

LEARNING TOGETHER TO BE OUR BEST

**DOVER PARK
PRIMARY SCHOOL**



Freedom of Expression Policy

Date agreed: July 2022

Review date: August 2024

Signed: _____

Chair Board of Governors

DOVER PARK PRIMARY SCHOOL - FREEDOM OF EXPRESSION POLICY

This Code of Practice describes the framework within which staff and pupils of the School and visitors enjoy the right to freedom of expression.

Policy statement

As a provider of education, we value academic freedom. The school is committed to promoting and positively encouraging free debate and enquiry. This means that it accommodates a wide range of views, political as well as academic, even when they are unpopular, controversial or provocative.

In any event, the School has an explicit duty in law¹ to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for staff, pupils, governors, parents/carers and visiting speakers. This duty includes a responsibility to ensure that the use of School premises is not denied to any individual or group on the grounds of the belief or views of that individual or any member of that group or on the grounds of the policy or objectives of the group. The School is, however, under no legal obligation to allow meetings to be open to members of the public.

This does not mean that the right to freedom of expression is unregulated. It is limited, for example, by laws to protect national security and public safety, for the prevention of disorder or crime, for the protection of the reputation or rights of others, and to prevent the disclosure of information received in confidence. A speaker from an organisation proscribed by law would therefore not be allowed. A significant strand in the regulatory framework is the duty (under the Equality Act 2010) to promote good relations between persons of different groups.

The Counter-Terrorism and Security Act 2015 also imposes a duty on the School to have due regard to the need to prevent people from being drawn into terrorism. This Code of Practice fulfils the requirement in the Prevent Duty for schools to have policies and procedures in place for the management of events on the School's premises.

Freedom of expression also has to be set in the context of the School's values, and the values of a civilised, democratic, inclusive society. The School expects speakers and those taking part in protest activities to respect those values, to be sensitive to the diversity of its inclusive community, and to show respect to all sections of that community. These precepts include the way in which views are expressed and the form of any protest activities.

In considering whether or not to permit its premises to be used for a particular event, the School has to consider:-

whether the views or ideas to be put forward (or the manner of their expression)

- infringe the rights of others, or
- discriminate against them, **or**
- ***constitute views that risk drawing people into terrorism or are shared by terrorist groups. For the avoidance of doubt, the definition of terrorism above is that as set out in the Terrorism Act 2000 (or as subsequently amended).***

whether the activity in question

- constitutes a criminal offence
- constitutes a threat to public order or to the health and safety of individuals
- incites others to commit criminal acts, or
- is contrary to the civil and human rights of individuals.

¹ Under the Education (No 2) Act 1986

The second key test is

Whether adequate arrangements can be made to safeguard the safety of participants in the event, and other people within the vicinity, and to ensure that public order is maintained.

Authority

The Council authorises the Headteacher to act on its behalf to ensure as far as is reasonably practicable that all staff and students of the School, and all visiting speakers, comply with the provisions of this Code.

Procedure

Meetings

Those booking rooms in the School are taken to have read and agreed to abide by the provisions of this Code of Practice. In addition, they are required to designate a 'Principal Organiser', who must be a member of staff of the School and who will be responsible for ensuring that the organisers comply with the obligations placed upon them by or under this Code of Practice. The Principal Organiser shall ensure that appropriate information is provided on the booking form about the nature and topic of the meeting.

The Principal Organiser is required to notify the Headteacher – as far as possible in advance of the meeting, and in any case at least two weeks before it – for any meeting to be held on the School site if the subject matter of the meeting is or might reasonably be construed as 'controversial' (a 'controversial' meeting in this context being taken as *either* a speaker who might reasonably be construed as having the potential to occasion protest from, or give offence to, any section of the School or wider community, **or constitute extremist views**, or any speaker from a political party).

The Principal Organiser shall on request provide the Headteacher with such information as the latter may require – including in particular the name of the principal speaker or speakers at the meeting, the theme(s) of the speech(es), **the grounds for notification under section 9 and the extent to which the speaker's past history suggests that they might infringe one of the criteria set out in paragraph 6 above**, the **name and experience** of the person who will chair the meeting, the subject of the address or addresses, the names and experience of any stewards and other logistical information.

The Headteacher shall grant or withhold permission for the use of School premises for the meeting proposed. Permission will only normally be withheld on the grounds indicated above, or if the Principal Organiser cannot or will not ensure compliance with any conditions set by the Headteacher. Such conditions may include requirements:

- that tickets be issued and/or restricting the number of persons attending;
- that an adequate number of stewards be available, in addition to any School security staff that the Headteacher may feel should be present, to maintain safety and order;
- as to the venue for the meeting and/or restricting banners or placards;
- as to the admission or exclusion of press, television or broadcasting personnel, and, subject to licensing law, the sale or consumption of alcohol within the premises;
- as to the arrangements for chairing the meeting, and as to the circumstances in which the meeting may or must be terminated prematurely;
- **that a speaker be balanced by one or more speakers with opposing views;**
- that the designated meeting or activity be restricted to staff and students of the School;
- that School staff be responsible for all security arrangements connected with the meeting.

It shall in all cases be open to the Headteacher to invite the Police to be present at any meeting on School premises. It shall also be open to the Headteacher to withdraw permission for a meeting if, having originally granted permission, he or she judges that the meeting will not in fact conform to School policy (as outlined above) or that safety or public order cannot be guaranteed or if the

Principal Organiser cannot or will not ensure compliance with any conditions set by the Headteacher.

Premises used for meetings must be left in clean and tidy condition, in default of which the organisers may be charged for any additional cleaning and repairs that are subsequently required. Payment in advance or evidence of ability to pay towards these costs may be required. The School reserves the right to re-charge the organisers of any meeting for any extraordinary expenditure it incurs as a result of that meeting.

Protests and demonstrations

Those arranging protests or demonstrations on School premises (whether in relation to a meeting covered by this Code or on any other matter) are taken to have read and agreed to abide by the provisions of this Code. They are also required to designate a 'Principal Organiser', who will be a student or member of staff, who will be responsible for ensuring that the organisers comply with the obligations placed upon them by or under this Code of Practice.

As long as is reasonably practicable in advance of the event in question, the Principal Organiser shall ensure that appropriate information is provided to the Headteacher, normally through Security Services, about the nature and theme of the event. Wherever possible, this information shall be provided at least a week before the event. The Principal Organiser shall on request provide the Headteacher with such information as the latter may require.

The Headteacher shall grant or withhold permission for the use of School premises for the meeting proposed. Permission will normally be withheld only on the grounds indicated above, or if the Principal Organiser cannot or will not ensure compliance with any conditions set by the Headteacher.

Appeals

Appeals against the rulings of the Headteacher may be made to the Chair of Governors, whose decision shall be final.

Infringements

The Headteacher shall report to the Council on the circumstances of any significant infringements of, and departures from, the provisions of this Code. Any such infringements or departures, in whatever respect, may render those responsible liable to disciplinary action under the School's disciplinary procedures.

This policy should be read alongside our policies and procedures on:

- Safeguarding Policy and procedures
- Child Protection Policy
- Code of conduct for staff and volunteers
- Managing allegations against staff and volunteers
- Recording and information sharing
- Complaints
- Safer Recruitment
- E-safety
- Whistleblowing
- Anti-bullying
- Health and Safety
- Role of Designated Safeguarding Lead
- Dealing with disclosures and concerns about a child or young person

This school is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share in this commitment.