



## Freedom of Speech Policy

### 1. Introduction

5 E Ltd (herein after referred to as the organisation) recognizes Freedom of Expression as a fundamental right under both British and European law and is protected by Article 10 of the European Convention on Human Rights. Article 10 is a qualified, not an absolute right which means that the rights of the individual must be balanced against the interests of society. Article 10 allows for restrictions to be placed for specific purposes.

1.2 This Policy describes the philosophy, principles and procedures relating to our responsibility to foster freedom of expression and the circumstances in which that freedom may be restricted in order to prevent violence, abuse or discrimination. The Policy also details the Organisation's responsibilities regarding visiting speakers, including external lettings.

### 2. Objectives

2.1 To clarify the Organisation's responsibility to promote freedom of expression.

2.2 To identify the circumstances under which freedom of expression may legitimately be restricted.

2.3 To outline the Organisation's responsibilities regarding visiting speakers including external lettings.

### 3. Related Policies, Procedures and Documents

3.1 Safeguarding and Protecting Children and Vulnerable Adults Policy;

3.2 The Counter Terrorism and Security Act 2015;

3.3 Prevent Strategy

3.4 Prevent Risk Assessment/Action Plan;

3.5 Freedom of Expression Legal Framework,

3.6 Staff Code of Conduct;

3.7 Staff Disciplinary Policy.

3.8 Other policies and documents may be identified from time to time as circumstances change and may be added to this list.

### 4. Rationale

4.1 Section 43 of the Education (No 2) Act 1986, places a positive duty on Further and Higher Education establishments to ensure that freedom of speech within the law is secured for their members, students and employees and for visiting speakers.

4.2 The organisation is expected to allow open debating of challenging ideas which may need to use controversial resources. Controversial materials should not be left unchallenged by the member of staff using them.

### 5. Core Principles

5.1 The Organisation has a duty to promote fundamental British values. These are:

i. democracy

- ii. the rule of law
- iii. individual liberty
- iv. mutual respect
- v. tolerance of those of different faiths and beliefs

5.2 Freedom of expression does not protect statements that unlawfully discriminate against or harass, or incite violence or hatred against, other persons and groups, particularly by reference to their race, religious belief, gender or sexual orientation, nor does it limit or undermine the human rights of others.

5.3 The Organisation is subject to the statutory duty to have due regard to the need to promote good relations between different communities protected by equality law. This may require active challenge to the use of offensive communication and hate speech.

5.4 The Organisation also has statutory duties under the Counter Terrorism and Security Act 2015, to prevent people from being drawn into terrorism.

5.5 Although there is no universally accepted definition, hate speech is generally understood to describe forms of expression which incite violence, hatred or discrimination against other persons and groups, particularly by reference to their ethnicity, religious belief, gender or sexual orientation, language, national origin or immigration status.

## **6. Visiting Speakers and Lettings**

6.1 5 E is a training provider regulated by Ofsted and subject to legislation and statutory guidance relating to safeguarding children and vulnerable adults and advancing equality of opportunity. The Organisation reserves the right to monitor any activity associated with the Organisation or

delivered on its premises, to ensure that it supports the Organisation values and behaviours.

6.2 The Prevent duties identified in the Counter Terrorism and Security Act 2015 require that the Organisation has oversight of the content of any speeches or presentations by visiting speakers.

6.3 Organisers of a visiting speaker presentation should complete a risk assessment which will include any concerns regarding content of presentations.

6.4 The risk assessment must be approved by the organiser's line manager.

6.5 If the risk assessment raises concerns, the organiser or their line manager can pass the risk assessment to the Designated Safeguarding Officers for further scrutiny.

6.6 While challenging and controversial content can be allowed, the Organisation is responsible for ensuring that such views are challenged during a presentation. This may necessitate the presence of a member of staff at any such presentation even if this is externally organised as a premises letting.

6.7 The Organisation is entitled to refuse a request to lease its premises for any use which does not match our core values and behaviours.

## **7. Equality Analysis**

7.1 By virtue of the Equality Act 2010, the Organisation has a duty to have due regard to the need to:

- i. Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct;
- ii. Advance equality of opportunity between people of different groups;

iii. Foster good relations between people of different groups when implementing the strategy.

7.2 In implementing this Policy and associated procedures, the Organisation will actively take these aims into account as part of its decision making process and will demonstrate how this has been undertaken

## **8. Implementation, Monitoring and Review**

8.1 The Organisation will ensure that this Policy is effective in terms of outcomes as well as intent. The Safeguarding officers and the Managers will be responsible to the Board of Directors for the delivery of this Policy. Consultation with Organisation members will form an integral part of the process.

8.2 Key managers will take responsibility for the risk assessment of visiting speakers and external lettings.

8.3 This Policy will be reviewed every year or when the regulations change. This policy was reviewed created in September 2017. This was reviewed in June 2019 and the next review is expected in June 2020.

If you require this policy in a larger font size, please contact the HR Department.