



**Buckinghamshire  
College Group**

# **Freedom of Expression Policy 2024-26**

Responsible Officer:	Director for Marketing and Skills Development
Date:	September 2024
Next review date:	September 2026
Policy available:	Intranet and website
Policy Approved by:	Executive and Corporation

## 1. Aim

The aim of this policy is to clarify our responsibility to foster Freedom of Expression in an educational setting within the boundaries of the law and the protections it provides and with consideration of our core values. It is written with reference to Article 10: Freedom of Expression within The Human Rights Act <https://www.equalityhumanrights.com/human-rights/human-rights-act/article-10-freedom-expression>. It is also linked to the statutory Prevent duty within the Counter Terrorism and Security Act 2015: <http://www.legislation.gov.uk/ukpga/2015/6/contents/enacted>

## 2. Objectives

- 2.1 To clarify the College's responsibility to promote freedom of expression.
- 2.2 To identify the circumstances under which freedom of expression may be legitimately restricted.
- 2.3 To outline the College's responsibilities regarding visiting speakers including external lettings.

## 3. Responsibility to Promote Freedom of Expression

- 3.1 Section 43 of the Education (No 2) Act 1986, places a positive duty on universities and colleges 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.
- 3.2 Freedom of expression is a fundamental right protected under the Human Rights Act 1998 and by Article 10 of the European Convention on Human Rights. It is also protected under the common law.
- 3.3 Protection under Article 10 extends to the expression of views that may shock, disturb or offend the deeply-held beliefs of others.
- 3.4 Freedom of expression is protected more strongly in some contexts than others. In particular, a wide degree of tolerance is accorded to political speech and debate during election campaigns. See Appendix 1 for more detail about Elections and Referendums.
- 3.5 As a College we are expected to allow open debating of challenging ideas which may need to use controversial resources. Controversial materials should not be left unchallenged by the member of staff using them.
- 3.6 The College has a duty to promote fundamental British Values. These are:
  - democracy
  - the rule of law
  - individual liberty
  - mutual respect
  - tolerance of those of different faiths and beliefs

## 4. Legitimate Restriction on the Freedom of Expression

- 4.1 Freedom of expression may be limited in some circumstances and in particular does not protect statements that unlawfully discriminate against or harass, or incite violence or hatred against, other persons and groups, particularly by reference to their race, religious belief, gender or sexual orientation.
- 4.2 No one can rely on the human right to freedom of expression to limit or undermine the human rights of others.
- 4.3 The College as a public body has duties which require us to have due regard to the need to promote good relations between different communities protected by equality law. This may require active challenge to the use of offensive communication and hate speech.
- 4.4 The College also has a duty under the Counter Terrorism and Security Act 2015, to participate fully in work to prevent people from being drawn into terrorism.
- 4.5 Although there is no universally accepted definition, hate speech is generally understood to describe forms of expression which incite violence, hatred or discrimination against other persons and groups, particularly by reference to their ethnicity, religious belief, gender or

sexual orientation, language, national origin or immigration status. Please also refer to the [Dignity at Work Policy](#).

- 4.6 The Buckinghamshire College Group is a secular, educational establishment, regulated by Ofsted and subject to legislation and statutory guidance on matters such as safeguarding children and advancing equality of opportunity. Buckinghamshire College Group reserves the right to monitor any activity associated with Buckinghamshire College Group or any group using its premises, to ensure that it supports the ethos of the College.

## **5. Visiting Speakers and lettings**

- 5.1 The Prevent duties identified in the Counter Terrorism and Security Act 2015, require that the College has oversight of the content of any speeches or presentations by visiting speakers.
- 5.2 The organiser of a visiting speaker presentation should complete a checklist which will include any concerns re content of presentations.
- 5.3 The checklist must be approved by the organiser's line manager.
- 5.4 If the checklist raises concerns, the organiser or their line manager can pass the checklist to the Safeguarding & Prevent Committee for further scrutiny.
- 5.5 These controls will also be applied to any lettings of our premises by outside organisations.
- 5.6 While challenging and controversial content can be allowed, staff the College is responsible for ensuring that such views are challenged during a presentation. Whilst representing the College in this respect, staff should not promote their own personal views.
- 5.7 The College is entitled to refuse a request to lease its premises for any use which does not match our core values.

## Appendix 1 – Elections and Referendums

It is important to state at the outset that there is a particularly high level of legal protection for freedom of expression during election periods. Any interference with this right must be exceptional and subject to the strict limitations set out in human rights law.

The law permits people to say things that offend others during election periods and at other times. It is entirely proper that there should be vigorous debates about controversial matters, and this is particularly important during elections periods.

However, it is also important to note that the right to freedom of expression does not justify incitement to racial or religious violence or hatred, or other unlawful conduct. The right to freedom of expression cannot be at the expense of the rights and freedoms of others.

*Equality and Human Rights Law during an Election Period – Equality and Human Rights Commission.*

Free elections and freedom of expression, particularly freedom of political debate, together form the bedrock of any democratic system... The two rights are interrelated and operate to reinforce each other... For this reason it is particularly important in the period preceding an election that opinions and information of all kinds are permitted to circulate freely. *Bowman v UK* (1998) the European Court of Human Rights.

