

# Code of Practice for Freedom of Speech

Ensuring the welfare of all students across the UK Centre network

September 2024

## Associated Documents

### Policy

Safeguarding Policies (England, Scotland, Wales)  
Global Code of Conduct  
Student Code of Conduct  
Staff Disciplinary Policy  
Student Behaviour Policy  
External Speakers Policy  
Complaints & Appeals Policy and Procedure

### 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

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## 1. Introduction

Study Group and its Study Centres have a duty to actively promote freedom of speech. Decisions must have regard to the importance of free speech and take reasonable and practical steps to permit lawful free speech on campus for members, staff, students and visiting speakers.

- Freedom of speech includes written materials and other forms of expression. It allows the freedom to hold opinions and to receive and impart information and ideas without interference.
- Academic freedom is a component of freedom of speech. It means academic staff are “free within the law to question and test received wisdom, and put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or the privileges they may have” at Study Group.

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. The freedom would apply to activities such as:

- Teaching
- Curriculum content
- Visiting speakers
- Research & scholarship
- Extra-curricular activities

All members of Study Group’s academic community in the UK – staff and students – have freedom within the law to:

- hold and express opinions;
- question and test established ideas or received wisdom;
- develop and advance new ideas; and
- present controversial or unpopular points of view.

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; and
- be academically rigorous, employing evidence in academic argument, speech and debate.

## 2. Unlawful Speech

It is assumed that speech is permitted unless it is restricted by law. Speech which is unlawful harassment or unlawful discrimination under the *Equality Act 2010* is not free speech within the law and is therefore not protected. Study Group may therefore legally restrict any speech which is considered:

- 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 or practice or rule has a worse effect on someone because of the protected characteristic.

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.

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). Speech which draws people into terrorism is unlawful.

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

### 2.1. 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 would prevent staff or students being able to express their lawful academic opinions.

## 3. External Speakers

The *External Speakers Policy* sets out the duty to take reasonable and practical steps to permit lawful free speech on campus for visiting speakers, whether organised by members of staff or students. 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.

## 4. Duties of All Staff in Study Centres

- To undertake Safeguarding training, Prevent training and have an awareness of the *Equality Act 2010* pertaining to freedom of speech and academic freedom;
- They have read this *Code of Practice for Freedom of Speech*;

- 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;
- Suitable challenge or opposing opinion is facilitated during lessons as appropriate;
- They seek 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;
- They undertake appropriate risk assessments, put mitigations in place with the external speaker and make them aware of their responsibilities.

## 5. 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.

## 6. Complaints

Students, staff and visiting speakers may use the Study Group *Complaints & Appeals Policy and Procedure* if they believe Study Group or one of the Study Centres has restricted them from expressing lawful free speech.



Title	Code of Practice for Freedom of Speech 2024
Version	1.0
Date	30 July 2024
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