



Centre for Alternative Technology

Policy and Code of Practice on Freedom of Speech

1. Introduction

- 1.1. This policy and code of practice relates to the exercise of freedom of speech in relation to meetings and events held on a site owned, managed or hired by Centre for Alternative Technology (CAT) or badged with the CAT logo.

2. Fundamental principles

- 2.1. Along with all other institutions of learning, CAT has a significant role to play in providing a forum for debate and discussion, where ideas can be tested without fear of control, where our students learn to challenge ideas and think for themselves, and where the pursuit of knowledge is under pinned by rationality. For further information please see Freedom of speech on campus: rights and responsibilities in UK universities (Universities UK, 2011) (<https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2011/freedom-of-speech-on-campus.pdf>) and How can universities prepare for the higher education (freedom of speech) act? (Universities UK, 2023) (<https://www.universitiesuk.ac.uk/sites/default/files/field/downloads/2023-09/how-can-unis-prepare-for-the-HE-freedom-of-speech-act.pdf>)
- 2.2. CAT is an Alternative Provider of Higher Education whose degrees are validated by the University of East London (UEL) and Liverpool John Moores University (LJMU). While the CAT is not a university in its own right, its affiliation with UEL and LJMU means that this guidance is closely related to the guidance relating to those universities.
- 2.3. The duty of universities in ensuring free speech is reinforced in the following pieces of legislation:
 - 2.3.1. **Section 43 (1) of the Education (No. 2) Act 1986**
(<http://www.legislation.gov.uk/ukpga/1986/61/section/43>) 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.'
 - 2.3.2. **The Higher Education (Freedom of Speech) Act 2023**
(<https://www.legislation.gov.uk/ukpga/2023/16/enacted>) which builds upon and strengthens the principles in the Education Act 1986 to enshrine the principle that academics have the freedom to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions without placing themselves at risk of being adversely affected by loss of their jobs or privileges, or the likelihood of their securing promotion or different jobs at the provider being reduced. The Act also outlaws the use of non-disclosure agreements (NDAs) or confidentiality clause for complaints relating to harassment and sexual misconduct.

2.3.3. The Equality Act 2010

(<http://www.legislation.gov.uk/ukpga/2010/15/contents>). covers the following protected characteristics: age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation.

2.3.3.1. The 2010 Equality Act also introduced the Public Sector Equality Duty (<https://www.gov.wales/public-sector-equality-duty-html>), which has 3 overarching aims. Those subject to the duty must have due regard to the need to public sector equality duty also requires higher education providers, 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 by the Act;
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it, and;
- foster good relations between people who share a relevant protected characteristic and those who do not share it

2.3.4. Article 10 of the Human Rights Act 1998

(<https://www.legislation.gov.uk/ukpga/1998/42/contents>) protects the right of individuals to hold their own opinions and to be able to express them freely without government interference. This includes the right to: express your views aloud (for example through public protest) or within published articles, books or leaflets, social or broadcast media; and the freedom to receive information from other people by; for example, being part of an audience or reading an article.

2.3.4.1. Note though that Article 10 is a 'qualified right'. Within the rights of freedom of expression, individuals also have a duty to behave responsibly and to respect other people's rights particularly those characteristics covered by the Equality Act 2010. Therefore in certain circumstances, CAT may restrict the right to expression if it can be **clearly demonstrated** that to make the expression would to effect the health, morals (e.g. encouraging racial or religious hatred), rights and reputations of other people associated with CAT, lead to crime or disorder, contravene the principles of Prevent and/or Protect legislation, or would disclose information received in confidence.

2.3.4.2. In practice, **unlawful speech** is not protected by the freedom of expression.

2.3.4.3. Any restriction to the freedom of speech or expression must be proportionate and no more than necessary to address the issue concerned.

Should restrictions be necessary CAT will operate within those principles.

