

Document Title: **Code of Practice of Freedom of Speech and Academic Freedom**

Document Ref: **HE/POL/002**

Approver: **Corporation Board**

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Date last reviewed: **28/07/2025**

Date of next review: **28/07/2028**

Approval date: **28/07/2025**

Document Change Log	
Summary of changes made between previous issue and this current issue	Page number

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1 Purpose of the code

1.1 This Code of Practice sets out Lakes College's approach to protecting and promoting freedom of speech and academic freedom. It sets out our values and expectations and how our approach operates in relation to events and our curriculum and teaching. It explains the legislative and regulatory frameworks under which the College operates and provides information about who is accountable.

- This Code applies to staff, students and Governors of the College, and to visiting speakers.

2 Definitions

2.1 Freedom of speech and academic freedom are fundamental to the purpose of the College to further learning and the ability to challenge established ideas.

Freedom of speech is protected under common law and is guaranteed under Article 10 of the European Convention on Human Rights which includes the right "to hold opinions and to receive and impart information and ideas without interference by a public authority."

It continues under 10(2) "The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, restrictions or penalties as prescribed by law....."

Grounds for limitation under the Convention are outlined as:

- Interests of national security;
- Prevent considerations;
- Public Safety on campus;
- The need to prevent crime or disorder on campus;
- For the protection of the rights of other, including preventing harassment and the incitement of hatred against individuals.

2.2 The College recognises its duty under Article 10 of the Convention of Human Rights 1998 and subsequently the Higher Education (Freedom of Speech) Act 2023 to meet the duty to secure academic freedom and freedom of speech, known as the 'secure' duty and thereby to carefully consider the circumstances in which freedom of speech and academic freedom are restricted including whether there are steps that could be taken to 'secure' the speech and that any restrictions are lawful (see 4.4). The presumption is in favour of free speech.

- All students, staff and governors have freedom of speech within the law.

2.3 **Academic freedom** means freedom within the law for academic staff, including associate lecturers, to question perceived wisdom and to put forward new ideas and potentially controversial opinions within the law without incurring disadvantage in the workplace, specifically outlined in the Higher Education Act (Freedom of Speech) Act 2023 as follows:

1. to question and test received wisdom; and

2. to put forward new ideas and controversial or unpopular opinions without placing themselves at risk of being adversely affected in any of the following ways:
3. loss of their jobs or privileges
4. the likelihood of their securing promotion or different jobs at the provider being reduced.

3 Our values and expectations

- 3.1 The College is committed to inclusivity and innovation, and respect of an individual's rights, where the pursuit of knowledge is underpinned by rational arguments, evidence and debate.
- 3.2 The College will be proactive in protecting freedom of speech for ourselves and for others and will use it responsibly for the promotion of knowledge and understanding.
- 3.3 As members of a welcoming and inclusive community, which is tolerant and respects different viewpoints expressed within the law, we have responsibilities to each other and to the wider society to:
 - Value diversity and recognise that different people bring different perspectives, ideas, knowledge and lived experiences, and that this difference brings vitality and strength;
 - Treat others with courtesy and respect, and anticipate and respond positively to different needs and circumstances;
 - Respect the right of colleagues and others to hold and express views we disagree with, and if necessary, to challenge views openly through rigorous debate;
 - Make every reasonable effort to minimise the risks of any harm, either physical or psychological when promoting ideas;
 - Be careful to distinguish between our personal views and those of the College or any other person, group of people or organisation with which we may be associated.
- 3.4 The right to academic freedom also brings responsibilities for academic staff and associate lecturers, to:
 - Be academically rigorous, justify views with evidence and academic argument, and be willing to recognise the gaps and weaknesses in those arguments.
 - Be aware that some academic opinions and arguments may cause offence, but that this is not of itself a sufficient reason not to express those opinions and arguments. Academic staff, including associate lecturers will, nevertheless, be sensitive to the views of others and will not present or challenge views in a way that is hostile or degrading.
 - Respect the right of others to challenge views, opinions and arguments, provided that challenge is based on accurate evidence, facts or reasonable argument, and that it is thoughtful and within the law. Reflect upon, and apply these principles in all occurrences of teaching, research, study, and academic debate.

4 Securing and promoting freedom of speech and academic freedom

- 4.1 In supporting freedom of speech, the College will take reasonably practicable steps to protect the right to lawful speech for staff, students, visitors and visiting speakers, independently of the viewpoints being expressed. It is important to remember that free speech includes discussion of topics that may be perceived

as offensive or hurtful to some. In such instances, the context of the discussion needs to be taken into consideration by all.

- The College will ensure that its teaching adheres to the principles of freedom of speech and academic freedom, including arrangements for curriculum development and review, and academic assessment.

4.2 In assessing compliance with the 'secure' duty, the College will use the Framework for Assessment set out in the Office for Students' [Regulatory Advice 24: Guidance Related to Freedom of Speech](#).

