

Freedom of Speech Code of Practice

1. Introduction

The Bedford College Group recognises the importance of freedom of speech for staff, students and visiting speakers. We value diversity and are committed to promoting the principles of academic freedom, and freedom of speech and expression within the law

This Freedom of Speech Code of Practice sets out our commitment to supporting the principles of freedom of speech and academic freedom within the law and the practical steps to be followed by everyone in connection with the organisation of events and activities which fall under this Code of Practice. It recognises the Higher Education (Freedom of Speech) Act 2023 which makes for provision for freedom of speech and academic freedom in education institutions that provide Higher Education

2. Scope

2.1 This Code of Practice applies to:

- a) staff and students of The Bedford College Group
- b) visiting speakers

2.2 All persons to whom this Code applies are under an obligation to not take any action which would restrict freedom of speech or academic freedom within the law. This applies to all college activities organised by staff, students and external bodies whether in person or online

2.3 The Code of Practice also applies to events, activities and meetings outside of the college premises

2.4 Freedom of speech includes both the spoken and written word, as well as actions, gestures and the display of images intended to show meaning

3. Key Concepts

3.1 No individual will be subjected to disciplinary action or less favourable treatment by or on behalf of the College as a result of the lawful exercise of their freedom of speech or academic freedom; and its processes for programme development and approval, academic assessment and quality assurance will respect the rights of freedom of speech and academic freedom

3.2 Freedom of speech means that everyone has the right to express lawful views and opinions freely, in speech or in writing, without interference

3.3 Freedom of speech within the law is protected. This means that speech will not be protected if it is at odds with UK law. Illegal or unlawful acts will not be tolerated by The Bedford College Group

3.4 The Bedford College Group continues to protect its staff and students from discrimination, harassment, intimidation or threats of violence on the grounds of race, sex, age, religion or belief, sexual orientation, disability, gender reassignment, marriage and civil partnership, or pregnancy or maternity. However, some learning experiences and the working environment of staff may include exposure to materials, debates or views that they find offensive or contentious, but are within the law, and unlikely to be considered unlawful harassment or discrimination under the Equality Act 2010.

3.5 Higher Skills students, in particular, have freedom within the law to question and test received wisdom, and to put forward new ideas and/or unpopular opinions without being at risk of being penalised.

3.6 The Bedford College Group understands that within its communities there may be differing and conflicting ideas and views. Some of these opinions may be considered offensive by others.

4. Unlawful Speech

4.1 Freedom of speech does not protect statements that unlawfully discriminate against or harass, or incite violence or hatred against other persons or groups, particularly in reference to their race, religious belief, gender or sexual orientation

4.2 The Bedford College Group has responsibilities under the Public Sector Equality Duty to promote good relations between different communities protected by The Equality Act 2010. This may require active challenge to the use of unlawful communication and hate speech.

4.3 It is an offence to use threatening, abusive, insulting words or behaviour, either with the intention of generating hatred, or in circumstances where it is likely that hatred will be generated

4.4 It is an 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.

4.5 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

4.6 If the Freedom of Speech Code of Practice is breached then either the staff disciplinary policy or Student Positive Engagement & Behaviours Policy will be referred to. In some cases this may involve referral to external agencies

5. Steps TBCG will take to ensure the Freedom of Speech

5.1 All policy holders will review key policies that may relate to freedom of speech. This may include Admissions, Staff Recruitment, Codes of Conduct, Customer Feedback/Complaints/Investigations, Governance, Research, Events, Visiting Speakers, Learning, Teaching and Assessment, Learning and Development, Staff and Student Induction.

5.2 Organisational Policies that relate to freedom of speech/expression should use The Bedford College Group's Freedom of Speech statement;

'We are a diverse community with different views on many issues, life experiences and how we interpret the world. It is essential that college is an arena for open and honest debate and exchange of ideas without the fear of reprisal. This must ensure that everyone is treated with respect and understanding, taking into consideration our values, codes of conduct and laws pertaining to equality'

5.3 Staff should utilise Equality Impact Assessments when booking Visiting Speakers and ensure they are briefed in relation to our commitment to Equity, Diversity and Inclusion

5.4 Induction for new staff covers a face to face introduction to 'Freedom of Speech'

5.5 A Freedom of Speech review of all student induction material

5.6 Higher skills staff undertake The Bedford College Group 'Freedom of Speech and Academic Freedom' training module and all other staff are required to read the Freedom of Speech Code of Practice via the LMS.