriminate against students, employees and other individuals to whom services are provided. Segregation by sex is not permitted in any academic meetings or at events, lectures or meetings provided for students, or at events attended by members of the public or employees of the university or the students' association. Segregation is therefore not permissible for any event covered by this Policy of Conduct. The only exception to this is events that are for the purpose of collective religious worship

Events or activities involving external speakers (whether organised by the governing body, executive team, staff or the student association) must, as soon as possible and at least 20

working days before the event or activity, include an assessment of the proposed speaker(s) against the following questions:

- Has the speaker previously been prevented from speaking at DAL?
- Is the proposed title or theme of the event likely to be considered controversial, likely to incite extremism, discrimination, spread hatred or intolerance or be in contravention of DAL values?
- Is the proposed speaker/theme likely to attract attendance from individuals/groups that have previously been known to express views that may be in breach of this Policy of Conduct or DAL values?
- Is the proposed speaker/theme likely to affect the safety of people attending, the security of DAL premises or the good name and reputation of DAL?

If the answer to all four questions is clearly NO the event organiser can continue to organise the event, ensuring that any external speakers are aware of their responsibilities as set out in this policy.

If the answer to any of the questions is unclear the event organiser must seek guidance from their line manager or the Principal for a final decision on the events appropriateness.

DAL will not unreasonably refuse to allow external speakers to speak and events or activities to take place on its premises or through its ICT systems. The expression of controversial views which do not breach the law or risk a breach of the law will not of itself constitute reasonable grounds for withholding permission. Reasonable grounds for refusal would include (but are not limited to) the fact that, if the speech, event or activity were to take place, a risk would arise that, within the premises of DAL and/or the scope of its ICT systems there would be:

- incitement to commit a criminal act
- the unlawful expression of views
- support of an organisation whose aims and objectives are illegal
- the foreseeability that an individual might be drawn into terrorism (including extremism) and/or a breach of the peace.

In determining whether permission for a speech, event or activity to take place on DAL's premises and/or through its ICT system might reasonably be refused, consideration may be given by the member of SLT to:

- the safety of persons attending or otherwise affected by the event or activity on DAL premises who might foreseeably be put at risk
- the security of DAL's premises
- the good name and reputation of DAL

## **5. Practical Measures**

DAL will permit the use of its premises and ICT systems only by organisers or other individuals otherwise involved in an event or activity who undertake to comply with all lawful instructions and conditions issued by DAL in relation to (but not limited to) the location, arrangements, form and conduct of such activities, including adequate stewarding, chairing and provision of adequate control over entry.

In cases in which it is reasonable to assume that there is a possibility of disruption arising from the taking place of an event or activity, DAL may consult with the police. If the activity is a public one the police may be prepared to be present throughout the event to minimise any disruption.

Any organisers or other individuals otherwise involved with an event or activity to take place on DAL's premises or through its ICT systems shall be responsible for any costs involved in organising and holding such activities (including any costs of cleaning and/or repairs needed as a result) and for ensuring, as far as possible, that nothing in the organisation and holding of such activities infringes the law or any DAL rule, regulation or procedure in any way.

No articles or objects may be taken inside the building where an event is taking place, or taken or used elsewhere on DAL premises, in circumstances where the presence or use of those articles or objects is likely to lead to injury or damage.

The responsibility for conducting an event or activity rests with the appointed chairperson. The member of SMT (Senior Management Team) may withdraw permission already given to hold the event or activity, or amend or impose any conditions, at any time up to or during the event or activity and DAL reserves the right to halt an event or activity at any time if it reasonably considers there may be a breach of this Policy of Conduct or of any legal obligation.

## **6. Sanctions and Penalties**

Any member of The Board who breaches this Policy may be removed from office under DAL's Instrument of Government.

Where those responsible for the breach are students or staff of DAL, action may be taken against them under the relevant disciplinary procedure.

