

FREEDOM OF SPEECH POLICY & EXTERNAL SPEAKER PROCEDURE

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Policy Review					
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Tina Callow	Head of Student Services	Corporation <u>Peter Thomas, Chair, YC Corporation</u> 	16 July 2026	Annually in June	Y

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Tina Callow	Policy Creation	July 4, 2025	1
Clare Hammond-Sayer	Updated in line with new FOS rules	3 July 2026	2

Initial Equality Impact Screening					
Has anyone else been consulted on this policy and/or procedure? Andy Mitchell, Sian Pering & Katie Lister					
What evidence has been used for this impact screening (e.g. related policies, publications)?					
Declaration (please tick one statement and indicate any negative impacts) ☒ I am satisfied that an initial screening has been carried out on this Policy and/or Procedure and a full Equality Impact Assessment is not required. There are no specific negative impacts on any of the Protected Characteristics groups. ☐ I recommend that an Equality Impact Assessment is required by the Equality and Diversity group, as possible negative impacts have been identified for one or more of the Protected Characteristics groups as follows: ☐ Age ☐ Disability ☐ Gender Reassignment ☐ Race ☐ Religion or belief ☐ Sex ☐ Sexual orientation ☐ Marriage & civil partnership ☐ Pregnancy & maternity					
Completed by:	Tina Callow	Position:	Head of Student Services	Date:	July, 4, 2025
Reviewed by Equality & Diversity Group: YES/NO If Yes: Date: I confirm that any recommended amendments have been made					

Summary of Comments including Recommendations from Equality & Diversity Group Review:				
Amended by Author:		Position:		Date:

Contents

Contents	3
1. PURPOSE	4
2. SCOPE	7
4. RESPONSIBILITY & AUTHORITY	8
5. DEFINITIONS	9
6. LEGAL FRAMEWORK AND COMPLINCE	10
7. EXAMPLES OF ILLEGAL SPEECH.....	11
8. ADMISSIONS, APPOINTMENTS AND PROMOTIONS	12
9. RESEARCH.....	13
10. EXTERNAL SPEAKERS	13
11. BREACHES & COMPLAINTS	14
12. RELATED LEGISLATION, POLICIES & PROCEDURES	15
• Appendix 1- External Speaker Procedure	15
• Appendix 2 - Risk Assessment – External Speaker or Organization.....	15

1. **PURPOSE**

- 1.1 This policy provides the guidelines and a framework for managing Freedom of Speech. This policy balances the principles of free speech and academic freedom with the need to ensure a safe and inclusive learning environment for all. It also provides a framework for decision-making and management of external speakers to ensure that the values and mission of the college are upheld.
- 1.2 Yeovil College affirms its dedication to taking reasonably practicable steps to secure freedom of speech within the law, encouraging students and staff to freely engage in open discussion and debate. This stance is rooted in Fundamental British Values and a belief in the educational power of diverse perspectives. The College promotes a tolerant atmosphere where ideas can be contested, balancing free expression with the protection of others' rights.
- 1.3 This commitment is guided by the following principles:
- (a) Freedom of speech is central to democratic societies and a cornerstone of further as well as higher education.
 - (b) A culture of tolerance, where differing views are accepted and ideas are openly contested.
 - (c) Balancing freedom of speech with protecting the rights of others when necessary.
 - (d) Ensuring any limitations are proportionate, lawful, and the least restrictive option available.
 - (e) Restrictions are to be applied only in exceptional cases.
- 1.4 **Commitment to Freedom of Speech**
- Yeovil College is committed to promoting freedom of speech within the boundaries of the law. A fundamental component of this commitment is the encouragement of a culture of open and respectful debate. This includes welcoming external speakers to the College to discuss issues of significance, including those that may be complex or challenging in nature.
- The College will ensure that its teaching, curriculum, policies and procedures reflect its duty to secure, so far as is reasonably practicable, freedom of speech and academic freedom within the law.
- 1.5 **Relationship with Other College Policies**
- Yeovil College recognises that the right to freedom of speech exists alongside other legal duties and organisational responsibilities.