5. Procedures for organising events

- An event is defined as any activity that falls outside the routine teaching and administrative business of the College. This includes any in- person, online or hybrid event for staff, students, or visitors which is affiliated with, branded as, funded by, or using the facilities of the College.
- The procedures that must be followed by event organisers are set out in the Events Policy. These include how to register events with external speakers, the risk assessment that will be undertaken, and examples of the mitigations that may be required to protect free speech.
- The purpose of these procedures is to maintain open debate, and any conditions imposed on the event will be kept to the minimum considered necessary in line with any risks identified. The College will seek to allow events to go ahead and will only withhold consent for an event to proceed in exceptional circumstances following the OfS compliance framework (4.3).
- Under legislation the College may not charge for any additional security that may be required.

5.1 Individuals attending events will be expected to comply with this Code of Practice for Freedom of Speech and Academic Freedom, and to uphold the College's values and expected standards of behaviour.

6. Roles and responsibilities

- 6.1 The ultimate authority for this Code is the College Corporation. The Vice Principal is responsible for the day-to-day implementation of the Code and the Executive, Cross College Admin, Event & Venue Manager the procedure for organising events.
- 6.2 For general advice and guidance staff should contact the Event and Venue Manager in the first instance.
- 6.3 All staff have a responsibility to comply with this code and should also be mindful of their online behaviour where this could be perceived as representing the College.

7. Non-compliance with this code

- 7.1 The College will promote awareness of the Code and support its staff, students and visitors in its implementation. Infringements of the procedures set out in this Code and

in the Events Policy may result in those responsible being subject to the disciplinary process. If any such actions involve potential breaches of the law, the College may refer the matter to the relevant authorities.

8. Complaints

- Complaints about freedom of speech or academic freedom should be addressed to the Clerk to the Corporation.
- Concerns regarding bullying, harassment or discrimination can be raised by students, staff or third parties through the appropriate College policies, or where appropriate, the Whistle-blowing policy.

8.1 The Office for Students (OfS) operates a free speech complaints scheme. Under that scheme, the OfS can review complaints about free speech from staff, applicants for academic posts and (actual or invited) visiting speakers. Information about the complaints that the OfS can review is [available on its website](#).

9. Legal and regulatory requirements

The College is subject to several legal duties and regulatory requirements that relate to freedom of speech and to academic freedom. These include:

9.1 The Higher Education (Freedom of Speech) Act 2023 requires that higher education institutions protect and promote freedom of speech and academic freedom within the law. The Act requires that higher education providers have in place a Code of Practice for Freedom of Speech which sets out their values relating to freedom of speech and their procedures for the organisation of meetings and events.

9.2 The Education (No. 2) Act 1986 Section 43 places higher education providers under a statutory duty to take reasonably practicable steps to ensure that freedom of speech within the law is secured for staff, students and visiting speakers.

9.3 Human Rights includes the right to freedom of expression, which includes freedom of speech.

9.4 The Public Sector Equality Duty as set out in the [Equality Act 2010](#), requires education providers to have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between those who share protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation) and those who do not.

9.5 [The Office for Students \(OfS\)](#), the OU's principal regulator, requires higher education providers to comply with a set of public interest governance principles, including freedom of speech and academic freedom (Condition E1 of the OfS's regulatory framework).

9.6 [The Prevent duty](#), monitored by the OfS, requires higher education providers to have due regard to the need to prevent people from being drawn into terrorism.

9.7 Other legal responsibilities, such as those relating to preventing discrimination, harassment and victimisation, maintaining public order, and health and safety of employees, students, visiting speakers and visitors.

Name of Policy/Procedure:	
Is this a new or existing policy/procedure? ☐ New ☐ Existing	
1. To ensure that the policy / procedure complies with the Equality Act 2010, which of the listed categories could be impacted by the policy / procedure?	
(The categories follow the College Single Equality Policy, and the impact could be positive or negative.)	
☐ Age ☐ Compliance with Children & Families Act 2014 ☐ Disability ☐ Gender ☐ Race/ethnicity ☐ Gender Re-Assignment ☐ Marriage/Civil Partnership ☐ Pregnancy/Maternity ☐ Socio-Economic ☐ Sexual Orientation ☐ Religion/Belief ☐ All of the above ☐ None of the above expected	
2. What are the risks of introducing this policy / procedure change to any of the above groups?	
3. What are the expected benefits of introducing this policy / change to any of the above groups?	
4. Are there any areas or issues that could impact on the safety of staff or learners?	
5. What evidence do you have for your responses to questions 2, 3 and 4? (e.g. evidence could be provided to counteract identified risks and, therefore, a full screening would not be required)	
6. What is the level of risk for the policy / procedure?	☐ High ☐ Medium ☐ Low
7. Is a Full Screening Impact Assessment required?	☐ Yes (complete the box below) ☐ No
What are the recommendations from Equality Impact Assessment?	
Date of Review:	
Reviewer's Name:	
Reviewer's Job title:	

Appendix

Initial Screening for Equality Impact Assessment (including Safeguarding)

To be completed prior to a Policy or Procedure being introduced and at each review.