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Freedom of Speech Code of Practice	HEP001	2

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LEAD PERSON	Head of Employee Experience

Freedom of Speech Code of Practice

1. Purpose and Aims

1.1 Activate Learning is committed to promoting and securing lawful freedom of speech and complying with its statutory responsibilities under the Higher Education (Freedom of Speech) Act 2023 by encouraging a culture of open, respectful, and intellectually robust dialogue. All members of Activate Learning's academic community are expected to engage constructively with differing or challenging perspectives, demonstrating intellectual curiosity, mutual respect, and a dedication to inclusivity.

1.2 Intellectual and academic freedom (including upholding freedom of speech) is fundamental to Activate Learning's purpose, values and mission and we recognise that exposure to a wide range of ideas including those that may be challenging, controversial, or offensive is essential to robust academic debate.

1.3 This Code of Practice 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 Freedom of Speech is a fundamental component of Higher Education legislation. This Code of Practice is informed by the following guidance and legislation (not exhaustive):

- **Higher Education (Freedom of Speech) Act 2023** - duty to secure free speech and publish a Code of practice
- **Office for Students (OfS) Regulatory advice 24**: Guidance related to Freedom of Speech
- **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.

2.2 Nothing in this Code of Practice is intended to limit or negate Activate Learning's obligations under any relevant law or statutory guidance, nor should it be interpreted that way. Where there is ambiguity or conflict between this Code and an Activate Learning policy, this Code of Practice shall be the primary source of interpretation.

3. Scope

3.1 This Code of Practice applies to:

- All staff (whether academic staff or otherwise) working for Activate Learning
- Governors
  All students enrolled with Activate Learning
- 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 Activate Learning's facilities

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

4. Definitions

Freedom of speech means freedom, within the law, to receive and impart ideas, opinions or information by means of speech, writing or images (including in electronic form). This includes freedom of artistic expression, such as painting.

Academic freedom refers to the freedom of staff to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, including their opinions about

Activate Learning, without institutional censorship and without placing themselves in jeopardy of losing their jobs, promotions and privileges or any other form of detriment in their professional roles.

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 this Code of Practice 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 of Practice 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. Promoting Free Speech

5.1. In line with its obligations under the Higher Education (Freedom of Speech) Act 2023, Activate Learning will take reasonable steps to actively promote freedom of speech and academic freedom throughout the organisation. To achieve this:

- Activate Learning will bring staff, students' and visiting speakers' attention to this Code of Practice
- All staff involved in the production of policies and procedures should align these to this Code of Practice, ensuring attention is drawn to this in the relevant policy and/or procedure
- Any staff involved in line management must understand the values set out in this Code of Practice and refrain from imposing disciplinary action on staff for their lawful expression of free speech or academic freedom
- Recruiting staff must ensure that applicants are not penalised for any lawful expression of free speech or academic freedom

6. Meetings and Visiting Speaker Events

5.2 All meetings taking place on Activate Learning's premises are private unless the public is expressly invited to attend. Students and employees of Activate Learning have freedom of speech within the law, as do visiting speakers, and where meetings are organised by students, speakers should normally come from a club, society or organisation recognised by Activate Learning.

5.3 Invitations should not be sent out by individual students without consultation with the relevant Faculty Director who must inform the Head of Student Experience of any invitation issued. Where meetings are organised by staff, speakers must come at the invitation of a Faculty

Director, a trade union or authorized member of staff. Where a meeting is organised by more than one individual or a collective body, the organisers should appoint one person as the Organiser to simplify communication and liaison.

5.4 The individual or the organiser must give the Head of Student Experience 2 weeks' written notice of the meeting to include:

o Proposed date, time and place

o The purpose / subject of the meeting

o The name of the speaker

o The organisation represented by the speaker (where relevant)

o Whether the meeting is private or will be open to the public

The Head of Student Experience may cancel any meeting or event where the required information has not been provided within 2 weeks in advance.

