

External Speakers Policy

2020 - 2022

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Burton and South Derbyshire College's commitment to Equality and Diversity means that this policy has been screened in relation to the use of gender neutral language, jargon free plain English, recognition of the needs of disabled people, promotion of the positive duty in relation to race and disability and avoidance of stereotypes.

This document is available in alternative formats on request.

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1 Introduction

- 1.1 Burton and South Derbyshire College is committed to creating an environment where everyone is treated with dignity and respect and where diversity is valued. It is our responsibility to ensure that everyone attending an event within College feels safe, to protect the College's reputation and to uphold the law.

2 Aims

It is the College's policy to:

- 2.1 Provide an environment where freedom of expression and speech are protected, balanced with the need to ensure that our community is free from harm and that incitement to hatred is never acceptable.
- 2.2 Provide a supportive, inclusive and safe place for learners.
- 2.3 Provide clearly defined and effective procedures to ensure the law is upheld
- 2.4 Collaborate with others to reach sound, evidenced judgements regarding proposed external speakers, ensuring that the Student Council and the College can meet their legal obligations.
- 2.5 Encourage and provide a balance of opinion at any academic discussion or debate.
- 2.6 Communicate to all learners, volunteers, staff and visitors that it is our shared responsibility to comply with anti-discrimination, anti-bullying or anti-harassment legislation and that both the College and the individual can be held liable should they contravene the law.
- 2.7 Challenge behaviour and change practice that directly or indirectly results in discrimination.

3 Freedom of Expression

- 3.1 Freedom of expression and speech are basic human rights protected by law. Freedom of speech and freedom of expression are not absolute freedoms but freedoms within the law. 'Academic freedom' is a term used to describe the law that allows for open and honest debate in an academic context. Burton and South Derbyshire College (BSDC) has a legal duty (Education Act (no.2) 1986 sec 43) to secure the development of learners' ideas and understanding in the form of academic freedom on campus.
- 3.2 Academic freedom (the principle of which is referred to in the Education Reform Act 1988 sec. 202) only applies to College academic staff and does not apply to learners and visiting speakers.
- 3.3 Learner safety and welfare is at the heart of BSDC policies and practices. The freedom to express views needs to be balanced with the need to secure freedom from harm for learners and communities. We want all of our activities, and those hosted by our learner groups and Student Council, to be:
 - Safe (complying with our Single Equality Scheme and the law).
 - Without risk to the reputation of the College or the Student Council.
 - Within the law.
- 3.4 Sometimes an external speaker, or their topic of discussion, has the potential to contravene our conditions for a safe event. We're committed to working together with event organisers and, in some cases the external speakers themselves, to make sure that we reach a decision that is reasonable, informed and within the law.

4 External Speakers

- 4.1 The term external speaker is used to describe any individual or organisation who is not a learner or staff member. It also includes any individual who is a learner/student or staff member from another institution.

- 4.2 All College or Student Council organised events involving external speakers, held either on or off site, will be subject to this Policy, including:
- 4.2.1 Any event organised by the Student Council, whether on or off campus
 - 4.2.2 Events where external speakers are streamed live into an event (sound and/or visual), or a pre-recorded film/sound recording is playing
- 4.3 The event organiser (most senior) is responsible for the activities that take place within their events. All speakers will be made aware of their responsibility to abide by the law and College policies, including that they:
- 4.3.1 Must not incite hatred, violence or call for the law to be broken.
 - 4.3.2 Are not permitted to encourage, glorify or promote acts of terrorism, including individuals, groups or organisations that support such acts.
 - 4.3.3 Must not spread hatred and intolerance in the community and thus aid in disrupting social and community harmony.
 - 4.3.4 Must seek to avoid insulting other faiths or groups, within a framework of positive debate and challenge.
 - 4.3.5 Are not permitted to raise or gather funds for any external organisation or cause without express permission of the College Strategic Leadership Team (SLT).

5 Definitions

- 5.1 Unpaid external speakers can deliver a maximum of 20 hours per week for a maximum duration of two weeks. Department Heads are responsible for the arrangements and should ensure that external speakers are chaperoned at all times. Any external speaker included in this section 5.1 definition should never be left alone with children under the age of 18 or LLDD Learners up to the age of 25.
- 5.2 Any external speaker, whether paid or unpaid (including those contracted to the College) who is intended to surpass the time frame in 5.1, should be recruited in accordance with the College Recruitment and Selection Produce, which will include completion of the new staff post requisition. All necessary checks should be completed, including enhanced DBS check and references prior to their appointment and they should be interviewed for the position (along with other candidates) ensuring recruiting managers have undertaken appropriate Safer Recruitment training. Records should be retained in accordance with related document retention timescales.
- 5.3 Under no circumstances should any external speaker, from definition 5.1 or 5.2 above, be sanctioned without full agreement being sought first, in accordance with this policy.

6 Procedures

- 6.1 Using this procedure, Group leaders must notify the Deputy Principal: Corporate Relationships, or his delegated authority, of any events involving external speakers.
- 6.2 The College has a two-part procedure: PART 1, an initial assessment and PART 2, process to manage referred speakers.
- 6.3 Using robust judgement and following an initial assessment, all those booking external speakers will determine the appropriate wording for the information to be provided to those external speakers (adhering to the requirements set out in the BSDC External Speakers' Briefing (Appendix 2).
- 6.4 No event involving external speakers may be publicised or considered confirmed until the speaker has been cleared via the procedure detailed in the Policy. This includes advertisement of events through any social media platform.
- 6.5 BSDC reserves the right to cancel, prohibit or delay any event with an external speaker which does not meet the criteria in this Policy or health, safety and security.

- 6.6 Any room booking/event organisation involving an external speaker must be made **no later than 14 days before the date of the event**. This is to allow for adequate safeguarding checks to be made, as well as allowing time for any necessary alterations to the event. Unless there are extenuating circumstances (which will be at the discretion of the College Management Team, CMT), all requests made outside of this timeframe will be denied.
- 6.7 When booking a room for an event with external speakers, the event organiser will be asked to provide the following information (failure to disclose full details of an external speaker may result in the cancellation of an event/booking and potential disciplinary action):
- Brief description or booking title
 - Full description of the event, detailing the exact purpose of the booking
 - Group size (please note that the booking will reject automatically should this be over the limit for the specified room)
 - Name and contact details of the booker/event organiser
 - Event start and end times
 - Contact details for the external speaker
 - A brief biography of the speaker
 - If the event is outside of the College/Student Council/society or club's 'core' activity, the event will require a separate risk assessment
- 6.8 Where required, support and guidance with regard to carrying out risk assessments will be provided by the College Health and Safety team.
- 6.9 PART 1, Initial Assessment – the completed form will be passed to the relevant Line Manager/CMT member, who will check all speaker(s)' details, group links and other connections (on the first six pages of Google results and any web link provided).
- 6.10 PART 2, Referral Process – If there is cause for a referral then the booking details will be sent to the relevant SLT/CMT member, for further investigation and guidance. The classification for a referral will be any of the following:
- The potential for the event to cause the College to be in breach of its Single Equality Scheme
 - The potential for the event to cause the College to be in breach of its wider legal duties
 - The potential for the event to cause reputational risk to the College
 - The potential for the speaker's presence on campus to cause fear or alarm to learners
 - The potential for the speaker's presence on campus to give rise to breach of the peace
- 6.11 Speaker validation will involve the relevant SLT member conducting a short investigation into the speaker and the event that, wherever relevant, takes representation from the learner group related to the booking and from a wide range of concerned groups, College staff and external bodies
- 6.12 Risks will be assessed based on the following criteria, and will be identified as low, medium or high
- Any decision to limit freedom of speech (in relation to the 1986 Education Act)
 - The event causing the College to be in breach of its Single Equality Scheme
 - The event causing the College to fail in its wider legal duties
 - The event causing reputational risk to the College or the Student Council
 - The speaker's presence on campus causing fear or alarm to the learners
 - The speaker's presence on campus giving rise to a breach of the peace and/or overcrowding issues leading to health and safety fears
 - Any other factor which it is felt relevant to take into account
- 6.13 The relevant CMT member may make one of the following recommendations for discussion in the first instance:
- To not permit the event to run
 - To fully permit the event to run, unrestricted

- To permit the event to run on the basis of specified actions designed to reduce risk. These actions may include requiring that:
 - The event be filmed (not for broadcast) by an independent body
 - The event is observed by College or Student Council officials. These officials reserve the right to stop events should any College policy be contravened before or during the event
 - The event be stewarded, or subject to security (or extra security) on the door (this would be at the expense of the event hosts)
 - An event promoting a particular view includes an opportunity to debate or challenge that view
 - An event closed to society members only can be opened to allow monitoring
 - A copy of any speech to be delivered by the speaker is submitted to the relevant SLT/CMT member
 - The event may be designated a ticket only event

When considering any specified actions designed to reduce risk, the potential for those steps to cause risk (for example, the sense of oppression felt by having security on the door) should be taken into account. The group/lead involved will be consulted and kept informed of discussions and decisions throughout; endeavouring, where possible, to reach mutual agreement.

The final decision will be made by the College CMT.

Where the group in question disagrees with the decision made, they will have the right to appeal to the SLT.

7 Responsibility for the Policy

7.1 Responsibility for the implementation of this Policy is as follows:

- 7.1.1 The Chief Executive and Principal, has overall responsibility for ensuring the College operates within its legal obligations.
- 7.1.2 The Student Council are responsible for informing student groups of the Policy and to provide advice and guidance to learners on the Policy and related matters.
- 7.1.3 The College Management Team (CMT) are responsible for the implementation of the Policy across all services, ensuring staff and volunteers receive appropriate training, and for the continual development/monitoring of the Policy; reporting to the Governing Body.
- 7.1.4 The Operational Management Team (OMT) are responsible for ensuring that their teams, associates, contractors, volunteers and visitors are aware of, and support, the Policy.
- 7.1.5 Staff have a collective responsibility to inform the CMT of any activities, of which they become aware during the course of their normal duties, that may fall under the remit of this Policy.

8 Breaches

- 8.1 All complaints relating to breaches of this Policy will be investigated and appropriate action taken. Breaches of the Policy will result in disciplinary action.
- 8.2 Serious breaches of this Policy by external groups may result in details being passed to the relevant authorities, which may result in prosecution.
- 8.3 Any member of the public, partner, contractor or visitor wishing to raise a concern in relation to this Policy should direct it to feedback@bsdc.ac.uk
- 8.4 Comments or questions regarding the External Speakers Policy should be sent to feedback@bsdc.ac.uk

Appendices:

Booking Form for BSDC Events with External Speakers
External Speakers Briefing

Useful Additional References:

More information on the law and College policy and procedure relevant to freedom of speech can be found within the following websites and documents:

- [Terrorism Act 2000](#)
- [Education \(No. 2\) Act 1986](#)
- [Human Rights Act 1998](#)
- [Education Reform Act 1988](#)
- [Equality Act 2010](#)
- [Public Order Act 1986](#)
- [BSDC Single Equality Scheme](#)
- [BSDC PREVENT Policy](#)

External Speakers Policy – Appendix 1

Booking Form for BSDC Events with External Speakers:

Please ensure this form is completed no less than 21 days in advance of the date of your event. For more information, please refer to the College External Speakers Policy.

Please ensure you provide full and clear answers.

Contact Name: ID No:

E-mail Address: Telephone:

How we use your personal information

Your personal information is used by BSDC to exercise its function to contact you should we have a query with the information you have provided or to inform you of any changes regarding the event

Please tick the box to confirm consent for BSDC to process and store your personal details on its external speaker’s database for the above purpose.

Name of Organising Body:

1. Proposed activity/description of event:

2. Are you aware of any controversy the topic may attract (*this could come from any person(s), internal or external to your group, other group of learners, organisations or members of the public*)?

Yes No

3. If you answer yes to the above question, please provide details below and submit an updated risk assessment, detailing how you will manage this controversy/event. This risk assessment should ensure any threat of disorder, threat to safety of persons or property, or disruption to the normal operation of business is addressed.

4. Please indicate below if the event is open to members of the public or is it solely for College learners/staff/volunteers:

Open to the public Open to BSDC learners/staff/volunteers only

5. Please indicate the event specifics below:

Group Size: Date(s):

Start Time: Finish Time:

Campus: Preferred Room:

Specific requirements or layout, e.g. lecture theatre, moveable seating, AV equipment, meeting style, computer and/or wifi access:

6. Name(s) of the external speaker(s):

7. Please provide as much detail as you can about your external speaker(s), including internet references and related topics. Please also identify any potential areas of concern or protest that other learners may have regarding this speaker:

8. Does the external speaker have any affiliations (specifically political/religious)?

Yes No

If yes, please provide details:

9. Are you aware of any controversy which may be attracted by the external speaker (this could come from any person(s), internal or external to the College)?

Yes No

10. Are you aware of any media interest in the external speaker or topic?

Yes No

11. If you have answered 'yes' to question 9 or 10, please provide as much detail as possible below. Please also include any additional internet links or addresses:

12. Have you forwarded the BSDC External Speakers Briefing to all of your speakers (mandatory)?

Yes No

And have you received confirmation that they all agree to comply with this document (mandatory)?

Yes No

13. Have you added the 'Freedom of Speech Rider' (below) to your event invitations, e-mails and internet presence (mandatory)?

Yes No

Freedom of Speech Rider: "Burton and South Derbyshire College is committed to providing a forum facilitating freedom of speech, whilst providing a safe space for our learners and the public. We support events that contribute to the extra-curricular development of learners, whilst requesting that all speakers and attendees are respectful of the beliefs and opinions of others, as well as the laws to protect individuals and groups from intimidation, discrimination and harassment. By attending a BSDC event you are agreeing to uphold our policies regarding freedom of speech. Any breach of College policies and procedures may result in disciplinary or further action being taken."

External Speakers Policy – Appendix 2

Briefing for External Speakers at BSDC Events:

Welcome, and thank you for agreeing to speak at our event.

Burton and South Derbyshire College fosters and encourages the freedom of speech, expression, assembly and association amongst its learners. A number of our learner groups choose to fulfil these objectives by inviting in speakers to broaden the scope of discussion and debate at events, and we are very grateful to those who volunteer their time to contribute to the development of our learners.

In allowing speakers to attend BSDC events, we approve them based on the understanding that they act within the law and the regulations set by the College and the statutes from which these regulations are drawn. We have a duty to ensure, so far as is reasonably practicable, freedom of speech within the law is secured for learners, employees and visitors; including ensuring that use of the premises of the establishment is not denied to any individual or body of persons on any grounds connected with:

- The beliefs or views of that individual or any member of that body, or
- The policy or objectives of that body

It is essential to the College purposes that opportunities for free and open discussion within the law should be safeguarded. Anyone attending meetings held on our premises must behave in a lawful manner and avoid taking any action or using any language which is offensive or provocative.

Whilst it is the duty of the College to uphold the aforementioned regulations, it is also our duty to act within the law and to protect the safety of our learners and staff. Our objective to promote freedom of speech is limited by laws that protect individuals and groups of individuals from hate speech. These laws forbid communication which is hateful, threatening, abusive, or insulting and which is intended to harass, alarm or distress. Communication which targets a person based on their skin colour, race, nationality, ethnicity, religion or sexuality is forbidden (see references at the end of this briefing). It is also a criminal offence to incite or encourage others to break the law. All speakers, as well as event attendees, must be respectful of the beliefs and opinions of others.

We believe that all external speakers invited to give presentations or hold discussions at events are equally as eager to ensure that there is a safe atmosphere at the event, where learners and other attendees feel free to foster new learning, express their views, and meet other learners.

In line with our Policies, we do not normally consider the expression of controversial views which are not unlawful per se, to be reasonable grounds to withhold facilities for an event but, where there is any possibility of our learners not having a safe atmosphere at the event then we will put in place conditions to manage and mitigate any risk that may be reasonably associated with the event. Risks considered include, but are not limited to, reputational damage, security of premises, safety of persons attending or in the vicinity, interruption of the work of learners and staff not directly involved, welfare of learners and staff, the ability to ensure good conduct of speakers and participants, the ability to present a 'right of reply' when appropriate.

With regards to the need to manage and mitigate risks to protect the College, staff and learners then there may be occasions when conditions are attached to the approval of an external speaker. These conditions may include:

- Requesting submission of the speeches, presentations, discussion topics or questions in advance of the event
- Limitation on attendees, either by number or by learner status
- Limitations on promotion and advertising of the event, approval of any advertising material, restriction of where material can be placed, or limitations on what types of material may be used
- Declaration of attendees in advance of the event
- Stewards to be provided by the organisation, or a neutral chair to be nominated by the College
- Presence of relevant OMT/CMT member to ensure good order
- Limitations regarding what attendees may bring to the event, which may include banning food or drink or anything that could potentially be used as a missile
- Not allowing banners, flags, placards or similar items into the building or on to relevant parts of campus

- Alteration of the conduct of the event or its facilitation including, if there is reasonable need and even if it is already underway, closing the event down
- Requesting that agreement of these guidelines is sought and a copy of the agreement kept on file
- Limiting the presence of press/media or media production equipment

Organisers will be informed of the conditions when approval of the speaker is communicated, or as soon as reasonably feasible following any new and relevant information becoming available. In order to enable dissemination of the conditions to external speakers, these are communicated to organisers via e-mail.

An event may also be cancelled if there are concerns that the event may risk learner safety, violation of health and safety requirements or if the event risks violation of the aforementioned laws regarding hatred, discrimination or incitement. The College reserves the right to perform spot checks on events being hosted by any learner group. Should there be breaches of the College policies at an event the matter will be referred for disciplinary or legal action as relevant. Any cancellation or postponement of an event will be communicated through the appropriate channels to the event organisers.

This briefing document has been provided to ensure all our speakers are aware of the framework within which we operate when facilitating external speakers, and the measures that may, though rarely, be required to support freedom of speech at our events. As a rule, we do not anticipate having to do more than attach reasonable conditions to bookings and, as far as is possible, we wish to continue to encourage debate, questions and new experiences by and for our learners.

Please confirm receipt of the guidance, and your agreement to comply with any condition attached to your invitation to speak, either by e-mail directly to the event organiser (your College contact), or by posting them a signed copy of this document.

Serious breaches of this Policy by external groups may result in details being passed to the relevant authorities, which may result in prosecution.

Once again, please accept our thanks for agreeing to speak at one of our events and, should you have any questions regarding this document, please contact the event organiser.

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I,, confirm that I have read and agree with the statements in these guidelines, including my compliance with any condition(s) applied to the event.

Signed: Date:

If you are attending on behalf of an organisation, please confirm the names of the organisation below:

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References:

- [Public Order Act 1986](#)
- [Racial and Religious Hatred Act 2006](#)
- [Criminal Justice and Public Order Act 1994](#)
- [Criminal Justice and Immigration Act 2008](#)
- [Terrorism Act 2000](#)