All members of the College community remain responsible for complying with the College's policies and procedures, including but not limited to the Equality, Diversity and Inclusion Policy, Business Code of Conduct, Safeguarding and Prevent Policy, Health and Safety Policy, Disciplinary and Grievance Policy, Student Code of Conduct and any other relevant College policies.

Freedom of speech within the law does not extend to unlawful conduct, including discrimination, harassment, victimisation, intimidation, hate crime, breaches of safeguarding duties or any conduct prohibited by law.

The College will seek to ensure that freedom of speech is protected whilst maintaining a safe, respectful and inclusive environment for all members of the College community.

Yeovil College recognises academic freedom as a fundamental principle of higher education.

Academic staff have the freedom, within the law, to question and test received wisdom, develop new ideas, present evidence, undertake research and express lawful academic opinions, including opinions that may be controversial, challenging or unpopular.

No member of academic staff will be disadvantaged, dismissed, denied promotion or subjected to any detriment solely because they have exercised their lawful right to academic freedom.

Academic freedom carries corresponding responsibilities. Academic staff are expected to exercise their professional judgement responsibly, uphold academic standards, present evidence accurately and comply with all applicable legislation and College policies.

1.6 Event Approval and Risk Mitigation

Yeovil College will always seek to enable a speaker to deliver their presentation and for the event to proceed with minimal intervention or mitigation. However, the College recognises that in certain circumstances, it may be necessary to implement measures to:

- Ensure fair and open debate within the law
- Maintain a balanced representation of viewpoints
- Safeguard the welfare and security of students, staff, and attendees

1.7 Governance and Oversight

Yeovil College works to ensure that speaker events held on College premises are governed by robust, fair, and transparent arrangements. These arrangements are developed and implemented in accordance with applicable laws and regulations. The college keeps a record of all speakers and events.

1.8 Balancing Legal Duties

In implementing this policy, the College will balance its statutory duty to secure freedom of speech within the law with its other legal duties, including but not limited to:

- Equality Act 2010
- Human Rights Act 1998
- Health and Safety at Work etc. Act 1974
- Counter-Terrorism and Security Act 2015 (Prevent Duty)
- Safeguarding legislation
- Charity law

Any decision to restrict, postpone, relocate or impose conditions on speech or an event will only be taken where it is lawful, necessary, proportionate and represents the least restrictive option reasonably available.

1.9 Respectful Expression

Yeovil College encourages open discussion, robust debate and the exchange of diverse ideas. Members of the College community are encouraged to challenge ideas respectfully and to engage constructively with those who hold differing views.

The expression of lawful opinions, including those that may be controversial or unpopular, will not in itself constitute misconduct or justify disciplinary action.

However, behaviour that amounts to unlawful discrimination, harassment, victimisation, bullying, intimidation, threats of violence, hate crime or any other unlawful conduct will not be protected by this policy and may be managed under the appropriate College policies and procedures.

1.10 Employment Matters

Nothing in this policy prevents the College from managing matters relating to employee conduct, capability, performance or professional standards in accordance with its employment policies and procedures.

Where concerns arise regarding the conduct of a member of staff, the College will carefully distinguish between the lawful exercise of freedom of speech and behaviour that may constitute misconduct. Any employment action taken will be evidence-based, proportionate and consistent with the College's Disciplinary and Grievance Policy.

2 SCOPE

- 2.1 In supporting the commitment above this Policy applies to:
- 2.1.1 all staff including volunteers, associates and Board Governors;
 - 2.1.2 all students of Yeovil College and Yeovil College University Centre (YCUC);
 - 2.1.3 some provisions of this policies apply to persons who have applied to become a member of staff or student;
 - 2.1.4 visiting speakers and all other persons invited or otherwise lawfully on College premises;
 - 2.1.5 the Students' Union, including its constituent clubs and associations, and its elected officers; and
 - 2.1.6 any person or organisation hiring premises controlled by the college for an event.
- 2.2 Nothing in this Policy shall interfere with the right to assemble, demonstrate, protest, any steps pursuant to lawful industrial action, speak or otherwise express oneself within the law. However, illegal or unlawful acts will not be tolerated.
- 2.3 This policy encompasses teaching, training, research, events held on campus, off-site under the College's auspices, or virtually.
- 2.4 Subject to 2.1, those who are under a duty to observe and uphold the principles of Freedom of Speech within the college shall do so at all times
- 2.5 Where the provisions of a Professional, Statutory or Regulatory Body (PSRB) or other accrediting body require the enforcement of professional standards, these shall be adhered to, without disproportionately interfering with students' or others' rights to freedom of expression. Where it is impossible to avoid this, the College will raise concerns with the relevant accrediting body.

