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## Part A - Freedom of Speech and Expression

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## Part B - Visiting Speakers & Fundraising

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## **Part A – Freedom of Speech and Expression**

### **1. Introduction**

- 1.1 Section 43 of The Education (No 2) Act 1986 (the “Act”) requires every further education institution to take such steps as are reasonably practicable to ensure that freedom of speech is secured for students and employees of the institution and for visiting speakers.
- 1.2 There is also a requirement that, so far as is reasonably practicable, the use of College premises shall not be denied to any individual or organisation on grounds connected with the beliefs, policy or objectives of that body.
- 1.3 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 in connection with the organisation of meetings and other activities which are to be held on College premises and the conduct required by them in connection with any such meeting or activity.
- 1.4 College management is required to take all reasonable steps (including where appropriate the initiation of disciplinary measures) to secure compliance with the code of practice.
- 1.5 In addition, clear guidance is required to students, staff, governors and external agencies as to how the College manages freedom of speech as part of its Prevent Duty Guidance and in line with the Counter-Terrorism and Security Act 2015. This guidance appears as Part B of this code.

### **2. Scope**

- 2.1 This Code of Practice sets out the rights and obligations inherent within the principles of freedom of speech and expression including academic freedom and the Code shall be applied in the spirit of upholding those principles wherever reasonably practicable within the law.
- 2.2 The Code’s rights and obligations shall apply to:
  - a) the College, including members of the Corporation.
  - b) all persons (whether teaching or business support staff) working for the College or undertaking duties on behalf of the College.
  - c) all enrolled students at the College (whether full or part-time);
  - d) all students studying at the College (whether full or part-time) under an agreement with a partner organisation (e.g. subcontracted provision, a school or local authority) even if not enrolled as students at the College;
  - e) all apprentices, trainees and others whose programmes involve studying on employers’ premises.
  - f) the students’ union and any societies, clubs or associations which normally operate on College premises; and
  - g) all persons invited to speak or take part in events to be held on College premises or otherwise in the name of the College.

- 2.3 References in the Code to “College premises” include premises which are owned by the College, and premises which the College does not own but hires or uses for direct or subcontracted provision.

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

- 3.1 The College expects all students and staff to actively promote British Values which include democracy, individual liberty and mutual respect and tolerance. This is reinforced by the requirement that all students should be ‘ready, responsible and respectful’ including towards the views of others.
- 3.2 The College shall ensure that freedom of speech and expression within the law is secured for every person to whom this Code’s rights apply.
- 3.3 Every person to whom this Code’s obligations apply shall assist the College in upholding this Code of Practice.
- 3.4 The College will not suppress freedom of thought and expression, however abhorrent certain thoughts and expressions may be considered to be, provided that such thoughts and expressions do not go beyond the articulation of points of view and do not constitute incitement to riot, insurrection, racial hatred, terrorist activity, religious hatred, sexual harassment or other activities which may result in public disorder or otherwise be unlawful and provided that, by allowing such views to be expressed, the College would not be failing in its wider legal duties (for example to promote equality of opportunity and good relations between persons of different racial groups, different faiths, between men and women and between people who have or do not have a disability).
- 3.5 The College shall ensure, so far as is reasonably practicable, that the use of College premises is not denied to any individual or body to whom this Code’s rights apply on any grounds connected with:
- a) the beliefs or views of such individuals or any member of such a body; or
  - b) the policy or objectives of such a body.
- 3.6 Every person to whom this Code’s obligations apply shall not organise, engage in, or be associated with, any conduct intended to prevent the enjoyment of rights under this Code of Practice.
- 3.7 The College shall take such steps as are reasonably practicable (including where appropriate the initiation of student or staff disciplinary measures) to ensure that the obligations under this Code of Practice are complied with.

### **4. The Holding of Events**

- 4.1 The College has the responsibility 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 such as meetings and demonstrations held or proposed to be held on its premises. Any such events must comply with this Code of Practice.
- 4.2 Any person to whom this Code’s rights apply must also follow the College’s Visiting Speaker and Fundraising Guidance which sets out the process for the approval of speakers and events (including the requirement to refer speakers to a member of the Senior Leadership Team when approval is not given) as set out in Part B of this code.

