



Fairfield School of Business

External Speaker Policy

January 2022

Version 4.0

Approved by the Board of Governors

For Public Use

1. Policy

This policy outlines the procedures relating to events involving the use of external speakers regardless of who is organising them. It also details our approach to ensuring that we are protecting both staff and students and the reputation of Fairfield School of Business (FSB), whilst following the legislation that the School is responsible for upholding.

This policy is written with reference to the Prevent Duty contained within Section 26 of the Counter Terrorism and Security Act 2015. The Duty states that specified authorities including Further Education Colleges, in the exercise of their functions, must have “due regard to the need to prevent people from being drawn into terrorism”.

A full framework of legislation underpinning this policy is given in the Appendix.

This Policy should be read in conjunction with the School's policy for assuring Academic Freedom and Freedom of Expression.

FSB will have oversight of all external speaker events and off-campus events, and maintain a due diligence approval process to ensure such events do not pose a risk to the wellbeing of the School's community or its academic integrity.

2. Objectives

- i. To provide an environment where freedom of expression and speech are protected balanced with the need
- ii. to ensure that our community is free from harm and that incitement to hatred is never acceptable.
- iii. To provide a supportive, inclusive and safe space for students
- iv. To provide clearly defined and effective procedures to ensure that the law is upheld.
- v. To collaborate with others to reach sound, evidenced judgments about proposed external speakers
- vi. ensuring that the College can meet their legal obligations
- vii. To encourage and provide a balance of opinion at any academic discussion or debate
- viii. To communicate to all members, volunteers, staff and visitors, that it is our mutual responsibility to comply
- ix. with equality and safeguarding and that both East Durham College and the individual can be held liable if they contravene the law.

- x. To provide clear instructions for organising an event with external contribution e.g. speaker, representatives, film and guidance for researching an external speaker

Definitions

‘Freedom of speech’ and ‘Freedom of expression’ are basic human rights that are protected by law.

‘Academic Freedom’ is a term used to describe the law that allows for open and honest debate in an academic context.

The School is committed to preserving an environment in which staff and students are not prevented from exercising their civil rights as citizens, including the right to test received wisdom and contribute to social change through free expression of opinion on matters of public interest. However, it must be understood that the above are not absolute freedoms; inciting people to violence, hatred or breaking the law is illegal and such discourse has no place within any academic environment.

An ‘External Speaker’ is anybody who is neither a registered student nor a paid employee or a contractor of FSB.

An ‘event’ may be one that is hosted on School premises, an external venue, or online environment (such as live webinars), in the name of FSB or by third parties in connection with FSB or involving its students in that capacity.

General Principles

All external speaker events or away days, including those organised and/or hosted by the Student Union must be

- without risk to the academic integrity of the School, its community or its reputation;
- compliant with the law;
- in the spirit of this policy

The School will work with event organisers, and if necessary external speakers themselves, to make sure that all judgements on whether to approve or reject an application are fair and made on the basis of sound due diligence.

Where permission to run an event is granted under this policy, the organiser will be responsible for ensuring that the event is conducted in line with all applicable School

policies, particularly those relating to its obligations under the Prevent Duty, as well as any conditional restrictions set.

All speakers must be made aware by the organiser of the event of their responsibility to abide by the law and the School's various policies, including that they:

- i.* must not incite hatred, violence or call for the breaking of the law;
- ii.* are not permitted to encourage, glorify or promote any acts of terrorism including individuals, groups or organisations that support such acts;
- iii.* must not spread intolerance in the community and thus aid in disrupting social and community harmony;
- iv.* must seek to avoid discrimination against groups, particularly groups of persons with protected characteristic, within a framework of positive debate and challenge;
- v.* are not permitted to raise or gather funds for any external organisation or cause without express permission of the School;
- vi.* must not undermine, the School's shared values, namely
 - Respect for democracy and support or participation in the democratic process.
 - Respect for the basis on which the law is made and applies in England.
 - Support the equality of opportunity for all.
 - Support and respect for the liberties of all within the law.
 - Respect for and tolerance of different faiths and religious and other beliefs.

Procedural Approach

Any staff member or registered student organising an external speaker or event must follow this procedure.

The Students' Union and/or organising staff member must notify the School of any events that involve external speakers through this procedure.

Organising an Event:

All students or staff members are required to complete an External Speaker/Events Request form and submit it to their Course Leader, who will make a cursory assessment as to the suitability of the speaker and/or events; students organising events through the Student Union must submit their External Speaker Form to the Student Union Coordinator.

