



North Tyneside Council

# North Tyneside Council Employment & Skills Service

## Freedom of Speech Policy

Current version 04/08/2020

Review Date 04/08/2021

### Statement of Intent

1. The right to express views and ideas freely, without fear of interference or persecution, is an essential part of democracy. Freedom of expression is a key part of the education experience. Sharing ideas is crucial for learning, and allows learning to think critically, challenge and engage with different perspectives. This policy sets out how to do this in a safe way ensuring learners, staff and visitors do not infringe this right.

### 1.2 Core values

- Everyone has the right to free speech within the law.
- As education providers we always work to widen debate and challenge, never to narrow it.
- Any decision about speakers and events we seek to promote and protect the right to freedom of expression.
- Peaceful protest is a protected form of expression; however, protest will not be allowed to shut down debate or infringe the rights of others.
- Freedom of expression will not be abused for the purpose of unchallenged hatred or bigotry. As providers of education we always aim to encourage balanced and respectful debate

### 2. Scope

Learner safety and welfare is at the core of our policies and practices and the freedom to express views needs to be considered alongside our existing safeguarding policies and procedures. The level of risk will be assessed and where possible reduced.

### 3 Legislation

This Policy complements the Services' approach to the Human Rights Act 1998, the Equality Act 2010, the Education Act 1986 and the Prevent Duty.

### 4. Responsibilities

The Senior Manager has responsibility for the implementation of the Policy. Tutor/staff members are required to adhere to this policy and implement with learners/clients.

## **Code of Practice**

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This Code of Practice applies to all staff, students, visiting speakers and to all events and activities held by E&S Service.

E&S expects learners, staff, and visitors to ensure freedom of speech within the law is assured. There is also an expectation that learners, staff, and visiting speakers will demonstrate sensitivity and show respect.

If an event or discussion creates an environment of fear, harassment, intimidation, verbal abuse or violence (or which encourages support for or participation in violent acts), particularly as a result of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation, it is likely to be unlawful and will not be permitted to continue.

## **Procedure**

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The following procedure should be followed where there are concerns:

- If learners or staff, believe that an event they are organising poses a risk under this Code, they are required to refer the matter in the first instance to the Programme Manager for the area. No advertising of the event is permitted until a decision is reached on its compliance with the Code of Practice. If it is a discussion that has taken place it should be dealt with according to the Respect and Consideration Policy.
- The Programme Manager and Designated Safeguarding Lead will refer the matter to the Senior Programme Manager, who will make an initial assessment. If he/she decides the event complies with the Code of Practice, it can go ahead.
- A named person should be identified for each event who is responsible for the booking and control arrangements and conduct of the events including stewarding and moderating, chairing, monitoring and entry.
- The organisers of the event will be responsible for any extra expense incurred.
- The expression of views that may be controversial, but do not breach the law, will not constitute reasonable grounds for refusal. Reasonable grounds for refusal would include: incitement to commit a criminal act; unlawful expression of views; support for an organisation whose aims are illegal (e.g. an organisation prohibited under law); the creation of an environment likely to give rise to a breach of the peace.
- Wilful breach of this Code will be dealt with under the E&S disciplinary procedures and, if necessary, by recourse to law.
- E&S will withhold the right to use premises if it fears there is a likelihood of this Code being breached.

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**6. Related Policies**

Safeguarding and Prevent Policy and Procedure  
Staff Disciplinary Policy  
Events and External Speakers Policy