- 4.3 The College will permit the use of College premises only by organisers of events who undertake to comply with all lawful requirements of the College in relation to the location, arrangements and conduct of such events, including stewarding, chairing and control over entry.
- 4.4 If it is reasonable to assume that there is a possibility of disruption at an event the College may consult with the police. If the event is a public one, the police may be prepared to be present throughout the event to minimise disruption.
- 4.5 Organisers of events held on College premises shall be responsible for any costs involved and for ensuring, as far as possible, that nothing in the organisation and holding of such events infringes on the law.
- 4.6 In the event that an intended visit is not permitted to go ahead, or does go ahead and gives rise to concerns relating to extremist views, information relating to this will be circulated to all other College campuses and consideration given to alerting other providers through, for instance, the London FE Prevent Network or local authority Prevent Coordinators.

## **5. Sanctions and Penalties**

- 5.1 Where those responsible for the breach are students or staff of the College action may be taken under the relevant disciplinary procedure.
- 5.2 Where those responsible for the breach are students or staff of a partner organisation of the College the Executive Principal or a designated Senior Leader shall inform the partner organisation with a view to that organisation taking action under its own relevant disciplinary procedure.
- 5.3 Where a breach of this Code of Practice takes place at an event, the College may take steps to assist the police to secure identification of the persons committing offences with a view to appropriate action being taken against them.

## **Part B – Visiting Speakers and Fundraising Guidance**

### **6. Terms and definitions**

- 6.1 'Visiting Speaker' is used to describe an individual or organisation who is not a student or member of College staff.
- 6.2 'Presentation' for the purpose of this document should be read to include all talks, debates, workshops and speeches.
- 6.3 An 'organiser' is anyone wishing to arrange for a visiting speaker to make a presentation at any location where such a presentation would or could be associated with London South East Colleges.
- 6.4

On 14 March 2024 the [government announced a new definition](#) of extremism that states: Extremism is the promotion or advancement of an ideology based on violence, hatred or intolerance, that aims to:

- (1) negate or destroy the fundamental rights and freedoms of others; or

(2) undermine, overturn or replace the UK's system of liberal parliamentary democracy and democratic rights; or

(3) intentionally create a permissive environment for others to achieve the results in (1) or (2).”

This updated definition of extremism will be used by the College to ensure it is not inadvertently providing a platform, funding or legitimacy to groups or individuals who attempt to advance extremist ideologies.

## 7. Organising a Visiting Speaker

- 7.1 All events organised on behalf of, or that would be associated with, the College involving external speakers, including those off site, are covered by this guidance.
- 7.2 Anyone wishing to organise for an external speaker or organisation to make a presentation to students must first discuss this with their line manager. When students or the students union are organising events, the organiser is deemed to be the curriculum area or engagement team as appropriate for the purposes of this Code of Practice.
- 7.3 It is the duty of all organisers to follow the College's visiting speaker guidance as outlined in this code and ensure that all visitors pre-book, sign in at the appropriate Reception area, wear visitors' passes and are supervised at all times whilst on site.
- 7.4 Extra care should be given to speakers or organisations who make first contact, seeking the opportunity to address or otherwise engage with the community of the College.
- 7.5 An agreement with the speaker and organisation they represent should always take place before the event in which an outline of the presentation is discussed so that both parties understand the purpose and boundaries of the presentation. The speaker should be fully informed of the need to use appropriate language to address students and the educational level of students they will be addressing.
- 7.6 Where a presentation is likely to be controversial or addresses topics of religion or politics extra consideration must be given in consultation with a line manager before agreeing to the presentation. Consideration should not just be given to the content of the presentation but also to the individual who attends, for example, the risks associated with someone who has a high profile.
- 7.7 Where additional support is required to judge the appropriateness of the presentation or speaker, the organiser should contact the Head of Safeguarding for advice. How this decision is reached is detailed in section 9.
- 7.8 In situations where the presentation is on religion, politics or controversial issues and the speaker is unable to attend at short notice and instead offers an alternative speaker, without giving the college time to consider the new speaker, **the presentation must not proceed.**
- 7.9 If the subject matter of a presentation could be distressing to some students, the staff member should inform the Engagement team, Safeguarding and/or ALS teams, as appropriate, so that relevant members of staff can assist with any student affected by the issues discussed, or who may have a history of associated vulnerability.

