

Freedom of Speech Code of Practice

Sept 2021

Version 1

1. Scope

This policy applies to all staff at Expanse Learning.

2. Introduction

Expanse Learning supports the principle of freedom of speech and expression within the law as one of the fundamental principles upon which any school or college is founded. Every person employed by Expanse Learning and every student enrolling should be aware that joining the Expanse Learning community involves obligations and responsibilities which are consistent with the above principle and the law.

Expanse Learning is covered by Section 43 of the Education (No.2) Act 1986 (“the Act”), which requires us to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the College and for visiting speakers.

The duty imposed by Section 43 of the Act includes the duty to ensure, so far as is reasonably practicable, that freedom of speech is not denied to any individual or body of persons on any ground connected with the lawful beliefs or views of that individual, or with the beliefs or views of any members of that body or with the policy or objectives of that body.

This Code of Practice is issued as part of Expanse Learning's obligations under Section 43 of the Act. It sets out the rights and obligations inherent in supporting the principle of freedom of speech and expression within the law. The Code's obligations and rights apply to:

- Expanse Learning (which includes all bodies or persons having authority to determine any matter relevant to this Code)
- all governors and staff
- all students
- any visiting or guest lecturers invited by Expanse Learning
- any person or organisation wishing to hire premises controlled by Expanse Learning for an event
- persons invited or otherwise lawfully on the premises for the purposes of a meeting, event, or other activity
- external speakers, meetings, events, and activities that are organised by, or under the auspices of, Expanse Learning.

Where Expanse Learning refuses to approve external speakers, meetings, events, or other activities, it is not under any obligation to give reasons for its decision, although it recognises that it may be required to disclose documents relating to its decision under the Freedom of Information Act.

3. Principles

The following principles shall apply to external speakers, meetings, events, and other activities that are covered by the Code:

- a) the maintenance of freedom of thought and lawful expression shall be a matter of fundamental principle to the Expanse Learning
- b) accordingly, the articulation of particular viewpoints shall not be prevented solely on the grounds that they are found to be unacceptable by some members of Expanse Learning community. The suppression or attempted suppression of such points of view by violence or intimidation is contrary to the nature of Expanse as a place of learning
- c) vigilance shall, however, be exercised to prevent the expression of points of view that constitute an incitement to riot, insurrection, racial hatred, sexual harassment or other unlawful activities under criminal law and anti-terrorism legislation, including the Counterterrorism and Security Act 2015
- d) while peaceful demonstration is a legitimate means of drawing attention to an issue or to a differing viewpoint, Expanse Learning will not tolerate any act or demonstration which endangers the safety of persons or property, or which seeks to deny a fair hearing
- e) Expanse Learning is also obliged under the Equality Act 2010 (EA 2010) to have due regard to the need to eliminate discrimination, harassment, and victimisation; to advance equality of opportunity between persons who share relevant protected characteristics (as defined in the EA 2010) and those who do not; and to foster good relations between persons who share a relevant protected characteristic and those who do not.

4. Procedures

General

In accordance with the principles that are set out under above, permission for external speakers, meetings, events and other activities shall not be unreasonably refused, and the expression of controversial views which are not in themselves unlawful

will not normally be regarded as constituting reasonable grounds for refusing requests for external speakers, meetings, events or other activities. However, it would be reasonable to refuse requests if it appeared that an aim or a likely outcome of inviting the external speaker or holding the meeting, event or other activity was the creation of disorder, for example, by:

- inciting those attending to commit a criminal act
- facilitating the expression of views in a manner contrary to the law
- giving direct support to an organisation, the aims, and objects of which are illegal under United Kingdom law or
- inciting a breach of the peace.

In all cases, external speakers, meetings, events, and other activities will be authorised only if the organisers undertake:

- to comply with all lawful instructions issued by Expanse Learning's management team about the location, management and conduct of such meetings, events, and other activities, including adequate stewarding and chairing and provision of adequate control over entry and
- to refrain from any activities that put Expanse Learning in breach of statutory or other legal requirements.

