



Walsall College

Freedom of Speech

Code of Practice

Bringing talent to life...

DEPARTMENT	QUALITY ASSURANCE
DATE ISSUED	SEPTEMBER 2024
REVIEW DATE	AUGUST 2025
VERSION	3



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Summary of Changes

Section/Page	Description	Rationale
Pages 3 – 4 Sections 2.6, 2.7	Walsall College's commitment to provide – Freedom of Speech Code of Practice	Annual Update – Aims and Responsibilities
Pages 6 – 7 Section 9.1	Addendum – Office for Students (OfS) Consultation – March 2024	Annual Update – Changes following new leading government

1. Introduction

- 1.1 At Walsall College, we understand that Freedom of Expression is a fundamental right under both British and European law, and free speech is a fundamental right for everyone. Freedom of speech is at the heart of high-quality education and free speech issues may affect students and staff with all kinds of views. This does not include unlawful speech, such as harassing others or inciting violence or terrorism.

2. Purpose

- 2.1 The production of this Code of Practice is a legal requirement under The Education Act 1994 ("The Act"), Part II, Section 22(3), which also requires that it be brought to the attention of all students at least once per year. This Code of Practice is published on the College's website which is drawn to the attention of all students during induction.
- 2.2 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.
- 2.3 This Code of Practice also now recognises the Higher Education (Freedom of Speech) Act 2023 which makes for provision in relation to freedom of speech and academic freedom in higher education institutions and in students' unions; and for connected purposes.
- 2.4 The governing body of a registered higher education provider must take the steps that, having particular regard to the importance of freedom of speech, are reasonably practicable for it to take in order to achieve the objective in securing freedom of speech within the law for:
- (a) staff of the College;
 - (b) members of the College;
 - (c) students of the College, and;
 - (d) visiting speakers.
- 2.5 The Code of Practice outlines the philosophy, principles and procedures relating to our responsibility to foster freedom of expression and the circumstances in which that freedom might be restricted in order to prevent violence, abuse or discrimination. This code also details the College's responsibilities regarding visiting speakers.
- 2.6 Walsall College is committed to upholding academic freedom of enquiry in its education and believes that a culture of free and open discussion is essential. This open culture of discussion can only be achieved if all concerned behave with tolerance and respect the College's values as stipulated in the 'Ready, Respectful, Safe' Code of Practice. This ensures good relations and the safety of students and staff.
- 2.7 The Code of Conduct on Freedom of Speech commits Walsall College to provide:
- Environments which are safe and open and which encourage critical thinking and debate

- Teaching, Learning and Enrichment activities which allow for the exploration, challenge, discussion and debate of contentious matters and which encourage a balance of opinion

2.8 Teachers should feel confident to:

- Allow where able students to own their choice of topic
- Allow students to challenge each other, and debate and discuss topics in class. (Students generally welcome the opportunity to discuss issues and are usually capable of conducting themselves respectfully as a result)
- Challenge student perspectives themselves, particularly any discriminatory or offensive language or behaviour to protect all students in the group
- Develop critical thinking skills for students at all levels
- Embrace content which encourages natural student conversations and reflection
- Use topics that are raised as an opportunity to promote equity, diversity and inclusion
- Nurture an environment where students feel safe to have discussions
- Develop their own skill set of managing difficult conversations and their awareness, understanding and knowledge of topics which may be contentious
- Seek support from the teaching team or wellbeing team if necessary

3. Our Values

- 3.1 Walsall College is committed to upholding academic freedom of enquiry in its education and believes that a culture of free and open discussion is essential. This open culture of discussion can only be achieved if all concerned behave with tolerance, and respect the College's values as stipulated in the 'Ready, Respectful, Safe' Code of Practice. This ensures good relations and the safety of students and staff.

4. Scope

The rights and obligations of this code apply to:

- All members of College staff, and those working on behalf of the College (including sub-contractors);
- All enrolled students of the College, whether full-time, part-time or apprentices, and regardless of age or level/type of study;
- All students studying at the College under an agreement with a partner organisation;
- The Students' Union;
- Any events organised by other affiliates of the College;
- All persons invited to speak, or otherwise take part in events, to be held at the College in accordance with the provisions of this Code; and the External Speakers and Events Policy and Procedure.

