

Code of Practice for Freedom of Speech

September 2025

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

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1. Introduction to Freedom of Speech

Study Group and its Study Centres in England have a duty to take reasonably practicable steps to secure free speech within the law for members of staff, students and visiting speakers and maintain a free speech code of practice and promote the importance of free speech within the law and academic freedom.

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 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, If it is then the speech must not be restricted.
2. Assess whether reasonably practicable steps can be taken to secure the speech. If they can then the steps must be taken.

3. Assess whether any restriction is proportionate (if reasonable practicable steps cannot be taken to secure free speech).

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:

- 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 2025*, the *Harassment & Sexual Misconduct Duty*, the duty to maintain physical safety or the inability to maintain the essential function of teaching and learning;
- The measure is rationally connected to the objective;
- A less intrusive measure could be used;
- 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. Unlawful Speech

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 others thereby causing harassment, alarm or distress.
- 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.
- *Equality Act 2010*, where speech is harassment or unlawful discrimination of protected characteristics.
 - 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.
 - 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 '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.
- *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, speech which draws people into terrorism is unlawful.

- *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

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

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 the 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 organize an external speakers, 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.

6. Recruitment Practices

Recruitment practices should ensure:

- Students applying to change course will not being discriminated against because of their viewpoint;
- Applicants will not have a binding offer revoked or terms of their admission changed because of their viewpoint;
- 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;
- That 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.

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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Author	Ali Baines, Dean Education & Student Experience
Owner	Ali Baines, Dean Education & Student Experience

Student Experience Directorate