External Speaker Policy

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The External Speaker Policy will be reviewed annually by our Senior Management and Leadership Team (SMLT). Any amendments require the approval of our Senior Management and Leadership Team.

1.   Introduction

According to Section 43 of the Education (No 2) Act 1986, we are required to take such steps as are 'reasonably practicable' to ensure that freedom of speech within the law is secured for students, staff and visiting speakers. Recognising our obligations under the Act, we at Bloomsbury Institute are therefore committed to creating an academic environment in which academic freedom and freedom of expression are actively promoted, and differences of opinion are expressed. However, as recognised by the Act, such freedom is not absolute as it is a freedom *within* the law. Consequently, to safeguard every member of our academic community, we are equally committed to ensuring that these freedoms are enjoyed within the constraints of the legislative framework set out in Appendix A. In this way, we recognise the need to balance the right to freedom of speech against our safeguarding duties and a commitment to creating a safe and inclusive academic environment.

2.   Scope

Although Section 43 of the Education (No 2) Act 1986 refers only to freedom of *speech* and although it has yet to be tested in the courts, the definition of freedom of *speech* is likely to extend to written material, both printed and electronic[1]. This policy therefore recognises that wider definition.

This policy applies to all staff (including temporary staff and external consultants), students, visitors and contractors on College premises or premises used specifically for College or College-sponsored business, and extends also to Bloomsbury Institute's online space and Bloomsbury Radio broadcasts for the purposes of curricular and extra-curricular activities.

If anyone is in any doubt about the scope of this policy, they should consult the Prevent Lead for advice.

3.   Freedom of speech

We believe that every student and staff member (including external consultants) together with any external speakers or other visitors have the right to freedom of thought and speech as the free exchange of ideas adds to the richness of intellectual debate within our institution. Consequently, we recognise that everyone has the right to express and receive views and opinions even if those views are likely to offend, shock or disturb others *provided* such expression is within the law[2]. This approach ensures that one individual's freedom of expression does not result in a breach of the rights of another individual.

As is evident from Appendix 1, legal limitations on freedom of speech can be found in equality legislation, health and safety legislation, aspects of the criminal law such as public order, criminal damage, and anti-terrorism legislation etc. Consequently, freedom of speech can be limited if it is likely to cause:

- Fear or provocation of violence

- Acts intended or likely to incite hatred on the grounds of race, religion or sexual orientation

- A terrorism related offence

- Harassment of any form e.g. racial or sexual

In fostering freedom of speech, we are recognising not only our legal obligations, but also the criticality of freedom of speech for learning, developing critical thinking skills, and challenging and engaging with different perspectives. These different perspectives, in turn, serve to challenge discrimination, promote tolerance and strengthen society.

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[1] Electronic media includes social media, email, and other digital communications.

[2] Article 10 of the European Convention on Human Rights.

Respect for the principle of academic freedom and freedom of speech (subject to compliance with our own equality, diversity and inclusion policies and procedures as well as legislative or regulatory requirements) is embedded within our Articles of Association[3] and our Corporate and Academic Governance Framework. In practical terms, this respect is reflected in the Terms of Reference assigned our Board of Directors, Senior Management and Leadership Team, Academic Committee, Quality Assurance and Enhancement Committee and Course Committees.

4. The Prevent duty

The Prevent duty provides statutory guidance[4] on how specified authorities including higher education providers should pay "due regard to the need to prevent people from being drawn into terrorism". One way in which we aim to achieve this is through our External Speaker Policy which recognises both our commitment to freedom of speech and our responsibility to safeguarding the legal rights and freedom of others. Consequently, this policy sets out the processes involved in the approval of external speaker events and how any resultant risks might be managed or mitigated.

5. Responsibilities

5.1 Individual responsibilities

All Bloomsbury Institute staff, external consultants, students and visitors are expected to:

- recognise and allow the right to freedom of speech within the law regardless of whether or not they agree with any opinions expressed.

- ensure that they do not create or contribute to an environment of fear, harassment, intimidation, verbal abuse or violence in reference to any of the protected characteristics outlined in the Equality Act 2010.

- ensure that they do not promote or incite acts of violence or terrorism, or contribute to the same.

