



Code of Practice on Freedom of Speech

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Strategic Planning and Governance

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Code of Practice on Freedom of Speech

1. Introduction

- 1.1 The Education (No 2) Act 1986 requires JC Training & Consultancy and all concerned in its government to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for its members¹, students and employees and for visiting speakers. The Act also imposes the duty to issue a Code of Practice to set out the procedures and conduct required of those organising or attending meetings or other activities. JC Training & Consultancy 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.

2. Definitions

2.1 Freedom of Speech:

The duty on universities under the Education Act 1986 is to ensure, 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:

- 2.1.1 The beliefs or views of that individual or of any member of that body; or
- 2.1.2 The policy or objectives of that body.

2.2 Freedom of Expression - Article 10 of the Human Rights Act states that:

S1 *“Everyone has the right to freedom of expression. This right includes the freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.*

S2 *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.”*

- 2.3 Academic Freedom Section 202 of the Education Reform Act 1998 provides a requirement for pre-1992 institutions 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 in jeopardy of losing their jobs or privileges they may have at their institutions.”

- 2.4 JC Training & Consultancy’s statutes in Statute XV further address academic freedom as a guiding principle:

“This Statute and any Ordinance or Regulation made under this Statute shall be construed in every case to give effect to the following guiding principles, that is to say-

(1) 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 in jeopardy of losing their jobs or privileges;

(2) to enable JC Training & Consultancy to provide education, promote learning and engage in research efficiently and economically; and

(3) to apply the principles of justice and fairness.”

3. Principles

- 3.1 The principles of freedom of speech, freedom of expression and academic freedom are important to universities because they define their role as being one where debate is positively encouraged, and where a range of ideas can be considered, examined and dissected both in academic programmes and in the wider life of the institution. Universities are considered places where differing and difficult views can be brought forward, listened to and challenged.
- 3.2 Freedom of speech under section 43 of the Education (2) Act 1986 is of fundamental importance for universities as it imposes a positive and proactive legal duty. The obligation is not merely to refrain from limiting or infringing freedom of speech, but rather to do all that is reasonably practicable to ensure that freedom of speech is secured. The duty is directed at freedom of speech for all participants in university life – members, students, staff and visiting speakers. Academic staff are also afforded the additional right to academic freedom as set out in paragraphs 2.3 and 2.4 above.
- 3.3 This does not mean however that the right to freedom of speech and expression is unrestricted. As set out in the Human Rights Act in paragraph 2.2 above, the

principles of freedom of speech and expression must be exercised with regard to the other relevant legal requirements that JC Training & Consultancy must comply with. This includes laws that protect national security and public safety, for the prevention of disorder or crime and for the protection of the legal rights of others (e.g. in relation to harassment and discrimination).

4. Lawful restrictions on freedom of speech

- 4.1 JC Training & Consultancy will not unreasonably refuse to allow events to be held on its premises unless a conflicting legal provision is identified as a reason to refuse/restrict events. A summary of current relevant legislation is included in Appendix 2. The list is not exhaustive and will be updated as necessary.
- 4.2 The expression of controversial views which do not breach the law will not constitute reasonable grounds for withholding permission for an event.
- 4.3 Reasonable grounds for refusal include, but are not limited to, the fact that the event is likely to:
 - Incite those attending to commit a criminal act;
 - Lead to the unlawful expression of views;
 - Support for an organisation whose aims, and objectives are illegal or are on a UK government proscribed organisations list (as indicated by JC Training & Consultancy's Prevent Working Group or Security);
 - Give rise to a breach of the peace; • Promote radicalisation and extremism.

5. Procedures for organising events/speakers (see also procedures flow charts Appendix 1a and Appendix 1b)

- 5.1 **An Event – External Speaker¹ Booking Form²** must be completed for all events taking place on premises managed by JC Training & Consultancy or JC Training & Consultancy's Students' Union before the room booking request is submitted through the appropriate agency. The form (Part A and Part B) must be completed at least twenty-one days prior to the event taking place and enables a risk assessment of the event to be undertaken.

