

Code of Practice for Freedom of Speech

September 2026

Student Experience Directorate

Document Control

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Associated Documents

Policy
Safeguarding Policies including Prevent (England) Global Code of Conduct Student Code of Conduct Staff Disciplinary Policy Student Behaviour Policy External Speakers Policy Complaints & Appeals Policy and Procedure Admissions Policy Student Harassment & Sexual Misconduct Policy Acceptable use of IT policy

Legislation and Government Guidance
Education Act (no. 2) 1986 Prevent Duty: HE Prevent Duty: FE Counter Terrorism and Security Act, 2015 Guide to the General Data Protection Regulation 2018

Equality Act, 2010
Human Rights Act 1998
Higher Education (Freedom of Speech) Act 2023

Approved

Provost	Signature and date
Professor Elena Rodriguez-Falcon Provost and Chief Innovation Officer	 27/08/2026

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1. Introduction to Freedom of Speech

Study Group and its Study Centres in England have a duty in regard to the importance of freedom of speech, to take reasonably practicable steps to secure freedom of speech within the law for members of staff, students and visiting speakers, including securing academic freedom for academic staff and maintaining a code of practice setting out matters relating to freedom of speech. All centres outside of England are expected to enable freedom of speech within the law.

Freedom of speech is defined as the freedom to hold, receive and impart ideas, opinions or information without interference (under the *Human Rights Act 1998* and *Article 10(1) of European Convention on Human Rights*), by means of speech, writing or images including electronic form and artistic impression such as a painting or production of a play.

Academic freedom relates to academic staff at a registered higher education institute being free within the law to question and test received wisdom and put forward new ideas and controversial or unpopular opinions, without placing themselves at risk or being adversely affected of losing their jobs or privileges at Study Group or the likelihood of securing promotion or different jobs being reduced.

2. Values

Study Group is committed to fostering a culture of tolerance which is essential to the academic debate of a wide range of ideas, including those that may be controversial, whilst supporting the safeguarding and welfare of students. Study Group recognises that lawful freedom of expression and academic freedom are essential principles in higher education to advance new ideas, encourage productive debate, and challenge conventional wisdom for the pursuit of knowledge.

As such, Study Group places a high level of protection for the lawful expression of a viewpoint and for speech in an academic context and supports students and staff members being able to lawfully express ideas or viewpoints that don't violate any lawful internal regulations, regardless of its own position on the matter.

In exercising this freedom, we recognise that we have responsibilities to each other and to wider society to:

- Treat others with courtesy and respect;
- Challenge inequalities and unjust treatment;
- Value inclusion, difference and diversity, personally and culturally;
- Respect the rights of individuals to hold different beliefs and views and to express them through considered contribution to discussion and academic debate;
- Be academically rigorous, employing evidence in academic argument, speech and debate.

3. Assessing Freedom of Speech

1. Assess whether speech is within the law; this means national legislation not internal regulations or policies. If it is, then the speech must not be restricted.

2. Assess whether reasonably practicable steps can be taken to secure the speech. These may include steps to avoid breaches to other regulatory duties (e.g. Prevent or harassment), risks to physical safety or disruption to essential functions (e.g. teaching, learning). If there are reasonable steps to secure freedom of speech that can be taken, then they must be taken. Considerations must not include whether the speech aligns with Study Group's values, whether it is controversial or offensive or whether external or internal groups approve of the viewpoint (for example University Partners, Sponsors).
3. Assess whether any restriction allowed by law (as above) is proportionate. To assess proportionality, the proportionality test in *Article 10(2)* of the *European Convention of Human Rights* is applied. Note this sets a high bar to restrict the protected right of freedom of speech. Consider whether:
 - a. The objective of the restriction is important enough to limit a protected right of freedom of speech. For example, other legislation, such as the *Prevent Duty*, safeguarding duties under *Keeping Children Safe in Education 2026*, the *Harassment & Sexual Misconduct Duty*, the duty to maintain physical safety or the inability to maintain the essential function of teaching and learning;
 - b. The measure is rationally connected to the objective;
 - c. A less intrusive measure could be used;
 - d. The extent to which the measure will meet its objective and that this outweighs the restriction of a protected right noting duties such as *Prevent* and *Harassment & Sexual Misconduct* specifically stress the importance of free speech.

