

FREEDOM OF SPEECH POLICY

HUMAN RESOURCES

VERSION 2

REVIEWED BY HEAD OF HR NOVEMBER 2015

DATE TO BE REVIEWED NOVEMBER 2018



HART
LEARNING GROUP

INTRODUCTION

FREEDOM OF SPEECH

Code of Practice issued by Hart Schools Trust in accordance with Section 43 Education (No 2) Act 1986.

Scope of the Code

- The requirements of this code apply to all the staff of the Trust, the students registered at the Trust establishments and the Governors of the Trust.

Requirements of the Act

- The Education (No 2) Act 1986 (the “Act”) requires every individual and body of persons concerned in the government of any further education institution to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for students and employees of the institution and for visiting speakers.
- There is also a requirement that, so far as is reasonably practicable, the use of Trust premises shall not be denied to any individual or body of persons on grounds connected with the beliefs or views of that individual or any member of that body, or with the policy and objectives of that body.
- The Act further requires the Governing Body of the institution to issue a code of practice setting out the procedures to be followed by students and employees of the establishment in connection with the organisation of meetings and other activities which are to be held on Trust premises and the conduct required of such persons in connection with any such meeting or activity.
- Finally, every individual and body of persons concerned in the government of the Trust 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.

Principles of the Code

- The Hart Schools Trust affirms its commitment to freedom of speech. It must, however, take account of its other legal obligations, beyond those imposed by the Act. For example, a speaker who incites an audience to violence, breach of the peace 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).
- All meetings taking place on Trust premises are private, unless the public is expressly invited to attend.

Speakers

- The code is concerned with ensuring that all students and employees of the Trust, and visiting speakers, have freedom of speech within the law.
- In the case of meetings organised by students, speakers preferably should come at the invitation of the Student Parliament. An invitation should not be sent by a student or students individually without prior consultation with the Student Parliament.

- In the case of meetings organised by staff, speakers must come at the invitation either of a collective body such as a Department or a trade union, or a member or members of the staff individually. The Headteacher must be consulted before issuing any invitation.
- In the case of meetings organised by the Trust, speakers must come at the invitation of the Governing Body collectively or a member or members of the Governing Body individually. The latter must first consult the Chair of the Governing Body or (in his or her absence) the deputy Chair of the Governing Body.

Other Requirements of the Code

- Where a meeting is organised by a collective body or by two or more individuals, the organisers should appoint one person as the principal organiser in order to simplify communication and liaison between the organisers and the Trust and to avoid confusion.
- The principal organiser of a meeting must give the Headteacher four weeks' written notice of the meeting, setting out the proposed date, time and place of the meeting, the subject of the address, the name of the speaker, and a statement whether the meeting is going to be private or open to the public. Exceptionally, where four weeks' notice is impractical, the Headteacher may agree to accept shorter notice.
- Within one week of receiving notice from the principal organiser, the Headteacher will respond in writing. Where he/she grants permission, the Headteacher may attach any conditions which he/she considers necessary for the fulfilment of the Trust's legal obligations to protect and secure freedom of speech and/or any other legal obligation and/or to fulfil any other Trust requirement or rule.
- These conditions may, for example, include a requirement that tickets must be issued where a meeting is to be open to the public; or that an adequate number of stewards must be provided by the organisers and that the Headteacher must be satisfied about their suitability; or that members of the Trust security staff must be present, to help in keeping order; or that a member of the Trust's staff, appointed by the Headteacher must be there as a "controlling officer". They may also concern the admission or exclusion of representatives of the media. The organisers are expected to comply fully with all such conditions.
- The Headteacher has discretion to consult the police and, if he/she does so and then thinks it appropriate, to attach further conditions. He/she may, for example, require a meeting to be declared public (which would allow for police presence); or he/she may arrange for Trust staff to take complete responsibility for the security arrangements.
- The Headteacher may at his or her discretion refuse permission for a meeting or later withdraw permission already given.
- The organisers may appeal, within five days of receiving the Headteacher's decision to the Chair of the Governing Body against the whole or part of the Headteacher's decision. The Chair's ruling will be final and will be communicated to the principal organisers within five days of receiving full details of the appeal.
- Where a meeting proceeds, the organisers are under a duty to see that nothing in their preparations for it or their conduct of it infringes the law.
- It is the ongoing duty of any person involved in organising a meeting or other activity, and also the duty of any person responsible for processing the booking of rooms in the Trust, to inform the Headteacher as soon as there are reasonable grounds to believe that:

- the activity may be disrupted, for example, by reason of:
 - the status of the speaker; or
 - the nature of any of the subjects to be discussed; or
 - the views or beliefs (whether or not related to the activity) of any person attending; or
 - the coincidence of the activity with another activity
- The personal safety or property of any person attending may be at risk by reason of their involvement in the activity
- intimidation, duress, or harassment might be applied to any person in an attempt to prevent their attending the activity
- the activity might be picketed
- No articles or objects may be taken inside the building where a meeting is taking place, or taken or used elsewhere on Trust premises, in circumstances where the presence or use of those articles or objects is likely to lead to injury or damage.
- The responsibility for conducting a meeting rests with the appointed chairperson. This calls for a close liaison and consultation beforehand between the chairperson and the principal organiser, especially if the Headteacher has attached any conditions to permission to use Trust premises.
- At the meeting, the chairperson 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 officer whose presence the Headteacher has made a condition of holding the meeting.
- However, if the chairperson has made all reasonable efforts to keep order but the meeting goes or continues out of control, any “controlling officer” present will take charge. If there is no “controlling officer”, any security officers present will take charge, acting on instructions or advice which the Site Manager has given to them beforehand but otherwise using their own initiative. In the absence of a “controlling officer” or security officer, the chairperson must send one or more of the stewards to seek help from the security staff at their normal station of work.
- Trust premises used for meetings must be left clean and tidy. In default, the organisers may be charged for any additional cleaning and for any repairs which are necessary. Payment in advance, or evidence of ability to pay, may be required before a meeting takes place.

SANCTIONS

- Failure to observe the requirements of this code or of any conditions laid down by the Headteacher makes any student or member of staff concerned liable to disciplinary action by the Trust and, at the discretion of the Trust, to regard any booking of a room as void.

- If any actions involve breaches of the criminal or civil law, the Trust will assist the prosecuting authorities as appropriate.

CONCLUSION

- All meetings for which the use of Trust premises is granted or withheld under this code will be reported to the Governing Body.
- The Governing Body will review the code from time to time.