¹ Visiting academics delivering lectures/seminars as part of a planned module do not constitute an event under this policy

² Event Booking form is available in Appendix 3

Off-site Events

5.2 The External Speaker booking form must be completed for all events taking place in a venue not on University premises when the event is organised by a student or a member or staff and where one or both of the following criteria are met:

1. The target audience for the event is predominantly JC Training & Consultancy staff/students;
2. Advertising for the event carries JC Training & Consultancy branding.

The form (Part A and Part B) must be completed by the lead person organising the event at least twenty-one days prior to the event taking place and enables a risk assessment of the event to be undertaken.

5.3 Any concerns are identified in relation to the event or any speakers these will be raised/discussed with the relevant departments/advisory groups in the first instance. This may include (as appropriate):

- The Prevent Strategy Working Group
- Security, Health and Safety
- Strategic Planning and Governance
- Communications

5.4 If a risk is identified in the Event and Speaker Booking Form, either by the person completing the form, by the relevant department/advisory group, or by the person taking the booking, the proposed event will be flagged as a '*specified event/meeting*'.

5.5 A '*specified event/meeting*' is defined as:

5.5.1 any meeting or activity where any factor such as the reputation of a speaker or the subject matter makes it likely that a speaker when entering or leaving the venue may be so impeded as to imperil safety, or where a speaker may be prevented from participating in the meeting or activity; and/or

5.5.2 any meeting or activity where any factor such as the reputation of a speaker or the subject matter makes it likely that one of the legal restrictions on freedom of speech (as identified above) will apply.

5.6 This definition applies to any meeting or activity held on JC Training & Consultancy premises and to any meeting or activity not held on JC Training & Consultancy premises that meet the criteria set out in 5.2 above.

5.7 In the detailed procedures that follow references to “the Director” refer to the Director of Strategic Planning and Governance.

6. Notification of specified events/meetings to the Director of Strategic Planning and Governance

- 6.1 If members of JC Training & Consultancy or the Students' Union have identified that a proposed event or meeting poses a risk under this Code, they must notify the Director that it is a potential '*specified event/meeting*'. Concerns about an event or meeting may also be raised directly by the Prevent Strategy Group.
- 6.2 The Director has absolute discretion to decide whether any meeting or activity is a '*specified event/meeting*'.
- 6.3 Where there is any doubt about the classification of a meeting or activity, the person wishing to hold the meeting or activity must consult the Director who may seek advice from the Prevent Working Group and other relevant Pro Vice-Chancellors, officers or departments.
- 6.4 If a student, or person acting on behalf of a student organisation, makes an application to hold a '*specified event/meeting*' to the Director s/he must, at the same time, provide a copy of the application to the Chief Executive Officer and/or President of the Students' Union.
- 6.5 If a member of staff wishes to invite a speaker from outside JC Training & Consultancy to lecture, or to conduct a seminar or other presentation within the general educational programme and the speaker or subject choice would meet the definition of a '*specified event/meeting*', s/he must first consult his or her/his Head of School. The Head of School will inform and consult with the Director.
- 6.7 No '*specified event/meeting*' can be advertised or held until permission has been granted by the Director.

7 Timing of notification

- 7.1 All event booking forms and speaker risk assessments will need to be submitted at least 21 days prior to the event taking place.
- 7.2 If any issues relating to this Code of Practice are raised or if it is identified that the event/meeting is a '*specified event/meeting*' the Director must also be notified in writing at least 14 days before the proposed date of that event/meeting.
- 7.3 If an event has been advertised, students or staff may still make representations to the Director if they feel it could breach JC Training & Consultancy's Code of Practice on Freedom of Speech.

