

# Freedom of Speech Policy

## Document Summary

Date of approval: 18/11/2019

Approved by: Academic Board

Last revision date: 31/08/2025

Next revision date: 31/08/2026

### The City College: Freedom of Speech and Academic Freedom Policy

#### 1: Introduction

Freedom of speech (and academic freedom) underpins the nature of all activities at The City College. In the pursuit of new knowledge and learning, free and open debate is crucial. We will, therefore, seek to encourage a culture of vigorous and fearless discussion within the law that ensures critical thinking and challenges violent, extremist and illegal narratives and those who seek to promote them.

The legal basis of freedom of speech

The College's role in ensuring freedom of speech is governed by key legislation:

- The Higher Education (Freedom of Speech) Act 2023: This Act places a new and strengthened legal duty on higher education providers and constituent institutions to take reasonably practicable steps to secure freedom of speech within the law for their members, students, employees, and visiting speakers. It also places a new duty on providers to secure academic freedom for their academic staff. This includes the freedom to question, and test received wisdom, to put forward new ideas and to express controversial or unpopular opinions without placing themselves at risk of losing their jobs or privileges at the College.

The Equality Act 2010, the Public Order Act 2010 (including protected belief, harassment and the public sector equality duty), the Public Order Act 1986 and The Counter Terrorism and Security Act 2015: The Equality Act identifies protected characteristics (age, disability, gender, etc.) and requires us to eliminate discrimination, advance equality, and foster good relations. This duty is balanced with the duty to secure freedom of speech. Any restrictions on speech must be a proportionate means of achieving a legitimate aim, as outlined in Article 10 of the European Convention on Human Rights.

The Public Order Act 1986 and The Counter Terrorism and Security Act 2015 are also linked to Freedom of Speech. Unlawful activity relating to the above legislation includes:

- Expression of racial or religious hatred, or incitement of such hatred;
- Supporting an organisation which is banned or deemed unlawful in the UK;
- Violating counterterrorism legislation;
- Public order offences;
- Breach of the peace;
- Violating health and safety legislation.

The Counter-Terrorism and Security Act 2015 (Prevent duty): This Act imposes a duty to have due regard to the need to prevent people from being drawn into terrorism. This duty is designed to complement, not conflict with, the College's duty to secure freedom of speech.

In line with the Counter Terrorism and Security Act 2015, and the College Prevent Policy, the College has a legal obligation to consider whether views expressed by an outside speaker could risk involving or radicalising those witnessing/listening to the speaker and to prevent people being drawn into terrorism. This duty is designed to complement, not conflict with, the College's duty to secure freedom of speech. The College has a duty to carry out a risk assessment which is carried out by inspecting the material which will be delivered and assessing whether they are suitable.

- Article 10 of the European Convention on Human Rights (ECHR): Freedom of expression: "1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

## 2: Freedom of Speech at The City College

2.1: This policy outlines the principles of free speech for all College members (students, staff, stakeholders) and visiting speakers.

2.2: The College is strongly committed to freedom of speech and expression. We foster an environment where all members can research, question, and express new ideas, including controversial or unpopular opinions, without fear of isolation, marginalisation, or discrimination, provided it remains within the law.

### 2.3: Decision-Making Framework for Lawful Speech:

When deciding whether to allow or restrict speech, The City College will apply the following framework in line with its statutory duties:

- **Step 1: Is the speech within the law?** If the speech is illegal (e.g., hate speech, incitement to violence), it will be restricted. If it is lawful, the College will proceed to Step 2.
- **Step 2: Are there reasonably practicable steps to secure the speech?** If yes, the College must take those steps to facilitate the lawful speech. Examples include changing venues, increasing security, or setting specific conditions for the event/activity.
- **Step 3: Are any lawful restrictions proportionate?** If a restriction on lawful speech is deemed necessary because no reasonably practicable steps can be taken to secure it,

the restriction must be legally justified and proportionate under Article 10 of the ECHR. This may include health and safety concerns, but it cannot be based solely on the speaker's views.

2.4: Equally, the College expects its members to receive and respond to intellectual and ideological challenges constructively and peaceably. We also acknowledge our statutory duties in protecting our members and others from "radicalisation" (as defined under the Prevent duty). Radicalisation is the process by which people come to support terrorism and extremism and, in some cases, to participate in terrorist groups. Extremism is vocal or active opposition to fundamental British Values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs.

2.5: Subject to the framework in 2.3 and our duties in 2.4, no College premises will be denied to any individual or body solely due to their beliefs, views, policies, or objectives. In upholding these principles, the College will balance its freedom of speech obligations with managing health and safety, promoting equality and preventing discrimination, and preventing individuals from being drawn into terrorism or promoting terrorist activities. For example, the College reserves the right to refuse access if a visiting speaker or meeting purpose is likely to incite crime or cause a breach of the peace.

2.6: To manage the likelihood of harm or individuals being drawn into terrorism, the College publishes policies and procedures for:

- Student behavioural expectations;
- Academic freedom and management of college activities at which controversial views may be expressed; and
- Management and conduct of visiting speakers at College meetings.

### 3: New Duties and Responsibilities under the 2023 Act

**Academic Freedom:** The College has a specific duty to secure academic freedom for its academic staff. This includes the freedom to question and test received wisdom, to put forward new ideas and to express controversial or unpopular opinions without placing themselves at risk of losing their jobs or privileges at the College.

**Non-Disclosure Agreements (NDAs):** The College, since inception, has never entered into any type of non-disclosure agreement (NDA) with any individual who may have faced harassment, abuse or sexual assault. In line with the Higher Education (Freedom of Speech) Act 2023, the College is now legally prohibited from entering into any such agreements with a student or member of staff that would prevent them from disclosing details of a complaint or allegation of a criminal offence or sexual misconduct.

**Complaints Scheme:** The College has an established complaints scheme for matters relating to freedom of speech. Students, staff, and visiting speakers who believe their right to free speech

has been breached can now submit a formal complaint directly to the College under this scheme. The College will investigate all complaints and seek to resolve them promptly.

#### 4: Freedom of Speech and Responsibility

The City College actively promotes academic freedom of speech, ensuring students, staff or external speakers can express lawful opinions.

All members of the College community must also recognise that the right of freedom of speech is balanced by the obligation to use that freedom responsibly, in line with professional values.

#### 5: Freedom of Speech and Prevent

Academic freedom is not intended to conflict with the Prevent Duty. The College's primary motivation is to keep safe and provide help and support to those who may be vulnerable to being drawn into extremism. This is entirely in accordance with other related college policies.

#### 6: Complaints

Complaints Scheme: The College has an established complaints scheme for matters relating to freedom of speech. Students, staff, and visiting speakers who believe their right to free speech has been breached can not submit a formal complaint directly to the College under this scheme, using the online form. The College will investigate all complaints and seek to resolve them promptly. In addition, the Office of the Independent Adjudicator (OIA) and the Office for Students (OfS) have a complaints scheme for matters relating to freedom of speech. Although any such complaint should initially be raised internally with the institution, if the complainant is unhappy about the outcome, they can complain externally once they have undergone the internal process.

#### 6. Useful Links

- Office for Students (OfS) Guidance: <https://www.officeforstudents.org.uk/for-students/student-rights/free-speech-a-guide-for-students/>
- Office of the Independent Adjudicator (OIA) for Higher Education: <https://www.oiahe.org.uk/>
- Legislation.gov.uk - Higher Education (Freedom of Speech) Act 2023: <https://www.legislation.gov.uk/ukpga/2023/16/contents>