2.4. **The Counter Terrorism and Security Act 2015** (Prevent Duty) requires CAT to have due regard to the need to prevent people from being drawn into terrorism. In doing so, CAT must still have particular regard to the duty to ensure freedom of speech and to the importance of academic freedom; and have regard to statutory guidance in carrying out their duties.

2.5. In conclusion CAT will not, as far as is reasonably practicable, deny access to its premises to individuals or bodies on the basis of their beliefs, views or policies. However, we must balance a person's rights to free expression with a person's obligations to respect the rights of others, especially those enshrined in the Equality Act 2010, and the requirements of the Counter Terrorism and Security Act 2015 (Prevent Duty).

3. Code of Practice

- 3.1. This Code of Practice applies to all staff and students of CAT and visiting, external speakers. It also applies to all events to be held on premises owned, managed, or hired by CAT, delivered online via video conferencing software using CAT hosted facilities or badged with the CAT logo.
- 3.2. CAT expects students, staff and visitors to ensure that freedom of speech within the law is assured. Whilst there is no legal prohibition on offending others, our institution nevertheless abides by the principle that discussion which is open and honest can take place only if offensive or provocative action and language is avoided. Students, staff and visiting speakers are therefore required to demonstrate sensitivity to the diversity of our community and to show respect to others.
- 3.3. Concerns about freedom of speech and academic freedom should be raised within CAT's complaints policy procedures which provides routes for appeal through CATs validating universities and the Office for Independent Adjudication for Higher Education .
(<https://cat.org.uk/download/26789/?tmstv=1705574187>)
- 3.3.1. Academic staff and students can raise initial concerns with the Head of the Graduate School
- 3.4. The Graduate School and CAT will prohibit the use of non-disclosure agreements (NDAs) in complaints relating to harassment and sexual misconduct
- 3.4.1. Occasionally industrial partners and CAT may still enter into NDA's or Memoranda of Cooperation for commercial purposes, for example student projects undertaken in industry. These will be assessed against these criteria before agreement.
- 3.5. For events, meetings, or other activities that come under the categories defined in section 3.1 A named principal organiser must be identified for each event, who will be responsible for the booking and control arrangements, and for the conduct of the events including stewarding and moderating, chairing, monitoring and entry.
- 3.5.1. An event that 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.
- 3.5.2. If the named principal organiser, any student or member of staff believe that an event that they are organising poses a risk under this code of practice, they are required to refer the matter in the first instance to the Chief Executive , or their nominee, as a possible "designated event." No advertising of a designated event is permitted until a decision is reached on its compliance with this code of practice.
- 3.5.3. If you are proposing to hold an event on a site owned, managed or hired by CAT or badged with the CAT logo please refer to our procedure for the approval of external speaker events, which can be found here: [<https://gse.cat.org.uk/index.php/about-us/policies-andinformation/category/8-student-policies-and-forms?download=25:policy-andprocedure-for-the-booking-of-speakers-and-events>].
- 3.5.4. The Chief Executive, or their nominee, will make an initial assessment of the designated event, taking whatever advice and guidance they deem necessary, including from the UniversitiesUK guidance document "External speakers in higher education institutions" [<https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2013/external-speakers-in-higher-education-institutions.pdf>] If they decide that the event complies with this code of practice, confirmation will be given that the event can proceed. If it is deemed necessary, such

permission may be conditional on the organisers putting in place safeguards, such as extra security, or a strong and well-informed chair with the power to intervene or close the event down if there is a breach of this code.