The form must be submitted as soon as the event date, format, and topic are confirmed, and no later than 2 weeks before the event date.

Vetting and Approval

The Course Leader or Student Union Coordinator will initially review the request form to ensure that the proposed event is relevant, appropriate and that there is no obvious risks to academic integrity or the School's academic community.

They will then forward the request form with their remarks to the Principal and the School's Designated Prevent Lead (DPL), who may conduct additional research before considering the Course Leader's or SU Coordinator's recommendations; such additional research may involve

- i.* Visiting the speaker's website (if there is one) and reviewing social media accounts (if available), as well as an internet-wide search for the comments that have been made by any parties. Where the speaker or event is associated with a company or external organisation, a search made of Companies House records, and the organisation's website and other published information;
- ii.* Further consultation with the Student Union, DSOs, Police, the Office for Students and/or the DfE/Local Authority Prevent Coordinators as appropriate;
- iii.* Consultation with other academic institutions who are known to have hosted a particular speaker, or been involved with a certain event;
- iv.* checking for links to proscribed organisations listed here: (<https://www.gov.uk/government/publications/proscribed-terror-groups-or-organisations--2>) where there is any concern about the political orientation of speakers or those involved with events, or their affiliations.

The DPL in consultation with the Principal, will then approve or reject the application, giving their rationale to the Course Leader or SU Coordinator, who will pass this on to persons requesting the event.

A decision of refusal will usually be given on the basis that:

- i.* the event or speaker's topic is irrelevant to the taught programme, or does not in any way benefit the wider student experience;
- ii.* Resources required to run the event cannot be made available;
- iii.* The event is not inclusive or discriminates unlawfully against certain groups in Breach of the School's Equality Opportunities Policy;

- iv. There is clear risk to the academic integrity of the School, its reputation or the wellbeing of its academic community, which may include:
 - potential fear, alarm or harm to staff, students or the general public;
 - potential for breach of the peace;
 - potential for misuse of the School's platform to spread extremist ideology, hatred or advocate breaking the law

- v. Hosting or attending the event may for any other reason cause the School to fail in its wider legal responsibilities.

Where the Principal is minded to refuse permission for the event, they may impart additional conditions or restrictions which, if applied, would make the request acceptable.

The Principal may, at their discretion, request the completion of a full risk assessment in relation to any external speaker activity or external event, which identifies how the organisers will respond if a risk develops during the event itself.

Reporting Concerns

Where concerns are raised prior to the event, or where an event has been refused:

External speaker events and off-campus events will be publicised with sufficient time for the members of the academic community to respond. Those wishing to raise a concern about a programmed event (for example for any reason given above in *4.8; iii and iv.*) should contact the event organiser, the Course Leader or SU representative in writing with their concerns or information about why the event may be unsuitable.

Conversely, those who feel that an event has been refused without good reason, or that a decision of refusal goes against the principles of academic freedom and freedom of speech should request a review of the decision by appealing to their Course Leader and SU Representative.

Concerns raised about an approved, programmed event will be reviewed by the Principal, the Course Leader, the DPL and an SU Representative; consultation with the wider student body may also take place. The Principal will report back to the event organiser and/or appellant(s) as to any change of decision or new conditions which apply to an event.

Where an issue has developed during an approved event:

Where an issue (such as those in *4.8; iii and iv*) develops during an event, the organiser will be responsible for the immediate control of the situation: organisers should ensure

that external speakers who express extremist ideology, hatred or advocate breaking the law should be openly and vigorously challenged in the same forum.

Following the event, the nature of the issue should be promptly reported by the organiser to the Principal and the DPL. In this instance, the School may see fit to investigate the matter fully; the outcome of such an investigation may conclude that:

- i.* there is a requirement to notify external bodies about the issue and the persons involved in order to comply with a public duty (including the Prevent Duty);
- ii.* the severity of the breach may warrant additional actions to support those affected and/or protect the School's academic integrity and its reputation

Sharing Information about an External Speaker

The School may at times need to share information about an external speaker with the other academic institutions and relevant authorities or prevent partners, this may be because:

- i.* Research into the speaker or off-campus event at the investigation stage has exposed potential risks to the safety or wellbeing of individuals or communities;
- ii.* The conduct of an academic speaker during an approved event, either on or off-campus has given rise to concerns about that person's suitability for engaging with students or any other particular groups; or
- iii.* Another institution or organisation has contacted FSB to enquire about an external speaker which the School has previously hosted.