3 RESPONSIBILITY & AUTHORITY

3.1 It is the responsibility of Yeovil College to ensure that freedom of speech is upheld within the bounds of the law. The College is committed to creating an environment where students and staff feel empowered to engage in open discussion, debate, and the free exchange of ideas.

3.2 This commitment is underpinned by the following:

- **Fundamental Value:**

Freedom of speech is central to democratic societies and a cornerstone of higher and further education.

- **Culture of Tolerance:**

Yeovil College fosters a culture in which differing views are respected and ideas are openly contested.

- **Rights and Responsibilities:**

The College recognises that freedom of speech must be balanced with the need to protect the rights of others, where necessary.

- **Proportionality and Lawfulness:**

Any limitations on freedom of speech will be proportionate, lawful, and the least restrictive means available.

- **Exceptional Circumstances:**

Restrictions on freedom of speech shall only be applied in exceptional cases where clearly justified.

- **Maintaining Essential Functions of the College:**

Steps to secure freedom of speech would be unlikely to be considered reasonably practicable where those steps interfere with the essential functions of the College, including the provision of teaching, learning, research, safeguarding, and the administrative functions and resources these things require.

3.3 Yeovil College takes all reasonable practicable steps to secure Freedom of Speech within the Law such including ensuring all legal and regulatory requirements are met, all policies and procedures are reviewed regularly, implemented and promoted the policy and ensure the physical safety of all.

3.4 This policy shall be monitored by Head of Student Services and the Senior Leadership Team.

3.5 The Director of People and Compliance, alongside the Senior Leadership Team, are responsible for ensuring 'adequate training' has been provided to staff, ensuring that staff will have an up-to-date understanding of:

3.5.1 the free speech code of practice and how it applies in practice, including its application in detail to the member of staff's role in the organisation; and

3.5.2 the requirements of the Higher Education and Research Act 2017 (HERA) , the Human Rights Act (HRA) and the Equality Act 2010 in relation to freedom of speech and how they apply in detail to the member of staff's role in the organisation.

4 **DEFINITIONS**

4.1 Within this Policy and Procedure, Freedom of Speech is defined in line with the definitions provided by the European Convention on Human Rights and the Higher Education (Freedom of Speech) Act 2023.

4.2 Article 10(1) of the European Convention on Human Rights states that:

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent states from requiring the licensing of broadcasting, television or cinema enterprises.
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

4.3 The Higher Education (Freedom of Speech) Act 2023 also defines 'academic freedom' as academic staff's freedom within the law:

- a. to question and test received wisdom, and
- b. to put forward new ideas and controversial or unpopular viewpoints without placing themselves at risk of being adversely affected in any of the following ways:

- a. loss of their jobs or privileges at the provider;
- b. the likelihood of their securing promotion or different jobs at the provider being reduced.

5 **LEGAL FRAMEWORK AND COMPLINCE**

5.1 Yeovil College is committed to upholding the principle of freedom of speech within the law, as detailed in the following legislation and regulatory guidance:

