



Freedom of Speech Code of Practice

1. Purpose

- 1.1 As a College that delivers higher education courses, and an institution which values academic freedom, the Oldham College is committed to promoting and positively encouraging the principles of freedom of speech and academic freedom so far as that is reasonably practical within the law. The College believes that an attitude of tolerance is essential to enable academic debate that accommodates a wide range of views, political as well as academic, even when they are unpopular, controversial or provocative, while giving due regard to our staff and student population.
- 1.2 Under the Education Act¹, the College has a duty to promote freedom of speech. The Counter-Terrorism and Security Act 2015² also imposes a duty on the College to have due regard to the need to prevent people from being drawn into terrorism. This Code of Practice supports the requirement in the Prevent Duty to have policies and procedures in place for the management of events on and in the use of the College's premises. This Code of Practice should be considered alongside the College's Prevent guidance documents and other related documents (see Section 7).

2. Who this Code of Practices applies to

- 2.1 The Code applies to all staff, students, governors, employees, visiting lecturers and visitors to the College or HE Campus.
- 2.2 This Code applies to all activities undertaken by those listed in paragraph 2.1 above. Every individual has a duty to ensure that freedom of speech is protected on the College sites, including in lectures, tutorials, research and other activities. Individuals also have a duty to assist the College in meeting its obligations under the Prevent duty.
- 2.3 By following this Code and (for external speakers) the guidance set out in the College's Visiting Speaker Protocol, in respect of external speaker events, individuals can ensure they balance their responsibilities effectively.

3. Responsibility for this Code of Practice

- 3.1 The Principal appoints the Vice Principal - Strategy & Quality (or nominee) to act on his behalf to ensure compliance with this Code of Practice and its review. The Code will be reviewed every three years, unless a change in law requires an earlier review.
- 3.2 Responsibility for ensuring that activities (including events) comply with this Code shall rest with the following people, who shall be referred to as the **Responsible Person** in the rest of this Code:
- 3.3 For events organised by a faculty or service – the Head or Director of that faculty or service (or their delegated nominee).

¹ Education (No 2) Act 1986 s43 (1) Every individual and body of persons concerned in the government of any establishment to which this section applies 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 Counter Terrorism & Security Act 2015: S26 (1) A university must, in the exercise of its functions, have due regard to the need to prevent people from being drawn into terrorism.



- 3.4 For events organised by the Students' Union and its ratified student led groups – the President of the Students' Union.
- 3.5 In any other case, the senior member of staff or student involved.
- 3.6 Although the individuals named above have overall responsibility for activities, every person at the College has a duty to ensure that this Code is followed.
- 3.7 If you are concerned that there may be a breach of this Code then you must report it to the Responsible Person who should seek advice from the Vice Principal – Strategy and Quality where appropriate.
- 3.8 The College seeks to ensure that the use of its premises is not denied on grounds connected with the beliefs, views, policies or objectives of an individual body or body of individuals, as long as such use is at all times within the law. This Code and associated guidance are designed to promote freedom of speech and to enable events to proceed when it is safe and legal for them to do so.
- 3.9 However, the College has a zero tolerance approach to discrimination, bullying, harassment or extremism or acts which could incite or promote terrorist activity. It has a duty to maintain safety and good order on its premises and is also under a duty to prevent individuals being drawn into terrorism under the Counter Terrorism & Security Act 2015.

4. Self-Assessment

- 4.1 In considering whether or not to permit its premises to be used for a particular event, the College and Responsible Person has to consider:-
 - 4.1.1 Whether the views or ideas to be put forward (or the manner of their expression):
 - the external speaker(s) has previously been known to express views, or been affiliated with a [proscribed group](#) or an organisation that expresses views, which may either be in breach of the College's Freedom of Speech Code of Practice, or be deemed to be extreme in that they are opposed to the fundamental values of our society, or
 - infringe the rights of others, or
 - discriminate against them, or
 - constitute views that risk drawing people into terrorism or are shared by terrorist groups.
 - 4.1.2 Whether the event in question:
 - constitutes a criminal offence
 - constitutes a threat to public order or to the health and safety of individuals
 - incites others to commit criminal acts, or
 - is contrary to the civil and human rights of individuals.
 - 4.1.3 Whether adequate arrangements can be made to safeguard the safety of participants in the event, and other people within the vicinity, and to ensure that public order is maintained.



5. Written Material (online and in print)

- 5.1 Anyone responsible for posters, notices, signs or any other literature which are offensive, intimidating, threatening, indecent, illegal or circulated to promote terrorism or extremism or a [proscribed group](#) or make others fearful, anxious or apprehensive will be in breach of this Code.
- 5.2 Materials, including posters and flyers, may only be posted on designated notice boards with the permission of the relevant faculty or service. Any such materials should be in English and should clearly name the person or organisation behind the poster.
- 5.3 Anyone wishing to place posters, flyers or advertisements for events off-campus which will feature an external speaker should obtain consent from the relevant faculty or service before placing any such items on the designated notice boards. If the speaker has been refused permission to speak on the campus, this must be brought to the attention of the relevant faculty or service when permission is sought.
- 5.4 This Code applies equally to postings, messages and other online communications, whether by email, on message boards or on websites. Anyone making postings which are discriminatory, defamatory, or which could constitute harassment will be in breach of this Code. Any such postings shall also be subject to the College's social media policy.
- 5.6 The College may remove any materials (whether online or otherwise) which it believes to be in breach of this Code.

6. Segregation

- 6.1 Under the Equality Act, any events held on campus must be held in such a way so as to ensure that no one is unfairly discriminated against.
- 6.2 Segregation of an audience at an event will constitute unlawful discrimination unless it is for one of the specifically defined purposes set out below. If the Event Organiser wishes to segregate the audience, they will need to obtain permission from the Vice Principal – Strategy and Quality in advance of the event. Permission will only be granted if the segregation is for one of the following reasons:-
 - 6.2.1 Sports sessions involving a high degree of physical contact or in sporting competitions where physical strength, stamina or physique are significant factors in determining success or failure;
 - 6.2.2 Positive action measures in order to overcome or minimise a disadvantage faced by a particular group or tackle low participation by a group provided that this is a proportionate means of addressing the disadvantage;
 - 6.2.3 Associations restricted to members who share a particular protected characteristic under the Equality Act; or
 - 6.2.4 Religious worship or religious purposes in order to comply with religious doctrine.



7. **Related Documentation**

Oldham College Prevent Guidance Document
Oldham College Visiting Speaker Protocol
Oldham College Visiting Speaker Form
Oldham College Social Media Guidelines
Oldham College Equality & Diversity Policy

External Policies and Guidance

[Prevent Duty Guidance: for further education institutions in England and Wales](#)