8 Action to be taken by the Director of Strategic Planning and Governance

8.1 When the Director receives notice of a proposed specified event/meeting, s/he will consider all relevant information relating to the specified meeting and will take one of the following actions:

8.1.1 Indicate that s/he does not wish to take any action under 8.1.2 or 8.1.3 below; or

8.1.2 Identify specific conditions that are necessary to be implemented in order to hold the specified event/meeting in order to ensure legal compliance with JC Training & Consultancy's statutory responsibilities; or

8.1.3 Indicate that the specified meeting/event cannot go ahead as she/he does not consider it possible, within the resources available to JC Training & Consultancy, for the meeting to take place within the law or the safety of attendees cannot be assured.

9 Conditions that may be required by the Director of Strategic Planning and Governance

9.1 If the Director decides the event complies with JC Training & Consultancy's Code of Practice it can proceed to be held. The Director may, however, require the organisers to put in place safeguards, such as extra security or an appropriate and well-informed chair with the power to intervene or close the event down if there is a breach of the Code.

9.2 The Director will have absolute discretion to impose such conditions as s/he may consider appropriate, and will indicate any charges to cover any additional costs involved.

9.3 The Director may seek advice from the Prevent Working Group and other relevant Pro-Vice-Chancellors, officers or departments on relevant conditions to impose.

9.4 The costs of any additional portering, stewarding, cleaning or damage arising from the specified meeting will be the responsibility of the event organiser. The Director, in appropriate cases, may consult the President of the Students' Union about arrangements and in particular about conditions and charges.

9.5 Entry to specified meetings may be restricted either at the request of the event organiser or at the instruction of the Director. When control of entry is required, it may be by ticket, by invitation, by membership, by University

identity card or other identity card, or by any means agreed between the Director and the applicant.

- 9.6 The Director may decide that one or more nominated members of JC Training & Consultancy must be present at a specified meeting. In appropriate cases this may be done in consultation with the President of the Students' Union.
- 9.7 The Director may specify that a Chair must be appointed to attend and manage the event/meeting. The appointed Chair will ensure, as far as is reasonably practicable, that conduct at the specified meeting is within the bounds of commonly acceptable behaviour and complies with this Code and other applicable JC Training & Consultancy Codes of Practice, including JC Training & Consultancy's Prevent Policy.
- 9.8 When a Chair is appointed for an event/meeting, it will be the responsibility of the Chair during the event/meeting to decide whether the event/meeting can continue or must be terminated. The Chair will also take the advice of any persons nominated by the Director under paragraph 9.6 (above) if present.
- 9.9 At specified meetings, the nominated Chair and the applicant will be responsible, as far as is reasonably practicable, for ensuring that speakers comply with the law.
- 9.10 In the light of changed circumstances, or factors not known at the time of application, the Director may amend the conditions imposed, or cancel an event/meeting at any time during the process.

10 Sanctions and penalties

- 10.1 Any person wishing to hold a 'specified event/meeting' must inform the Director of Strategic Planning and Governance. Failure to do so breaches this Code and JC Training & Consultancy may initiate disciplinary measures, whether or not any disruption or action to prejudice freedom of speech occurs at the meeting or activity.

11. Conduct

- 11.1 It is the duty of every member or employee of JC Training & Consultancy to refrain from any conduct or course of action which prejudices the lawful exercise of freedom of speech.

- 11.2 It will be a disciplinary offence for any member or employee of JC Training & Consultancy to act at a specified meeting in a disruptive or intimidatory manner for the purpose of preventing a speaker from being heard, or preventing the discussion or transaction of any other business for which the meeting has

been held. It will be a disciplinary offence for any member or employee of JC Training & Consultancy to aid or encourage other persons in such actions.

11.3 Additionally, if any such actions by members, employees or other persons involve alleged offences which could be breaches of the law, JC Training & Consultancy will assist the police in any subsequent criminal proceedings.

11.4 Members or employees of JC Training & Consultancy attending a specified meeting will be expected to comply with the rulings and requests of the Chair of the specified meeting or any person so authorised by the Chair. Such requests may include requests to withdraw from the meeting.

