

THE SHEFFIELD COLLEGE FREEDOM OF SPEECH

Code Of Practice Issued by the Sheffield College in accordance with
Section 43 Education (No 2) Act 1986, Article 10 of the Instrument of
Government and the Human Rights Act 1998

Scope of the Code

- 1 The requirements of this code apply to all the staff of Sheffield College, Agency Staff, Contractors and their employees, the students at Sheffield College, including members of the Student Union and the Governors of Sheffield College.
- 2 This code must be read in conjunction with other Sheffield College policies and procedures, which are referred to in the Staff handbook and Student handbook and which are intended to:
 - Protect free speech within the law.
 - Protect staff and students from discrimination and harassment, whether sexual, racial, political, religious or personal.
 - Protect staff and students from any action which intimidates or gives reasonable cause to be fearful, anxious or threatened.
 - Act firmly against violence and the threat of violence, disorder and breach of the peace and any other unlawful action.

Governing Body responsibilities under The Education (No 2) Act 1986 (the “Act”)

- 3 The Act requires every individual and body of persons concerned in the government of any further education institution 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.”[SS(1)]

(A “visiting speaker” is defined as anyone properly invited to Sheffield College in accordance with the Code.)
- 4 The Act further requires the Governing Body of the institution to issue and keep up to date a Code of Practice setting out the procedures to be followed by members, students and employees of the establishment in connection with the organisation of events which are to be held on Sheffield College premises and the conduct required of such persons in connection with any such meeting or activity.
- 5 Finally, every individual and body of persons concerned in Sheffield College governance is required to take such steps as are reasonably practicable (including where appropriate the initiation of disciplinary measures) to secure compliance with the Code of Practice.

Principles of the Code

- 6 The Sheffield College affirms its commitment to freedom of speech. It must, however, take account of its other legal obligations, beyond those imposed by the Act. For example, a speaker who incites an audience to violence, breach of the peace or racial hatred is acting contrary to public order laws and shall not be regarded as lawful speech within the remit of this code. Speakers must respect the rights and freedom of others as protected by the law (for example, they must not make statements which are actionable for defamation).
- 7 All events taking place on Sheffield College premises are private, unless the public is expressly invited to attend. For the avoidance of doubt, by virtue of Section 43 (8) of the Act this code applies to any premises occupied by the Student Union.

Events covered by the Code

- 8 The Code is concerned with ensuring that all members, students and employees of Sheffield College, and visiting speakers, have freedom of speech within the law.
- 9 In the case of events organised by students, speakers preferably should come at the invitation of the Local College Student Forum (LCSF) or of a club or society recognised by the LCSF. An invitation should not be sent by a student or students individually without prior consultation with the LCSF. The local College Director should be informed before an invitation is issued.
- 10 In the case of events organised by College staff, in connection with a programme of study, speakers must be invited by the Principal. A department member or members of the staff wishing to arrange such an invitation, must first consult their Line Manager and relevant Director before seeking the Principal's permission to issue any invitation.
- 11 In the case of events organised by Sheffield College, outside normal teaching activities / not covered in paragraphs 9 and 10, above speakers must come at the invitation of the Governing Body collectively or a member or members of the Governing Body. The latter must first consult the Chair of the Governing Body or (in his or her absence) the Vice Chair of the Governing Body.
- 12 Where the event is organised by the Student Union or by a club or society recognised by Sheffield Student Union, it must be held in one of the limited number of rooms specified by the College. The list of specified rooms may be obtained from each local College Director.

Conditions for the use of Sheffield College premises

- 13 Where an event is organised by any of the people referred to in the sections above, the organisers should appoint one person as the principal organiser in order to simplify communication and liaison between the organisers and Sheffield College and to avoid confusion.
- 14 The principal organiser of an event must give the local College Director at least four weeks written notice of the meeting, setting out the proposed date, time and place of the event; the subject of the address; the name and identity of the speaker; the anticipated numbers of participants and a statement whether the event is going to be private or open to the public. Exceptionally, where four weeks' notice is impractical, the local College Director will have discretion to accept shorter notice.

- 15 The principal organiser of such an event must book one of the specified rooms through the relevant Centre Operations Manager using the standard booking form. This should be done before notice of the meeting is given to the local College Director. If all the specified rooms are already booked, the meeting must be held over until one of the rooms becomes free.
- 16 Within one week of receiving notice from the principal organiser, the local College Director will respond in writing. If permission is granted, the local College Director may attach any conditions considered necessary for the fulfilment of Sheffield College’s legal obligations to protect and secure freedom of speech and/or any other legal obligation and/or to fulfil any other Sheffield College requirement or rule.
- 17 These conditions may, for example, include:
- the need for a thorough risk assessment
 - adherence to relevant Sheffield College policies and procedures
 - payment of relevant costs (eg additional security)
 - the appropriateness of displaying notices / distributing literature
 - an adequate number of stewards must be provided by the organisers and the local College Director must be satisfied about their suitability
 - that members of Sheffield College security staff must be present, to help in keeping order
 - that a member of Sheffield College staff, appointed by the local College Director must be there as a “duty officer”
 - the exclusion of representatives of the media (unless by prior agreement) and the use of recording equipment

The organisers are expected to comply fully with all such conditions.