Where permission is granted, the Head of Student Experience may attach any conditions they consider necessary to meet Activate Learning's legal obligations in order to protect freedom of speech, any other legal obligation or any other institutional requirements or rule e.g.:

o Tickets must be issued if the meeting is open to the public

o Stewards must be provided and the Head of Student Experience must be satisfied as to their suitability

o Specified members of College management or other relevant members of staff should attend

o The admission or exclusion of representatives of the media

Any conditions set by the Head of Student Experience must be complied with by the Organiser. The Head of Student Experience has discretion to consult with the police and, if then deemed appropriate, to attach further conditions. The Head of Student Experience may, at their discretion, refuse permission for a meeting, or later withdraw permission previously given. The Head of Student Experience will not seek to curtail or cancel a meeting or event unless in their considered opinion the meeting or event infringes on the legitimate rights and freedoms of others or poses a significant risk to health and safety or there is some other substantial and lawful ground for the curtailment or cancellation. They will consult as necessary with the relevant

Executive Group Director, and where necessary with the Head of Governance and police about forthcoming meetings and events. In any case where serious disruption may be anticipated which may not be effectively addressed by any conditions specified, the Head of Student Experience shall have the power to impose whatever conditions may be necessary to mitigate this disruption or cancel, postpone or relocate the meeting at their discretion.

The Organiser may appeal to the relevant Executive Group Director against the whole or part of the Head of Student Experience decision within five days of receiving that decision. The Executive Group Director's ruling will be final and will be communicated to the Organiser within five days of receiving full details of the appeal.

Where a meeting proceeds, the organiser is under a duty to see that nothing in their preparations for it, or their conduct of it, infringes the law. Any other member of the College or member of staff who has concerns about a prospective meeting or event should bring their concerns promptly to the attention of the Head of Student Experience and they shall take such steps as are warranted.

It is the ongoing duty of any person involved in organising a meeting or other activity, and also the duty of any person responsible for processing the booking of rooms in the College, to inform the Head of Student Experience as soon as there are reasonable grounds to believe that:

1. The activity may be disrupted, for example, by reason of:

    • the status of the speaker; or

    • the nature of any of the subjects to be discussed; or

    • the views or beliefs (whether related to the activity) of any person attending; or

    • the coincidence of the activity with another activity

2. The personal safety or property of any person attending may be at risk by reason of their involvement in the activity; or

3. Intimidation, duress, or harassment might be applied to any person in an attempt to prevent their attending the activity; or

4. The activity might be picketed.

A record must be kept of all meetings approved, disallowed or cancelled and reported to the Head of Student Experience with supporting information (e.g. reason disallowed) on request and at the end of the academic year.

5.5 Conduct of Meetings

It is the duty of every member, student, and employee of Activate Learning not to impede any person entitled to be present from entering or leaving a place where the right to freedom of speech is being or is to be exercised. This duty is subject only to such conditions as may have been specified in accordance with the terms of this Code of Practice or any limitations imposed or directions given by the police or other relevant public authority.

Nothing in this Code of Practice shall be taken to prohibit the exercise of the right to protest by peaceful means, provided always that such protest is conducted lawfully within the general principles and other requirements of this policy and code and other policies of the College.

No articles or objects may be taken inside the building where a meeting is taking place, or taken or used elsewhere on College premises, in circumstances where the presence or use of those articles or objects is likely to lead to injury or damage. The responsibility for conducting a meeting rest with the appointed chairperson. This calls for a close liaison and consultation beforehand between the chairperson and the Organiser, especially if the Head of Student Experience has attached any conditions to permission to use College premises.

At the meeting, the chairperson has a duty to keep order and, so far as possible, to secure that both the speaker and the audience act in accordance with the law. The chairperson should issue warnings of unlawful conduct, such as when the use of violence is threatened or takes place, and where such conduct continues, should require the offenders to withdraw or be removed by the stewards. The chairperson may call upon the help of any College or external personnel whose presence the Head of Student Experience has made a condition of holding the meeting.

