

POLICY OWNER:	Vice Principal (Higher Education)
FINAL APPROVAL BY:	Governing Body
Policy Category:	Corporate
Approved by Policy Committee:	29 November 2021
Approved by Governing Body:	28 March 2022
Review Date:	31 December 2025

1. Introduction, Purpose and Scope of Policy:

Morley College London recognises that freedom of speech and freedom of expression within the law has fundamental importance for further and higher education institutions as places of education, learning and the unbiased pursuit of truth. In particular, such institutions are obliged under section 43 of the Education (No 2) Act 1986 to take reasonable measures to protect freedom of lawful speech.

In addition, the Governing Body is required by Article 15.3 of the College's Articles of Association to have regard to the need to ensure that academic staff at the College have freedom within the law and subject to any statutory obligations placed on the College to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions without placing themselves in jeopardy of losing their jobs or any privileges which they may enjoy at the College. Further and higher education institutions have a responsibility, so far as is reasonably practicable, to protect and advance the principle of academic freedom.

A principle of freedom of lawful expression is also enshrined in Article 10 of the European Convention on Human Rights.

Whilst free speech is a human right, it is not an absolute and is subject to free speech ***within the law***, i.e. speech that is lawful amongst the other duties in place on the College such as the Prevent Duty 2015 which requires us to prevent people from being drawn into terrorism and the Equality Act 2010 Duty which prohibits discrimination or harassment based on protected characteristics.

Through the statutory guidance on the Government's Prevent strategy issued under the Counter-Terrorism and Security Act 2015, the College has a legal requirement to promote the values of 'democracy, the rule of law, individual liberty and mutual respect and tolerance for those with different faiths and beliefs' as being a key aspect in safeguarding people from being drawn into terrorist activity. As Prevent acknowledges, and as the College's Safeguarding and Prevent Policy states 'the threat from terrorism

2. Equality and Diversity Analysis Screening:

In accordance with the College's Equality and Diversity Policy, the development of this policy complies with the Equality Act 2010 in ensuring due regard to eliminating discrimination, advancing equality of opportunity and fostering good relations (see section 4 of the Equality and Diversity Policy). An equality analysis will be completed if there is a risk the policy may affect different groups protected from discrimination. Consultation will be carried out with staff. If an equality analysis is required, the Equality and Diversity Co-ordinator (Head of Quality and Standards) will advise on completion and the analysis is to be included as an appendix to the policy.

3. Applicability:

This policy document covers freedom of speech and freedom of expression whatever form that may take including (but not limited to) speeches, debates, meetings, demonstrations, written publications and through the use of social media. The Policy's rights and obligations apply to:

- the College, including members of the Governing Body;
- all persons (whether academic staff or otherwise) working for the College (whether for payment or otherwise);
- all duly enrolled students of the College (whether full- or part-time);
- all students studying with the College (whether full- or part-time) under an agreement with a partner organisation of the College (even if not enrolled as students of the College);
- any societies, clubs or associations that normally operate on the College's premises;
- any other organisations that hire facilities at the College; and
- all persons invited to speak and/or express views (whether in person or otherwise including through the use of social media) and/or otherwise take part in activities that take place on or are planned or proposed or due to take place on the College's premises or through its IT systems.

4. Definitions:

References in the Policy to the College's premises and/or the College's facilities include premises and/or facilities that are owned by the College, premises and/or facilities that the College does not own but over which it exercises some degree of control and premises and/or facilities occupied or controlled by societies, clubs and associations that normally operate on the College's premises, whether or not the College has control of such premises and/or facilities.

References in the Policy to '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 the College's premises or through its IT systems.

5.

7. Policy statement:

The College will take such steps as are reasonably practicable to ensure that freedom of speech and expression within the law is secured for every person to whom this Policy's rights apply.

Every person to whom this Policy's rights apply shall assist the College in upholding this freedom.

The College will not suppress freedom of speech and expression, however abhorrent certain expressions may be to the majority of the members of the College, provided that:

- such speech and expressions do not go beyond the articulation of points of view and are within the law and do not constitute incitement to riot, insurrection, racial hatred, religious hatred, sexual harassment or other activities that are likely to cause a breach of the peace or public disorder, significantly increase the risk of an individual being drawn into terrorism or otherwise be unlawful; and
- by allowing such views to be expressed, and by allowing the activity to take place in the format proposed (for example, a non-religious event being held with men and women in segregated seating) the College would not be failing in its wider legal duties, in particular to have regard in carrying out its functions to the need to:
 - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act 2010;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it; and
 - d) prevent people being drawn into terrorism and extremism, including non-violent extremism.

8. Implementation of Policy:

The College 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 activities which take place or are planned or proposed or due to take place on its premises or through its IT systems. The organisation and holding of any such activities, and the arrangements therefore, must comply with this Policy.

Accordingly, the College will permit the use of its premises and IT systems only by organisers and other individuals otherwise involved in an activity or proposed activity who undertake in writing to comply with all lawful instructions and conditions issued by the College 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.

Any person to whom this Policy's rights apply must submit a request, in writing, to the relevant Centre Principal for permission for an activity to take place where it is

Where the activity involves an external speaker, the organiser must follow the College's External Speaker Booking Process and ensure that the speaker follows the College's External Speaker Code of Conduct.

Where the activity requires use of the College's IT systems, all users of the systems must first confirm their agreement to abiding by the [College's Information Technology](#)

[Systems Acceptable Use Policy](#) and [Response Plan](#) by [email](#) or [web](#).

- Where those responsible for the breach are students or staff of the College 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 the College the Principal will consider whether to inform the partner organisation with a view to that partner organisation taking action (whether as well as or instead of any action taken by the College) under its relevant disciplinary procedure.
- Where a breach of the Policy takes place at an activity or as a result of an activity taking place, the College 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.

9. Communication and training:

The policy will be communicated to staff and students alongside and in conjunction with a range of policies that support their work through members of the College Management Team and via the College's intranet and website.

10. Monitoring and Reporting:

The College acknowledges its duty under subsection 3 of Section 43 of the Education (No 2) Act 1986 to issue and keep up to date a Policy on freedom of speech. With this end in view, the Principal will report to the Governing Body at intervals not exceeding four years on the operation of the Policy. Changes to the Policy will be considered by the Policy Committee which will, in addition, undertake a full review of the Policy every four years. The Policy Committee will make recommendations to the Governing Body.

11. Related References, Policies, Procedures, Forms and other Appendices:

- [Safeguarding and Prevent Policy](#)
- Disciplinary Policy and Procedure (staff)
- [Student Disciplinary Policy](#)
- [Equality, Diversity, Inclusion and Access Policy](#)