## **8. External Visitor Approval Process**

- 8.1 A potential external visitor/speaker is identified.
- 8.2 The event organiser liaises with their line manager and a decision is made about the need for desk research and/or references at least 10 working days before the intended date of the event.
- 8.3 All intended external visitor/speaker events must be entered on the Visiting Speaker Log (on SharePoint) and if additional research is requested, a [Visiting Speaker Approval Form](#) must be completed.
- 8.4 The line Manager approves the external speaker/visitor or refers to a member of the Senior Leadership Team (SLT) (see section 9 below).
- 8.5 If/when proceeding the organiser must inform Reception and Campus Support.
- 8.6 The organiser must supervise the visitor at all times whilst they are on site.
- 8.7 Staff and students evaluate the visit.

## **9 Making the decision on referred speakers.**

- 9.1 Any presentation or speaker referred by the organiser's line manager must be authorised by a member of the Senior Leadership Team (SLT) who may request that
  - a) a further short investigation into the speaker and the presentation is conducted, and/or
  - b) that a Safeguarding Manager is consulted.If it is thought that vulnerable learners may be at risk of radicalisation, this may involve liaison with colleagues in the local Counter Terrorism Police and/or the Borough Prevent Coordinator.
- 9.2 In making recommendations the level of risk will be assessed on the following basis:
  - a) The potential for any decision to limit freedom of speech
  - b) The potential for the presentation to cause the College to be in breach of its equality of opportunities policy
  - c) The potential for the event to cause reputational damage to the College
  - d) The potential for the speaker's presence on campus to cause fear or alarm to members of the student body
  - e) The potential for the speaker's presence on campus to give rise to a breach of the peace
- 9.3 As a result, the SLT member may make one of the following recommendations:
  - a) Permit the presentation with the visiting speaker to go ahead unrestricted
  - b) Not permit the presentation with the visiting speaker to go ahead
  - c) Permit the presentation with the visiting speaker to go ahead under stipulated conditions designed to reduce risk
- 9.4 Examples of steps that could be taken to reduce risk;
  - a) Requiring that a copy of any presentation or speech to be delivered by the speaker is submitted in advance of the presentation

- b) Requiring that an event promoting a particular view includes an opportunity to debate or challenge that view
- c) Requiring the use of the Campus Support team to be in attendance

9.5 When considering any steps designed to reduce risk, their potential to inadvertently cause risk (for example, a sense of oppression felt by the need for high security controlling access to the event) should be taken into account.

9.6 In particularly sensitive cases, external advice from such as the Police, Local Authority Prevent Co-ordinator etc. may be sought, and a Safeguarding Manager should be contacted for advice when relevant.

9.7 If the decision is taken that the event should not proceed, or if the event does proceed but concerns are raised about the appropriateness of the content, this should be communicated to all LSEC campuses and be made known to the London Prevent Network.

## **10 Community Groups, Charities and Fundraising**

### **10.1 Collecting on behalf of a Charity**

- a) Collecting money for local, national or international charities should be supported and can build up excellent links for the College and its students.
- b) Each year the College staff and students choose a local and a national charity to support through its fundraising efforts. These adopted charities need to be approved charities and the proceeds of all fundraising activities should go towards these charities in that academic year.
- c) All staff wishing to organise a collection for a charity should always discuss this with their line manager in advance. It is the line manager's responsibility to make sure the charity is registered with the Charity Commission and does not have potential links to extremist groups. Where the charity is not registered with the Charity Commission or there might be potential links to extremist groups the line manager should contact a member of the Senior Leadership Team for further advice.

### **10.2 Extremist Literature**

- a) It is the duty of all staff to follow the Safeguarding Policy and report incidents where they believe a child or vulnerable adult might be at risk of harm including if they are vulnerable or susceptible to being groomed as an extremist.
- b) Extremist literature in the form of leaflets or pamphlets can be the first step in grooming a young person into extremism. It is the duty of all staff to be vigilant regarding literature they find on College premises that might be trying to engage young people in extremism. All such literature should immediately be reported to the Head of Safeguarding.
- c) Where an authorised visitor, unauthorised visitor or student is seen to be distributing extremist literature this should immediately be reported to Campus Support who will contact the Duty Manager and deal with the issue.
- d) Where a person or group is in the vicinity of the College but not on the College campus and handing out extremist literature then Campus Support should be contacted who will liaise with the Duty Manager before dealing with the issue.

## **11 Related policies**



- (Incorporating Adults at Risk) Student Involvement Strategy Single Equity Scheme and EDI Policy