



Freedom of Speech Policy 2023-24

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List of Related Policies:			
Policy No	Policy Title		
9	Disciplinary Policy and Code of Conduct		
11	Equal Opportunities and Diversity Policy		
25	Prevent Policy		
45	External Speakers Policy		
19	Learning Community Agreement		

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The purpose of this Policy is to enable the College to meet its duties under Section 43 of the Education (No. 2) Act 1986 and the provisions of the Higher Education ([Freedom of Speech Act 2023](#)) to take all reasonably practicable steps to ensure that freedom of speech within the law is secured for students and staff of the College and for visiting speakers regarding the organisation of meetings and other activities on College premises. Future revisions will be made in light of relevant legislation, and based on guidance and recommendations from the Office for Students: <https://www.officeforstudents.org.uk/advice-and-guidance/student-wellbeing-and-protection/freedom-of-speech/>.

The College also recognises its duty to comply with the right to freedom of expression ([Article 10](#)) and the right to freedom of assembly and association ([Article 11](#)) of the European Convention on Human Rights, which is incorporated into UK law by the Human Rights Act 1998.

As required by the [Higher Education and Research Act 2017 \(HERA\)](#), the College agrees to follow the regulatory framework of the Office for Students, including with regard to freedom of speech.

This Freedom of Speech Policy sets out the principles and procedures to be followed by College staff and students and by any other party using or seeking to use the College's hub for a meeting or activity, and the conduct required in respect of any such meeting or activity. The same principles apply to off-hub activities held in the College's name and to the promotion on hub or off-hub activities.

Principles

a. Freedom of speech is a fundamental right and is protected under the Human Rights Act 1998. Higher Education Providers play an important role in enabling students and staff "to express, encounter, negotiate and enjoy difference in a climate of respect and learning". The College has a particular obligation to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured. This includes a duty to ensure that the use of a College Hub is not denied to an individual or group based on their beliefs, views, policy or objectives.

b. Freedom of speech is not, however, an absolute right. The College is not required to provide a platform for views which are contrary to civil or criminal law. It is mindful of its other legal obligations which may require it to have regard to what is said on its premises. For example, its duty to ensure that staff, students and others who engage with the institution are protected from discrimination, harassment and victimisation, and that good relations between individuals and groups are facilitated. The College also has due regard for the need to ensure security and its statutory duty to prevent people from being drawn into terrorism, as noted in ForMission's Prevent Policy.

c. In balancing its responsibilities in terms of both ensuring freedom of speech and academic freedom, and also protecting student and staff welfare, the College will act reasonably and proportionately and in accordance with the law.

d. The College is committed to promoting equality, diversity and human rights, and to sustaining an environment which is free from all forms of unfair treatment, discrimination and harassment for all those who study, work and engage with the College, in accordance with the College's Equal Opportunities and Diversity Policy.

e. Staff and students are expected to adhere to the College's rules on the use of information communication technology. These prohibit the creation, display, production or circulation of material which is illegal or likely to cause offence. Students are also bound by College's Disciplinary Policy and Code of Conduct, and staff by the Staff Disciplinary Procedures.

f. The principles of this Policy may also be invoked in other situations where freedom of speech needs to be balanced against a potential infringement of the law and/or of the rights of others.

Procedures

a. If there is a concern about freedom of speech, the College will consider whether the activity in question:

- constitutes a criminal offence
- constitutes a threat to public order or to the health and safety of individuals
- incites others to commit criminal acts, or
- breaches the rights of others.

And whether the views or ideas to be put forward (or the manner of their expression):

- infringe the rights of others
- are likely to draw others into terrorism
- discriminate against groups or members of groups.

b. The College is entitled to intervene if it deems that it is likely to give rise to an environment in which people will experience – or could reasonably fear – harassment, intimidation, verbal abuse or violence, particularly because of their age, disability, gender identity, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexuality. It will also restrict an activity or event if it deems that the views being expressed or likely to be expressed constitute extremist views that risk radicalising people, drawing them into terrorism or are shared by terrorist groups.

c. In reaching its decision, the College will take into account whether adequate arrangements can be made to mitigate risk, safeguard the safety of participants in the event and other people within the vicinity, and to ensure that public order is maintained. This includes ensuring that, where any event is being allowed to proceed, speakers with radical

or extremist views are challenged with opposing views as part of that same event, rather than in a separate forum.