- 18 The local College Director has discretion to consult the police and, if s/he does so and then thinks it appropriate, to attach further conditions. S/he may, for example, require an event to be declared public (which would allow for police presence); or s/he may arrange for Sheffield College staff to take complete responsibility for the security arrangements.

Restrictions on the use of Sheffield College premises

- 19 The local College Director may at his or her discretion refuse permission for an event or later withdraw permission already given. Reasonable grounds for refusal would include, but are not limited to, events which may: -
- a) incite those attending to commit a criminal act;
 - b) lead to the expression of views in a manner contrary to criminal law;
 - c) be in direct support of a organisation whose aims and objectives are illegal; or
 - d) incite to a breach of peace

In determining whether holding an event on Sheffield College premises might reasonably be refused, consideration will also be given to

- i) the safety of persons attending the event and persons on Sheffield College premises who might be foreseeably be put at risk
- ii) the security of Sheffield College premises and equipment
- iii) the Sheffield College’s reputation

- iv) advice obtained from the Police as appropriate / if permission is not granted by the local College Director
 - v) the likelihood that the event might be disruptive to staff / students not involved
 - vi) the ability of Sheffield College to manage the event
- 20 If permission is refused by the local College Director, the organisers may appeal, within five working days of receiving the local College Director's decision to the Chief Executive. The Chief Executive's ruling will be final and will be communicated to the principal organisers within five working days of receiving full details of the appeal.
- 21 Where an event proceeds, the organisers are under a duty to see that nothing in their preparations for it or their conduct of it infringes the law.
- 22 It is the on going duty of any person involved in organising an event, and also the duty of any person responsible for processing the booking of rooms in Sheffield College, to inform the local College Director as soon as there are reasonable ground to believe that:
- (a) the activity may be disrupted, for example, by reason of;
 - (i) the status of the speaker; or
 - (ii) the nature of any of the subjects to be discussed; or
 - (iii) the views or beliefs (whether or not related to the activity) of any person attending; or
 - (iv) the coincidence of the activity with another activity.
 - (b) the personal safety or property of any person attending may be at risk by reason of their involvement in the activity; or
 - (c) intimidation, duress, or harassment might be applied to any person in an attempt to prevent their attending the activity; or
 - (d) the activity might be picketed.
- 23 The display of posters, notices and temporary signs is restricted to officially designated notice boards on Sheffield College premises. The display of such material on doors, walls or any other surface (internal or external) is not permitted. Permission to display material on notice boards must be obtained first from the relevant Director (paragraph 10 refers). Material must contain the name of the group/person responsible for its production. Material displayed in contravention of this Code will be removed. Anyone responsible for a poster, notice, sign etc which is offensive, intimidating, threatening, indecent or illegal will be subject to disciplinary action.
- 24 No articles or objects may be taken inside the building where a meeting is taking place, or taken or used elsewhere on Sheffield College premises, in circumstances where the presence or use of those articles or objects is likely to lead to injury or damage.
- 25 The responsibility for conducting an event rests with the appointed chairperson. This calls for a close liaison and consultation beforehand between the chairperson and the principal organiser, especially if the local College Director has attached any conditions to permission to use Sheffield College premises.
- 26 At the event, the chairperson has a duty to keep order and, so far as possible, to secure that both the speaker and the audience act in accordance with the law. The chairperson should issue warnings if unlawful conduct, such as the use of violence is threatened or takes place, and where such conduct continues, should require the offenders to withdraw or to be removed by the stewards. The chairperson may call upon the help of any security officers whose presence the local College Director has made a condition of holding the event (paragraph 17 refers).

- 27 However, if the chairperson has made all reasonable efforts to keep order but the event goes or continues out of control, any “duty officer” present will take charge acting on instructions or advice which the local College Director has given to them beforehand but otherwise using their own initiative. If there is no “duty officer”, any security officers present will take charge. In the absence of a “duty officer” or security officer, the chairperson must send one or more of the stewards to seek help from the Reception or call the Switchboard emergency number.
- 28 The use of Sheffield College premises for meetings organised by an external body or organisation will be in accordance with Sheffield College’s Hiring Policy.

Sanctions

- 29 Failure to observe the requirements of this Code or of any conditions laid down by the local College Director makes any student or member of staff concerned liable to the Sheffield College involving its disciplinary procedures, and at the discretion of the Sheffield College, to regard any booking of a room as void.
- 30 If any actions involve breaches of the criminal or civil law, Sheffield College will assist the prosecuting authorities as appropriate.

Conclusion

- 31 All events for which the use of Sheffield College premises is granted or withheld under this Code will be reported to the Chief Executive. The Chief Executive will arrange for an annual report to be submitted to the Governing Body.
- 32 The Governing Body will review and update the Code from time to time.

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