

## Freedom of Speech Code of Practice

### 1.0 Introduction

This policy outlines the College's stance concerning freedom of speech and academic freedom under the Office for Students' Regulatory Guidance related to Freedom of Speech [effective from 1 August 2025].

*OFS Condition E1: Public Interest Governance: Includes 2025 Regulatory Advice Updates.*

### 2.0 Aim and Scope

The Regulatory Framework requires the College to comply with a set of public interest governance principles, two of which are freedom of speech and academic freedom. The Framework also regulates freedom of speech and academic freedom by means of Condition E1 (Public Interest Governance).

The regulation applies only to higher education providers in England. This includes all forms of higher education, such as Higher National Certificates (HNC), Higher National Diploma (HND), Higher Technical Qualifications (HTQ), Foundation degrees, and University-level qualifications.

### 3.0 Definitions

**3.1 Academic Freedom:** Academic staff are free, within the law, to question and test received wisdom and to put forward new ideas and controversial or unpopular opinions without placing themselves at risk of losing their jobs or associated privileges. Academic freedom is a component of, rather than entirely distinct from, freedom of speech.

**3.2 Freedom of Speech:** The freedom to impart ideas, viewpoints or information (referred to in Article 10 of the European Convention on Human Rights) by means of speech, writing or images, including in electronic form.

**3.3 Staff:** An individual employed by the College.

**3.4 Student:** An individual enrolled as a student at the College.

**3.5 Member:** Any person working for or on behalf of the College, as a volunteer, and members of the Governing Body. For the purposes of this policy, references to staff include such workers and members.

**3.6 External Speaker:** Any person (in-person or remote) invited to speak, publish, or otherwise participate in an activity held on College premises or remotely, including livestreamed or recorded content.

**3.7 Premises and Facilities:** All premises and/or facilities owned by the College; those it occupies or controls, even if not owned by the College.

**3.8 ICT Systems:** All College-provided or College-controlled information and communication systems, platforms and channels, including official social media accounts used for College activities.

**3.9 Reasonably Practicable Steps:** Steps that are effective, proportionate and feasible in the circumstances to secure freedom of speech within the law, for example, venue selection, stewarding, chairing, timing, security measures.

**3.10 Proportionate Restrictions:** Restrictions that are prescribed by law for legitimate aims, for example, public safety, prevention of disorder or crime, protection of others' rights, and implemented only where less-restrictive measures would not be sufficient.

**3.11 Students' Union and Societies:** The Students' union and any societies, clubs or associations which normally operate on the College's premises or Online.

**3.12 Publication:** Any dissemination of content connected to College activities, whether on College channels or personal accounts used for College activities.

## 4.0 Other College Policies and Procedures

This document should be read in conjunction with the College's policies and procedures, including:

- Compliments, Complaints and Feedback Policy & Procedure
- Staff Disciplinary Policy
- ABC - Positive Attendance, Behaviour and Commitment to Study Policy
- Staff Code of Conduct
- College Code of Conduct (students)
- Staff Grievance Policy

### 4.1 Complaints

Any grievances or complaints in relation to freedom of speech must be submitted promptly, in line with the College's Compliments, Complaints and Feedback Policy & Procedure. The College will not accept grievances or complaints submitted more than 30 calendar days after the incident, unless there are sufficient reasons for the delay.

The College will aim to resolve complaints without undue delay, following the standard timeframe of 20 calendar days. More complex cases involving freedom of speech or academic freedom may require additional time.

The College will keep both the student(s) and staff member(s) who filed the complaint informed of its progress.

If you are a student and are not satisfied with the College's response, you may be able to take the matter to the Office of the Independent Adjudicator (the OIA). The OIA is an independent organisation that considers student complaints.

The Office for Students operates a Free Speech Complaints Scheme, which reviews eligible complaints related to freedom of speech. These can be submitted by students, staff, applicants for academic posts, and visiting speakers, whether invited or already scheduled to speak.

#### **4.2 Informal or Early Resolution**

Staff and students are encouraged to seek informal resolution of their grievances and complaints where possible, including matters related to freedom of speech or academic freedom.

## **5.0 Freedom of Speech Within the Law**

The College is committed to a safe, inclusive environment and to upholding lawful freedom of expression. All speech is lawful 'within the law', unless restricted by legislation.

Free speech includes lawful speech that may be offensive or hurtful to some. However, unlawful harassment, incitement to hatred or violence is not protected and will not be tolerated.

The following questions should be used to assess speech-related decisions:

1. Is the speech within the law?
2. Are there reasonably practicable steps to secure the speech?
3. Are any restrictions prescribed by law and proportionate under the European Convention on Human Rights.?

#### **5.1 Legal Obligations:**

The governing body is required to take reasonably practicable steps to ensure that freedom of speech within the law is upheld within the College. This reflects the statutory duty imposed on higher education providers. It includes speech, written materials, and other forms of expression, not limited to the spoken word.

These statutory requirements are drawn from a range of legislation that places legal duties on higher education providers. Together, they set the framework within which the College must uphold Freedom of Speech within the law, equality, security, and public order. The following list identifies the key Acts and statutory provisions that inform and govern the College's responsibilities in this area;

- Counter-Terrorism and Security Act 2015, Section 29
- Education Act (No. 2) 1986

- Equality Act 2010
- Higher Education Act 2004
- Higher Education and Research Act 2017
- Human Rights Act 1998 (including Article 10 of the European Convention on Human Rights)
- Higher Education (Freedom of Speech) Act 2023
- Public Order Act 2023
- Protection from Harassment Act 1997
- Malicious Communications Act 1988
- Communications Act 2003

The College also retains the freedom to manage its operations lawfully. This includes determining course content, teaching methods, admissions criteria, and staff employment decisions. However, freedom of speech protections do not extend to speech that constitutes a criminal offence.

The College also has a duty to:

- Eliminate discrimination, harassment, and victimisation; advance equality of opportunity; and foster good relations between people who share a protected characteristic and those who do not.
- Comply with the Prevent Duty, which requires the College to 'have due regard to the need to prevent people from being drawn into terrorism'.
- Fulfil other legal responsibilities, including those relating to public order and the health and safety of employees, students, visitors, and speakers.

## 5.2 Admissions

A student's personal views or opinions must have no impact on their eligibility for admission. Once a binding offer has been made, it must not be altered or withdrawn on the basis of the student's expressed viewpoints.

## 5.3 Research

The College's research processes respect the rights to freedom of speech and academic freedom. In collaboration with partner HEIs, programme development and approval processes will similarly uphold these rights.

## 5.4 External Speakers

The 2023 Act requires the College to take steps to protect and promote the importance of freedom of speech within the law for staff, students, visiting speakers, and in both teaching and research contexts.

The College may assess the likely content of an external speaker's contribution. It is not obligated to make its facilities available to any group or member of the public, nor to allow public attendance at events on campus provided such exclusions are not discriminatory.

The College will also adhere to all legal obligations, relating to lawful security, and public order.

## 5.5 Teaching

When teaching sensitive or controversial topics or organising academic activities, staff should take steps to protect freedom of speech and academic freedom. This includes fostering an inclusive environment where all participants can express differing views and learn to 'disagree well' through evidence and respectful debate.

Further steps could include, for example:

- Identifying sensitive topics in advance and planning how to address any issues that arise.
- Setting expectations at the start of a module or event on how discussions will be conducted.
- Sharing content in advance to help participants prepare and engage thoughtfully.
- Reminding participants of their responsibilities under this code and the College's behavioural expectations.

## 5.6 Demonstrations

The College supports the lawful right to peaceful protest and recognises that staff and students may wish to demonstrate on campus. Such activities are permitted, provided they comply with College policies and legal requirements.

While protest is a protected form of expression, freedom of speech has limits. It must not incite violence, hatred, or unlawful acts, including the use of threatening language or materials that promote racism, religious hatred, discrimination, or terrorism. All participants are expected to act responsibly and within the law.

The College will not allow its premises to be used for illegal purposes and will assess speech-related activities accordingly.

No staff member or student will face disciplinary action or unfair treatment for lawfully exercising free speech or academic freedom.

## 6.0 Records of Decisions

The College is required to document any decisions that have been taken in relation to freedom of speech. This includes the following;

- The approval or refusal of speaker events.
- Disciplinary or harassment proceedings in relation to freedom of speech.
- Admissions or hiring decisions influenced by speech.
- Changes to staff contracts that may affect freedom of expression.

- Amendments to Policies relating to Equality, IT, Curriculum, or the Prevent duty.

Version	
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