- comply with the requirement to create a safe space for all members of our academic community.

- report any breaches of this policy to the Prevent Lead.

Any breach of policy will be a disciplinary matter for both students and staff.

5.2 Institutional responsibilities

Our Managing Director and Academic Principal and our Prevent Lead have operational responsibility for compliance with the Prevent duty, but are supported by our Senior Management and Leadership Team (SMLT). Ultimate responsibility for compliance rests with our Board of Directors.

6. External speaker events

We welcome the opportunity that external speaker events offer our students and staff to broaden their knowledge base, exercise their critical thinking skills and develop their world view. Our aim therefore is to encourage rather than limit such events and it is from this perspective that we consider each event. Consequently, where risks might exist, we will aim always first to mitigate those risks before making any decision to prevent the event from taking place.

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[3] See Regulation 3.

[4] See section 29 of the Counter-Terrorism and Security Act 2015.

6.1   Definitions

External Speaker: Anyone who is not a member of staff, external consultant or student at our Institute.

Principal Organiser: The individual organising the event[5].

Reviewer: The Prevent Lead (or the Academic Registrar in the absence of the Prevent Lead) who is responsible for deciding whether or not an event should go ahead.

Event: Any gathering that is hosted on Bloomsbury Institute premises, an external venue or online (including Bloomsbury Radio broadcasts) in the name of Bloomsbury Institute. This includes any teaching, learning or research setting as well as co-curricular and extra-curricular events.

6.2   Bloomsbury Radio

An important platform for external events is Bloomsbury Radio. Bloomsbury Radio has the ambition to provide appropriate and timely opportunities for all our students and alumni to ensure they become highly fulfilled individuals, employable in a volatile and competitive global labour market by developing their awareness, skills, attributes and professional networks. One of the station's strategic objectives is to provide a safe environment for the dissemination of high-quality information to support student learning and outcomes. To that end editorial decisions are based on maintaining the high standards the Institute promotes regarding the safety and welfare of students, staff and alumni. As the responsible person in charge of the station, the Commissioning Editor is responsible for undertaking and recording due diligence checks to ensure editorial decisions are consistent with our responsibilities in relation to the Prevent duty. The Commissioning Editor is also responsible for raising any concerns with the Institute's Prevent Lead.

6.3   Expectations

When authorising speakers to attend events, we approve them based on the understanding that they will act within the law and the policies and regulations we and our academic partners[6] set as well as the statutes that those regulations are drawn from. It is essential therefore that we safeguard any opportunities for free and open discussion within the law.

Similarly, staff members and all other persons attending meetings organised by Bloomsbury Institute, its external consultants or its students must behave in a lawful manner and avoid taking any action or using any language which is offensive or provocative.

6.4   Approval process

The following approval process applies to all events excluding Bloomsbury Radio broadcasts where the Commissioning Editor is responsible for undertaking due diligence. See Section 6.2 above.

6.4.1   External Speaker Request Form

Anyone wishing to secure approval for an event at which an external speaker is to be invited to speak, will need to complete an External Speaker Request Form available from the Prevent Lead (External Speaker Request Form A). Form A must be completed in full and submitted to the Reviewer, namely the Prevent Lead at least 14 working days in advance of the event. In the absence of the Prevent Lead, the request should be forwarded to the Academic Registrar. In most cases, the Reviewer will aim to respond to a request within five working days, but it may take longer if additional information is required

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[5] In the event of a society wishing to organise an event, all co-ordination would go through the Guild Manager.

[6] The University of Northampton and Birkbeck College.

(based on the nature of the event), or if there is any doubt about potential risks or where risks that have been identified are considered to be medium or high. In these cases, the Reviewer may:

- seek additional information by consulting with the Principal Organiser over completion of Form B.

- discuss the Request Form with the Head of Governance and Legal Services or, in the absence of the Head of Governance and Legal Services, the Academic Registrar.

In the event of any material changes proving necessary to an event that has already been approved, the Principal Organiser must notify the Prevent Lead[7] immediately for re-approval. The Prevent Lead reserves the right to review the original decision.

Please note that no one should engage a speaker or publicise an event until approval has been given.

