



Freedom of Speech Policy

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Adopted from Freedom of Expression, a guide for HE providers by Equality and Human Rights Commission

Freedom of Speech

Freedom of expression is a key part of the higher education experience. Sharing ideas is crucial for learning and allows students to think critically, challenge and engage with different perspectives. CIA understands its legal obligation to protect free speech. The European Court of Human Rights has described the right to freedom of expression as one of the ‘essential foundations of a democratic society’ because it gives everyone the right to exchange information, debate ideas and express opinions, including political views. Respectful debate and conversation help us to challenge discrimination, get rid of intolerance and harmful attitudes, and build strong, positive communities.

There are two main pieces of legislation requiring the CIA to protect freedom of expression: the Education (No 2) Act 1986 and the Human Rights Act 1998. CIA also considers other legal duties that interact with freedom of expression, including Prevent duty and equality duty. These do not usually require restrictions to be put on lawful speech and other forms of expression. This eliminate discrimination, harassment, victimisation and other behaviours that is prohibited by the Equality Act 2010, advance equal opportunities between people who share a relevant protected characteristic and people who do not, and encourage good relations between people who share a relevant protected characteristic and people who do not, including the need to tackle prejudice and promote understanding

Article 10 of the Human Rights Act

Article 10 of the Human Rights Act states that everyone has the right to freedom of expression. This right includes freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.

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.

The Academy supports the principle of freedom of speech and expression within the law as one of the fundamental principles upon which an institution of higher education is founded. It also has regard to the need to ensure that students and staff have the freedom to question, test and to put forward new ideas and controversial or unpopular opinions, without placing themselves at any risk. Every person employed by the Academy and every student enrolling at the Academy should be aware that joining the Academy community involves obligations and responsibilities that are consistent with the above principle and the law.

Education (No. 2) Act 1986

Section 43 of the Education (No 2) Act 1986 (the s.43 duty) 11 places a legal duty on HEPs like the CIA to take ‘reasonably practicable’ steps to ensure freedom of speech within the law for their members, students, employees, and visiting speakers. This includes making sure, as far as possible, that no individual or group is stopped from using the Academy’s premises for any reason connected with an individual’s beliefs or views, or the policy or objectives of the group. This duty includes any premises used by a SU, even if they are not owned by the Academy or located on its campus. The s.43 duty applies to speech that is ‘within the law’. This means it does not cover speech that would be a criminal offence, or break civil law, including charity law. The s.43 duty refers to the freedom of speech, but this does not necessarily mean that only the spoken word is covered. Although untested in the courts, the definition of speech is likely to include written material, both printed and electronic (such as social media, email and other digital communications, slogans, posters and leaflets).

Code of practice

The s.43 duty also requires governing bodies of the CIA to have a code of practice (code) about securing freedom of speech and keep it up to date.

The code has to include:

- the procedures that members, students and employees have to follow in relation to meetings and other activities held on the premises, and
- the behaviours required of any people in connection with those activities. CIA the senior management team have to take steps to ensure their members, students and employees follow the code. This includes taking disciplinary measures, if appropriate, if they do not comply with the code. CIA also communicates with their students (at least once a year) mostly through

student handbook about the parts of the s.43 duty and code that are relevant to their activities or behaviour.

No Platform Policy

CIA will offer no platform to those who are intolerant of the free speech of others both generally and where it includes the denial of the right to hold or express an opposing opinion. This also includes those who engage in the active prevention of permitting others to speak, such as the interruption - violent or otherwise. Academy will offer no platform to those who advocate or engage in violence in the furtherance of their political, religious, philosophical or other beliefs. We will offer no platform to those who hold and disseminate views which are repugnant to the maintenance of liberty under the rule of law in the UK or who advocate or engage in the violent overthrow of democracy in the UK or elsewhere. We will also maintain a list of organisations considered by SMT to be in breach of code of conduct.

Managing Event to ensure Freedom of Speech:

Where any person or body subject to the obligations of this Code wishes to hold any event for the expression of any views or beliefs held or lawfully expressed on premises controlled by the Academy, consent shall not be unreasonably refused.

Expression of opinions which are annoying, offensive, in bad taste, or ill-mannered is not automatically unlawful and should not be the sole ground for refusal unless this would result in the Academy failing in its wider legal duties (for example, to promote equality of opportunity and good relations between persons of different racial groups).

Academy may impose such conditions and requirements upon the organisers as are reasonably necessary for all the circumstances. These may include but are not limited to, requirements as to the provision of stewards, a variation of location and time, and whether the event shall be open to the public at large. It shall be the responsibility of the organisers of the event to ensure that no articles or objects shall be taken inside the venue where the event is being held in circumstances which are likely to lead to injury, damage or breach of the law.

Summary

Any breach of the provisions of this Code shall be punishable under the Disciplinary Procedures of the Academy where applicable. It shall be the duty of those entire subject to the Code to assist the Academy in upholding the rights of freedom of speech. Where a breach of this Code occurs, it shall be a duty of all to whom this Code applies to take all reasonable steps

to secure the identification of persons involved in that breach. All breaches will be investigated by a committee responsible and submit their findings to the director to decide if external law enforcement agencies to be notified.

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