

HTFT Partnership

Freedom of Expression Policy

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Freedom of Expression Policy 2015

1. Introduction

1.1 Freedom of Expression is a fundamental right under both British and European law and is protected by Article 10 of the European Convention on Human Rights. Article 10 is a qualified, not an absolute right which means that the rights of the individual must be balanced against the interests of society.

Article 10 allows for restrictions to be placed for specific purposes.

1.2 This Policy describes the philosophy, principles and procedures relating to our responsibility to foster freedom of expression and the circumstances in which that freedom may be restricted in order to prevent violence, abuse or discrimination. The Policy also details HTFT Partnership's responsibilities regarding visiting speakers, including external lettings.

2. Objectives

2.1 To clarify HTFT Partnership's responsibility to promote freedom of expression.

2.2 To identify the circumstances under which freedom of expression may legitimately be restricted.

2.3 To outline HTFT Partnership's responsibilities regarding visiting speakers including external lettings.

3. Related Policies, Procedures and Documents

3.1 Safeguarding and Protecting Children and Vulnerable Adults Policy;

3.2 The Counter Terrorism and Security Act 2015;

3.3 Prevent Strategy 2014-15;

3.4 Prevent Risk Assessment/Action Plan 2015;

3.5 Freedom of Expression Legal Framework, Equality and Human Rights Commission March 2015;

3.6 Equality Scheme;

3.7 Staff Code of Conduct.

3.8 Other policies and documents may be identified from time to time as circumstances change and may be added to this list.

4. Rationale

4.1 Section 43 of the Education (No 2) Act 1986, places a positive duty on Further and Higher Education establishments to ensure that freedom of speech within the law is secured for their members, students and employees and for visiting speakers.

- 4.2 Training organisations delivering Apprenticeships are expected to allow open debating of challenging ideas which may need to use controversial resources. Controversial materials should not be left unchallenged by the member of staff using them.

5. Core Principles

- 5.1 HTFT Partnership has a duty to promote fundamental British values. These are:
- i. democracy
 - ii. the rule of law
 - iii. individual liberty
 - iv. mutual respect and tolerance of those of different faiths and beliefs
- 5.2 Freedom of expression does not protect statements that unlawfully discriminate against or harass, or incite violence or hatred against, other persons and groups, particularly by reference to their race, religious belief, gender or sexual orientation, nor does it limit or undermine the human rights of others.
- 5.3 HTFT Partnership is subject to the statutory duty to have due regard to the need to promote good relations between different communities protected by equality law. This may require active challenge to the use of offensive communication and hate speech.
- 5.4 HTFT Partnership also has statutory duties under the Counter Terrorism and Security Act 2015, to prevent people from being drawn into terrorism.
- 5.5 Although there is no universally accepted definition, hate speech is generally understood to describe forms of expression which incite violence, hatred or discrimination against other persons and groups, particularly by reference to their ethnicity, religious belief, gender or sexual orientation, language, national origin or immigration status.

6. Equality Analysis

- 6.1 By virtue of the Equality Act 2010, HTFT Partnership has a duty to have due regard to the need to:
- i. Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct;
 - ii. Advance equality of opportunity between people of different groups;
 - iii. Foster good relations between people of different groups when implementing the strategy.
- 6.2 In implementing this Policy and associated procedures, HTFT Partnership will actively take these aims into account as part of its decision making process and will demonstrate how this has been undertaken
- 6.3 Where necessary a full equality impact assessment will be undertaken.

7. Implementation, Monitoring and Review

- 7.1 The leadership team will be accountable to the Governance board for the delivery of this Policy. Consultation with College members will form an integral part of the process.
- 7.2 This Policy will be reviewed every three years and updated, as applicable, to ensure that it remains appropriate in the light of a relevant changes to the law, organisational policies or contractual obligations.