4. Is speech within the law?

It is assumed that speech is permitted unless it is restricted by law. Speech which is unlawful is not protected. This would include speech that falls under:

- *Public Order Act 1986 (section 4)*, using threatening, abusive or insulting words or behaviour or distributing or displaying any writing, sign or other visible representation which is threatening, abusive or insulting, with intent to cause a person to believe that immediate unlawful violence will be used or provoked against them; or causing another person harassment, alarm or distress; or within hearing or sight of a person likely to be caused harassment, alarm or distress as a result. Note, in addition to intent, there must also be evidence of somebody (even if not the person targeted) suffering actual harassment, alarm or distress as a result. No offence is committed where the words or behaviour are used, or the writing, sign or other visible representation is distributed or displayed, by a person inside a dwelling and the other person is also inside that or another dwelling.
- Protection from *Harassment Act 1997* where a course of conduct has happened on at least two occasions which alarms or causes distress and is oppressive, unacceptable and of sufficient seriousness to amount to a criminal offence and the person knows or ought to know it would amount to harassment of another if a reasonable person with the same information would think it amounted to harassment.
- *Equality Act 2010*, where speech is harassment or unlawful discrimination of protected characteristics it is not lawful.
 - Unlawful harassment: unwanted conduct that has the purpose or effect of violating a person's dignity, creating an intimidating, hostile, degrading, humiliating or offensive environment because of or related to a person's relevant protected characteristics. The perception of the person experiencing

this conduct, other circumstances and whether it is reasonable for the conduct to have this effect, will be considered when determining if it amounts to harassment.

- Unlawful discrimination: treating someone less favourably than others because of a protected characteristic (direct) or practice or rule has a worse effect on someone because of the protected characteristic (indirect). The mere expression of views does not by itself imply the person expressing those views will discriminate.
 - The 'protected characteristics' set out in the *Equality Act 2010* are age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, and pregnancy and maternity.
- *Terrorism Act 2000* where speech invites support for a proscribed organisation which is not restricted to money or property or expresses an opinion or belief that is supportive of a proscribed organisation, and in doing so is reckless as to whether a person to whom the expression is directed will be encouraged to support a proscribed organisation, or the purpose of addressing a meeting is to encourage support for a proscribed organisation or further its activities. This includes arranging, managing or assisting to arrange and manage a meeting they know to be for any of these purposes.
 - *Prevent Duty*, Study Centres should also have due regard to the need to prevent people being drawn into terrorism in compliance with the *Counter Terrorism and Security Act 2015* (UK). While there is a duty to ensure freedom of speech and give importance to academic freedom, there remains the need to report to the Prevent Lead any speech which draws people into terrorism.
 - *Malicious Communications Act 1998* where it is an offence to send any letter, electronic communication or article that is indecent, grossly offensive or conveys a threat, with intent to cause distress or anxiety to the recipient or others.
 - Harassment and Sexual Misconduct Office for Students E6 Condition; Study Group has robust anti-bullying and anti-harassment policies which do not breach lawful freedom of speech.

4.1. Unlawful v Offensive

It is recognised that Study Group must place significant weight on the importance of freedom of speech within the law, academic freedom and tolerance for controversial views.

It is recognised in upholding this duty that Study Group must give people whose views others may find shocking, disturbing, upsetting or offensive, the right to lawful free speech.

It is acknowledged that Study Group must apply a rebuttable presumption that being exposed to lawful free speech is unlikely to amount to harassment. Even if the content of the curriculum for example causes offence to students with certain protected characteristics, this will not make it unlawful unless it is delivered in a way which results in harassment or subjects students to discrimination.

4.2. Consequences of Unlawful Speech

Study Group has a zero-tolerance approach to unlawful discrimination, bullying and harassment or any act which incites or promotes violence or terrorist activity, drawing people into terrorism. This is set out in the *Global Code of Conduct* and the *Student Code of Conduct*

for members of staff and students respectively. Where members of staff or students have found to have breached the relevant code of conduct, action would be taken under the *Staff Disciplinary Policy* or *Student Behaviour Policy* as appropriate.

Neither policy prevents staff or students being able to express their lawful academic opinions. Neither students nor staff would be subject to disciplinary processes or termination because of exercising their right to freedom of speech within the law. Decisions should be recorded to evidence that staff were not penalised for using their right of lawful academic freedom.

5. Duties of All Staff in Study Centres

5.1. Duties of all staff in Study Centres include:

- Undertake Safeguarding training, Prevent training, and have an awareness of the *Equality Act 2010* pertaining to freedom of speech and academic freedom;
- Read this *Code of Practice for Freedom of Speech and any updates* at least once a year and know how to access a written copy via the staff intranet or handbook;
- Ensure students are aware of this code of practice and have access to a written copy via the student VLE or handbook;
- Whilst in the classroom (online or face-to-face), they provide students the opportunity to express and debate their ideas lawfully and within a culture of respect and tolerance;
- Facilitate suitable challenge or opposing opinion during lessons as appropriate;
- Ensuring students are not treated unfavourably or less favourably on the grounds of students' opinions or ideas;
- Seeking advice and guidance from the Designated Safeguarding Lead (DSL) as the nominated local Prevent Lead when there is a concern speech is unlawful;
- Where they organise an external speaker, they check speakers as is reasonably possible for links with extremism with support of their DSL;
- Undertake appropriate risk assessments, put mitigations in place with the external speaker and make them aware of their responsibilities.

5.2. Commitment to securing freedom of speech and academic freedom

- The *Code of Practice for Freedom of Speech* will be shared with staff and students at least once per calendar year;
- Staff will be adequately trained on free speech to enable them to uphold the duty, including not treating students unfavourably or less favourably on the grounds of students' opinions or ideas;
- The *Code of Practice for Freedom of Speech* will be contained within the student VLE and Quality Assurance & Enhancement SharePoint site for staff;
- The *Code of Practice for Freedom of Speech* will be referenced in all relevant policies;
- All decisions that have a substantial effect on freedom of speech will be recorded to show how regard for the importance of freedom of expression was taken (disciplinary records, refusal of visiting speakers) and reported through the Annual Safeguarding Review and Annual Monitoring Review processes then via appropriate governance committees to Senate;
- Terms of reference for all Study Group governance committees refer to the free speech duties;

- Where appropriate publicly, Study Group would reject public campaigns to punish a student or member of staff for lawful expression of an idea or viewpoint that does not violate any lawful internal regulations as promptly as reasonably practical;
- To affirm students' and staff members' rights to make such statements regardless of any institutional position on the matter.

6. Admissions, Appointment and Promotion Practices

Student and staff recruitment practices should ensure:

- Students applying to change course will not be discriminated against because of their viewpoint;
- Applicants will not have a binding offer revoked or terms of their admission changed because of their viewpoint;
- Students should not be admitted where funding arrangements or other criteria have the effect of restricting academic freedom or lawful freedom of speech;
- Applicants for academic positions or internal promotions are not adversely affected because they have exercised their freedom within the law to question and test received wisdom or put forward new ideas and controversial or unpopular opinions;
- Academic staff are not adversely affected by losing jobs, privileges or reduced opportunities for a promotion or change of job because of this;
- Academic staff are not required to commit to a particular viewpoint;
- Recruitment panel members will have adequate training on freedom of speech and academic freedom.

7. Organisation of Meetings and Other Activities, Including External Speakers

The *Organising External Speakers and Other Events Policy* sets out the duty to take reasonable and practical steps to permit lawful free speech on campus for events or activities organised by staff or students which may be led by internal or external visiting speakers. It sets out the procedure for organising external speakers, the due diligence to be undertaken and what is considered to give permission for a speaker.

8. Complaints and Investigations

Lawful speech will not be punished because of the viewpoint expressed. Processes will not encourage anonymous reporting of lawful speech. Vexatious, frivolous or obviously unmeritorious complaints relating to speech should be rejected.

Complaints that freedom speech was restricted will follow the *Complaints and Appeals Policy*.

Complaints that speech is unlawful will follow the staff or student disciplinary policy as relevant.

Complaints relating to freedom of speech will be recorded and trends reported to the governing body.

9. Reviewing Practice

Related policies and training are reviewed periodically to ensure they have regard to current regulations and do not restrict lawful free speech and academic freedom (*Student Code of Conduct & Behaviour Policy, Global Code of Conduct & Staff Disciplinary Policy, External Speakers Policy, Safeguarding Policy*).

The number of external speaker requests are recorded across the network and reported annually. The report includes any refusal of permission for a speaker and information on why the decision was made. Any trends in refusals would be reviewed by the Study Group Prevent Lead.

Complaints are monitored by the Study Centres and appeals by the Quality Assurance & Enhancement team. Any trends in complaints or appeals related to freedom of speech would be investigated.



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