6.4.2   Review of External Speaker Request Form

The Reviewer(s) will need to consider whether there is reason to suspect:

- the potential for the speaker acting in breach of the law and institutional policies as a result of highly controversial views.

- whether the speaker belongs to an extremist organisation.

- the potential for failure on our part to meet our safeguarding duties including those in relation to the Equality Act 2010 and our Prevent duties as determined by the Terrorism Acts 2000 and 2006, the Counter-Terrorism and Security Act 2015, the Counter-Terrorism and Border Security Act 2019, the Prevent duty and our own Prevent Policy.

The Reviewer will also need to consider:

- the potential impact of the speaker's views without mitigation. Might they incite intolerance, hatred and violence? Might they give rise to feelings of distress, fear or alarm? Might they result in a breach of the peace? Might they draw members of the audience into terrorism? [See section 6.3.5 regarding mitigating conditions.]

- whether the speaker has given a similar talk at another institution and the impact that that speech might have had.

- whether the speaker's views can be mitigated by ensuring both sides of the argument are presented at the event. This can be done either by inviting another speaker with opposing views or ensuring that the chair provides balance and challenge during the event.

- the potential for reputational risk.

- the management or staging of the event in terms of the audience, security, possible media coverage etc.

The Reviewer will be expected to conduct and evidence due diligence when reaching conclusions regarding the above. This might include internet research, vetting of any publicity materials, vetting of speeches, dialogue with partners including academic partners, other institutions, the FE/HE Regional Prevent Co-ordinator for London, and Camden Council's Prevent Co-ordinator.

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[7] Or the Academic Registrar in the absence of the Prevent Lead.

6.4.3 Referral of External Speaker Request Form for further scrutiny

The Reviewer may have some concerns regarding the external speaker and may therefore refer the request on to the Head of Governance and Legal Services or, in the absence of the latter, the Academic Registrar[8]. Possible causes for concern include the potential for breaches of the law or our own institution policies on the part of the Speaker and/or us as an institution, breaches of the peace and creation of a climate of fear and alarm.

6.4.4 Review outcomes

There are four possible outcomes to the initial request:

- A request for more information (provided through completion of Form B)

- A decision not to allow the event to proceed.

- Approval of the event.

- Approval of the event subject to the introduction of mitigating conditions or constraints as detailed in 6.3.5 below.

6.4.5 Mitigating conditions

Should we decide to approve an event subject to mitigating conditions, the latter might include measures such as the following:

- Asking the speaker to submit a copy of the speech in advance of the event if they have not already been asked to do so.

- Ensuring that the external speaker has received and read a copy of this policy by asking them to sign an External Speaker Assent Form[9] (available from the Prevent Lead).

- Mitigating the speaker's views by inviting a speaker with opposing views or by appointing a Chair with relevant knowledge or experience.

- Restricting attendance at the event by opening it up to current staff and students only, for example. or making it a ticketed event. Alternatively, making it a public event at which members of the public and police are entitled to attend.

- Inviting the speaker to meet with the Reviewer in order to discuss the event and to ensure that the external speaker is aware of the legislative framework within which they are being asked to speak.

- Ensuring that the event is observed by staff members who are able to intervene should intervention prove necessary.

- Security be arranged for the event.

- Advertising of the event be restricted in some way.

- Filming of the event so that the recording can be used as evidence in any criminal proceedings.

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[8] In the event of the Academic Registrar acting as initial Reviewer and wanting guidance, the request will be referred to the Head of Governance and Legal Services, or in their absence, the Director of the Centre for Excellence in Teaching and Learning.

[9] By signing our External Speaker Assent Form, the speaker is confirming that they will act within the law and both our policies and regulations, and those of our academic partners.

- Insisting that the talk and any promotional literature be in English.

- Changing the format of the event so that the external speaker becomes part of a Panel across which differing views are expressed.

- Requesting a copy of the guest list.

6.4.6 Changing the time or location of the event.Role of the Principal Organiser

The Principal Organiser is responsible for:

- Being familiar with and following the External Speaker Policy.

- Completion of the External Speaker Request Form (Form A) according to guidelines set out in the External Speaker Policy.

- Ensuring that the external speaker has received a copy of this policy.