- 3.5.5. The Chief Executive, or their nominee, shall have the discretion where they deem it to be reasonable and necessary, acting upon advice if appropriate, to require the organisers to film/record the whole event, so there is no dispute afterwards about what was said, and by whom. In such circumstances the organisers will inform anyone attending the event that it will be filmed/recorded, but neither the organisers, nor anyone attending, will have the discretion to decide whether, or not, the filming/recording should take place (subject to any data protection rules). The organisers of the event will be responsible for any extra expense incurred.
 - 3.5.6. If it is decided that the designated event poses too great a risk under this code, the Chief Executive, or their nominee, may decide to consult with students, staff, trustees or other groups before coming to decision, or take legal advice. The decision of the Chief Executive, or their nominee, will be final and will not be subject to appeal.
 - 3.5.7. The expression of views that may be controversial, but do not breach the law, will not constitute reasonable grounds for refusal. Reasonable grounds for refusal would include incitement to commit a criminal act; unlawful expression of views; support for an organisation whose aims are illegal, and/or; the creation of an environment likely to give rise to a breach of the peace.
 - 3.5.8. If an event has been advertised, individuals, or groups, may still make representations to the Chief Executive, or their nominee, should they feel that there is the risk of a breach of this code of practice. If the event is permitted to proceed, CAT will allow the right to peaceful protest. Those participating in such peaceful protest will not be permitted to interfere with the running of the event.
 - 3.5.9. Wilful breach of this code will be dealt with under CAT disciplinary procedures and, if necessary, by recourse to law.
 - 3.5.10. CAT will withhold the right to use premises owned, managed, or hired by CAT, or badged with the CAT logo if it fears there is a likelihood of this code being breached.
 - 3.5.11. All members of our CAT community must act responsibly in relation to the use of social media, especially where such media are being used to organise and publicise events. If the use of social media is conducted in such a way as to break this code of conduct appropriate disciplinary procedures could be implemented.
 - 3.5.12. All groups, or commercial bodies, may not promote themselves on the CAT site without the prior approval of CAT.
- 3.6. Any restrictions made to Freedom of Speech and Expression in the Graduate School will be recorded at Academic Council to enable review of any issues arising and how necessary changes may need to be made to the code of practice.

4. Procedure for the approval of external speaker events under this policy and code of practice

- 4.1. If you are proposing to hold an event on a site owned, managed or hired by CAT or badged with the CAT logo please refer to our procedure for the approval of external speaker events, which can be found here: [<https://gse.cat.org.uk/index.php/about-us/policies-and-information/category/8-student-policies-and-forms?download=25:policy-and-procedure-for-the-booking-of-speakers-and-events>].

5. Procedure to follow in the event that any Freedom of Speech issues may contravene obligations to the Prevent legislation

- 5.1. If any member of staff, student or visitor has any concerns about anything that might fall under CAT's obligations to the Counter Terrorism and Security Act 2015 (Prevent Duty), they should refer immediately to the Prevent leads at CAT or to the co-Chief Executives who will actively respond to any information thus provided.
- 5.2. Contact details are:

Prevent Leads: adrian.watson@cat.org.uk or amanda.smith@cat.org.uk

Co-Chief Executives: eileen.kinsman@cat.org.uk or paul.booth@cat.org.uk

Trustee contact: Roger.Thomas@cat.org.uk

6. Role of Trustees Board and Academic Council

- 6.1. The Trustees Board at CAT (governing body) is responsible for ensuring compliance with charity law which may interact with the institution's obligations in relation to freedom of speech and academic freedom in a number of ways. First and foremost, the Board of Trustees must ensure CAT and the Graduate School carries out its charitable purposes for the public benefit. However in order to achieve this purpose CAT and the Graduate School will need to ensure the freedoms, within the law, to research and debate, and thereby question and challenge ideas, views and opinions.

This policy and contact details may be amended from time to time.

Amendments to Policy and Code of Practice on Freedom of Speech v.2 dated December 2021

Minor grammatical updates throughout such as removing gender pronouns.

Section 2. Updates to encompass the new Freedom of Speech Higher Education Act 2023

Section 5 Relationship of the policy to the Prevent legislation and contact points updated

Section 6 Role of Trustees Board and Academic Council added

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By: Trustees Board / Academic Board

Version 3.0

To be Reviewed by: