

## Procedure 1.11 Freedom of Speech & Expression Policy

<b>Prepared by</b>	Chris McLean	<b>Reviewed by</b>	Canan E. Celik	<b>Approved by</b>	Board of Governance
<b>Review No</b>	3	<b>Next Review Date</b>	January 2024	<b>Approved on</b>	January 2023

**Procedure Issued** : April 2022

**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

### Introduction and purpose

Docklands Academy London (DAL) endorses and adopts the principle of freedom of speech and expression within the law as one of the core principles upon which all institutions of learning should be founded. It also has regard to the need to ensure that academic staff have freedom 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 any privileges they may have at DAL. Every person employed at DAL, and every student enrolling, should be aware that joining the school community involves obligations and responsibilities which are consistent with the above principles and the law.

In operating this policy, Docklands Academy London seeks to ensure that the principles of freedom of expression are upheld balanced with the need to protect the welfare of both staff and students and to protect the company's reputation, and the reputation of associated institutions and partners, both in the UK and abroad.

### Principles

This policy is underpinned by the following core principles and ideas which are based on the Equality and Human Rights Commission: Freedom of expression: a guide for higher education providers and students' unions in England and Wales:

- i. Everyone has the right to freedom of expression within the law.
- ii. The school will always work to widen debate and challenge, rather than narrow it.
- iii. Any decision about speakers and events will seek to promote and protect the right to freedom of expression.



- iv. Peaceful protest is a protected form of expression; however, protest should not be allowed to shut down debate or infringe the rights of others.
- v. Freedom of expression should not be abused for the purpose of unchallenged hatred or bigotry. The school will always aim to encourage balanced and respectful debate.

## **Scope**

The policy's obligations shall apply to:

- i. Docklands Academy London (which shall include all bodies or persons having authority to determine any matter relevant to this policy).
- ii. All staff and governors of DAL (whether academic staff or otherwise).
- iii. All duly enrolled students (whether full or part-time)

The policy's rights shall apply to all staff, governors, students and visiting speakers in relation to the holding of academic activities or meetings or events on premises controlled by the school to:

- a) persons invited or otherwise lawfully on the premises.
- b) persons who, if it were not for the provisions of this policy, would have been so invited.

## **Limits**

Freedom of expression will not be restricted on the basis of the views expressed by one party being found offensive by another. Particularly when said views are intended to inform or are expressed in a public debate where they are open to being challenged. However, inciting hatred, or otherwise using freedom of expression to detriment or abuse of the rights, integrity, autonomy, dignity, or humanity of others, is cause for disciplinary action.

Docklands Academy London will not deny use of its premises, equipment, or other resources on the basis of an individual's or group's beliefs or views.

## **Academic Freedom**

Intellectual independence of academics in respect to their work, freedom to undertake research, express their views, determine course content and organise conferences without interference. Student complaints and protests will not be allowed to result in restrictions to academic freedom, self-censorship of academic work, or otherwise infringe in an academics right to do so.

## **Academic Freedom of Expression**

Because DAL is committed to free and open inquiry in all matters, it guarantees all members of the DAL academic community the broadest possible latitude to speak, write, listen, challenge, question and test received wisdom, put forward new ideas and controversial or unpopular opinions without placing themselves in jeopardy of



losing their jobs or privileges they may have. Except insofar as limitations on that freedom are necessary to the functioning of DAL, DAL fully respects and supports the freedom of all members of the DAL community “to discuss any problem that presents itself.”

The ideas of different members of the DAL academic community will often and quite naturally conflict. But it is not the proper role of DAL to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Although DAL greatly values civility, and although all members of the DAL academic community share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community.

The freedom to debate and discuss the merits of competing ideas does not, of course, mean that individuals may say whatever they wish, wherever they wish. DAL may restrict expression that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of DAL. In addition, DAL may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of DAL. But these are narrow exceptions to the general principle of freedom of expression, and it is vitally important that these exceptions never be used in a manner that is inconsistent with DAL’s commitment to a completely free and open discussion of ideas.

