

Code of Practice on Freedom of Speech

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The City College and The City College of Acupuncture

Code of Practice on Freedom of Speech should be read in conjunction with the Freedom of Speech Policy.

Introduction

The City College and The City College of Acupuncture have a responsibility to protect and promote freedom of speech and academic freedom in line with the Higher Education and Research Act 2017 (amended by the Higher Education (Freedom of Speech) Act 2023). This complies with Office for Students Condition E5, which came into force on 1 August 2025 and requires higher education providers to take all reasonable steps to prevent harassment and sexual misconduct without infringing freedom of speech within the law, alongside Condition E6 governing free speech.

Higher education providers are required to take steps to secure freedom of speech within the law for:

- (a) Staff of the provider,
- (b) Members of the provider,
- (c) Students of the provider, and
- (d) Visiting speakers.

Academic freedom, in relation to academic staff at a registered higher education provider, means their freedom within the law to:

- A. Question and test received wisdom
- B. Put forward new ideas and controversial or unpopular opinions without risking
 - (i) loss of jobs or privileges at the College,
 - (ii) the likelihood of their securing promotion or different jobs at the College being reduced.

To secure freedom of speech and academic freedom, Higher education providers are required to maintain a Code of Practice on Freedom of Speech. This shows how the College supports the principles of freedom of speech and academic freedom, as well as the policies and procedures to be followed by staff, students and visiting speakers in respect of activities within the college premises.

The College is required to take such steps as are reasonably practicable to ensure that the use of any premises of the College is not denied to any individual or body of persons on any ground connected with their beliefs or views, or the policies or objectives of that body. The College extends these principles to physical spaces, online platforms, and institutional branding.

Higher Education Providers are also required to take steps to ensure members, students and staff follow the Code of Practice, involving any disciplinary measures if the code is breached.

At present, The City College and The City College of Acupuncture do not have a students' union. If one is established, any such students' union must comply with this code.

Scope

This code of practice covers any meetings and events, both in person and online, that take place in a space owned or controlled by the college. This includes all events like lectures, seminars, meetings, exhibitions, and presentations.

It also applies to any college-related activities that staff or students do outside of the college, as long as they are representing The City College or The City College of Acupuncture.

This also applies to external events, tenants, or those who are hiring a space on college premises for their own activities.

Routine curriculum teaching, scheduled tutorials, and academic research do not require external speaker booking forms or event risk assessments. However, the fundamental principles and legal protections of freedom of speech and academic freedom set out in this Code apply fully to all teaching, learning, and research activities across the College.

Should there be any ambiguity as to whether the Code of Practice applies to any meeting, activity or event, the Director will determine whether the Code applies.

This Code should be read alongside:

- Academic Conduct & Malpractice Policy
- Academic Freedom Policy
- Student AI Policy and Staff AI Policy
- Code of Ethical Conduct
- Complaints Policy
- Equality & Diversity Policy
- External Speaker Policy
- Freedom of Speech Policy
- Fitness to Practise Policy
- Fitness to Study Policy
- Health and Safety Policy
- Internal Programme Approval Procedure
- IT and E-Learning Policy
- Prevent Policy
- Safeguarding Policy
- Sexual Misconduct, Bullying and Harassment Policy
- Student Recruitment Policy & Procedure
- Staff Academic Malpractice Policy

If staff members, students or anybody associated with The City College or The City College of Acupuncture ignore or breach this Code of Practice, they will face disciplinary proceedings. This could include internal disciplinary procedures, resulting in possible suspension or expulsion.

For any actions involving legal breaches, The City College/The City College of Acupuncture could take legal action against those involved, including those not members of the College.

Principles and Values

The City College and The City College of Acupuncture are committed to free speech and expression. The intention of the College is to foster an environment where members can question and express ideas, including controversial or unpopular opinions without fear of isolation, marginalisation or discrimination, provided this is within the law.

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.

The College expects members to receive, engage and respond to intellectual and ideological challenges constructively and respectfully. We acknowledge our statutory duties in protecting staff, students and visitors from 'radicalisation' (as defined within the Prevent duty). In these terms, radicalisation is the process by which people come to support terrorism and extremism. Extremism is the vocal or active opposition to fundamental British Values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of differing faiths and beliefs.

The College will not bar access to any individual or body solely due to beliefs, views, policies or objectives. The College will balance freedom of speech obligations with managing health and safety, promoting equality, preventing discrimination and preventing individuals from being drawn into terrorism or promoting terrorist activities. As an example, the College

reserves the right to refuse access if a meeting, planned activity or visiting speaker is likely to incite crime or cause a breach of the peace.