All meetings, events and other activities that are organised in accordance with Expanse Learning's normal booking procedures shall additionally be subject to the standard regulations specified in those procedures.

Arrangements for meetings, events and other activities that are organised under the auspices of the Students' Council or of recognised student societies – it is recognised by both parties that there is a need for the Students' Council to follow the provisions of this Code. Meetings, events, and other activities that are organised under the auspices of the Students' Council or of recognised student societies but that are to be held on other Expanse Learning premises require the endorsement of the Senior Leadership Team before being dealt with under the normal procedure. In such cases, the provisions of this Code must be fully observed. Procedure in cases where the organiser reasonably thinks that disorder is likely to occur

Where any person or body of persons to whom this Code applies is engaged in the organisation of a meeting, event or other activity at which, because of the nature of the speaker or cause, or the nature of views expressed in the past or likely to be expressed in the meeting, the organiser reasonably thinks that disorder is likely to occur, s/he shall give Expanse Learning's management team at least 21 days' notice of the meeting, event or other activity so that consideration may be given to the steps needed to ensure the safety of persons, the maintenance of order and (where relevant) the security of the premises.

The management team is responsible for the organisation and management. They may therefore impose conditions or restrictions upon the conduct of meetings, events, and other activities on Expanse Learning premises. Such conditions or restrictions may include requirements for the provision by the organiser of stewards, variation of location and time, whether such a meeting, event or other activity shall be open to the public, and whether the press, radio or television may be admitted. The management team may also specify that certain members of staff are to be present.

Once a meeting, event or other activity is underway, the person chairing shall decide whether conditions are such that the proceedings can continue or must be terminated. However, in the event of serious disorder or threat to the safety of persons or property, an officer duly authorised by the management team shall have the power to terminate the meeting, event or activity and if necessary, to summon assistance from the police.

Expanse Learning does not have the resources to control large groups of persons who may be determined to disrupt a meeting, event, or other activity. Where appropriate, and in consultation with the organisers, Expanse Learning will give advance notice of a meeting, event or other activity to the police and co-operate with them to ensure the maintenance of order. However, should the organisers not share the view that it is necessary or appropriate to liaise with the police, then it may be necessary to withhold consent for the event to proceed.

Where the management team or other officer duly authorised by him or her is of the view that the powers to regulate a meeting, event or other activity are insufficient to prevent serious disorder, bearing in mind the provisions above, permission to hold the meeting, event or other activity may be refused. Procedure in cases where the organiser reasonably thinks that disorder is not likely to occur.

5. General

It shall be contrary to this Code for any member of Expanse Learning to organise or engage in any conduct intended to prevent (other than by reasonable and peaceful persuasion) any meeting or other event covered by this Code from being held or from continuing.

Any breach of the provisions of this Code by members of the staff or student may result in disciplinary action being taken under Expanse Learnings approved procedures, irrespective of whether or not criminal charges are preferred as a result of there having been a breach or alleged breach of criminal law.

In accordance with the requirements of Section 43 of the Act, the Board and Governors will from time to time review this Code of Practice with a view to keeping it up to date.

6. Monitoring arrangements

This policy will be reviewed every 12 months but can be revised as needed.

Impact of non-compliance for:

Staff:	Not Applicable
Student:	Not Applicable
Legislation/organisational:	Reputational damage, litigation, statutory and non-regulated compliance.
Compliance lead:	Safeguarding Lead/Governor
Policy Reference:	ELGR-POL-ORG-017
Version:	1
Agreed policy location:	DatabridgeMIS and Company Website
Does the policy require Governor approval?	No

Approval

<p>Prepared by Karl Wane 01/09/2021</p>  <p>Director of Post 16 Education</p>	<p>Approved by Tony Brown 01/09/2021</p>  <p>CEO</p>	<p>Counter Signatory Richard King 01/09/2021</p>  <p>Director of Schools, Pre 16 Education</p>
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Version Control

Version	Date	Revision	Review Date
1	01/09/2021	Policy Review	31/08/2022
2			
3			
4			
5			