- 5.1.1 Higher Education (Freedom of Speech) Act 2023 - An Act to make provision in relation to freedom of speech and academic freedom in higher education institutions and in students' unions; and for connected purposes. Find out more.
- 5.1.2 Section 43 of the Education (No. 2) Act 1986 - Which places a duty upon universities to take reasonably practicable steps to ensure freedom of speech on its premises. This duty also applies to student unions where university premises are being used to host a union speaker/event.
- 5.1.3 The Education Act 1994 - Which places financial and governance oversight duties upon universities with regard to student unions.
- 5.1.4 The Human Rights Act 1998 - Which establishes the individual's right to freedom of expression in UK Law.
- 5.1.5 Charity Law (mainly Charities Act 2011) -That includes a duty placed upon charities to ensure freedom of speech within the law.
- 5.1.6 The Equality Act 2010 (including the public sector equality duty) -That places duties upon public authorities to prevent discrimination on the basis of protected characteristics as set out in the Act. The College also has a duty to foster positive relations between communities.
- 5.1.7 Health and Safety Law - Which places duties upon public authorities to ensure compliant arrangements for safe and healthy working and operations within its premises.
- 5.1.8 Public Order Act (1986) – Which explains that it is an offence if a person uses threatening or abusive words or behaviour, or disorderly behaviour, or displays any writing, sign or other visible representation which is threatening or abusive within the hearing or sight of a person likely to be caused harassment, alarm or distress as a result.

5.2 The Prevent Duty - Which places a duty under the powers of the Counter-Terrorism and Security Act 2015 on relevant higher education bodies to prevent students and staff from being drawn into support for or participation in terrorism. 'Section 141

of The Prevent duty guidance 2023¹ requires specified authorities such as education, to help prevent the risk of people becoming terrorists or supporting terrorism. education institutions must help prevent people being drawn into terrorism, which includes not just violent extremism but also non-violent extremism, which can create an atmosphere conducive to terrorism and can popularise views which terrorists exploit. It is a condition of funding that all further education institutions must comply with relevant legislation and any statutory responsibilities associated with delivering education and safeguarding learners.

5.3 Extremism is defined by the UK government as 'Vocal or active opposition to fundamental British values and calls for the death of members of our armed forces, whether in this country or overseas'.

5.3.1 Keeping children safe in education 2023 (publishing.service.gov.uk)- Which is to ensure that schools and colleges in England provide a safe environment where children are protected from harm. It sets out the legal duties and safeguarding responsibilities of staff, promoting a culture of vigilance and accountability to support the wellbeing of every child in education.

5.4 In accordance with these provisions, the College will not prevent access to lawful speech. Views that are contentious, unpopular, or offensive to some may still fall within the scope of protected speech. Unlawful speech—including incitement to violence, terrorism, or hatred—is not protected and will be refused or reported where necessary.

6 **EXAMPLES OF ILLEGAL SPEECH**

6.1 Yeovil College regards the following as examples of illegal speech:

- Speech that encourages or supports violence against specific groups or individuals.
- Speech that encourages support for or participation in terrorism as defined by the Terrorism Act 2001.
- Speech that encourages or supports any other form of criminal activity.
- Normally, speech that may cause offence to individuals or specific groups and is not illegal speech as defined in (i) and (ii) above, while not necessarily supported or encouraged by Yeovil College, will be permitted, although under certain circumstances only with appropriate mitigation.

¹ [Prevent duty guidance: England and Wales \(2023\)](https://www.gov.uk/government/publications/prevent-duty-guidance-england-and-wales-2023) - GOV.UK (www.gov.uk)

- 6.2 Yeovil College recognises that its legal duties must on occasion be balanced against one another, particularly with regard to our general duty of care to staff and students, and we will ensure that any decision taken is subject to a reasonableness test (for example: where a complaint is made about a speaker or event on the grounds of perceived harassment or offence). This will include an assessment of the potentially disproportionate impact upon those who are vulnerable and protected under the Equality Act 2010.
- 6.3 While we will, as part of our duty of care to our students and staff, offer support to those who have been negatively impacted by the free expression of controversial or challenging ideas or views, we will not seek to prevent or sanction speech that is within the law.
- 6.4 We will also seek to ensure that our policies and procedures in this area reflect published best practice, such as the Equality and Human Rights Commission (EHCR) **guidance to universities on freedom of expression**².

7 **ADMISSIONS, APPOINTMENTS AND PROMOTIONS**

- 7.1 The viewpoint of a student will not affect whether they are admitted to a course. A binding offer to a student should not be varied or revoked for expressing lawful ideas.
- 7.2 Potential employers are also not required to commit to a particular point of view.
- 7.3 Staff will not be disciplined, expelled, fired or placed at risk of losing jobs, promotions or other privileges for expressing lawful ideas.

