External Speaker Policy

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Document Version Control

Document Version	Committee	Committee Action	Date
v 6.0	**SMLT**	Approved	2 March 2022
v 7.0	**SMT**	Approved	1 March 2023
		Date in force	**1 March 2023**
v 8.0	**SMT**	Approved	6 March 2024
		Date in force	**04 June 2024**
v 9.0		Reviewed by M Jackson (next review in the next Academic Year)	6 March 2025
		Date in force	**27 March 2025**

The External Speaker Policy will be reviewed annually by the Document Lead. Any significant changes beyond the scope of an annual review will require the approval of our Senior Management Team (SMT).

1.   Introduction

The Higher Education (Freedom of Speech Act) 2023 requires providers to take such steps as are 'reasonably practicable' to ensure that freedom of speech within the law is secured for students, staff, members and visiting speakers. Recognising our obligations under the Act, we are committed to creating an academic environment in which academic freedom and freedom of expression are actively promoted, and differences of opinion are expressed. This is articulated within our Code of Practice on Freedom of Speech and Academic Freedom[1]. However, as recognised by the Higher Education (Freedom of Speech Act) 2023, 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

This policy applies to all staff (including temporary staff and external consultants), students, visitors and contractors on Bloomsbury Institute's premises or premises used specifically for Bloomsbury Institute or Bloomsbury Institute-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[2] 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 hold, 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[3]. 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:

- incite criminal acts or any other breaches of the law (e.g. an offence under prevention of terrorism legislation or a threat to public order or health and safety legislation),

- lead to an expression of views which are contrary to the law;

- promote or support any illegal organisation;

- discriminate against or infringe the rights of others.

Please note that the above list is not exhaustive.

In fostering and promoting 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

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[1] https://www.bil.ac.uk/qem/section-3/

[2] Bloomsbury Institute's Prevent Lead can be contacted at Maria.jackson@bil.ac.uk

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

and engaging with different perspectives. These different perspectives, in turn, serve to challenge discrimination, promote tolerance and strengthen society.

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[4] and our Corporate and Academic Governance Framework[5]. In practical terms, this respect is reflected in the Terms of Reference assigned our Strategic Leadership Team, Senior Management Team, Academic Committee, Quality Assurance and Enhancement Committee, and Course Committees with our Board of Directors having an additional responsibility (articulated within its Statement of Primary Responsibilities) to secure, promote and protect the principles of academic freedom and freedom of speech.

4.   The Prevent duty

The Prevent duty provides statutory guidance[6] 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 Chief Operating Officer and Chief Financial Officer and our Prevent Lead have operational responsibility for compliance with the Prevent duty, but are supported by our Senior Management Team (SMT). Ultimate responsibility for compliance rests with our Board of Directors.

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[4] See Regulation 3.

[5] https://www.bil.ac.uk/qem/section-1/

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

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 always aim to mitigate those risks before making any decision to prevent the event from taking place.

6.1   Definitions

External Speaker: An individual invited to speak at the Institute who is not a member of staff, an external consultant currently employed by us, or a student at our Institute.

Principal Organiser: The individual organising the event[7].

Reviewer: The Prevent Lead (or the Head of Compliance 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 (including Birkbeck College as the supplier of classroom, social space, and library facilities) 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.

Please note that even once an event has been approved, Bloomsbury Institute reserves the right to close the event before or once it has commenced should there be cause for it to do so.

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

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 (External Speaker Request Form A) available from the CETL site on Canvas. [See Appendix B.] 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 proposed date of the event. In the absence of the Prevent Lead, the request should be forwarded to the Head of Compliance[8]. 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 (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. [See Appendix C.]

- discuss the Request Form with the Chief Operating Officer and Chief Financial Officer or the Deputy Chief Operating Officer, as appropriate.

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[9] 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/proscribed terrorist group or organisation[10].

- 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.

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[8] The Head of Compliance can be contacted at Amanda.jeram@bil.ac.uk

[9] Or the Head of Compliance in the absence of the Prevent Lead.

[10] https://www.gov.uk/government/publications/proscribed-terror-groups-or-organisations--2

- whether risks associated with 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/Education Manager. The level of due diligence check will be determined by the level of risk (Low, Medium, High) that the proposed event might pose. See table below for details:

Level of Risk	Examples	Level of Due Diligence Checks
Low	The nature of the event is clearly described and does not appear contentious e.g. a curriculum or employability event. The speaker is a previous speaker and has no history of issues.	**Standard** Completion and review of information in External Speaker Request Form A.
Medium	Vague information or insufficient details to make an informed assessment have been provided. The topic or subject matter could lead to controversial discussions or lend itself to potential misuse. Any views presented during the event may remain unchallenged by opposing views in the same forum.	**Intermediate** Completion and review of Information requested in the External Speaker Request Form A and B.
High	Details of the speaker remain unclear after more information is requested. The topic or subject matter is controversial, is likely to link to proscribed organisations or has potential to radicalise people or be used to draw people into terrorism. Information obtained suggests that the speaker has given cause for concern at previous meetings at other organisations.	**Enhanced** Completion and review of Information requested in the External Speaker Request Form A and B including additional in-depth enquiries involving any such external agencies as are necessary e.g. the police, the London Regional Prevent Co-ordinator, Camden Council's Prevent Co-ordinator/Education Manager, and other HE Providers.