- A. The Buckinghamshire College Group has a duty to promote Fundamental British Values such as democracy as identified in section 3.6 above. The curriculum includes a range of themed weeks which may be linked to the dates of local, national or European elections where these are known sufficiently in advance. Activities are likely to include encouragement of voter registration by students, hustings style meetings and mock elections.
- B. The College will make every effort to invite official candidates for the College's Local Government Ward, Parliamentary Constituency or European Parliamentary Constituency to participate in events. This invitation will not be extended to political parties who are not represented in the relevant election.
- C. The College is conscious of the potential for leafleting from Political Parties, pressure groups or individuals to cause litter and other problems and so will present copies of literature from official candidates in a controlled central display, to help inform its own mock elections and participation in the local, national or European elections. Any materials brought into College Campuses and left around or fly posted will be removed. Political leaflets may be used as teaching resources. In this case the suitability will be left to the professional judgement of the member of staff concerned. They should also vet the suitability of any student generated materials for display.
- D. In the case of national or local referendums, the College will aim to facilitate debates between representatives of the opposing views in the referendum and will display official literature on the referendum question, as well as providing this to teaching staff to use as appropriate in their teaching.
- E. The College promotes elections of course representatives for the annual Student Conferences and other Student Voice activity. The Student Engagement Team are selected by interview for their positions of responsibility and voted for by the student body.
- F. Any questions about the suitability of printed material for the College setting should be addressed to the Director for Student Services and the Director of Marketing & Skills Development.

This policy should be read in conjunction with Visiting Speakers and Organisations Policy

## Equality Impact Statement

Section One	
<b>College:</b>	Buckinghamshire College Group
<b>Departments Effected:</b>	Whole College
<b>Who is responsible for the Equality Impact Assessment?</b>	Director of Marketing and Skills Development
<b>Title</b> (of the policy/practice/decision)	Freedom of Expression Policy
<b>Description</b> (Provide a brief description of the policy/practice/decision)	This policy clarifies our responsibility to foster Freedom of Expression in an educational setting within the boundaries of the law and the protections it provides and with consideration of our core values.

Section Two – Stakeholder Consultation		
2	Who are the main stakeholders and what consultation exercise are you planning to undertake, if required (e.g. consultation with Employee Voice, Trades Unions, Staff groups, Student groups?)	Stakeholders are staff, students, governors
3	Are there concerns that this could result in differential or adverse impact on any Equality Groups (Protected Characteristics as identified by the Equality Act 2010)	No

Section Three
<b>Please identify how the policy may impact the following protected characteristics:</b>

- Identify any positive impacts the policy/practice/decision may have on equality groups.
- Identify any negative impacts the policy/practice/decision may have on equality groups.
- Propose measures to mitigate or eliminate identified negative impacts.

Protected Characteristics	Impact High/Medium/ Low/N/A	Action(s) you will take to mitigate or remove the negative or adverse impact if identified? <small>Propose measures to mitigate or eliminate identified negative impacts</small>
1. <b>Age</b> <small>(e.g. are there ways older or younger people may find it difficult to engage?)</small>	Low	This policy outlines the restrictions to Freedom of Speech. These restrictions include any unlawful discrimination against or harass, or incite violence or hatred against, other persons and groups, particularly by reference to the protected characteristics.
2. <b>Disability</b> <small>(eg do you need to consider large print or easy read?)</small>	Low	As above
3. <b>Gender identification</b> <small>(eg is your language inclusive of LGBTQ+ groups?)</small>	Low	As above
4. <b>Gender Re-assignment</b> <small>(eg is your language inclusive of trans and non-binary people?)</small>	Low	As above
5. <b>Marriage and civil partnership</b> <small>(eg does it treat marriage and civil partnerships equally?)</small>	Low	As above
6. <b>Pregnancy &amp; Maternity</b> <small>(eg with this have an impact on pregnant or those on family leave; breastfeeding services?)</small>	Low	As above
7. <b>Race / Ethnicity</b> <small>(eg does it take into account the needs of people from different groups)</small>	Low	As above
8. <b>Religion or Belief</b> <small>(eg do people from faith groups experience any specific disadvantage)</small>	Low	As above

9. Sexual Orientation <i>(eg is your language inclusive of LGBTQ+ groups?)</i>	Low	As above
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Section Four – Monitoring and Review	
<p><b>Does your criteria and procedure promote fairness and equal opportunities?</b> <i>Utilise relevant data sources, such as demographic information, student feedback, or staff surveys, to inform the analysis as necessary</i></p>	This policy promotes freedom of expression and therefore fairness and equal opportunity.
<p><b>How will you monitor and evaluate the effectiveness of these measures to determine whether it has been effectively and fairly applied</b></p>	Visiting Speaker risk assessment is completed by the organiser of any external speakers

Section Five – Outcome, Sign-off and Authorisation	
<p><b>Equality Impact Assessment Outcome</b> Select one of the four options below to indicate how the development/review of the policy/practice will be progressed and state the rationale for the decision</p>	
<p><b>Option 1:</b> No change required – the assessment is that the policy/practice is/will be robust.</p>	x
<p><b>Option 2:</b> Adjust the policy or practice – this involves taking steps to remove any barriers, to better advance equality and/or to foster good relations.</p>	
<p><b>Option 3:</b> Continue the policy or practice despite the potential for adverse impact, and which can be mitigated/or justified</p>	
<p><b>Option 4:</b> Stop the policy or practice as there are adverse effects cannot be prevented/mitigated/or justified.</p>	
<p><b>Name &amp; job title of authorised person</b></p>	Pamela Forchione, Director for Marketing and Skills Development
<p><b>Equality Impact Assessment was completed on:</b></p>	30/8/24
<p><b>Date of next review, and by whom?</b> <i>This may include regular reviews, data analysis, and stakeholder feedback</i></p>	28/8/26 Director for Marketing and Skills Development