

Freedom of Speech Policy

Issue date	30 th June 2025
Renewal date	30 th June 2027
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Notes	This document should be used in conjunction with the: HBXL Adult Safeguarding Policy HBXL Prevent Policy HBXL External Speaker Policy and Procedure

1. Aims and Scope

At HBXL Skills Academy, we understand that Freedom of Expression is a fundamental right under both British and European law, and free speech is a fundamental right for everyone. HBXL Skills Academy is committed to open debate and discussion. This does not include unlawful speech, such as harassing others or inciting violence or terrorism.

The rights and obligations of this policy apply to:

- All HBXL Skills Academy staff and learners
- External individuals or organisations, such as HBXL Skills Academy alumni, subcontractors and employer partners

The aims of this policy are to clarify HBXL Skills Academy's responsibility to promote freedom of expression and to identify the circumstances under which freedom of expression may legitimately be restricted.

2. Principles

HBXL Skills Academy is committed to the implementation of this policy in accordance with HBXL's values which are to:

- encourage participation and openness;
- support academic freedom and respect the right to express diverse points of view;
- provide equal opportunities for all staff and learners to achieve their full potential;
- apply the highest ethical standards.

3. Legislative Context

Freedom of expression does not protect statements that unlawfully discriminate against or harass, or incite violence or hatred against, other persons or groups, particularly by reference to their race, religious belief, gender or sexual orientation, nor does it limit or undermine the human rights of others. HBXL 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.

Counter Terrorism and Security Act 2015

HBXL Skills Academy has statutory duties under the Counter Terrorism and Security Act 2015, to prevent people from being drawn into terrorism.

HBXL Skills Academy has a duty to promote the Fundamental British Values of:

- Democracy;
- The rule of law;
- Individual liberty;
- Mutual respect and tolerance of those of different faiths and beliefs.

Public Order Act 1986

The Public Order Act 1986 makes it an offence to use threatening, abusive, insulting words or behaviour, either with the intention of generating racial hatred, or in circumstances where it is likely that racial hatred will be generated.

Counter Terrorism and Border Security Act

The Counter Terrorism and Border Security Act 2019 makes it an offence to express an opinion or belief that is supportive of a proscribed organisation that commit or participate in terrorism, prepares for terrorism, promotes or encourages terrorism, or is otherwise concerned with terrorism.

Equality Act 2010

The Equality Act 2010 requires HBXL Skills Academy to:

- Eliminate unlawful discrimination, harassment, victimisation and other prohibited conduct;
- Advance equality of opportunity between people of different groups;
- Foster good relations between people of different groups when implementing the strategy.

In implementing this policy and associated procedures, HBXL Skills Academy will actively take these aims into account as part of its decision-making process and demonstrate how this has been undertaken.

4. Policy

HBXL Skills Academy expects everyone within the scope of this policy to ensure freedom of speech within the law is assured. HBXL encourages openness of debate and discussion, including opinions which may be difficult to hear. This must, however, be set alongside HBXL Skills Academy's duty to ensure the welfare of its staff and learners, and to guard against actions which may incite violence, hatred or breaches of the peace. Discussion and debate must therefore be conducted in a respectful and lawful manner.

5. Review

This policy will be reviewed at least every 2 years by the Safeguarding Team, or sooner if required by changes in law or guidance.