The School is fully compliant with all applicable data protection laws and the procedures for sharing information about individuals outlined in the School's *Data Protection Policy* will therefore apply; where in doubt about externally sharing any information about individuals that is not already in the public domain, the School's Data Protection Officer should be consulted.

Where serious concerns have been raised about an individual (such as those in 4.8; *iii and iv*), the School will engage with regional DfE prevent coordinators, the Office for Students, and other local authorities; the legal basis for sharing information will be the discharge of public function, namely reporting of unlawful (or suspected unlawful) activity.

In the event of 6.1 *iii*; the School will offer a fair and honest opinion of the individual and will be mindful to avoid any criticisms which may undermine the personal or professional reputation of a speaker, where these may be open to objective opinion.

Review and Update

This policy will be reviewed and updated annually by the Designated Prevent Lead and the Principal; proposed changes to it will be reviewed by the Executive Committee and ratified by the School's Board of Governors.

3. Legal Framework

The Education (No. 2) Act 1986 (section 43(1)) places a statutory obligation on Higher Education Providers in England and Wales to 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.

This duty 'within the law' extends to ensuring 'so far as is reasonably practicable, that the use of any premises of the establishment is not denied to any individual or body of persons on any ground connected with (a) the beliefs or views of that individual or of any member of that body; or (b) the policy or objectives of that body.'

Under section 43(3), the School is also required to issue, and keep up-to-date, a policy of practice on freedom of speech, setting out the procedures to be followed by students and staff in connection with the organisation of meetings and activities which fall within any class specified within this policy, together with the conduct required of staff and students in connection with such meetings and activities.

For the purposes of the Act, the School's duty extends to Student Union activities.

The Higher Education and Research Act 2017 (HERA) makes it clear that all universities and colleges which register with the Office for Students (OfS) must uphold the existing laws around freedom of speech and follow the OfS's regulatory framework. Under the framework the governing bodies of registered universities and colleges should take 'such steps as are reasonably practicable to ensure that freedom of speech within the law is secured within the provider.'⁴ HERA also includes a general duty for the OfS to protect institutional autonomy including academic freedom.

The Education Reform Act 1988 (section 202) (reinforced by the Higher Education and Research Act 2017) makes clear 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 in jeopardy of losing their jobs or privileges they may have at their institutions.

The Public Order Act 1986 creates criminal offences relating to public order; to control public processions and assemblies; to control the inciting of racial hatred or on the grounds of religion or of sexual orientation.

The Protection from Harassment Act 1997 creates both civil and criminal offences for harassment and makes provision for protecting persons from harassment and similar conduct.

The Human Rights Act 1998 in particular Article 9 (freedom of thought, conscience and religion); Article 10 (freedom of expression); and Article 11 (freedom of assembly and association).

The Equality Act 2010 requires the School, in the exercise of its functions, to have due regard to the need to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations between different groups.

The Terrorism Act 2006 creates offences relating to the encouragement of terrorism and dissemination of terrorist publications, including publishing, or causing another to publish, a statement likely to be understood as a direct or indirect encouragement or other inducement to the commission, preparation or instigation of acts of terrorism with the intent that members of the public will be directly or indirectly encouraged or otherwise induced by the statement to commit, prepare or instigate acts of terrorism, or being reckless as to whether that effect will be caused. 4 Office for Students: Advice and guidance – Freedom of Speech 8

The Counter-Terrorism and Security Act 2015 creates a general duty on the School when exercising its functions to have due regard to the need to prevent people from being drawn into terrorism having particular regard to the duty to secure freedom of speech imposed by section 43(1) of the Education (No. 2) Act 1986 when carrying out that duty.



Version Tracking:

Version	Author / revisions by	Changes summary	Approved by	Date
1.0 - 3.0	Executive Committee Designated Prevent Lead	Original version and subsequent updates.	Board of Governors	Jan 2017 Sep 2017 Mar 2018 Sep 2018
3.1	Executive Committee Designated Prevent Lead	Revised procedural guidance for vetting speakers, Added concerns reporting procedure, Added provision for sharing information about external speakers	Board of Governors	Sep 2019
3.2	Executive Committee Designated Prevent Lead	Annual review and update. Minor factual corrections	Board of Governors	Oct 2020
4.0	Quality Unit Executive Committee Designated Prevent Lead	Updated with clarified definitions of academic freedom and freedom of expression	Board of Governors	Mar 2022