

# Freedom of Speech Policy

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Policy owner	Alison Jones
Policy author	Sam Coles
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## 1. POLICY STATEMENT

Birmingham Metropolitan College (BMet) is dedicated to creating an environment where diversity is valued and where everyone is treated with dignity and respect.

The College recognises the complexities of balancing the rights of diverse individuals; including allowing freedom of speech whilst safeguarding freedom from harm.

The College is committed to its duty to promote freedom of speech within the law as well as its role in the prevention of terrorism and violent extremism, racial or religious hatred, sexual harassment or other activities which are likely to be unlawful. This policy has been produced in accordance with those statutory duties and the College's culture of diversity and inclusion. It applies to all students, staff and visitors of BMet in working and learning activities, including enrichment events.

## 2. RESPONSIBILITIES AND OBLIGATIONS

2.1 The college recognises and commits to its responsibilities in connection with the following:

- Prevent Duty contained within Section 26 of the Counter Terrorism and Security Act 2015  
*The duty states that specified authorities including Further Education Colleges, in the exercise of their functions, must have "due regard to the need to prevent people from being drawn into terrorism".*
- Section 43 of the Education (No. 2) Act 1986; requiring further and higher education providers to have a code of practice to protect freedom of lawful speech and expression and academic freedom.
- Human Rights Act 1998 when making decisions on matters pertaining to freedom of speech, including in relation to external speakers.
- Equality Act 2010, which offers protection from discrimination and harassment

*Harassment is defined as "unwanted conduct which is related to a relevant protected characteristic and which has the purpose or effect of violating a person's dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment"*

- Public Sector Equality Duty 2011, which requires public sector organisations to have due regard to eliminate discrimination and "foster good relations between people who share a protected characteristic and those who do not."

- The Higher Education (Freedom of Speech) Act 2023 and the Office for Students (OfS) free speech complaints scheme

2.2 BMet appreciates that valuing diverse perspectives can sometimes mean engaging with views which are controversial or provocative. The College aims to provide environments which are safe and open and which encourage critical thinking and debate. The College will work to meet people's needs whilst promoting mutual respect and tolerance and building relations between people with different views.

2.3 This policy should be read in conjunction with the *External Speaker Vetting Procedure located in the College's Child Protection and Safeguarding Policy*. Authorised visitors to the college must have undergone an external speakers vetting procedure. It is the responsibility of staff arranging a visitor to ensure this activity takes place.

*External speakers are defined as persons who are not members of the College, who are invited to speak on College premises (or on premises hosted by the College) ) or virtually on an approved college platform as part of the academic curriculum or at other events, such as public lectures, student society events, meetings, debates and conferences.*

2.4 All staff, students and visitors must observe the principles of this policy whilst on BMet premises or virtually on an approved college platform or whilst conducting themselves under the College name.

2.5 Additional, specific responsibilities include those of:

- the Corporation and Senior Leadership Team, to ensure that all students and visitors of the College comply with the provisions of this policy;
- Vice Principals and the Designated Safeguarding Lead, to ensure that the External Speaker Vetting Procedure is implemented;
- Managers and teaching staff, to ensure that new staff and students are made aware of the requirements of this policy;
- the Enrichment Team, to actively engage with this policy in supporting the organisation of enrichment events.

### 3. PRINCIPLES

3.1 Freedom of Speech is not absolute and without restriction, the College will make sure that:

- steps are taken, so far as is reasonably practicable, to ensure that the rights to freedom of speech within the law (even if such speech is controversial, unpopular or provocative) is secured for staff, students, external speakers and visitors to the College;
- there is proportionate and reasonable limitation of expression in

order to protect the rights and freedoms of others to maintain public order and safety and comply with statutory duties.

- 3.2 The College will not permit any form of event on its premises, or to be hosted by the College on other premises, that is likely to result in a breach of civil or criminal law. The College is committed to eliminating any incidents of hate including but not limited to: homophobia, biphobia, transphobia, racism, islamophobia and anti-Semitism. The College has adopted the IHRA (International Holocaust Remembrance Alliance) definition of anti-Semitism. The College defines racism as “explicit or implicit discrimination, prejudice or antagonism by an individual or group against a person or people marginalised in Britain on the basis of their race.”
- 3.3 Members of the College have the right to work and study unhindered by hostility, offensive conduct or intimidation. It should be noted that an event which is likely to give rise to an environment in which people will experience or could reasonably fear harassment, intimidation, verbal abuse or violence particularly because of their ethnicity, race, nationality, religion or belief, sexual orientation, gender, disability or age is likely to be unlawful.
- 3.4 The College reserves the right to monitor, regulate, impose conditions or restrictions upon any event on its premises, or premises we may be using for our purposes, and if necessary, close an event and request all persons to leave College premises. Where the College has concerns that an event might draw people into terrorism it has the absolute authority to not allow the event to proceed.
- 3.5 The College recognises the right to peaceful demonstration.
- 3.6 The College expects all speakers and attendees, including those that may be involved in protest activities, to respect its values, to be sensitive to the diversity of its community and to show respect to all sections of that community.
- 3.7 There is a general expectation that any public event or meeting held on College premises will be open to all.

#### **4. PROCEDURE**

- 4.1 The College aims to encourage free discussion in an atmosphere of tolerance through:
- *Ready, Respectful and Safe* expectations, discussed at induction and in one to one and group sessions/meetings;

- teaching and learning activities which allow for the exploration, challenge, discussion and debate of contentious matters and which encourage a balance of opinion; staff will not promote partisan views and will ensure political statements are balanced and objective;
- enrichment events providing safe and stimulating opportunities to explore different perspectives and opinions;
- using incidents of inappropriate language and behaviour as a learning opportunity rather than punitive exercise to encourage individuals to explore the impact on others, in line with the principles of Ready, Respectful and Safe and BMet's Positive Behaviour Policy;
- developing students' ability to express their opinions respectfully and their understanding of the difference between opinions versus insults and accepting versus agreeing.

4.2 For events where it is expected, or reasonably foreseeable, that the event will raise controversial issues which may risk infringement of or non-compliance with this policy, formal approval must be obtained in advance. This includes where an external speaker is invited to the College to be involved in an event under the remit of the normal academic curriculum.

4.3 The approval process is set out in full in the *External Speaker Vetting Procedure*. In the case of any doubt as to whether a proposed external speaker might require formal approval the event organiser should consult the relevant Vice Principal. Where decisions are complex the final decision to approve or reject will rest with the Principal or their deputy.

4.4 Vice Principals and the Designated Safeguarding Lead maintain an External Speakers Database which records the details of all those external speakers that have been either approved or rejected under the procedure. The College External Speakers databases will be reviewed biannually to monitor the effective implementation of this policy.

4.5 Students or members of staff who have a concern about freedom of speech should raise the matter, in the first instance, with their Vice Principal.

## 5. COMPLIANCE

5.1 All staff, students and visitors of the College are expected to promote and encourage compliance with the principles and spirit of this policy.

5.2 Members of the College who fail to ensure that these provisions are

adhered to may be liable to disciplinary action in accordance with BMet's policies and procedures, in addition to any possible prosecution for breach of the law.

5.3 The following College's documents support this policy:

- External Speakers Vetting Procedure – (*Appendix 4 of Child Protection and Safeguarding Policy*)
- Child Protection and Safeguarding Policy
- Diversity and Inclusion Policy
- Positive Behaviour Policy: Ready Respectful and Safe
- Complaints and Compliments Policy