Level of Risk	Examples	Level of Due Diligence Checks
	The speaker explicitly criticises UK and Bloomsbury Institute values and expresses views or beliefs that are in direct opposition to the same. Negative feedback provided by third parties or issues are raised by other providers.	

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 Chief Operating Officer and Chief Financial Officer or the Deputy Chief Operating Officer, as appropriate. 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 6.4.5 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.

- 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.

- 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.

- Changing the time or location of the event.

6.4.6 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 and our Code of Conduct on Freedom of Speech and Academic Freedom.

- 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.

6.4.7 Appeal

If the Principal Organiser disagrees with the decision not to approve an event, they can submit an appeal in writing to the Head of Compliance within 5 days of receiving the decision to reject. Appeals can be submitted on the following grounds:

- the decision was not made in accordance with the published process.

- the decision was not made in accordance with the Institute's Code of Practice on Freedom of Speech and Academic Freedom.

- relevant additional information in support of the speaker and event, not available at the time of making the decision, can now be submitted.

Appeals will be heard by our External Speaker Appeal Panel, comprising the Chief Operating Officer and Chief Financial Officer, the Deputy Principal, and the Director of the Centre for Student Engagement, Wellbeing and Success within 5 working days of the refusal decision. A minimum of two members of the Panel would be required to hear the appeal. A member of the Panel will respond to the appeal within 5 working days and the Panel's decision will be final. If there is insufficient time to hear the appeal before the proposed date of the event, the event (if approved upon appeal) would need to take place at a new date.

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](https://www.bil.ac.uk/)[11] 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, if the event needs to take place in a room hired from Birkbeck College, the Reviewer is required to notify Room Bookings at Birkbeck College (roombookings@bbk.ac.uk) of the event and copy in both Anna Phillips, Deputy Director of Estates Resources (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[12] 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 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 matter relating to our compliance with the Prevent duty as set out in the OfS's monitoring guidance.

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[11] https://www.bil.ac.uk/

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

12. Related policies and procedures

Internal

- Code of Conduct on Freedom of Speech and Academic Freedom

- Dignity and Respect Policy

- Equality, Diversity and Inclusion Policy

- Email Acceptable Use Policy

- Internet Acceptable Use Policy

- Prevent Policy

- Social Media Communications Policy

13. Review of the External Speaker Policy

The External Speaker Policy will be reviewed annually by the Document Lead. Any significant changes beyond the scope of an annual review will require the approval of our Senior Management Team.

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

- Equality Act 2010

- Higher Education (Freedom of Speech Act) 2023

- 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 and Resources:

- Prevent Duty Guidance for Higher Education Institutions in England and Wales (2023)

- Prevent duty Guidance update: a briefing for Higher Education Providers (HEPs)

- European Convention on Human Rights

- External speakers in higher education institutions, Universities UK, 2014

- Freedom of speech on campus: rights and responsibilities in UK universities, Universities UK (2011)

- Safe Campus Communities website

Appendix B

External Speaker Request Form (A)

Anyone wishing to invite an external speaker[13] 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 form submitted:

Part 2: Proposed event details:
Proposed event title:
Proposed event date:
Proposed venue if the intention is to host an event in a room that has already been booked: [If the event is approved and you need to book a room, you will need to notify Room Bookings that the event is an External Speaker Event so that they can liaise with the Prevent Lead over completion of the Prevent section within Birkbeck College's online booking form.]
Proposed method of advertising the event:
Is the event a curriculum event, an employability event or other? Please specify.
Description (including event format) (max 50 words):
Target audience (profile and size e.g. 30 Level 6 BM students): Please indicate whether you believe the event will attract any groups or individuals that have previously been known to express views or, in your opinion, are likely 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.

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

For completion by the Prevent Reviewer:
Additional sources checked where necessary:
Decision:
Details of mitigating actions required (if approved):
Advice to be given on advertising (if approved and applicable):
Advice to be given on booking a room (if approved and applicable):
Signed:
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 form submitted	

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.	

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 [14]	
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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[14] Due diligence might include liaising with partners, online research, vetting of speeches and or publicity materials.