

Statement on Freedom of Speech at Newham College of Further Education

Introduction

This statement describes the commitment that Newham College of Further Education makes to free speech; it outlines the underpinning legislative framework and provides a link to our visiting speakers and events policy.

Newham College is committed to freedom of speech which we see as is fundamental to the pursuit of excellent education, this places free and open debate at the centre of learning. The College seeks to create an environment for all of staff and students where they can participate fully in college life, and feel able to question and test received wisdom, and to express new ideas and controversial or unpopular opinions within the law, without fear of intolerance or discrimination. This includes the rights of staff to put forward ideas that may be seen as critical of this College as an institution. We will ensure a high-quality educational experience by actively promoting free discussion and interrogation of orthodox, challenging, as well as controversial ideas. We will ensure that our academic staff are able to undertake teaching and research without hindrance of their right to freedom of speech within the limitations of the law.

Our approach to ensuring freedom of speech within the law will be based on the following principles:

1. The need, on occasion, to balance the right to freedom of speech against the need reasonably to protect the rights of others.
2. Freedom of speech is at the centre of all democratic societies and is critical to learning in higher education.
3. The promotion of a culture of tolerance of differing views and perspectives and an acceptance that, in a free and open environment of academic debate, ideas can be contested and challenged.
4. The need, when balancing rights, to ensure that this is done in a way that is proportionate and legal, and informed by an assessment of whether any balancing action could be undertaken in a way that is less restrictive.
5. That any restriction on speech that may be required shall be an exception.

Speakers and Events

This is contained within our policy available here;

<https://www.newham.ac.uk/downloads/SG2-Prevent-Strategy-2021.pdf>

Freedom of Speech and the Law

In ensuring the active promotion of freedom of speech within the law, the College will be mindful of the following legislation:

1. Section 43 of the Education Act 1986

Which places a duty upon providers to take such steps as are reasonably practicable to ensure that lawful freedom of speech and expression is secured for all staff and students and for visiting speakers. This duty also applies to student unions where College premises are being used to host a union speaker/event.

2. The Human Rights Act 1998

Which establishes the individual's right to freedom of expression in UK Law.

3. The Equality Act 2010 (including the public sector equality duty)

This legislation places duties upon public authorities to prevent discrimination on the basis of protected characteristics as set out in the Act. Further, the College also has a duty to foster positive relations between communities.

4. Health and Safety Law

This legislation places a responsibility upon public authorities to ensure compliant arrangements for safe and healthy working and operations within its premises.

5. The Prevent Duty

Which places a duty under the powers of the Counter-Terrorism and Security Act 2015 section 26 of the Counter-Terrorism and Security Act 2015 places a duty on certain bodies, including Higher Education Institutions, in the exercise of their functions to prevent students and staff from being drawn into support for or participation in terrorism.

Raising Concerns

The College Freedom of Speech policy is monitored by the Governance Audit and Risk Committee and the policy is owned by the Designated Safeguarding Lead Manager.

If you wish to raise a concern about the policy or its application, please contact the Head of Safeguarding and Welfare or Deputy Designated Safeguarding Lead Manager.