



JP ACADEMY

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FREEDOM OF EXPRESSION POLICY

1. Aim

- a. The aim of this policy is to clarify our responsibility to foster Freedom of Expression in an educational setting within the boundaries of the law and the protections it provides and with consideration of our core values. It is written with reference to the Guidance provided by the Equality and Human Rights Commission on The Legal Framework for Freedom of Expression.
 - i. <http://www.equalityhumanrights.com/publication/freedom-expression-legal-framework>
- b. It is also linked to the statutory Prevent duty within the Counter Terrorism and Security Act 2015.
 - i. <http://www.legislation.gov.uk/ukpga/2015/6/contents/enacted>

2. Objectives

- a. To clarify JP Academy's responsibility to promote freedom of expression.
- b. To identify the circumstances under which freedom of expression may be legitimately restricted.
- c. To outline JP Academy's responsibilities regarding visiting speakers, including external lettings.

3. Responsibility to Promote Freedom of Expression

- a. Section 43 of the Education (No 2) Act 1986 places a positive duty on universities and colleges to 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.
- b. Freedom of expression is a fundamental right protected under the Human Rights Act 1998 and by Article 10 of the European Convention on Human Rights. It is also protected under the common law.
- c. Protection under Article 10 extends to the expression of views that may shock, disturb or offend the deeply-held beliefs of others.
- d. Freedom of expression is protected more strongly in some contexts than others. In particular, a wide degree of tolerance is accorded to political speech and debate during election campaigns.
- e. As an Academy, we are expected to allow open debating of challenging ideas which may need to use controversial resources. Controversial materials should not be left unchallenged by the member of staff using them.
- f. JP Academy has a duty to promote fundamental British Values. These are:
 - i. Democracy
 - ii. The rule of law
 - iii. Individual liberty
 - iv. Mutual respect
 - v. Tolerance of those of different faiths and beliefs

4. Legitimate Restriction on the Freedom of Expression

- a. Freedom of expression may be limited in some circumstances and in particular does not protect statements that unlawfully discriminate against or harass, or incite violence or hatred



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against, other persons and groups, particularly by reference to their race religious belief, gender or sexual orientation.

- b. No one can rely on the human right to freedom of expression to limit or undermine the human rights of others.
- c. JP Academy has duties which require us to have due regard to the need to promote good relations between different communities protected by equality law. This may require active challenge to the use of offensive communication and hate speech.
- d. JP Academy 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.
- e. 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.
- f. JP Academy is a secular, educational establishment, regulated by Ofsted and subject to legislation and statutory guidance on matters such as safeguarding children and advancing equality of opportunity. JP Academy reserves the right to monitor any activity associated with JP Academy or using its premises, to ensure that it supports the ethos of the Academy.

5. Visiting Speakers and Lettings

- a. The Prevent duties identified in the Counter Terrorism and Security Act 2015 require that JP Academy has oversight of the content of any speeches or presentations by visiting speakers.
- b. The organiser of a visiting speaker presentation should complete a risk assessment which will include any concerns RE content of presentations.
- c. The risk assessment must be approved by the organiser's line manager.
- d. If the risk assessment raises concerns, the organiser or their line manager can pass the risk assessment to the Prevent Committee at Aylesbury College for further scrutiny.
- e. These controls will also be applied to any lettings of the JP Studios premises by outside organisations.
- f. While challenging and controversial content can be allowed, JP Academy is responsible for ensuring that such views are challenged during a presentation. This may necessitate the presence of a member of JP Academy's staff at any such presentation, even if this is externally organised as a premises letting.
- g. JP Academy is entitled to refuse a request to lease its premises for any use which does not match our core values.

Policy Review Date: 14/09/17

Next Review Date: 14/09/18

Reviewed by the Course Leader/Head of Dance: Rebecca Sachdev