



# THE BIRMINGHAM & MIDLAND INSTITUTE

9 Margaret Street  
Birmingham  
B3 3BS

*Charity No. 522852*

## **FREEDOM OF SPEECH POLICY**

The Institute was established in 1854 for the Diffusion and Advancement of Science, Literature and Art in all its forms across the Midland counties. Education, and the broadening of minds, has been our objective since then and for minds to be broadened they must research, debate and engage in discourse.

Freedom of speech is fundamental to our nature as a seat of learning and understanding. In the pursuit of new knowledge, free and open debate is crucial. We will therefore seek at all times to promote a culture of vigorous and fearless debate, within the law, built on the principle of tolerance of different views and beliefs. We aim to ensure a high quality experience by actively promoting free discussion and interrogation of challenging and sometimes controversial ideas, and ensure that our partners, customers and members who use our premises may undertake to do so without hindrance of their right to freedom of speech beyond the limitations of the law.

### **1. Introduction**

The Birmingham & Midland Institute (hereafter referred to as “the Institute”) is committed to the active promotion of freedom of speech within the law and thus to ensure that all who come through our doors are able to discuss and debate ideas freely.

In actively promoting freedom of speech, the Institute will work closely with our partners, customers and members, which are separate legal entities, but which are subject to clear legal expectations with regard to the protection of freedom of speech when hosting events at the Institute.

Our approach to ensuring freedom of speech within the law will be based on the following principles:

(a) Freedom of speech is at the heart of all democratic societies and a foundation stone of education.

(b) The promotion of a culture of tolerance of differing views and perspectives and an acceptance that, in a free and open environment of debate, ideas will be robustly contested and challenged.

(c) The need, on occasion, to balance the right to freedom of speech against the need reasonably to protect the rights of others.

(d) The need, when balancing rights, to ensure that this is done in a way that is proportionate (thus meeting a high and evidenced benchmark of appropriateness) and legal, and informed by an assessment of whether any balancing action could be undertaken in a way that is less restrictive.

(e) That any restriction that may be required shall be an exception.

## **2. Speakers and Events**

A crucial part of our approach to promoting freedom of speech within the law is the way in which we encourage a culture of open debate through inviting external speakers into the Institute to discuss important and sometimes challenging issues.

The Institute will always seek to allow a speaker to speak and an event to go ahead with minimal mitigation, but we recognise that, in certain cases, it will be necessary to put in place arrangements to ensure fair and open debate within the law, a balance of viewpoints and the safety of our staff, volunteers and of our partners and customers.

The Institute works closely with our partners to ensure that we have robust, fair and transparent arrangements in place to manage speaker events within the expectations of the law that take place on its premises.

## **3. Freedom of Speech and the Law**

In ensuring the active promotion of freedom of speech within the law, the Institute will be mindful of the following legislation:

(a) The Human Rights Act 1998

Which establishes the individual's right to freedom of expression in UK Law.

(b) Charity Law (mainly Charities Act 2011)

That includes a duty placed upon charities to ensure freedom of speech within the law.

(c) The Equality Act 2010

That places duties upon public authorities to prevent discrimination on the basis of protected characteristics as set out in the Act.

(d) Health and Safety Law

Which places duties upon public authorities to ensure compliant arrangements for safe and healthy working and operations within its premises.

Examples of illegal speech

The Institute regards the following as examples of illegal speech:

- (i) Speech that encourages or supports violence against specific groups or individuals.
- (ii) Speech that encourages support for or participation in terrorism as defined by the Terrorism Act 2001.
- (iii) Speech that encourages or supports any other form of criminal activity.

Normally, speech that may cause offence to individuals or specific groups and is not illegal speech as defined in (i) and (ii) above, while not necessarily supported or encouraged by the Institute, will be permitted, although under certain circumstances only with appropriate mitigation (see section 3).

The Institute recognises that its legal duties must on occasion be balanced against one another, particularly with regard to our general duty of care to staff, volunteers and members, and we will ensure that any decision taken is subject to a reasonableness test (for example: where a complaint is made about a speaker or event on the grounds of perceived harassment or offence). This will include an assessment of the potentially disproportionate impact upon those who are vulnerable and protected under the Equality Act 2010.

While we will, as part of our duty of care to our staff, volunteers and members, offer support to those who have been negatively impacted by the free expression of controversial or challenging ideas or views, we will not seek to prevent or sanction speech that is within the law.

#### **4. Raising Concerns**

The Institute Freedom of Speech Policy is managed by the Governance Committee on behalf of The Board of Governors.

If you wish to raise a concern about the policy or its application, please contact the Honorary Secretary at [secretary@bmi.org.uk](mailto:secretary@bmi.org.uk)

Approved by the Board of Governors 6th March 2023  
Next Review - March 2024

Samina Ansari  
Junior Vice President

Stephen Hartland  
Honorary Secretary