Legislation

Duties and Responsibilities under the Higher Education (Freedom of Speech) Act 2023:

- **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 Office for Students Condition E5, the College is strictly prohibited from entering into non-disclosure agreements regarding allegations of harassment, abuse, bullying, or sexual misconduct. In addition, under the Higher Education (Freedom of Speech) Act 2023 and Condition E6, the College is legally prohibited from entering into non-disclosure agreements that restrict students, staff, or visiting speakers from making lawful free speech or academic freedom disclosures.
- **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.

In addition, the Office for Students operates a dedicated Free Speech Complaints Scheme. Complainants should initially raise concerns internally with the College. Students who remain dissatisfied after exhausting our internal complaints process may escalate eligible complaints to the Office of the Independent Adjudicator under its standard student complaint rules.

The College's free speech obligations must be read alongside other relevant UK legislation, including the Equality Act 2010 regarding protected religion or belief, unlawful harassment, and the Public Sector Equality Duty, the Public Order Act 1986, the Public Order Act 2023, and the Counter-Terrorism and Security Act 2015.

Unlawful activity under these and related statutory frameworks includes the following:

- Expression of racial or religious hatred, or incitement of such hatred
- Supporting an organisation that is proscribed or deemed unlawful in the UK
- Violating counter-terrorism legislation
- Public order offences
- Conduct causing a breach of the peace
- Actions that breach health and safety legislation

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 carries out a proportionate risk assessment where concerns are identified. Where justified by an evidence-based risk assessment, this may include requesting an overview of the planned presentation or topics to ensure speech remains lawful.

Assuming these views are within the law, and that such a meeting will not be deemed unsafe or against Health and Safety Rules but may be controversial, provocative or possibly offensive, external speakers can go ahead with their meeting. This will be assessed on a case-by-case basis, and a decision will be made by the Prevent Officer and the Director.

Both the Welfare Officer and the Prevent Officer are charged with monitoring any groups and individual students to ensure their safety and welfare. This is a constant requirement, and specific checks should be actioned periodically but also in relation to developing regional and trans-regional events and in response to Home Office advice.

An event, speaker or meeting may be modified, postponed or cancelled if it is deemed unsafe or to breach legal or Home Office guidelines. Any restrictions on speech must be a proportionate means of achieving a legitimate aim under Article 10 of the European Convention on Human Rights. Article 10 protects the right to freedom of expression under paragraph 1, whilst paragraph 2 confirms that lawful restrictions may be imposed where necessary in the interests of public safety, national security, or the protection of the rights of others.

Procedures in respect of Events

The term 'external speaker' or 'visitor' is used to describe any individual or organisation who is not a student or staff member at The City College and who has been invited to speak to students and/or staff. This includes the main contact from any external venue hire client who is paying to use College facilities.

An event includes any presentation, lecture, workshop, or activity organised by a student or staff member, whether held in person on College premises or delivered online through Microsoft Teams, webinars, or other digital platforms. It also includes activities held on College premises by external venue hire clients.

All visiting speakers and visitors must be made aware by the person or group arranging the event that they have a responsibility to abide by the law and the College's policies.

By accepting an invitation to speak, they agree to ensure that they:

- Must not advocate or incite hatred, violence or call for the breaking of the law.
- Must not encourage, glorify, or promote acts of terrorism or support proscribed organisations.

- Must conduct discussions within the law, recognising that while lawful expression may be controversial, provocative, or offensive to some audiences, it must not cross the legal threshold into unlawful harassment, defamation, or incitement to hatred.
- Are not permitted to raise or gather funds for any external organisation or cause without the express written permission of the College.

The individual organising an external speaker should conduct research into the proposed speaker.

The External Speaker Check and Review Form must be used. Head of Department approval must be sought before a speaker/visitor is booked/confirmed. If in doubt as to the suitability of a speaker, the decision should be referred to the Prevent Officer, Managing Director or Director of Student Records.

Reasons for a potential referral for further review include but are not restricted to the following:

- Any person or group linked to the UK Government list of proscribed terror organisations.
- A speaker who is known to have previously expressed views that incite violence, hatred, or discrimination.
- A speaker whose presence on campus could reasonably be expected to cause fear or alarm due to specific, evidenced threats of public disorder or violence.
- A speaker who has a significant profile and attracts a following that could create verifiable crowd control and health and safety issues.

In the event of a referral, the College will, in line with its duty to secure free speech, seek to implement reasonably practicable steps to facilitate the event. These may include but are not limited to:

- Increasing security or other on-site support.
- Changing the venue to a more suitable location.
- Requiring the event to be chaired by a neutral party.
- The inclusion of additional speakers to provide an opposing or balancing view.
- Requiring the event to be ticketed or for attendees to show valid ID.

If, after all reasonably practicable steps have been explored, it is not possible to secure the event within the law, one of the following decisions will be made:

- To not permit the external speaker to attend the event.
- To not permit the event with the external speaker to go ahead.

If consent is given for the visiting speaker or visitor, it will be confirmed in writing by the Prevent Officer, Managing Director or Director of Student Records.

The following identifies the process that must be followed when arranging a visiting speaker or visitor:

- Identify the speaker/visitor who will be speaking to students or staff.
- Complete the External Speaker Check and Review Form.
- Conduct relevant checks and seek further information where required.
- All forms to be sent to the Head of Department and Prevent Officer for initial review.
- All forms with Green outcomes can be approved by the Head of Department, and the booking or invitation may proceed.
- All forms with any Amber or Red outcomes must be escalated to the Managing Director or Director of Student Records for formal risk review, in consultation with the Prevent Officer where counter-terrorism risks are identified.
- The Prevent Officer, Managing Director or Director of Student Records will provide written feedback to the Head of Department regarding approval.
- Outcome a) Speaker/Visitor approved, possibly with additional safeguards, and the booking/invitation may proceed.
- Outcome b) Speaker/Visitor not approved, with a written explanation of the decision based on the legal framework provided to the organiser and Head of Department.

Complaints

Complaints regarding freedom of speech or academic freedom should be raised promptly through the relevant internal procedure set out below. Where an individual believes their statutory free speech rights have been breached, they may submit a formal complaint directly to the College using the online reporting form.

Our Complaints Procedure for Students

Our procedure has three internal stages before a potential external review by the OIA. This process is in line with the OIA's Good Practice Framework.

Stage 1: Informal Resolution

Try to resolve the issue as soon as possible by speaking directly with the staff member or Programme Leader most immediately concerned. This should be done within 10 working days of the issue arising.

The staff member should attempt to resolve the issue within a further 10 working days.

Stage 2: Formal Complaint

If you are not satisfied with the informal outcome, you can submit a formal complaint. This must be done using the appropriate complaints form, which can be downloaded from our website.

Formal complaints must be submitted within 10 working days of a failed informal resolution or 30 calendar days if there was no informal attempt.

A formal complaint will be acknowledged within 5 working days and will be investigated by the Managing Director or Director of Student Records.

The outcome of the investigation will be communicated to you in writing within 10 working days, along with clear reasons for the decision.

Stage 3: Appeal (The Final Internal Stage)

If you are unhappy with the outcome of Stage 2, you may request a review. This request must be made on the appropriate form within 10 working days of receiving the formal complaint report.

You can only appeal on one of three grounds:

- The correct procedure was not followed.
- The outcome was unreasonable.
- There is new, material evidence that was unavailable at an earlier stage.

The appeal will be handled by senior staff not previously involved. The decision will be communicated to you in writing within 30 calendar days.

External Review by the OIA

Once you have completed all three internal stages, we will issue you with a Completion of Procedures (COP) Letter. This letter confirms that you have exhausted our internal processes.

You can then take your complaint to the Office of the Independent Adjudicator (OIA). The OIA is an independent body that reviews student complaints. You must apply to the OIA within 12 months of the date on your COP Letter.

If you choose not to appeal at Stage 3 but still want to go to the OIA, you can request a COP Letter. You must do this within one month of the Stage 2 decision.

Our Complaints Procedure for Staff

Staff are able to complain about Free Speech and should do so through the guidelines in the current Staff Handbook and the Grievance Procedure. This Grievance Procedure is based on the ACAS Code of Practice – Disciplinary and Grievance. This procedure applies to all staff employed by the College.

Stage 1 – Informal

Employees should first raise any concerns or grievances with their Department Head or Director/Supervisor in Charge. If they have concerns about Freedom of Speech or External Speakers, they may also speak to the Prevent Officer. This initial complaint or concern will be discussed with the employee, and Senior Staff related to the particular department will investigate and notify the employee of their decision, normally within 5 working days.

Stage 2 – Formal (in writing)

If the employee is dissatisfied with the outcome of Stage 1, the matter should be raised in writing to the Board of Directors. The written statement should outline the reasons for the grievance together with any action already taken and reasons for their dissatisfaction. A formal meeting will then be held to discuss the grievance, and the employee will be advised of their right to be accompanied by a work colleague. A meeting will be held to discuss the outcome of the grievance, and the Board of Directors will give their final decision in writing.

If a grievance is raised after employment has ended, and if the employee agrees, the following modified procedure will apply:

- The college will investigate the grievance
- There is no requirement for a meeting
- The decision will be communicated in writing, normally within 2 weeks, and there is no right of appeal.

Under the Higher Education (Freedom of Speech) Act 2023, the Office for Students operates a Free Speech Complaints Scheme to consider complaints about higher education providers. Staff members and visiting speakers, including individuals who have received an invitation to speak, can submit complaints directly to the Office for Students once internal complaints procedures have been exhausted.