12. Protests and demonstrations

12.1 Without prejudice to the right of peaceful demonstration, members or employees of JC Training & Consultancy will not obstruct access to or egress from a specified meeting and will not aid or encourage other persons to cause such obstruction.

13. Students' Union Premises

13.1 In accordance with Section 43(8) of the Education (No 2) Act 1986, any reference to the premises of JC Training & Consultancy will be taken to include a reference to the Students' Union premises.

14 Risk Register of Speakers Register of Referrals under the Freedom of Speech Code/Prevent Policy

14.1 A log of all event/meeting requests and bookings will be kept by the department receiving the booking request/ making the booking (Room booking Department, Students' Union, Conferences Office, School Office).

14.2 A risk register of all external speakers who are considered under the procedure for 'specified events/meetings' will be forwarded to the Director of Strategic Planning and Governance noting the details of the booking and where potential risk was identified the referral steps taken and the outcome of the decision. A copy of the Risk Register Template is included in Appendix 4.

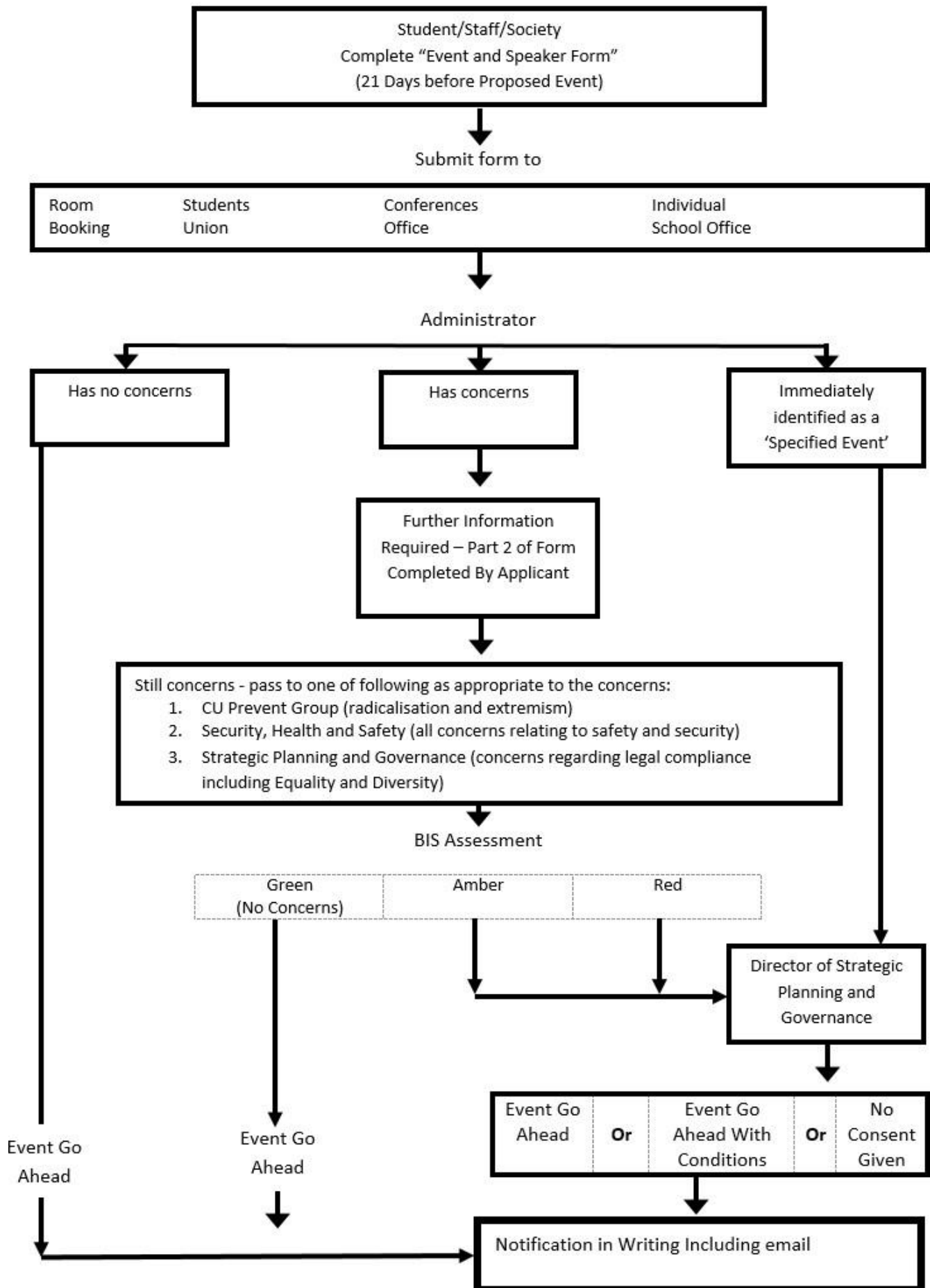
15. Other relevant policies

JC Training & Consultancy Prevent Policy

Dignity at Work and Study policy

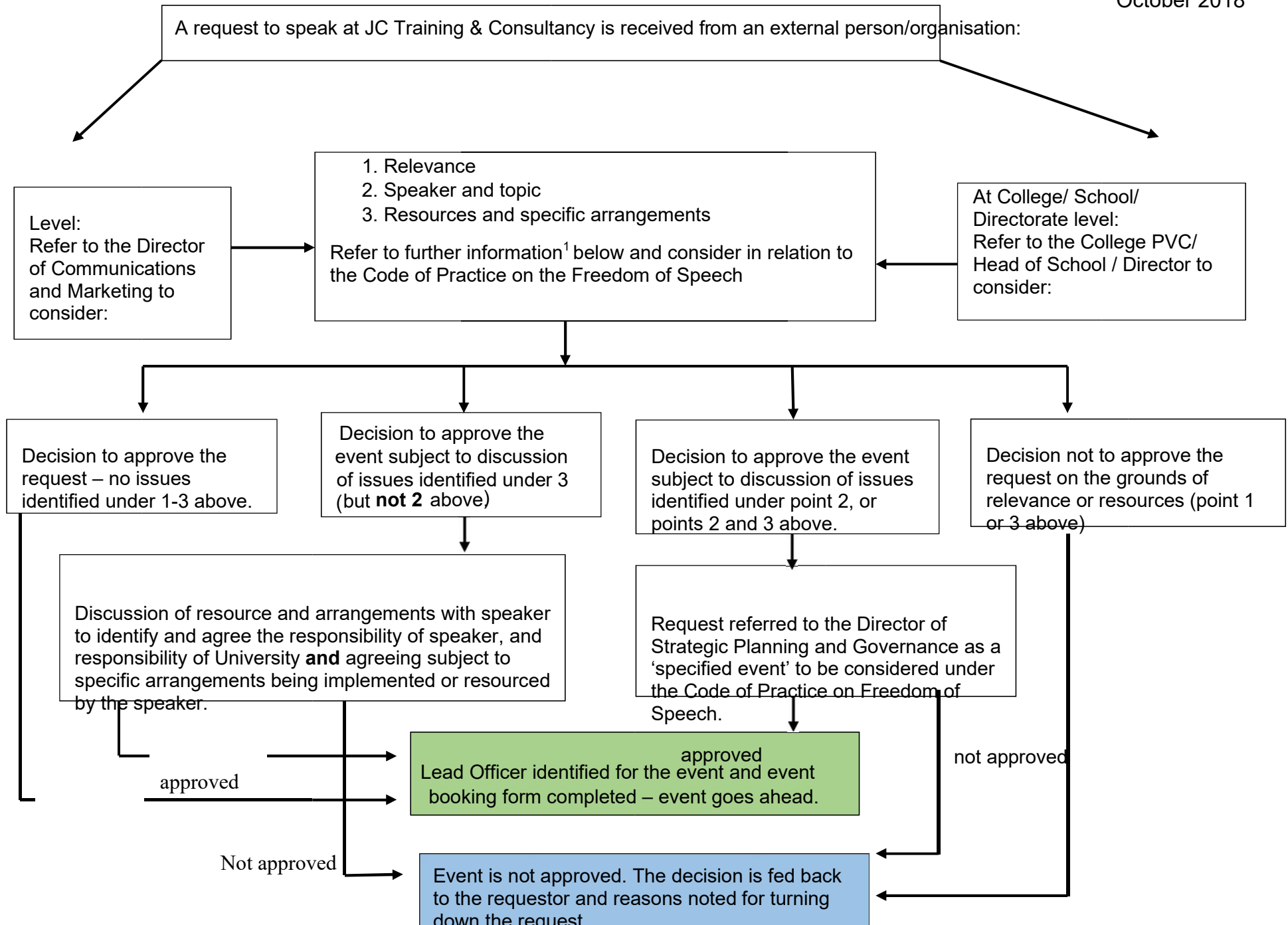
Equality & Diversity Policy

Prevent and Specified Event Decision Making Flow Chart



Appendix 1b. Request to speak at JC Training & Consultancy from an external party

