DN COLLEGES GROUP

Freedom of Speech Policy

1. Purpose

1.1 This policy seeks to provide clear guidance regarding freedom of speech within the DN Colleges Group, hereafter referred to as the 'College,' and establishes key principles, structures and monitoring arrangements for the College.

1.2 Freedom of speech (and academic freedom) underpins activities at the College where free and open debate is crucial.

1.3 Under Part A1 of the Higher Education and Research Act 2017 ('the Act'), the College is required to take the steps that, having particular regard to the importance of freedom of speech, are reasonably practicable for it to take to ensure that freedom of speech within the law is secured for staff, members and students of the College and visiting speakers.

1.4 This requirement includes securing, that the use of College premises is not denied to any individual or body on any ground connected with the ideas or opinions of individuals or the policy or objectives of a body or the ideas or opinions of any of its members.

1.5 In addition, a principle of freedom of lawful expression is enshrined in Article 10 of the European Convention on Human Rights.

1.6 The College is also required by the Act and Paragraph 15 of its Articles of Government to have regard to the need to ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions without placing themselves at risk of losing their jobs or any privileges they may have at the College or the likelihood of their securing promotion or different jobs at the College being reduced. In addition, persons applying to become a member of academic staff of the College must not be adversely affected in relation to the application because they have exercised their freedom within the law to academic freedom.

1.7 The Board of Governors is required under the Act to issue and keep up to date a code of practice setting out how it will fulfil its obligations under the Act and the College complies with this obligation through this policy.

1.8 The Board of Governors endorses the principle of freedom of thought and expression within the College and within the limitations of the law.

2 Scope

2.1 This policy sets out the rights and obligations inherent within the principles of freedom of speech and expression and academic freedom, the College's values relating to freedom of speech and how those values uphold freedom of speech, and the policy shall be construed and applied in the spirit of upholding those principles wherever reasonably practicable within the law.

2.2 It covers freedom of speech and expression in whatever form that may take including (but not limited to) speeches, debates, meetings, demonstrations, written publications and through the use of social media.

2.3 This policy applies to the College (including members of the Board of Governors), all students (whether full or part-time), student societies (including clubs or associations which normally operate on the College's premises) apprentices, staff (whether academic or otherwise and whether for payment or otherwise), and visiting speakers (which includes all persons invited to speak and/or express views (whether in person or otherwise) and/or otherwise take part in

activities which take place on or are planned or proposed or due to take place on the College's premises or through its ICT systems).

2.4 This policy also applies to all activities (including meetings and events) which take place on College premises / facilities, or any activities that take place away from College premises / facilities which are affiliated to, or funded by the College, or over which the College *exercises s*ome degree of control (and the words "premises" and "facilities" should be construed accordingly elsewhere within this policy).

3 Responsibilities

3.1 All members of the College community have a responsibility in the implementation of this policy in line with the DN Colleges Group ASPIRE Values.

3.2 The College is strongly committed to the principle of freedom of speech and expression and fosters an environment where all can participate fully.

3.3 The College expects its members to receive and respond to intellectual and ideological challenges in a constructive and peaceable way.

3.4 In complying with its duty to secure freedom of speech and academic freedom, the College will take into account its obligations in relation to, the management of the health and safety of its members and the general public, the promotion of equal opportunities and prevention of discrimination, and its duties associated with preventing people from being drawn into terrorism or radicalisation.

4 Relevant Legislation

4.1 The policy will be implemented in accordance with all existing and emerging legislation. Key legislation relating to this policy includes:

- The Public Order Act 1986
- Human Rights Act 1998, Article 9: Freedom of thought, belief and religion
- Human Rights Act 1998, Article 10: Freedom of expression
- Terrorism Act 2000
- The Equality Act 2010
- Public Sector Equality Duty (PSED) Under The Equality Act (2010)
- The Counter-Terrorism and Security Act 2015
- Higher Education and Research Act 2017
- Higher Education (Freedom of Speech) Act 2023

5 The Policy

5.1 The College shall take such steps as are reasonably practicable to ensure that freedom of speech and expression within the law is secured for every person to whom this policy's rights apply.

5.2 Our goal is to create a supportive learning and working environment that encourages critical thinking and open dialogue. This policy outlines the key principles, structures, and monitoring arrangements that will help us achieve this vision.

