



TITLE	REF [as per register]	VERSION
Freedom of Speech Code of Practice	HEP001	1
APPROVAL BODY:	DATE	REVIEW DATE
Group Executive Team	1 December 2025	1 December 2027
LEAD PERSON	Director of Higher Education	

# Freedom of Speech Code of Practice

## 1. Purpose and Aims

- 1.1 Activate Learning is committed to promoting and securing lawful freedom of speech for all members of its higher education (HE) community. This includes students, staff, governors, visiting speakers, and external participants involved in HE activities.
- 1.2 Activate Learning recognises that exposure to a wide range of ideas including those that may be challenging, controversial, disturbing, or offensive is essential to robust academic debate.
- 1.3 This Code shall be construed and applied in the spirit of upholding freedom of speech wherever reasonably practicable within the law. It provides the framework for the organisation of activities involving free expression, and sets out how restrictions, when necessary, will be applied lawfully and proportionately.
- 1.4 Freedom of speech and expression covered by this Code includes (but is not limited to):
- speeches and lectures
  - debates and discussions
  - meetings and demonstrations
  - written publications
  - artistic expression
  - online communication and use of social media
  - communication through Activate Learning’s online platforms.

## 2. Legal Framework

2.1 This Code is informed by the following legislation (not exhaustive):

- **Higher Education (Freedom of Speech) Act 2023** - duty to secure free speech and publish a Code
- **Education (No. 2) Act 1986, Section 43** - duty to take reasonably practicable steps to protect lawful speech

- **Human Rights Act 1998 (Article 10 ECHR)** - Freedom of expression
- **Equality Act 2010** - duties to avoid discrimination and harassment
- **Counter-Terrorism and Security Act 2015 (Prevent Duty)** - duty to prevent support for terrorism
- **Public Order Act 1986** and other relevant criminal legislation.

### 3. Scope

3.1 This Code applies to:

- All staff (whether academic staff or otherwise) working for Activate Learning
- Governors  
All students enrolled with Activate Learning
- All students studying with Activate Learning (whether full or part-time) under an agreement with a partner organisation of Activate Learning (e.g. a school)
- Visiting speakers or external attendees including all individuals invited to speak, express views (whether in person or otherwise including through the use of social media) publish work, or participate in activities.
- Student groups or societies making use of college facilities

3.2 It covers any HE-related activity on Activate Learning premises or under its name, including online platforms (learning platforms, livestreamed events, forums).

### 4. Freedom of Speech and Expression

4.1 Activate Learning shall take all reasonably practicable steps to ensure that lawful freedom of speech and academic freedom are secured for every person to whom the Code applies.

4.2 The legally protected freedom, within the law, for academic staff to research, teach, debate, question established ideas, and express scholarly or institutional views without risk of losing employment, privileges, or advancement; extending to the freedom to hold and defend academic positions that may be controversial or unpopular. Students benefit from academic freedom as learners. This includes the freedom to study, debate, question, and express academic ideas or opinions including controversial or unpopular ones within the law and within the standards of their academic discipline. Students must not suffer academic or disciplinary disadvantage for the lawful expression of academic viewpoints.

4.3 All individuals subject to this Code are required to support Activate Learning in upholding free speech within the law.

4.4 Lawful freedom of speech may include the expression of ideas that some may find shocking, disturbing, offensive, or contrary to the views of the majority. Activate Learning will not suppress lawful speech solely because it may be unpopular or controversial.

### **Examples of Illegal or Prohibited Speech**

4.5 Freedom of speech **does not extend** to:

- incitement to riot, insurrection, or criminal acts
- incitement or encouragement of terrorism
- racial or religious hatred
- sexual harassment
- speech likely to cause a breach of the peace, act of public disorder or significant risks to safety
- unlawful harassment or discrimination under the Equality Act 2010

4.6 When allowing controversial or sensitive expression, Activate Learning must ensure it is not failing in its legal duties, including:

- eliminating discrimination, harassment, and victimisation
- advancing equality of opportunity
- fostering good relations between groups
- preventing individuals from being drawn into terrorism

4.7 Activate Learning will not deny use of premises or facilities based on:

- the ideas or opinions of an individual; or
- the policies or objectives of a body or its members

**unless** such views breach the law.

4.8 No person subject to this Code may organise or engage in actions intended to prevent another's lawful free speech, except through lawful, reasonable, and peaceful persuasion.