5. Objectives

- 5.1 To clarify the College's responsibility to promote freedom of expression;

- 5.2 To identify the circumstances under which freedom of expression may legitimately be restricted;
- 5.3 To outline the College's responsibilities regarding visiting speakers.

6. Related Policies, Procedures and Documents

- Safeguarding Policy and Procedure (Adults at Risk of Harm)
- Safeguarding Policy and Procedure (Child Protection)
- The Counter Terrorism and Security Act 2015
- Prevent Strategy
- Equity, Diversity, Inclusion and Belonging (EDI-B)
- Human Resources Code of Conduct
- Staff Disciplinary Policy
- External Speakers and Events Policy and Procedure

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

7. Core Principles

- 7.1 The college has a duty to promote the Fundamental British Values of:
 - Democracy;
 - The rule of law;
 - Individual liberty;
 - Mutual respect;
 - Tolerance of those of different faiths and beliefs.
- 7.2 Freedom of expression does not protect statements that unlawfully discriminate against or harass, or incite violence or hatred against, other persons or groups, particularly by reference to their race, religious belief, gender or sexual orientation, nor does it limit or undermine the human rights of others.
- 7.3 The college 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.
- 7.4 The college also has statutory duties under the Counter Terrorism and Security Act 2015, to prevent people from being drawn into terrorism.
- 7.5 The Public Order Act 1986 makes it an offence to use threatening, abusive, insulting words or behaviour, either with the intention of generating racial hatred, or in circumstances where it is likely that racial hatred will be generated.
- 7.6 The Counter Terrorism and Border Security Act 2019 also advocates that it is a criminal offence if a person expresses an opinion or belief that is supportive of a proscribed

organisation that commit or participate in terrorism, prepares for terrorism, promotes or encourages terrorism, or is otherwise concerned with terrorism.

- 7.7 The Counter Terrorism and Security Act 2015 places an obligation on the College to enforce its duty to prevent people from people being drawn into terrorism (Prevent Duty).
- 7.8 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 or groups, particularly by reference to their ethnicity, religious belief, gender or sexual orientation, language, national origin or immigration status.

Equality Act 2010

- 7.9 By virtue of the Equality Act 2010, the College has a duty to have due regard to the need to:
- Eliminate unlawful discrimination, harassment, victimisation and other prohibited conduct;
 - Advance equality of opportunity between people of different groups;
 - Foster good relations between people of different groups when implementing the strategy.
- 7.10 In implementing this policy and associated procedures, the college will actively take these aims into account as part of its decision-making process and demonstrate how this has been undertaken.

8. Implementation, Monitoring and Review

- 8.1 The College will ensure that this policy is effective in terms of outcomes as well as intent. Every individual and body of persons concerned in the governance of the College is required to take such steps as are reasonably practicable, (including where appropriate the initiation of disciplinary measures), to secure compliance with the code of practice.
- 8.2 In addition, clear guidance is required for students, staff, governors and external agencies as to how the College manages freedom of speech as part of its Prevent Duty Guidance and in line with the Counter-Terrorism and Security Act 2015.
- 8.3 This policy will be reviewed and updated annually, through approval by the Board of Governors to ensure that it remains appropriate in the light of relevant changes in the law, organisational policies or contractual obligations. Changes in law will trigger an immediate review of this code.

9. Addendum – Office for Students (OfS) Consultation – March 2024

- 9.1 This Code of Practice was set to recognised the **Higher Education (Freedom of Speech) Act 2023** which makes for provision in relation to freedom of speech and academic freedom in higher education institutions and in students' unions. The Act

received royal assent on May 11, 2023, and was expected to come into force on August 1, 2024, however the Secretary of State for Education announced that it would not come into force as planned. Options are being considered for the future, which could include amending or repealing the Act.