5.3 Freedom of speech within the law may include speech that is controversial or offensive to some. The College will not moderate or suppress speech, however abhorrent certain expressions may be to the majority of the members of the College, provided that:

i) such speech and expressions do not go beyond the articulation of points of view, are within the law and do not constitute incitement to riot, insurrection, racial hatred, religious hatred, sexual harassment or other activities which are likely to cause a breach of the peace or public disorder, significantly increase the risk of an individual being drawn into terrorism or otherwise be unlawful; and

ii) by allowing such views to be expressed, and by allowing the activity to take place in the format proposed the College would not be failing in its wider legal duties, in particular to have due regard in carrying out its functions to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010 (in accordance with the Public Sector Equality Duty to promote equality and diversity that is enshrined in law and must also be observed and supported);

- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

- foster good relations between persons who share a relevant protected characteristic and persons who do not share it; and

- prevent people being drawn into terrorism (anti-terror legislation has identified certain organisations that are banned in the UK and has introduced new offences, including the publication of statements that could be seen as encouraging terrorism, either directly or indirectly. The Counter-Terrorism and Security Act 2015 mandates that the College must actively work to prevent individuals from being drawn into terrorism. The College may need to exercise its authority under this policy to ensure that events and speakers do not misuse College premises, facilities or brand to promote extremist views where these are deemed likely to draw people into terrorism).

5.4 At the College, we are dedicated to upholding the highest standards of conduct to ensure freedom of speech for everyone. This policy requires that all staff, students, governors and visitors, whether on campus or in other working environments, take all reasonable steps to exercise their right to freedom of speech responsibly.

5.5 The College will secure for academic staff their academic freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without being adversely affected by the loss of their jobs or privileges, or in the likelihood of their securing promotion or different jobs being reduced. Further, no applicant for a post will be disadvantaged because they have previously exercised these rights.

5.6 For students, this commitment includes but is not limited to no-detriment in retaining their rights and privileges, including the delivery of their programme of study, access to facilities, support mechanisms or other opportunities available to them as a student of the College because they have previously exercised their right to freedom of speech within the law.

5.7 The College shall ensure, so far as is reasonably practicable, that the use of its premises and facilities is not denied to any individual or body of persons on any ground connected with:

i) the ideas or opinions of such individual; or

ii) the policy or objectives of such body or the ideas or opinions of any of its members.

5.8 Every person to whom this policy's obligations apply shall refrain from organising, participating in or otherwise being associated with any activities (other than by lawful, reasonable and peaceful persuasion) which are intended to substantially disrupt the enjoyment of rights under this policy (including, for example, the holding of any authorised meeting on College premises).

5.9 Nothing in this policy shall be taken to prohibit the legitimate exercise of the right to protest by peaceful means, provided the principles and requirements of this policy are not contravened.

5.10 In exercising their right to freedom of speech, every person to whom this policy's obligations apply, including when representing the College externally, must not create, store or transmit material that is unlawful, incites violence, constitutes hate speech as defined by law, or poses a credible and immediate threat to the safety or rights of others.

5.11 All governors, members, staff, students and visitors to the College need to remain alert to signs of radicalisation and support the College's Prevent duty obligations, whilst ensuring this does not impede lawful expression or academic exploration.

5.12 **Criteria for the Use of College Premises and/or External Speakers**

5.13 References in this policy to "activities" include (but are not limited to) meetings (including teaching or research related activities), demonstrations, events and publications through whatever media (including social media) which take place or are proposed or planned or due to take place on the College's premises or through its ICT systems.

5.14 The College has the responsibility to take reasonable steps to maintain good order on its premises. It has the right and the power to regulate and, if necessary, to impose conditions or restrictions upon activities which take place or are planned or proposed or due to take place on its premises or through its ICT systems. The organisation and holding of any such activities, and the arrangements, therefore, must comply with this policy.

5.15 The College will not unreasonably refuse to allow activities to take place on its premises or through its ICT systems. The expression of controversial views which do not breach the law or risk a breach of the law will not of itself constitute reasonable grounds for withholding permission for an activity and the starting point for any activity is that it should go ahead and that cancellation should be exceptional. A request to carry out an activity (including, holding an event) will only be refused when in the reasonable view of the College;

i) The activity, or the publicity for the activity, is likely to include, or lead to, or incite, an illegal act, or make it likely that the College will be failing to act in accordance with duties imposed on it by law, or infringe the rights and freedoms of others. This may include, but is not limited to;

- Incitement of those persons attending to commit a criminal act;
- The expression of views which may be contrary to the law, or the expression of views in a manner which may be contrary to the law;
- Organisation of the event, by, on behalf of, or in support of, a proscribed organisation under the Terrorism Act 2000;
- Any likely breach of the peace which may be a result of the activity,

i) The activity is beyond the capability of the College to suitably manage, including the protection of participants and College staff from harm and the security of College premises and equipment.

ii) The activity has not been authorised through the relevant College procedure for the

authorisation of events.