## **5. Holding Of Activities**

5.1. "Activities" include (but are not limited to) meetings (including teaching or research related activities), demonstrations, events and publications through whatever media (including social media) which take place or are proposed to take place on Activate Learning's premises or online platforms.

### **Requesting an activity**

5.2 Any individual wishing to hold an activity must submit a written request to the Director of Higher Education via email at AdminHE@activatelearning.ac.uk.

5.3 Requests should be submitted at least 21 working days before the proposed date. Requests must include:

- topic and purpose
- proposed format and seating arrangements
- identity of speakers/authors
- date, time, and location
- Maximum number of attendees
- Relevant risk information

5.4 A written decision will be issued within 15 working days of receiving the request.

5.5 Where activities are permitted, organisers or other individuals otherwise involved, will be required to undertake in writing to comply with all lawful instructions and conditions issued by Activate Learning.

5.6 Activities will not be unreasonably refused. Reasonable grounds for refusal include risks of the examples listed under item 4. When considering refusal, the College may take account of:

- High likelihood of disorder that cannot be mitigated
- Risks to staff, student or attendee safety
- security of premises
- reputation and good standing of Activate Learning.

5.7 Organisers may appeal a refusal in writing to the Chief Executive (or nominee) within five working days. This decision is final.

### **Conditions that may be applied.**

5.8 Activate Learning has the responsibility to take reasonable steps to maintain good order. It has the right and the ability to regulate, and if necessary to impose conditions or restrictions which could include:

- security arrangements
- limits on attendance
- venue or timing adjustments

- requirement for formal chairing
- publication format restrictions

5.9 In cases in which it is reasonable to assume that there is a possibility of disruption arising from the taking place of an activity, Activate Learning may consult with the police. If the activity is a public one the police may be prepared to be present throughout the event to minimise any disruption.

## Costs

5.10 Any organisers or other individuals otherwise involved with an activity to take place on Activate Learning's premises or through its online platforms shall be responsible for any costs involved in organising and holding such activities. Apart from in exceptional circumstances, Activate Learning will not require the individual or body to bear some or all of the costs of security relating to their use of the premises. Exceptional circumstances will exist wherefor example, external or additional hired security is required to enable the activity to proceed safely, lawfully, or without significant disruption.

## 9. Freedom of Speech Complaints

9.1 A compliment, comment or complaint can be made via our website at [Customer feedback - Activate Learning](#) or alternatively to any Activate Learning staff member who will assist you.

9.2 Activate Learning will not investigate:

- Complaints about lawful viewpoints expressed by others
- Complaints that are frivolous, vexatious, or repeat previously resolved issues
- Anonymous complaints

## 10. Conduct and Compliance with code

10.1 Everyone covered by this Code must not organise, take part in, or support any behaviour that is intended to stop someone else exercising their lawful right to free speech. Reasonable, lawful, and peaceful persuasion is allowed.

10.2 Activate Learning will take reasonably practicable steps, including disciplinary action where necessary, to ensure compliance with this Code.

10.3 Staff or students who breach the Code may face disciplinary action under the appropriate staff or student disciplinary procedures.

10.4 Governors who breach this Code may be removed from office under the Framework for Governance.

10.5 If students or staff of a partner institution breach this Code, Activate Learning may notify the partner institution for action.

10.6 Where breaches occur during or because of an activity, Activate Learning may assist police in identifying individuals who may have committed criminal offences.

## **11. Communication and Review**

11. 1 Activate Learning acknowledges its statutory duty under Part A2 of the Higher Education and Research Act 2017 to maintain this Code of Practice.

11.2 This Code will be:

- Published on the website and Staff SharePoint page.
- Issued in the HE Student Handbook which will be issued at least annually.
- Reviewed and approved by the Corporation Board annually, or sooner if required by changes in law or regulation.