² <https://www.equalityhumanrights.com/sites/default/files/freedom-of-expression-guide-for-higher-education-providers-and-students-unions-england-and-wales.pdf>

8 RESEARCH

The College's Research Ethics (Higher Education and Staff Development) Policy outlines the processes in place to ensure good research practice, across fundamental principles of the integrity of research involving human participants and the principles of data confidentiality and access. The Policy and its Terms of Reference for Research Ethics Panel meetings ensure that decisions to approve research safeguard academic freedom, follow a transparent process and focus on ethical issues - not the quality of the research or its impact on the provider's reputation. The Policy and its associated templates and Terms of Reference ensure transparency of panel deliberations and outcomes, allowing for sampling and scrutiny of decisions taken, and assurance that research is not suppressed unnecessarily.

8.1 EXTERNAL SPEAKERS

In line with **Section 43 of the Education (No. 2) Act 1986**, the College has a legal obligation to ensure that no premises of the College are denied as a platform to any individual or body on the grounds of lawful opinion or belief. This includes ensuring that all staff involved in organising events are aware of their responsibility to uphold this duty and to refer contentious matters for appropriate risk evaluation rather than pre-emptively refusing access or engagement based on potential disagreement or controversy.

8.2 Yeovil College does not employ dedicated security staff, nor does it have provision nor budget to do so. There are steps the College can take to support the security of visiting individuals, including:

- Reservation of parking (including in a restricted area),
- Planning the visit so that arrival / departure occur outside of peak arrival and departure times,
- Not publicly promoting the visit,
- Restricting awareness internally of the visit,
- Planning in advance routes to be taken across the site,
- Providing a dedicated staff member to escort the individual during their visit.

8.3 In the very rare case that the College and the External Individual / Organisation determine that exceptional additional security measures are required, beyond those that can be provided by the College as listed above, the External Individual / Organisation must meet these costs.

8.3.1 Our approach to managing external speaker events is defined in detail within the procedures set out in Appendix A, supported by all policies which underpin our commitment to:

- Freedom of speech
- Inclusive representation
- Campus safety and wellbeing

9 BREACHES & COMPLAINTS

9.1 Any breach of the provisions of this Policy by staff, students or Governors will be punishable under the applicable Disciplinary & Grievance Policy³.

9.2 Where breaches of the criminal law occur, the College shall, where appropriate, assist with any investigations of any criminal charges, the College, shall not, unless the principal determines otherwise, proceed with any disciplinary proceedings in respect of the same matters, until the conclusion on any ongoing criminal proceedings.

9.3 Any complaints arising under this policy will be addressed in accordance with Policy 34: Customer Feedback Policy and Procedure (including complaints)⁴.

10. CONFIDENTIALITY AND NON-DISCLOSURE AGREEMENTS

Yeovil College will not use confidentiality clauses or Non-Disclosure Agreements (NDAs) in a manner that prevents or discourages any individual from exercising their statutory rights or reporting concerns protected by law.

Nothing in any confidentiality agreement, settlement agreement or contractual provision entered into by the College will prevent an individual from:

- reporting criminal offences;
- reporting safeguarding concerns;
- making a protected disclosure under the Public Interest Disclosure Act 1998;
- reporting harassment, discrimination or sexual misconduct;
- cooperating with the Office for Students, the police or any statutory or regulatory authority; or
- seeking independent legal or professional advice.

³ <https://www.yeovil.ac.uk/wp-content/uploads/2024/08/Learner-Disciplinary-Policy-and-Procedure-v1.1-1.pdf> or [Disciplinary and Grievance Policy 2024-26 v1.1.pdf](#)

⁴ [P34](#)

Any confidentiality provisions used by the College will comply with current legislation and will not restrict an individual's statutory rights.

