



Special Partnership Trust



FREEDOM OF EXPRESSION

Date Last Reviewed: December 2022

Review Date: December 2024



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Freedom of Expression

Context

“Freedom of expression is an essential foundation of democratic society, guaranteed by the common law and by Article 10 of the European Convention on Human Rights.” November 2020 the Joint Committee on Human Rights

Freedom of Speech and Code of Practice

As a Trust we support ensuring freedom of speech which is reinforced in two pieces of legislation:

- The 1986 Education Act states that: ‘persons concerned in the government of any establishment...shall 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.’ The School will not, therefore, as far as is reasonably practicable, deny access to its premises to individuals or bodies on the basis of their beliefs, views or policies.
- The Equality Act 2010 covers the following protected characteristics: age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation. The associated public sector equality duty requires public sector institutions, in the exercise of their functions, to have due regard to the need to:
 - eliminate discrimination, harassment and victimisation and any other conduct that is prohibited under the Act;
 - advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it;
 - foster good relations between people who share a relevant protected characteristic and those who do not share it.

Under Section 26 of the Counter-Terrorism and Security Act 2015, the School has a statutory duty to have ‘due regard to the need to prevent people from being drawn into terrorism.’ The School takes this responsibility seriously, and also affirms the need, also stated within the Act, to balance this duty with fidelity to the principles of freedom of speech. The definition of terrorism accepted by the Trust is the use or threatened use of violence for the purpose of advancing a political, religious, racial or ideological cause.

Code of Practice

This Code of Practice applies to all staff, students, governors, and visiting speakers. The School expects students, staff, governors, and visitors to ensure freedom of speech within the law is assured. Whilst there is no legal prohibition on offending others, the School nevertheless believes that discussion that is open and honest can take place if all views, including those that can be difficult to hear, are expressed and heard with tolerance and mutual respect. Students, staff, governors and visiting speakers are therefore required to demonstrate sensitivity to the diversity of the school community and to show others respect.



An event or activity which encourages or draws people into terrorism, or creates an environment of fear, harassment, intimidation, verbal abuse or violence, particularly as a result of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation is likely to be unlawful. All staff and students have a responsibility to consider these issues in the course of their work and in their use of social media.

Curriculum plans and school events and activities will be monitored by middle leaders. If it is identified that an event or activity may not comply with this Code of Practice, planning will be referred for review by the Headteacher. If they decide that the event or activity complies with the Code of Practice, it can go ahead. A named organiser should be identified for each event who is responsible for the booking and control arrangements and conduct of the events including stewarding and moderating, chairing, monitoring and entry and safeguarding procedures.

If management decide the event may pose too great a risk under the Code or Practice, the organiser will be contacted. A discussion around the content of the event with the organiser will be held to establish whether the content is likely to be in breach of the Code of Practice. If it is considered that the event is reasonably to be regarded as breaching the Code of Practice, the Headteacher shall be informed, and, after approval from the Headteacher, the proposed event shall be cancelled. The Headteacher may decide to consult with students, staff or other groups before coming to a decision, or to take legal advice. The Headteacher's decision will be final and will not be subject to appeal.

The expression of views that may be controversial, but do not breach the law or this Code of Practice, will not constitute reasonable grounds for cancellation of an event or activity. Reasonable grounds for refusal would include:

- incitement to commit a criminal act;
- unlawful expression of views;
- support for an organisation whose aims are illegal;
- the creation of an environment likely to give rise to a breach of the peace.

If students, staff, or governors believe that an event they are organising poses a risk under this Code of Practice, they are required to refer the matter in the first instance to their line manager. No advertising of the event is permitted until a decision is reached by Management (as appropriate) on its compliance with the Code of Practice.