5.16 In reaching a decision whether permission for an activity to take place on the College's premises and/or through its ICT system might reasonably be refused, the College will give careful consideration to available evidence and all the relevant issues, and act proportionally (and may take into account such factors as: (i) the safety of persons attending the activity or otherwise foreseeably affected by the activity and/or the College's premises who might foreseeably be put at risk, (ii) the security of the College's premises, and (iii) the good name and reputation of the College). The College will balance the right to freedom of speech, and its duty to protect it, with any relevant legal limitations. It will also take into account relevant guidance that may be issued by appropriate bodies such as the Government and the Office for Students (from time to time).

5.17 The organisers of any activities must follow all lawful and reasonable instructions from authorised College staff regarding the location, setup, and conduct of their events (or other such conditions or restrictions as the College reasonably sees fit). This may include ensuring proper stewarding, effective chairing, and adequate control over entry. These instructions may be given as conditions for the activity to proceed or may be issued during the activity itself. Such organisers may be required by the College to undertake in writing that they will comply with all lawful instructions and conditions issued by the College. By adhering to these guidelines, the College seeks to ensure that all activities are safe, well-organised, and respectful of everyone's rights.

5.18 The College may revoke permission to hold an activity (including for example permission to hold ongoing events), if to the College reasonably considers that such activity has breached any of the established criteria. This includes situations where organisers violate the relevant contract, provide false or misleading information, or fail to follow lawful and reasonable instructions given by authorised College staff.

5.19 The College reserves the right to seek advice from the police about any public order aspect of a proposed activity, and to make police support at an activity a condition for it to be allowed to take place.

5.20 The Designated Officer is authorised to decide whether or not an activity should go ahead and to decide if an activity that is underway should be terminated. Should the Designated Officer not be available at the time where a decision is required, a member of the Senior Leadership Team may be nominated to make this decision in their absence.

5.21 An appeal against a decision to refuse or revoke permission for an activity to take place may be submitted in writing within 5 working days of said decision to the Chief Executive Officer via the Executive Mailbox.

5.22 Nothing in this policy shall preclude the College from refusing or revoking permission for an activity to take place on procedural or contractual grounds.

5.23 The refusal or revocation of permission for an activity to take place by the Designated Officer will be reported to the next meeting of the board of Governors.

5.24 **Infringement**

5.25 Breaches of this policy by any students or staff of the College may lead to action being taken against them under the relevant disciplinary procedure. Penalties may include exclusion from learning or employment (as the case may be).

5.26 Where those responsible for the breach are students or staff of a partner organisation of the College, the Designated Officer shall consider whether to inform the partner organisation with a

view to that partner organisation taking action (whether as well as or instead of) under its relevant disciplinary procedure.

5.27 Information about infringement may be passed to appropriate law enforcement agencies, and any other organisations whose regulations may have been breached.

5.28 **Review and Amendment of this Policy**

5.29 The College acknowledges its duty from 1 August 2025 under Part A2 of the Act to maintain a Code of Practice (which it does so through this policy). With this duty in mind the board of governors will receive a report on the operation of this policy by the Designated Officer, together with any recommendations for revision of it, at intervals not exceeding 3 years. If for any reason a review does not take place in the planned period, the policy will remain current until a review takes place.

5.30 It will also, in accordance with Part A2 of the Act, at least once a year, bring this policy to the attention of all of its students.

5.31 The Equality Impact has been considered on this policy and procedure.

6 Relevant Policies and Procedures

6.1

- Safeguarding Policy
- Equality, Diversity and Inclusion Policy
- Preventing Bullying, Harassment and Intimidation Policy
- Whistleblowing Policy
- Acceptable use of IT Policy
- Staff Disciplinary Policies and Procedures
- Social Media and E-Media Policy
- Online Safety Policy
- Staff Code of Conduct
- Data Protection and Freedom of Information Policy
- Health and Safety Policies and Procedures

7 Who to Contact with Queries

7.1 For general enquiries concerning this policy, please contact Karen Dainty, Associate Director for Equality, Diversity and Inclusion.

For Higher Education specific enquiries, please contact James Wadsworth, Director of HE Academic Registry or Rob Brown, Head of Quality Assurance & Regulation.

8 Communication

8.1 This policy will be shared via the College intranet and internal communications (and from time to time in accordance with its obligations to do so as set out above).

8.2 Awareness of this policy and its implications will be actively promoted to DN Colleges Group staff and students, using a range of communication platforms.

9 Authorisation

Policy Holder:	Chief Operating Officer – People & Information
Union Approval & Date:	(if applicable)
SLT Approval & Date:	12 November 2025
Governor Committee/ Board Approval:	HEPQ 24 November 2025, Corporation Board 10 December 2025
Next Review Date:	December 2028

*Policies will be reviewed every 3 years unless there is a specific requirement to undertake a review more frequently. If for any reason a review does not take place in the planned period, the policy will remain current until a review takes place.

The Equality Impact has been considered on this policy and procedure.