DAL’s fundamental commitment is to the principle that debate, or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the DAL community to be offensive, unwise, immoral, or wrong-headed. It is for the individual members of the DAL community, not for DAL as an institution, to make those judgments for themselves, and to act on those judgments not by seeking to suppress speech, but by openly and vigorously contesting the ideas that they oppose. Indeed, fostering the ability of members of the DAL community to engage in such debate and deliberation in an effective and responsible manner is an essential part of DAL’s educational mission.

DAL’s commitment to protect and promote free expression means that members of the DAL academic community must also act in conformity with the principle of free expression. Although members of the DAL academic community are free to criticise and contest the views expressed on campus, and to criticise and contest speakers who are invited to express their views on campus, they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe. To this end, DAL has a solemn responsibility not only to promote a lively and fearless freedom of debate and deliberation, but also to protect that freedom when others attempt to restrict it.



## **Management of events and speakers**

Docklands Academy London is committed to denying access to those persons who promote extremist views that support or are conducive to terrorism. DAL's Student Code of Conduct does not permit 'attempts to convert individuals to religious faiths or political causes'.

## **Code of Practice on Freedom of Speech**

Section 43 of the Education (No 2) Act 1986: requires DAL to issue and keep up to date a code of practice to be followed by members, students, and employees of DAL for the organisation of meetings and other events, which are to be held on DAL premises, and for the conduct required of members, students, and employees of DAL in connection with meetings and other events.

Staff, visiting speakers and students of DAL must conduct themselves to ensure that freedom of speech is within the law. DAL believes that a culture of free, open, and robust discussion can be achieved only if all concerned avoid needlessly offensive or provocative action and language.

Any external speakers must be approved by the Principal for each area and all concerns and final decisions will be the responsibility of the Academic Registrar.

Any staff or students that become aware of any incidents or instances where off-campus events of concern are promoted on campus should be reported immediately to the Principal. This may be through a student's tutor or Head of School.

## **Events and Speakers**

Docklands Academy London has a statutory obligation to know when external speakers will be held both on and off campus. All speakers should be risk assessed and if required DAL will put in steps to ensure the safety of all attendees.

<b>Event Organiser</b>	
<b>Email address:</b> <b>@docklandsacademy.co.uk</b>	
<b>Name of speaker</b>	
<b>Name of organisation/s speaker is affiliated with</b>	

<b>Title and synopsis of event</b>	
<b>Date of Event</b>	
<b>Start Time</b>	
<b>End Time</b>	
<b>Location of Event</b>	
<b>Student or Public Event</b>	
<b>Approximate number of attendees</b>	
<b>How will the event be promoted</b>	
<b>Has the speaker ever been refused a platform to speak (at DAL or anywhere else)?</b>	
<b>Is the content or subject likely to infringe the rights of others or discriminate in any form?</b>	

<p><b>Do you have any reason to think the speaker will not abide by the guidelines at DAL?</b></p>	
<p><b>If yes to any of the above questions, please explain</b></p>	
<p><b>Any other relevant information</b></p>	

Signed \_\_\_\_\_

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Date \_\_\_\_\_

### **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.

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).

### **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.

The DAL Prevent Lead will seek advice from appropriate individuals and/or external agencies in order to determine the suitability of any referred requests for controversial events. Requests must be sent to The Prevent Lead at least 10 working days prior to the planned event/visit. The College Prevent Lead or Deputy will communicate their final decision to the Principal / CEO within 5 working days of receiving the referral.

In following the requirements of this Policy, there will be a need for liaison and exchange of information between DAL departments and external bodies.

### **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.

Any 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.

## **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.

## **Appeal procedure**

DAL seeks to provide a supportive environment for those who wish to make a complaint about how this policy has been administered or appeal a decision that has been made. Those wishing to do this should be referred to the Complaints Policy.

## **Related Documents**

### **9.1 Policies**

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

### **9.2 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
- 4.6 Student Induction
- 4.11 Student Protection Plan
- 5.2 Welfare Services and Pastoral Care
- 5.3 Equality, Diversity and Special Needs
- 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
- 6.13 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

### 9.3 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)