- Ensuring receipt of the speaker's lecture/notes prior to the event where relevant.

- Where necessary, inviting the external speaker to meet with the Reviewer to discuss the talk.

- Ensuring presentation of a balanced set of views either through invitation of a speaker with opposing views or appointment of an appropriately knowledgeable Chair.

- Notifying with immediate effect the Reviewer of any changes to an event once the event has been approved.

7. Gender segregation

We are committed to promoting a general culture of equality, diversity and inclusion throughout our staff and student community. Our responsibilities in this respect are set out in our Equality, Diversity and Inclusion Policy which, in turn, is determined by our obligations under the Equality Act 2010. In line with these obligations, we will not allow organised segregation of any form at lectures, seminars, meetings or events of any kind. The only exception we would make to this ruling would be in the case of collective religious worship or observance. Instead we support the right of people to sit or stand in any particular groupings that they choose to form.

8. Room bookings/usage

Once approval has been granted for an external speaker to address our students, the Reviewer is required to notify Room Bookings at Birkbeck College (roombookings@bbk.ac.uk) of the event and copy in both Anna Phillips, the Room Bookings Manager (a.phillips@bbk.ac.uk) and Oliver Berman, the Head of Communications (o.berman@bbk.ac.uk). Birkbeck staff will need to be informed of the name of the speaker, the title of the talk/event and the date, time and room to be used if we already have a room booked.

9. Advertising events

Events can be advertised using Eventbrite, the Bloomsbury Institute website, Bloomsbury Institute's VLE or by email to owners[10] of Bloomsbury Institute email accounts. Facebook should not be used. For events taking place in a Birkbeck room, care should be taken to ensure that we do not give the

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[10] This includes both staff and student email accounts.

impression that an event is an *affiliated* event i.e. one being hosted by both Bloomsbury Institute and Birkbeck.

Principal Organisers should note that there are restrictions on inclusion of venue information when advertising any external speaker event. These restrictions will vary depending on the nature of the event (i.e. whether it has been approved with or without mitigating considerations (see 5.3.5), and the advertising medium to be used. The Reviewer will provide the Principal Organiser with appropriate instructions based on the following.

Approved Events

- For events advertised privately i.e. through Bloomsbury Institute's VLE or Bloomsbury Institute email accounts, venue information can be included.

- For events advertised publicly i.e. through Eventbrite or the Bloomsbury Institute website, details of the venue should be confined to either Birkbeck College or Bloomsbury Institute only. Details of the building or room number should not be provided until the individual concerned has applied for and been allocated a ticket for the event (see section 9).

10. Ticketing

For ticketed events, the Principal Organiser will need to allocate tickets and produce a guest list to which they can refer when monitoring admittance at an event.

11. Data Sharing

We reserve the right to share with other relevant agencies information on any external speakers we have hosted or any external speakers to whom we have decided not to give a platform provided there is a legitimate reason for us to do so. In addition, we recognise the need to report to the Office for Students any major incidences of concern involving external speakers.

12. Related policies and procedures

Internal

- Dignity and Respect Policy

- Equality, Diversity and Inclusion Policy

- Email Acceptable Use Policy

- Internet Acceptable Use Policy

- Prevent Policy

13. Review of the External Speaker Policy

The External Speaker Policy will be reviewed annually by our Senior Management and Leadership Team (SMLT) unless there is cause for the latter to undertake an earlier review. Any amendments require the approval of the Senior Management and Leadership Committee.

Appendix A

The Legislative Framework for Freedom of Speech

The following list is not exhaustive:

- Communications Act 2003

- Counter-Terrorism and Security Act 2015

- Counter-Terrorism and Border Security Act 2019

- Crime and Disorder Act 1998

- Criminal Justice and Public Order Act 1994

- Criminal Justice and Immigration Act 2008

- Data Protection Act 2018

- Education [No 2] Act 1986 and, in particular, Sections 43 [1], 43 [2], 43 [3], 43 [4] covering Freedom of Speech

- Equality Act 2010

- Higher Education and Research Act 2017 covering Academic Freedom

- Human Rights Act 1998

- Malicious Communications Act 1988

- Offences against the Person Act 1861

- Protection from Harassment Act 1997

- Public Meeting Act 1908

- Public Order Act 1986

- Terrorism Acts 2000 and 2006

- UK General Data Protection Regulation (UK-GDPR)