11 RELATED LEGISLATION, POLICIES & PROCEDURES

- Higher Education (Freedom of Speech) Act 2023 and Regulatory advice 24: Guidance related to freedom of speech Published 19 June 2025
- Section 43 of the Education Act 1986
- The Education Act 1994.
- The Human Rights Act 1998
- Charity Law (mainly Charities Act 2011)
- The Equality Act 2010 (including the public sector equality duty)
- Health and Safety Law
- The Prevent Duty
- The Public Sector Equality Duty
- Office for Students Regulatory Advice 24 (19 June 2025)
- Safeguarding and Prevent Policy
- Equality Diversity and Inclusion Policy & Procedure
- Staff Code of Conduct
- Student Code of Conduct
- Research Ethics (Higher Education and Staff Development) Policy
- Disciplinary & Grievance Policy
- Learner Disciplinary & Grievance Policy
- Sexual Misconduct and Harassment Policy

APPENDICES

- Appendix 1- External Speaker Procedure
- Appendix 2 - Risk Assessment – External Speaker or Organization

EXTERNAL SPEAKER PROCEDURE

Organisers of an event that includes visiting speaker(s) or organisation(s) should, in advance of the event, seek permission from their line manager. The College manager will make the decision as to whether a risk assessment is required, based on the specific circumstances of the visit. Consideration should be given to the Prevent Guidance as well as to the Safeguarding and Equality and Diversity Policies.

If deemed appropriate (or if there are any concerns at all about the suitability of the visitor), the organiser should complete a risk assessment which includes consideration of the speaker(s) and content of any presentation, and the potential audience to whom it is intended to be delivered. The Risk Assessment form is available in Appendix 2.

The Risk Assessment should be discussed with the Yeovil College organiser's line manager prior to confirmation of the visiting speaker or organisation (at least 10 working days prior to the planned event). If the line manager has concerns about the speaker(s), content or any other aspect of the event, s/he should discuss concerns with the College's Single Point of Contact for the Prevent Duty, *the Head of Student Services*, or with the Vice Principal Curriculum & Quality. Either of these senior managers are able to veto the visiting speaker or organisation or suggest additional controls (and update the Risk Assessment) to allow the event to go ahead.

Details of all visiting speakers (speaking direct to students) are logged with the Quality team, together with a copy of the risk assessment if applicable. This should be done by submitting a request through 'Staff Forms Library' under the 'TLAQ' tab.

All external speaker risk assessments and event approvals will include a **freedom of speech compliance check**, ensuring that no event is refused solely on the basis of controversial views, unless such views breach the law (e.g., incitement to violence or hatred). Where concerns arise, these must be weighed against the legal duty to promote free expression under Section 43 of the Education Act 1986 and documented clearly in the risk assessment record.

REMOTE DELIVERY

This procedure also applies in circumstances where visitors are interacting with students online. The visit should still be risk assessed and logged as above. Additionally, any recordings or meeting links/ invites should be owned by the College host and not the visitor/visiting organisation.

Risk Assessment External Speaker or Organisation

Department/Area			Date Assessed						
Person Conducting Assessment			Date Reviewed						
Business Unit / Speciality			Date Reviewed						
Managers Name			Date Reviewed						
Detail the source of the risk , the background information, description of the Event /Task/Service									
Identify Hazards? (Identify the Potential for Harm, i.e. Harmful substance/noise/sharps/losses/impact/ physical violence/abusive behaviour/Financial loss)	Describe the Risk? (Who might be harmed, how this affects staff/learners safety or experience, impacts on the service, including staff and learners/others)	Describe what Controls / Mitigating actions are being taken to reduce the risk (including identifying gaps) Include controls from Organisation (i.e. Policies/Procedures)/Speciality-level controls/Professional - Team level controls/Technical-Controls/Individual controls	Actual Risk level (After controls have been assessed)			Are further actions necessary to reduce the risk below a Moderate Risk (6 and under) - Risks scoring 10+ these should be communicated with the Line Manager and may be raised to the College Risk Register. Detail actions below	Residual Risk level (After proposed actions are taken)		
			L	C	R		L	C	R
1									
2									

Risk Assessment External Speaker or Organisation

Take serial number from Risk Assessment	Transfer Key Actions Required for Risks	Who is responsible?	Target date/ by when?	Progress	Completed Date