HEADLANDS SCHOOL

SINCE 1965

Freedom of Expression Policy

Written by	School Business Manager
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Headlands School

1. Introduction

1.1 Freedom of Expression is a fundamental right under both British and European law and is protected by Article 10 of the European Convention on Human Rights. Article 10 is a qualified, not an absolute right which means that the rights of the individual must be balanced against the interests of society. Article 10 allows for restrictions to be placed for specific purposes.

1.2 This Policy describes the philosophy, principles and procedures relating to our responsibility to foster freedom of expression and the circumstances in which that freedom may be restricted in order to prevent violence, abuse or discrimination. The Policy also details Headlands School's responsibilities regarding visiting speakers.

2. Objectives

2.1 To clarify the School's responsibility to promote freedom of expression.
2.2 To identify the circumstances under which freedom of expression may legitimately be restricted.
2.3 To outline the School's responsibilities regarding visiting speakers including external lettings.

3. Related Policies, Procedures and Documents

3.1 Child Protection and Safeguarding Policy
3.2 Complaints Policy
3.3 Equality Duty Statement
3.4 Allegations Against Staff Policy
3.5 Code of Conduct Policy
3.6 Equality Policy
3.7 Disciplinary Policy
3.8 Other policies and documents may be identified from time to time as circumstances change and may be added to this list

4. Rationale

4.1 Article 10 gives everyone the right to freedom of expression, which includes the freedom to hold opinions and to receive and impart information and ideas without State interference.
4.2 This includes the right to communicate and to express oneself in any medium, including through words, pictures, images and actions (including through public protest and demonstrations).

The type of expression protected includes:

- political expression (including comment on matters of general public interest);
- artistic expression; and

- commercial expression, particularly when it also raises matters of legitimate public debate and concern.
- For obvious reasons political expression is given particular precedence and protection. Artistic expression - vital for fostering individual fulfilment and the development of ideas – is also robustly protected.
- To ensure that free expression and debate is possible, there must be protection for elements of a free press, including protection of journalistic sources.
- The right to free expression would be meaningless if it only protected certain types of expression – so (subject to certain limitations) the right will protect both popular and unpopular expression, including speech that might shock others.
- Interferences on free expression usually involve restrictions on publication; penalties for publication (such as criminalising speech or awarding damages); requiring journalists to reveal their sources; imposing disciplinary measures or confiscating material.

4.3 Limitations

Article 10 is a qualified right and as such the right to freedom of expression may be limited. Article 10 provides that the exercise of this freedom "since it carries with it duties and responsibilities" may be limited as long as the limitation:

- is prescribed by law;
- is necessary and proportionate; and
- pursues a legitimate aim, namely:

    - the interests of national security, territorial integrity or public safety
    - the prevention of disorder or crime;
    - the protection of health or morals;
    - the protection of the reputation or rights of others;
    - preventing the disclosure of information received in confidence; or
    - maintaining the authority and impartiality of the judiciary.

In considering questions of proportionality the potential for a 'chilling effect' on expression, the value of the particular form of expression, the medium used for the expression (i.e. newspaper or television) will all be taken into account, along with other considerations.

5. Core Principles

5.1 Headlands School has a duty to promote fundamental British values. These are:

- democracy
- the rule of law
- individual liberty
- mutual respect for and tolerance of those with different faiths and beliefs, and for those without faith.

5.2 Freedom of expression does not protect statements that unlawfully discriminate

against or harass, or incite violence or hatred against, other persons and groups, particularly by reference to their race, religious belief, gender or sexual orientation, nor does it limit or undermine the human rights of others.

5.3 Headlands School is subject to the statutory duty 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.

5.4 Headlands School also has statutory duties under the Counter Terrorism and Security Act 2015, to prevent people from being drawn into terrorism.

5.5 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.

6 Visiting Speakers

6.1 Headlands School often invites speakers from our wider community to give talks to enrich our student's experience of school, providing them with information that helps them make decisions at different phases of their education, widening their understanding of world and global issues and providing motivational inspiration through the sharing of a speaker's experience. Both the School and students greatly appreciate the time and effort that Visiting Speakers put in to their presentations.

6.2 Our responsibility to our students is to ensure that they can critically assess the information they receive as to its value to themselves, and that the information is aligned to the ethos and values of the School and British Values of democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs.

6.3 The purpose of this policy is to set out the School's legal obligations when using Visiting Speakers and to set out the standards of behaviour expected from Visiting Speakers. This policy was therefore drawn up having had regard to the Government's Prevent Duty guidance and the School's wider safeguarding obligations.

6.4 The "Prevent" statutory guidance (The Prevent Duty: Departmental advice for schools and childcare providers", DfE, June 2015, Updated 2023) (https://www.gov.uk/government/publications/prevent-duty-guidance) requires schools to have clear protocols for ensuring that any visiting speakers whether invited by staff or students, are suitable and appropriately supervised.

The protocols are:

- All visiting speakers to have a nominated point of contact at the school (the Organiser)

- The Organiser at Headlands School must notify the Main Office and Head of Department, well in advance of the visit.

- The Organiser must ensure that the topic the Visiting Speaker wishes to communicate, is appropriate to the age and maturity of the pupils to be in attendance and does not undermine British Values or the ethos and values of the School.

- The Organiser must send a copy of this policy to the speaker in advance of their visit.

- The Organiser must conduct research on the person/organisation to establish whether they have demonstrated extreme views/actions – a biographical internet search will usually be suitable.

- Staff must refuse to allow people/organisations to use school premises if they have links to extreme groups or movements. Justification of the school's decision will be provided to the person/organisation in writing

- The Organiser will ensure the Visiting Speaker signs in the visitors book, thereby keeping a register of all visiting speakers.

- Any information gathered will be kept in accordance with the School's Data Protection Policy.

- Visitors are to provide photo ID upon arrival at School, the organiser should check this and verify the Speaker's identity.

- Visiting speakers are to be accompanied at all times and are not to be left unsupervised with pupils at any point.

- In the unlikely event that the talk/presentation does not meet with the requirements of the Guidelines for Visiting Speakers, School Staff have the right and responsibility to interrupt and/or stop a presentation.