

# HARLOW COLLEGE

## FREEDOM OF SPEECH & EVENTS

Code of Practice Issued by Harlow College

### Scope of the Code

- 1 The requirements of this code apply to all staff, students, agency staff, contractors, and their employees, and members of the Governing Body at Harlow College.
- 2 This code should be read in conjunction with other Harlow College policies and procedures, which are referred to on the College Virtual Learning Environment (QUBE) and which are intended to:
  - Protect free speech within the law.
  - Protect staff and students from discrimination and harassment, whether sexual, racial, political, religious or personal.
  - Protect staff and students from any action which intimidates or gives reasonable cause to be fearful, anxious or threatened.
  - Act firmly against violence and the threat of violence, violent extremism and non-violent extremism<sup>1</sup>, disorder and breach of the peace and any other unlawful action.
- 3 The College is required by law to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers.

A “visiting speaker” is defined as anyone properly invited to Harlow College in accordance with this Code.
- 4 The Executive of the College will keep up to date a Code of Practice setting out the procedures to be followed by members, students and employees of the establishment in connection with the organisation of events which are to be held on Harlow College premises and the conduct required of such persons in connection with any such meeting or activity.
- 5 Finally, every individual and body of persons concerned in Harlow 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.

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<sup>1</sup> The Counter Terrorism and Security Act 2015 and Prevent Duty Guidance for Further Education

## **Principles of the Code**

- 6 Harlow College affirms its commitment to freedom of speech. It must, however, take account of its other legal obligations, beyond those imposed by law. For example, a speaker who incites an audience to violence, violent extremism and non-violent extremism, breach of the peace, who promotes sexist or homophobic or other discriminatory opinions or racial hatred is acting contrary to public order laws and shall not be regarded as lawful speech within the remit of this code. Speakers must respect the rights and freedom of others as protected by the law (for example, they must not make statements which are actionable for defamation).
- 7 All events taking place on Harlow College premises are private, unless the public is expressly invited to attend.

## **Events covered by the Code**

- 8 The Code is concerned with ensuring that all members, students and employees of Harlow College, and visiting speakers, have freedom of speech within the law.
- 9 In the case of events organised by students, speakers preferably should come at the invitation of the Student Ambassadors forum. An invitation should not be sent by a student or students individually without prior consultation with the forum and/or academy managers. The Assistant Principal & Designated Safeguarding Lead and the Executive Director of Student Services should be informed before an invitation is issued.
- 10 An Assistant Academy Manager can authorise one off talks in connection with a course or programme of study, for example, employer talks, admissions talks, careers talks etc. However due care and attention should be paid to safeguarding requirements.
- 11 Where an external organisation offers to make a contribution to a student programme of study, permission should be sought from the relevant line manager within the Executive team and appropriate safeguarding arrangements made. The College will weigh up the benefits of the external visitor or speaker to the student programmes of study against the risks.
- 12 Speakers from across political disciplines are able to visit the College to make a contribution to the curriculum, for example topics may include, people, participation and politics, voting behavior, pressure group activity, the UK parliament and Government. The College includes politics as part of its curriculum offer and its wider personal and social development curriculum. Politicians can apply to visit the College in order for students to hear direct explanations of their work and role.

- 13 In the case of events organised by Harlow College, outside normal teaching activities/not covered in paragraphs 9 and 10, above speakers must come at the invitation of the Principal or a Deputy Principal.
- 14 Where the event is organised by a College-run club or society, it must be held in one of the rooms specified by the College. The list of specified rooms may be obtained from the Deputy Principal.

### **Conditions for the use of Harlow College premises**

- 15 Where an event is organised by any of the people referred to in the sections above, the organisers should appoint one person as the event organiser in order to simplify communication and liaison between the organisers and Harlow College and to avoid confusion.
- 16 The organiser of an event must give the College Deputy Principal at least four weeks' written notice of the meeting, setting out the proposed date, time and place of the event; the subject of the address; the name and identity of the speaker; the anticipated numbers of participants and a statement whether the event is going to be private or open to the public. Exceptionally, where four weeks' notice is impractical, the College Deputy Principal will have discretion to accept shorter notice.
- 17 In the case of visiting politicians or those with political affiliations, (see section 12 above) events will also be checked through the Head of Governance. Any visiting political speaker must adhere to the rest of this Code of Practice.
- 18 If an event organiser wishes to hire/use College facilities an initial booking request should be made through the Marketing and Health and Safety teams using the standard room booking form. The booking will be reviewed by a member of the College Executive and permission may or may not be granted.
- 19 If permission is granted, the College may attach any conditions considered necessary for the fulfilment of Harlow College's legal obligations to protect and secure freedom of speech and/or any other legal obligation and/or to fulfil any other Harlow College requirement or rule.
- 20 These conditions may, for example, include:
  - the need for a thorough risk assessment, including safeguarding checks as appropriate
  - adherence to relevant Harlow College policies and procedures
  - payment of relevant costs (eg additional security, room booking charges, heating/lighting costs)
  - the appropriateness of displaying notices / distributing literature

- an adequate number of stewards must be provided by the organisers and the Deputy Principal must be satisfied with their suitability
- that members of Harlow College staff must be present, to help in keeping order
- that a member of Harlow College staff, appointed by the Deputy Principal must be there as a “duty officer” and ensure conditions are adhered to
- the exclusion of representatives of the media (unless by prior agreement) and the use of recording equipment

The organisers are expected to comply fully with all such conditions.

- 21 The College has discretion to consult the police and to attach further conditions. For example, they may require an event to be declared public (which would allow for police presence); or they may arrange for Harlow College staff to take complete responsibility for the security arrangements.

### **Restrictions on the use of Harlow College premises**

- 22 The Deputy Principal may at his or her discretion refuse permission for an event or later withdraw permission already given. Reasonable grounds for refusal would include, but are not limited to, events which may: -

- a) incite those attending to commit a criminal act including violent extremism and non-violent extremism;
- b) lead to the expression of views in a manner contrary to criminal law;
- c) be in direct support of a organisation whose aims and objectives are illegal; or
- d) incite to a breach of peace
- e) lead to the expression of opinions that would promote sexist or homophobic or other discriminatory views

In determining whether holding an event on Harlow College premises might reasonably be refused, consideration will also be given to

- i) the safety of persons attending the event and persons on Harlow College premises who might be foreseeably be put at risk
- ii) the security of Harlow College premises and equipment
- iii) Harlow College’s reputation
- iv) advice obtained from the Police as appropriate / if permission is not granted by the Deputy Principal
- v) the likelihood that the event might be disruptive to staff / students not involved
- vi) the ability of Harlow College to manage the event

- 23 If permission is refused by the Deputy Principal, the organisers may appeal to the Principal, within five working days of receiving the Deputy Principal’s decision. The

Principal's ruling will be final and will be communicated to the organisers within five working days of receiving full details of the appeal.

- 24 Where an event proceeds, the organisers are under a duty to see that nothing in their preparations for it or their conduct of it infringes the law.
- 25 It is the on-going duty of any person involved in organising an event, and also the duty of any person responsible for processing the booking of rooms in Harlow College, to inform the Deputy Principal as soon as there are reasonable ground to believe that:
- (a) the activity may be disrupted, for example, by reason of;
    - (i) the status of the speaker; or
    - (ii) the nature of any of the subjects to be discussed; or
    - (iii) the views or beliefs (whether or not related to the activity) of any person attending; or
    - (iv) the coincidence of the activity with another activity.
  - (b) the personal safety or property of any person attending may be at risk by reason of their involvement in the activity; or
  - (c) intimidation, duress, or harassment might be applied to any person in an attempt to prevent their attending the activity; or
  - (d) the activity might be picketed.
- 26 The display of posters, notices and temporary signs is restricted to officially designated notice boards on Harlow College premises. The display of such material on doors, walls or any other surface (internal or external) is not permitted. Permission to display material on notice boards must be obtained first from the Deputy Principal. Material must contain the name of the group/person responsible for its production. Material displayed in contravention of this Code will be removed. Anyone responsible for a poster, notice, sign etc which is offensive, intimidating, threatening, indecent or illegal will be subject to disciplinary action.
- 27 No articles or objects may be taken inside the building where a meeting is taking place, or taken or used elsewhere on Harlow College premises, in circumstances where the presence or use of those articles or objects is likely to lead to injury or damage.
- 28 The responsibility for conducting an event rests with the appointed chairperson or organiser. This calls for a close liaison and consultation beforehand between the chairperson and the organiser, especially if the Deputy Principal has attached any conditions to permission to use Harlow College premises.
- 29 At the event, the chairperson or organiser has a duty to keep order and, so far as possible, to secure that both the speaker and the audience act in accordance with the law. The chairperson should issue warnings if unlawful conduct, such as the use

of violence is threatened or takes place, and where such conduct continues, should require the offenders to withdraw or to be removed by the stewards. The chairperson may call upon the help of any security officers whose presence the Deputy Principal has made a condition of holding the event.

- 30 However, if the chairperson or organiser has made all reasonable efforts to keep order but the event goes or continues out of control, any “duty officer” present will take charge acting on instructions or advice which the Deputy Principal has given to them beforehand but otherwise using their own initiative. If there is no “duty officer”, any security officers present will take charge. In the absence of a “duty officer” or security officer, the chairperson must send one or more of the stewards to seek help from the Reception or call the Switchboard emergency number (01279 868111).
- 31 The use of Harlow College premises for meetings organised by an external body or organisation will be in accordance with Harlow College requirements.

### **Sanctions**

- 32 Failure to observe the requirements of this Code or of any conditions laid down by the Deputy Principal makes any student or member of staff concerned liable to the Harlow College involving its disciplinary procedures, and at the discretion of the Harlow College, to regard any booking of a room as void.
- 33 If any actions involve breaches of the criminal or civil law, Harlow College will assist the prosecuting authorities as appropriate.

### **Conclusion**

- 34 All events for which the use of Harlow College premises is granted or withheld under this Code will be reported to the Principal.
- 35 The Executive team will review and update the Code in line with the College review procedure.

<b>TRACKING and REFERENCE INFORMATION</b>
<b>Date Approved: 2014 – Reviewed 16 June 2023 – Standards &amp; Curriculum Committee</b>
<b>Review Date: June 2025</b>
<b>Author/Responsibility: Head of Governance</b>
<b>Equality Impact Assessment:</b>
<b>List of related policies, procedures and other documents:</b>
<b>Complaints:</b> If you wish to submit a complaint about the application of this policy or the procedure of it, please send your request in accordance with the provisions of the Grievance Procedure.
<b>Monitoring:</b> The application of this policy and associated procedure will be monitored by the Head of Governance.
<b>Easy reading:</b> To receive this policy/procedure in a different format, please contact HR Services