



Cheshire College
South & West

Freedom of Expression Policy

Key Information	
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ELT Post Responsible for Update and Monitoring	Vice Principal - Innovation, Curriculum and Quality
Published on Website	Yes
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1. Aim

- 1.1 The aim of this policy is to clarify the College's responsibility to foster freedom of expression within a Further Education (FE) setting, with a particular focus on meeting the legal and regulatory requirements associated with its Higher Education (HE) provision.
- 1.2 To follow Office for Student (OfS) guidance so that the College meets the expectations of the Higher Education Freedom of Speech Act 2023.
- 1.3 To navigate dual responsibilities of upholding HE level academic freedoms while also meeting FE safeguarding and pastoral care expectations in-line with the College's core values.
- 1.4 To ensure a balanced view is taken that enables the College to maintain its statutory duties linked to the Prevent duty within the Counter Terrorism and Security Act 2015, the Keeping Children Safe in Education 2025 statutory guidance and the Equality Act 2010.
- 1.5 To maintain the essential functioning of the institution so that non-HE learners are not exposed to harmful content, while still allowing lawful academic debate in HE settings.
- 1.6 To outline the College's responsibilities regarding visiting speakers, including lettings of any part of the College estate.
- 1.7 To outline the College's Code of Conduct relating to freedom of expression.
- 1.8 This policy will not discriminate either directly, or indirectly, against any individual on the grounds of gender, race, ethnicity or nationality, sexual orientation, marital status, religion or belief, age, disability, socio-economic status or any other personal characteristic.

2. Principles

- 2.1 Respect and Tolerance: Expression must be exercised with respect for others and must not incite hatred, violence, or discrimination.
- 2.2 Academic Freedom: Staff and students in HE have the right to question and test received wisdom and to put forward new ideas without risk to their position or status.
- 2.3 Balanced Debate: The College encourages open dialogue and the exploration of different perspectives in a safe and inclusive environment
- 2.4 College Values: The College Values underpin the ethos of the College and these are to:
 - 2.4.1 act with honesty, integrity and trust;
 - 2.4.2 take time to listen, help and care;
 - 2.4.3 commit to equality of opportunity;
 - 2.4.4 value and celebrate diversity;
 - 2.4.5 empower individuals and nurture talent;
 - 2.4.6 strive for exceptional quality and success;
 - 2.4.7 instil a strong work ethic and drive to succeed;
 - 2.4.8 take responsibility;
 - 2.4.9 work together; and
 - 2.4.10 make a positive contribution to society.

3. Responsibilities

- 3.1 The College will:
 - 3.1.1 Uphold freedom of expression within the law, especially in HE teaching, research, and public engagement.

- 3.1.2 Ensure policies and procedures do not unjustifiably restrict lawful expression.
- 3.1.3 Ensure that all staff complete mandatory Prevent training, completing the Department for Education course upon appointment and repeating every two years.
- 3.1.4 Provide guidance and training to HE staff and students on respectful dialogue and legal compliance within an academic environment.

3.2 All staff are expected to:

- 3.2.1 Uphold the principles of the Equality Act 2010, ensuring that freedom of expression does not result in harassment, victimisation, or discrimination against protected groups.
- 3.2.2 Comply with Safeguarding responsibilities, ensuring that any expression or content that may pose a risk to learners is appropriately managed and reported.
- 3.2.3 Adhere to the Prevent Duty, remaining vigilant to expressions that may indicate radicalisation or extremist views, and reporting concerns through the appropriate channels.
- 3.2.4 Promote respectful, inclusive dialogue and challenge hate speech or discriminatory language.
- 3.2.5 Model professional behaviour in all forms of communication, including online and in teaching environments.

4. Legitimate Restriction on the Freedom of Expression

- 4.1 Freedom of expression may be limited in some circumstances and does not protect statements that unlawfully discriminate against or harass or incite violence or hatred against other persons and groups, particularly by reference to a protected characteristic.
- 4.2 No one can rely on the human right to freedom of expression to limit or undermine the human rights of others.
- 4.3 The College as an institution operating in the public sector has duties which require it to have due regard to the need to promote good relations between different communities protected by equality legislation.
- 4.4 The College has a responsibility to promote responsible communication in society. This may require active challenge to the use of offensive communication and hate speech.
- 4.5 In accordance with the Higher Education Freedom of Speech Act 2023, the College will not enter into non-disclosure agreements (NDAs) in relation to complaints involving misconduct, including harassment, bullying, or other matters that may affect freedom of speech or academic freedom.
- 4.6 The College also has a duty under the Counter Terrorism and Security Act 2015, to participate fully in work to prevent people from being drawn into terrorism.
- 4.7 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.
- 4.8 It is not always easy to draw the boundary between expressing intolerant or offensive views (*which are afforded protection under Article 10*) and hate speech or other very offensive communication so serious that it is not so protected. Factors likely to be relevant in making the distinction will include the intention of the person making the statement, the context in which they make it, the intended audience, and the particular words and form of communication.
- 4.9 The College is a secular educational establishment, regulated by Ofsted and the Office for Students, subject to legislation and statutory guidance on matters such as safeguarding children and advancing equality of opportunity. In order to maintain its statutory duties the College reserves the right to monitor any activity or use of its estates.

- 4.10 The College will consider restrictions only where necessary and proportionate to ensure all College statutory duties are met and the essential functioning of the College is maintained.
- 4.11 Complaints regarding alleged breaches of freedom of speech should follow the College's standard complaints procedure and will be delegated to the appropriate member of the Senior Leadership Team for investigation and response. Formal complaints are reported to the Governing Body termly.

5. Visiting Speakers and Lettings

- 5.1 The Prevent duties identified in the Counter Terrorism and Security Act 2015, require that the College has oversight of the content of any speeches or presentations by visiting speakers.
- 5.2 Organisers of a visiting speaker presentation should carry out a risk assessment using the checklist and guidelines for visiting speakers available on the Be Safe home page of the College intranet.
- 5.3 The risk assessment must be approved by the most appropriate member of the College or Senior Leadership team (CLT/SLT).
- 5.4 If the risk assessment raises concerns, the appropriate member of CLT/SLT should pass the risk assessment to the Safeguarding, Welfare and Behaviour Manager or Assistant Principal Learner Services for further scrutiny.
- 5.5 These controls will also be applied to use of the College's estates by outside organisations.
- 5.6 While challenging any controversial content can be permitted, the College is responsible for ensuring that such views are challenged during a presentation. This may necessitate the presence of a member of College staff at any such presentation even if this is externally organised as an estate letting.
- 5.7 The College is entitled to refuse a request to lease its estate for any use which does not match the core values of the College.
- 5.8 The College HR department will maintain a log of speaker event requests, decisions, and any mitigation measures applied.

Appendix I

Elections and Referendums

It is important to state at the outset that there is a particularly high level of legal protection for freedom of expression during election periods. Any interference with this right must be exceptional and subject to the strict limitations set out in human rights law. The law permits people to say things that offend others during election periods and at other times. It is entirely proper that there should be vigorous debates about controversial matters, and this is particularly important during elections periods.

However, it is also important to note that the right to freedom of expression does not justify incitement to racial or religious violence or hatred, or other unlawful conduct. The right to freedom of expression cannot be at the expense of the rights and freedoms of others.

Equality and Human Rights Law during an Election Period – Equality and Human Rights Commission.

Free elections and freedom of expression, particularly freedom of political debate, together form the bedrock of any democratic system... The two rights are interrelated and operate to reinforce each other... For this reason, it is particularly important in the period preceding an election that opinions and information of all kinds are permitted to circulate freely.

Bowman v UK (1998) the European Court of Human Rights.

1. Cheshire College South and West has a duty to promote Fundamental British Values.
2. The College 16-18 tutorial programme includes democracy as a theme which is linked to the dates of elections where these are known sufficiently in advance. Activities are likely to include encouragement of voter registration by learners, hustings style meetings and mock elections.
3. The College is conscious of the potential for leafleting (*to help inform its own mock elections and participation in the local or national elections*) from Political Parties, pressure groups or individuals to cause litter and other problems and so will present copies of literature from official candidates in a controlled central display. Any materials brought into College and left around, or fly posted will be removed. Political leaflets may be used as teaching resources. In this case the suitability will be at the professional judgement of the member of staff concerned. The member of staff concerned should also vet the suitability of any learner generated materials for display.
4. In the case of national or local referendums, the College will facilitate debates between representatives of the opposing views in the referendum and will display official literature on the referendum question, as well as providing this to tutors and lecturers to use as appropriate in their teaching.
5. The College promotes elections of course representatives, learner executive members and learner and staff governors.
6. Any questions about the suitability of printed material for the College setting should be addressed to the Safeguarding, Welfare and Behaviour Manager or Assistant Principal Learner Services.
7. The College actively supports new students in registering to vote during enrolment, fostering civic engagement and encouraging participation in the democratic process.