July 2025
October 2018



¹ The request should be considered under the following non exhaustive list of headings and also in conjunction with the Code of Practice on Freedom of Speech

1. Consideration of Relevance

- Does it fit with current events programme
- Is there a clash with another speaker/event
- Has the topic already been discussed recently
- Is the focus relevant e.g. HE/Wales

2. Consideration of speaker and subject

- Does it raise issues of concern under the Code of Practice on Freedom of Speech in relation to e.g. Prevent, equality and diversity, inciting hatred, defamation etc.
- Identified as a ‘specified meeting’² (see Code of Practice on Freedom of Speech for definition)

3. Consideration of Resources and Specific Arrangements Required

- Organisation of the event (e.g. Appointment of Chair, Invitation of additional speakers (to present balanced views), Opportunities for questions / questions must be submitted beforehand
- Security (e.g. Arriving at and leaving the venue, meeting & greeting arrangements, staffing entrances, ticketing, designated protest areas, police presence, bag searches (on entrance), liaison with local authority, personal safety arrangements required by the speakers themselves)
- Space (e.g. availability of venues, access requirements of speakers & attendees) - Refreshments

Appendix 2: Summary of relevant legislation (this list is provided as guidance only and is not intended as an exhaustive list as other relevant legislation may apply)

Section A – Legislation that puts obligations on universities to promote, protect and respect freedom of speech and freedom of expression and academic freedom

Section B – legislation that may restrict right to exercise freedom of speech & freedom of expression

Section A: Freedom of speech and academic freedom

The Education (No. 2) Act 1986

Section 43 of the Education Act (No. 2) 1986 establishes the following legal duty: ‘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.

Section 43 imposes a positive and proactive legal duty. The obligation is not merely to refrain from limiting or infringing freedom of speech, but rather to do all that is reasonably practicable to ensure that freedom of speech is secured. The duty is directed at freedom of speech for all participants in university life – members, students, staff and visiting speakers.

Without detracting from, or limiting in any way, that broad duty, section 43 also imposes a number of specific further obligations:

- A duty on governing bodies to issue, and keep updated, a code of practice regarding the organisation of meetings and other activities on JC Training & Consultancy’s premises;
- A duty on every individual and body of persons concerned in the government of the institution to take such steps as are reasonably practicable (including, where appropriate, the initiation of disciplinary measures) to secure that the requirements of the code of practice are observed;
- A duty to ensure that the use of any university premises is not denied to any individual or body of persons solely on the grounds of their beliefs, views, policies or objectives.

The section 43 duty is directed at the governing body and senior management. While it does not directly apply to staff or to students or students’ unions, the duty is indirectly applied to them through the required code of practice and rules and practices adopted to support and implement the section 43 duties.

The Education Reform Act 1988 – academic freedom

‘Academic freedom’ is a term used in relation to section 202 of the Education Reform Act 1988, which for pre-1992 universities required university commissioners to have regard, inter alia, 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 in jeopardy of losing their jobs or privileges they may have at their institutions.’

It prevents academic staff being disciplined, dismissed or suffering other detriment on the grounds that they have exercised academic freedom.

Protection conferred by section 202 of the Education Reform Act 1988 is limited to academic staff only, rather than staff generally. Students and visiting speakers are not covered and cannot invoke a right of ‘academic freedom’. The right to academic freedom is qualified by the phrase ‘within the law’; as with the duties to ensure free speech under section 43 of the Education (No. 2) Act 1986, the boundaries on academic freedom are set by the criminal and civil law, with the effect that acts which are unlawful are not protected.

The Human Rights Act 1998

The Human Rights Act incorporates the European Convention on Human Rights into UK law.

A number of Convention rights are relevant to freedom of speech and expression:

- Freedom of thought, conscience and religion (Article 9) – including the freedom, either alone or in community with others, and in public or private, to manifest one’s religion or belief, through worship, teaching, practice and observance
- Freedom of expression (Article 10) – including the freedom to hold opinions and to receive and impart information and ideas without interference by public authority
- Freedom of assembly and association (Article 11)

These Convention rights under Articles 9 to 11 are not absolute, but qualified. The Convention states that, ‘the exercise of these freedoms, since they carry with them 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’ for the following purposes:

- 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 the prevention of the disclosure of information received in confidence

Human Rights legislation, provides both protection of freedom of expression, and protection from discrimination as follows:

- Freedom of expression is a fundamental right protected under the Human Rights Act 1998 by Article 10 of the European Convention on Human Rights. It is also a fundamental right under common law
- Protection under Article 10 extends to the expression of views that may shock, disturb or offend the deeply-held beliefs of others
- Any restrictions on freedom of expression must always be clearly set out in law, necessary in a democratic society for a legitimate aim, and proportionate
- Freedom of expression may be limited in certain circumstances, including in order to protect others from violence, hatred and discrimination
- Freedom of expression may also be limited in order to protect the rights of others (e.g. under the Equality Act)

When looking at what constitutes a lawful restriction of freedom of expression it can be difficult to balance the legal rights afforded under the Human Rights Act and equality legislation and therefore looking at context and other relevant legislative provision is important.

Section B: Legal constraints

Equality Act 2010:

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.

JC Training & Consultancy has a duty to ensure that its staff and students are able to work, study and live in an environment free from unlawful intimidation, harassment or abuse, Hate crime and incitement to commit illegal acts.

Under the Equality Act, the public sector equality duty requires universities, 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.

Training organisations will be vicariously liable for harassment committed by their employees or agents– including the harassment of staff and of students.

Unlawful harassment occurs where there is unwanted conduct (speech or action) which relates to a protected characteristic which has the purpose or effect of violating another’s dignity or of creating a hostile, intimidating, offensive or humiliating environment.

Criminal law restrictions

Public Order Act 1986 – violent, threatening or abusive conduct and speech

The Public Order Act 1986 contains a range of criminal offences which can be committed by speech and conduct and therefore limit the exercise of the rights to freedom of speech and expression and academic freedom. These offences are characterised by violent conduct or by speech or actions which threaten violence or cause fear, alarm or distress.

Protection from Harassment Act 1997

This legislation creates both criminal offences and gives rise to civil rights and remedies. This legislation provides protection against a course of conduct which amounts to harassment and which the offender knows to amount to harassment, or which a reasonable person in possession of the same information would think amounted to harassment of the other. A course of conduct must consist of at least two separate acts, there is no definition of harassment. However, case law indicates that the conduct in question must be ‘oppressive and unacceptable’ and in the context of civil claims be serious enough to be at a level that would sustain criminal liability. The provision applicable in England and Wales also creates a separate offence of ‘putting people in fear of violence’.

Racial and religious hatred

The Public Order Act 1986 also contains specific offences relating to the stirring up of racial and religious hatred. The religious hatred offences differ significantly more than those relating to racial hatred, and are much more narrowly focused.

Racial hatred

The following acts are criminal offences if they are committed with the intention of stirring up racial hatred or if, in all the circumstances, they are likely to stir up racial hatred:

- The use of threatening, abusive or insulting words or behaviour
- The display of any written material which is threatening, abusive or insulting
- The publication or distribution of written material which is threatening, abusive or insulting
- The public performance of a play which involves the use of threatening, abusive or insulting words or behaviour
- The distribution, showing or playing of a recording of visual images or sounds which are threatening, abusive or insulting
- The possession of written material or a recording of visual images or sounds which is/are threatening, abusive or insulting, with a view to their display, distribution, publication or playing

Religious hatred

Religious hatred offences (introduced into the Public Order Act 1986 by the Racial and Religious Hatred Act 2006) occur where the following actions are committed with the intention to stir up religious hatred:

- The use of threatening words or behaviour
- The display of threatening written material
- The publication or distribution of written material which is threatening
- The public performance of a play involving threatening words or behaviour
- The distribution, showing or playing of a recording of visual images or sounds which are threatening
- The broadcasting of a programme which includes threatening visual images or sounds
- The possession of written material or the recording of visual images or sounds which are threatening, with a view to their display, distribution, publication, playing or broadcasting

Terrorism offences

In the context of this report, the principal offences under the Terrorism Acts 2000 and 2006 are as follows:

Directly or indirectly -

- Inciting or encouraging others to commit acts of terrorism, including through the glorification of terrorism
- Belonging to or professing to belong to a proscribed organisation or to support a proscribed organisation
- Disseminating terrorist publications, including those publications that encourage terrorism, and those that provide assistance to terrorists
- Possessing a document or record containing information of a kind likely to be useful to a person committing or preparing an act of terrorism
- Offences associated with terrorist property (including, but not limited to, money)
- Giving or receiving training in terrorist techniques and attendance at a place of terrorist training

A number of these offences directly restrict freedoms of speech and expression, and academic freedom, by making the relevant speech or conduct unlawful.

JC Training & Consultancy's Prevent Policy should be referred to for further information on terrorism offences and University responsibilities.

Civil law constraints

The rights to freedom of speech and expression and academic freedom within the law are also subject to a number of civil law constraints (e.g. defamation).

Appendix 3: Event and Speaker Booking Form

Event and Speaker Booking Form

The purpose of this form is to ensure that all events are organised to meet the standards set out in JC Training & Consultancy's Code of Practice to Ensure Freedom of Speech. This form is also designed to identify how JC Training & Consultancy can assist with security/other arrangements where speakers/topics may be at risk of disruption/protest.

If you are a member of **University Staff** you must complete Part A of this form. If you consider there is a **potential risk or considerations relating to the Code of Practice on Freedom of Speech** at the proposed event **you must also complete Part B**. Please note if you do not complete Part B and the event is later deemed not to be low risk it may be withdrawn.

It is mandatory for **all other organisers** of a proposed event (i.e. anyone who is not a University member of staff, including students and societies) **to complete Part A**

It is strongly advised that invitations or other arrangements for the proposed event are not sent prior to the booking being accepted.

PART A

1. Proposed Event Details

Name of student society / department / school/ group wishing to make booking:

Event organiser & contact details (*Person responsible for the booking*):

Title and subject of proposed of event:

Name of Guest Speaker:

Proposed date of event: Start time /Finish time: