

Freedom of Speech Policy

Contents

1. Introduction
2. Purpose, scope and application
3. Key principles
4. Policy guidelines
5. Approval policy
6. Related policies
7. Further assistance
8. Revision history
9. Document protocol

This policy applies to Navitas Careers & Industry (“C&I”) and SAE Education Limited staff employed in the UK (henceforth referred to as “SAE UK”), students and guest speakers, and reflects current legislation in England and Wales, and will be updated in line with any legislative changes.

1. Introduction

This policy reflects the culture and values of our organisation.

2. Policy purpose, scope and application

2.1 Purpose

The purpose of this policy is to set out the importance given by the Institute to promoting the freedom of speech within the law, and that it secures this for members, students, employees and visiting speakers.

This includes having due regard to the need of:

- Eliminating discrimination, harassment and victimisation and any other conduct that is prohibited under the Equality Act 2010.
- Advancing equality of opportunity between people who share a relevant protected characteristic and people who do not.
- Fostering good relations between people who share a relevant protected characteristic and those who do not.

2.2 Scope

Our policy covers staff, students, members of the Board, and any speaker invited to talk on behalf of the Institute.

Academic freedom and freedom of speech are fundamental to learning, in the pursuit of gaining new knowledge and to facilitate free and open debate. We therefore encourage a culture of vigorous and fearless discussion within the law, that ensures critical thinking and challenges violent extremist and illegal narratives and those who promote them.

Whilst there is no legal prohibition on offending others, SAE Institute nevertheless believes that discussion that is open and honest can take place only if offensive or provocative action and language is avoided.

Staff, students, members and visitors are therefore required to demonstrate sensitivity to the diversity of the SAE community and to ensure that they show others respect.

2.3 Application

Staff, students and visiting guest speakers have a personal responsibility to understand this policy, and to its appropriate application.

3. Key principles

a. To ensure that all understand the legal and cultural principles surrounding freedom of speech

The role of Higher Education providers in promoting and ensuring free speech is reinforced by the following legislation:

- 1) The Education Act, 1986, Section 43, which 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’. Therefore, as reasonably practical, the Institute will not deny access to its premises to individuals or bodies on the basis of their beliefs, views or policies.
- 2) The Equality Act 2010 covers the following protected characteristics: age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation. An event which 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) The Counter-Terrorism and Security Act 2015, Section 26 (1), which outlines the requirement to have due regard to the need to prevent people from being drawn into terrorism.
- 4) Human Rights Act 1988, which sets out that the Institute is required to comply with the right to respect private and family life, freedom of thought, conscious and religion, freedom of expression, and the freedom of assembly and association. Any interference must be prescribed by law and be proportionate, i.e. no more than necessary to address the problem. Any failure to comply with this duty can be challenged by judicial review and may entitle an injured party to damages.

Whilst freedom of speech is a human right, it is not absolute and is subject to restrictions. In higher education, under section 43, this right applies only to “free speech within the law”, i.e. speech that is lawful. The expression of views that may be controversial, but do not breach the law, will not constitute reasonable grounds for prohibition or refusal of an event.

Reasonable grounds for refusal would include speech which may:

- Incite to commit a criminal act.
- Cause fear or provocation of violence, or a person harassment, alarm or distress where this would constitute an offence under the Public Order Act, 1986.
- Express unlawful views.
- Support an organisation whose aims are illegal.
- Create an environment likely to give rise to a breach of the peace.

Wilful breaches will be dealt with under our disciplinary procedures and, if necessary, by recourse to law.

b. To promote and encourage the use of an open and honest discussion of views without offensive or provocative language or actions

SAE expect staff, students, members and visitors to respect its values, to be sensitive to the diversity of its community and to show respect to all sections of that community.

Academic discourse is recognised as including the expression of ideas that may offend, shock or disturb without fear of sanction. However, this must be carried out in a manner which is lawful, without malice and in the public interest.

PREVENT duty

The Institute has due regard to the need to prevent people from being drawn into terrorism, known as their PREVENT duty. However, this should not be used to shut down or discourage lawful speech.

c. To ensure that any concerns about issues which relate to freedom of speech, i.e. offensive language, discrimination, bullying, etc. can be raised within a supportive and open culture

We will adhere to following the ACAS Code of Practice on matters relating to staff grievances and whistleblowing, and commit to being open-minded, fair and supportive when listening to, investigating and addressing employee concerns.

In addition, we will adhere to the following Public Interest Governance principles:

- 1) Academic freedom: Academic staff at an English Higher Education Provider have the freedom in law to the following without placing themselves in the jeopardy of losing their job or privileges:
 - a. To question and test received wisdom.
 - b. To put forward new ideas and controversial or unpopular opinions.
- 2) Freedom of speech: The Governing Board will take such steps that are reasonably practicable to ensure that freedom of speech within the law is secured within the Institute.

4. Policy guidelines

All staff are expected to behave in a manner that actively promotes free speech within a non-offensive environment, and in a way that is respectful to others.

Each business area functional lead and Campus Director is responsible for ensuring that the appropriate procedures are followed when engaging any speaker who may talk as part of an event at SAE, or on behalf of the Institute or in the organisation of any internal/ external events.

An initial review of any external speakers due to be engaged must be conducted to identify whether there are any concerns, i.e. an internet search, local knowledge, previous talks, etc. Details of proscribed terrorist groups or organisations are listed: <https://www.gov.uk/government/publications/proscribed-terror-groups-or-organisations--2>

Any concerns should be raised with the Dean, SAE UK, along with the relevant evidence/ information.

An assessment of the potential risk will be conducted by the Dean, and where necessary, include members of the ELT to consider the following outcomes:

- 1) The guest speaker can be engaged, and usual protocol of ensuring that a Guest Speaker Agreement is signed and held, and a copy of the Freedom of Speech policy is issued in advance of the event. Permission is granted on the understanding that all reasonable steps have been taken to prevent any infringement of the law.
- 2) Permission to engage the speaker is withheld and will be explained to the guest speaker in writing with reasons for the decision. In this circumstance, prior approval from the General Manager must be obtained. Particular attention must have been placed on ensuring that the Institute had adhered to its duty under section 43, of the Education (No.2) Act 1986 to take reasonably practicable steps to ensure that freedom of speech within the law is secured for students, employees and visiting speakers.
- 3) A conditional agreement is made to engage the guest speaker, setting out additional conditions, i.e. after consultation with the police, legal advisors, and any other reasonable stipulations have been set out to enable the event to proceed.

Any appeals to the decision should be made in writing, within 5 working days of receiving the outcome in writing to the email address outlined in the letter.

Any legal violations, either suspected or actual, or activities that are organised without complying with this policy should be immediately reported to the Dean, UK, and will be fully investigated.

5. Approval policy

This Policy is fully supported by the ELT and Board of Directors and will be updated with any new guidelines and best practices which may follow as part of the Government's ongoing research into this area.

6. Related policies

Please see the following documents and policies for more information:

- Employee Code of Conduct
- Grievance Policy
- Disciplinary Policy
- Equality, Diversity and Inclusion Policy
- Whistleblowing Policy

7. Further assistance

If you have any questions or require further assistance, please discuss this with your line manager or a member of DASS/ HR.

8. Revision history

Version Control

Issue Date:	Summary of Changes	Review Date
May 2018	New policy. Approval by General Manager and Dean	November 2020
February 2021	Rebranding, and review Consideration and updates made following new DfE Freedom of Speech manifesto pledge and imminent review of additional legal measures and penalties Published to Policy Hub	February 2023

9. Document protocol

Document I.D.	Freedom of Speech Policy
Responsibility	UK Dean HR Business Partner, Human Resources
Initial Issue Date	May 2018

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