



Freedom Speech Policy and Code of Practice

Reference	
Status:	Final
Document Title:	Freedom Speech Policy and Code of Practice
Version:	2.3
Date:	April 2022
Previous Version/Date:	2.2
Next Review:	April 2023
Classification:	External and Internal
Approve By:	Academic Board
Prepared By:	Quality Assurance
Received By:	BoD/COB
External Referents:	<i>'Prevent duty: Framework for monitoring in higher education in England 2018-19 onwards' OfS, September 2018</i> <i>'Freedom of expression: a guide for higher education providers and students' unions in England and Wales' Equality and Human Rights Commission, 2 Feb 2019</i>

Contents

1. Aim	2
2. Policy	2
3. Code of Practice	3



1. Aim

- 1.1. London Churchill College, in common with other Higher Education Institutions, has a responsibility to protect and promote intellectual enquiry and freedom of expression within the law.
- 1.2. Issuing from its Duty of Care to all members of the College community to ensure the health, safety and well-being of all of its students, staff and visitors, LCC has an attendant responsibility to ensure that individuals or groups who incite hatred or violence against any individuals or groups, or seek to undermine society's, a group's or an individual's fundamental democratic rights and freedoms, are not supported or promoted.

2. Policy

- 2.1. The College acts within existing legislation to uphold academic freedom. Section 43 of the Education Act 1986 provides that:

“Persons concerned in the government of any establishment ... shall 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.”

- 2.2. Pursuant to this, the College will not, as far as is reasonably practicable and within the law, seek to restrict or deny the free expression of viewpoints. This principle incorporates those situations where speech or writing may be regarded as offensive or challenging of norms and conventional wisdom. At LCC, every stakeholder at the College – whether student, staff member, external speaker, Director or consultant, etc. – shall be entitled to freedom of thought, conscience and religion, and to hold opinions without obtrusion.
- 2.3. The College affirms that undertaking research on controversial topics is an expected part of generating new knowledge and academic development.
- 2.4. At the same time, the College is mindful of, and fully compliant with, its legal duties. Some speech or writing may be deemed unlawful under a range of laws in England and Wales. These include, but are not limited to, the Public Order Act 1986, the Equality Act 2010 and the ‘Prevent’ Agenda within the Counter-Terrorism and Security Act 2015.
- 2.5. The Equality Act 2010 incorporates protections of the following characteristics: age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation. The College affirms its duty to proscribing discriminatory activity or victimisation that is prohibited under this Act, which is moreover contrary to College values.
- 2.6. Under Section 26 of the Counter-Terrorism and Security Act 2015, the College recognises its statutory duty to have ‘due regard to the need to prevent people from being drawn into terrorism.’ The College takes its responsibilities under the Act seriously and has implemented policies contained within the Prevent Strategy document to ensure that neither internal stakeholders nor external speakers promote or support terrorist activities or extremist doctrine.



2.7. This Policy and Code of Practice has been adopted to ensure that freedom of speech within the law is codified and secured for all of the College's stakeholders.

3. Code of Practice

3.1. The following Code of Practice applies to all students, staff, Directors, external Committee members and visiting speakers, and applies to all activities on any of the three current London Churchill College campuses.

3.2. The College expects all of its stakeholders to uphold its commitment to Freedom of Expression within the law. It is not unlawful to express views or undertake research or teaching that some might find objectionable or offensive, providing it is within the law. The College strongly believes open and honest discussion can only occur if a range of views, including those that are unpopular and offensive to some or many, are heard with tolerance and respect.

3.3. All staff and students have a responsibility to show consideration for others' dignity. Speech or events that encourage people into terrorism, or create an environment of fear, harassment, intimidation or violence, or which discriminate against others on the grounds of age, disability, gender, marriage and civil partnership, pregnancy and maternity, sexual orientation, race, religion or belief are likely to be unlawful.

3.4. As stated within the College's External Speaker and Events Policy, each event involving an external individual or group to be staged at LCC will be subject to a risk assessment with clear questions to be answered by the organiser concerning the nature of the event. The external participant is required to sign the External Speaker Statement Form, confirming that they will abide by College policies and the statements on Academic Freedom and Freedom of Speech, and with the requirements of the 'Prevent' duty.

3.5. If any staff or students are concerned about a staff member or student in the context of extremism or terrorism, they should contact the Director of Studies, who will liaise with relevant internal contacts and, if required, appropriate external agencies, potentially including the local Prevent Co-ordinator and Metropolitan Police. Signposting to welfare and support groups will also occur, if deemed appropriate.

3.6. It is forbidden to use the College's MIS, IT and social media or other elements of the information management systems or processes for the instigation, promotion or planning or execution of violent or non-violent extremism, radicalisation or terrorism in the name of ideology or belief. The College's Information Security Policy clearly states expectations of use, concerning the transmission or receipt of obscene, unlawful or indecent images or material, and makes specific mention of adherence to the 'Prevent' duty.

3.7. The Information Security Policy advises staff and students of the consequences of accessing inappropriate material and the steps the College may take to monitor and/or intercept communications. This information is provided to students in the Student Handbook. Staff or students who seek to research sensitive or extremism-related materials, must refer proposed activity to the 'Prevent' Steering Group for approval.

3.8. Each stakeholder at the College – whether student, staff member, external speaker, Director or consultant, etc – has a responsibility not to make libellous and/or defamatory comments about the College, its staff or students. Disciplinary action will be taken against individuals



who are found to have made libellous and/or defamatory comments. In addition, the College draws the attention of individuals to the possible legal consequences of their actions.

3.9. The College will apply disciplinary processes as appropriate in event of actions of protest or systematic activity aimed at preventing freedom of speech.

3.10. Wilful contravention of this Code of Practice will lead to disciplinary action being taken under either the Student Code of Conduct and Disciplinary Procedure or Staff Disciplinary Procedure, as appropriate, and, if necessary, by recourse to law or external agency referral.