Additional Framework Documents:

- Prevent Duty Guidance for Higher Education Institutions in England and Wales (2015 – as last updated on 1 April 2021)

- Prevent duty: Framework for monitoring in higher education in England 2018-19 onwards (September 2018)

- European Convention on Human Rights

- Freedom of expression: a guide for higher education providers and students' unions in England and Wales, Equality and Human Rights Commission (2019)

Appendix B

External Speaker Request Form (A)

Anyone wishing to invite an external speaker[11] to address either staff or students at Bloomsbury Institute, must refer to our External Speaker Policy before completing this request form and submitting it by email to the Prevent Lead (maria.jackson@bil.ac.uk) at least **14 working days** in advance of the event. Any forms received later than this date or any incomplete forms may not be considered. In completing this form, the Principal Organiser is confirming that they have read and understood the External Speaker Policy.

Please note that you should not engage the speaker or publicise the event until approval has been given.

Part 1: Principal Organiser:
Name:
Department/Division:
Contact details (tel no. and email address)
Date request made:

Part 2: Proposed event details:
Proposed event title:
Proposed event date:
Proposed/venue:
Proposed method of advertising the event:
Description (including event format) (max 50 words):
Target audience (profile and size): Please indicate whether you believe the event will attract any groups or individuals that have previously been known to express views that may be in breach of our External Speaker Policy.
Proposed External Speaker(s): Please include links to biographical information and indicate whether you believe that any of your proposed speakers have previously been prevented from taking part in an event at another organisation or have a track record of inappropriate or illegal activity.

For completion by the Prevent Reviewer:
Additional sources checked:
Decision:

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[11] External speakers include anybody who is not a member of staff, external consultant or student at Bloomsbury Institute.

Details of mitigating actions required (if approved):
Date:

Appendix C

External Speaker Request Form (B)

This form should be completed by the Prevent Lead should the Prevent Lead feel that more information is required than Form A is able to provide, or should the Prevent Lead have any particular concerns about the event being proposed.

Section 1: Principal Organiser

Name of Principal Organiser	
Status (Staff/Student)	
Telephone Number	
Email Address	
Date of request	

Section 2: Date, Time and Venue

Date of event	
Start Time	
Finish Time	
Duration	
Venue	

Section 3: External Speaker Details

Speaker's Full Name	
Organisation	
Website link and/or information on the speaker	
Speaker's religious/political/other affiliation?	
Telephone Number	
Email Address	
Have they spoken at Bloomsbury Institute before	
Have they spoken at any HEIs before? If yes, please state which ones.	
Has the speaker been given and returned a signed External Speaker Assent Form?	

Section 4: Event Overview and Potential Threats

Title/Topic	
Subject Matter	
In the past, has this speaker or topic generated any controversy?	
Are there any other reasons why issues may arise with the speaker?	
Appointed Chairperson	

Section 5: Audience/Advertising

Will it be an open event or open only to Bloomsbury Institute staff and students?	
Will it be a ticketed event?	
What are the expected numbers?	
How and where will the event to advertised?	

Section 6: Media

Will members of the press, TV or radio be permitted to attend?	
Is the event being sponsored? If so, by who? Will advertising appear at it?	
Will the event attract media interest? If yes, why?	

Section 7: Requirements

Is security required and, if yes, how will it be provided?	
Is AV required?	
Is catering required?	

Section 8

Name of Reviewer	
Outline and evidence the due diligence taken[12]	
Name of Senior Reviewer (if relevant)	
Outline and evidence the due diligence taken	

Please circle decision responses below as appropriate.

Decision	Name of Reviewer	Date decision conveyed to Principal Organiser	Details of Conditions if appropriate
Approved: YES/NO			
Approved with Conditions: YES/NO			
Submitted to Senior Reviewer for further scrutiny: YES/NO			
Approved by Senior Reviewer: YES/NO			
Approved by Senior Reviewer with conditions: YES/NO			

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[12] Due diligence might include liaising with partners, online research, vetting of speeches and or publicity materials.