Where those responsible for the breach are students or staff of a partner organisation of DAL, the member of SLT will consider whether to inform the partner organisation with a view to that partner organisation taking action (whether as well as or instead of) under its relevant disciplinary procedure.

Where a breach of this Policy takes place at an event, DAL may take steps to assist the police to secure identification of the persons suspected of committing offences with a view to appropriate action being taken against them.

## **7. Related Documents**

### **7.1 Policies**

- 1 Governance
- 2 Academic Management
- 3 Teaching Learning Assessment
- 4 Student Admissions
- 5 Student Support, Engagement and Learning Resources
- 7 Information

## 7.2 Procedures

- 1.5 Equal Opportunities
- 1.7 Data Protection
- 1.9 Review and Revision of Policies and Procedures
- 2.6 Self-Assessment and Programme and Annual monitoring
- 2.10 Special Circumstances Affecting Study
- 3.1 Expectations from and Supporting Staff in Teaching Delivery
- 3.4 Tutorial Arrangements
- 3.5 Assessment Expectations
- 4.6 Student Induction
- 4.11 Student Protection Plan
- 5.2 Welfare Services and Pastoral Care
- 5.3 Equality, Diversity and Special Needs
- 5.7 Reviewing Learning Resources
- 6.1 Recruitment and Selection
- 6.3 Equality and Diversity
- 6.4 Personal Development and Performance Review
- 6.5 Discipline at Work
- 6.9 Continuous Professional Development
- 6.10.1 HE Lesson Observation
- 6.10.2 Peer review
- 6.10.3 GE Lesson Observation
- 6.13 Staff Code of Conduct
- 6.14 Academic Misconduct by Staff
- 6.15 Safeguarding
- 6.16 Prevent Duty (Racist, Discriminatory, Abusive and Extremist Behaviour)
- 7.1 Review and Sign off PI
- 7.2 External Review of the Website and Printed Information
- 7.3 Social Media Protocols
- 7.4 HE Public Information Procedures
- 8.2 Recruitment Partner Selection and Monitoring
- 8.3 Links with Other Educational Institutions and Businesses

## 7.3 Terms and Conditions

## 7.4 External Reference Points

- **Office for Students (OfS) Requirements and Guidance** at <https://www.officeforstudents.org.uk/advice-and-guidance/regulation/>
- **UK Quality Code Advice & Guidance – Admissions, Recruitment and Widening Access** at <https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/admissions-recruitment-and-widening-access>
- **UK Quality Code Advice & Guidance – Concerns, Complaints and Appeals** at <https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/concerns-complaints-and-appeals>
- **Higher Education Code of Governance** (Committee of University Chairs, December 2014) at <https://www.universitychairs.ac.uk/wp-content/uploads/2020/09/CUC-HE-Code-of-Governance-publication-final.pdf>

- Association of Employment and Learning Providers (AELP) principles of Good Governance for Independent Training Providers at <https://www.aelp.org.uk/media/2595/code-of-governance-final-sept-2018.pdf>
  - OIA The Good Practice Framework: Handling Students Complaints and Academic Appeals at <https://www.oiahe.org.uk/media/1859/oia-good-practice-framework.pdf>
  - UKCISA Code of Ethics at <https://www.ukcisa.org.uk/Membership/Codes-of-practice/Code-of-ethics>
  - Equality Act – 2010 at <https://www.legislation.gov.uk/ukpga/2010/15/contents>
  - Keeping Children Safe in Education Jan 2021 Guidance at <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>
  - MacPherson report (1999) (Racism) at <https://www.gov.uk/government/publications/the-stephen-lawrence-inquiry>
  - Sex Offences Act 2003 at <https://www.legislation.gov.uk/ukpga/2003/42/contents>
  - Terrorism Act 2006 at <https://www.legislation.gov.uk/ukpga/2006/11/contents>
- Tower Hamlets LADO (Local Authority Designated Officer) at [LADO@towerhamlets.gov.uk](mailto:LADO@towerhamlets.gov.uk)