However, if the chairperson has made all reasonable efforts to keep order but the meeting goes or continues out of control, the chairperson must send a member of college staff present to seek help from the Duty Manager. The organisers and those in attendance at any meeting or event must comply with any instructions given during a meeting, or event by Head of Student Experience, or by any other College officer or person authorised to act on behalf of the College in the proper discharge of their duties.

College premises used for meetings must be left clean and tidy. In default, the organisers may be charged for any additional cleaning and for any repairs which are necessary. Payment in advance, or evidence of ability to pay, may be required before a meeting takes place.

5.6 External Speakers

5.7 Activate Learning strongly encourages students to engage with a range of external speakers to broaden their understanding of their chosen area of study as well as their own personal development. Collaboration through student led events is also encouraged to promote a sense of wellbeing and develop important life skills. These types of events should continue to be promoted to enhance the education experience for all students. Activate Learning operates an External Speaker Procedure which is a risk-based event approval process whereby the event organiser is responsible for conducting risk assessments for any events or activity that presents a potential risk to the safety of individuals.

5.8 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

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

Events should only be restricted or cancelled where there is clear evidence to suggest that it poses a risk to safety of individuals (participants or bystanders) which cannot be mitigated. This should only occur in exceptional circumstances.

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.

7. Staff and Student Freedom of Speech

Activate Learning affirms that no applicant, whether seeking admission to a programme or applying for employment, will face any disadvantage or negative treatment for lawfully exercising their freedom of speech or academic freedom, in line with relevant internal policies and the requirements of the Higher Education (Freedom of Speech) Act 2023. Staff who form part of an appointment panel for either staff or student appointments will be made aware of the freedom of speech and academic freedom to ensure that they understand the legal and ethical obligations. Under the obligations of the Higher Education (Freedom of Speech) Act 2023 Activate Learning will not penalise staff or students for lawful expression and will reject any campaigns to punish such individuals, even if the viewpoints shared are contradictory to Activate Learning's values.

8. Managing Free Speech

Staff and students must be supported in lawfully expressing their views, controversial or otherwise in their academic work, research, debate or external activities (including social media activity).

All members of Activate Learning's community must support the freedom of expression as outlined above and students should not be penalised unless their expression:

- Breaches UK legislation
- Amounts to harassment or discrimination.

At times, this may lead to challenging debate and controversial discussion. Students should be encouraged to undertake such conversations in a respectful manner, with staff utilising opportunities where possible to encourage this debate in an academic space such as a classroom environment.

Students will receive training on relevant legislation, particularly (although not exclusively) relating to Equality and Diversity to ensure that the definitions of discrimination and harassment and the legal frameworks are understood.

9. Research

Students and staff are free to undertake academic research within the law, even if this is considered controversial or in opposition to Activate Learning's values.

Research should be approved and follow the procedures set out in the HE Research Ethics Policy and Procedure, but ethics committee members must not impose restrictions on reputational concerns or the contentious nature of any research. All research ethics decisions will be recorded for full transparency of decisions.

10. Breaches to the Code of Practice

Any staff member or student who fails to abide by this Code of Practice shall be subject to the investigatory and disciplinary procedures set out in the relevant policy (Staff Professional Conduct Policy or Student Positive Behaviour Management Policy).

11. Responsibilities for Compliance

The Governors of Activate Learning have overall responsibility for the effective operation of this Code of Practice and for ensuring compliance with relevant legislation and will take reasonably practicable steps to secure compliance with the Freedom of Speech Code, including, where appropriate disciplinary action.

Governors will perform their statutory duties and ensure that the Freedom of Speech Code of Practice is shared with staff and students at least once a year and will remain responsible for oversight of freedom of speech compliance across the organisation, ensuring the Code of Practice is reviewed annually.

The Group Executive Team (GET) will ensure that there are adequate and effective mechanisms to raise concerns about freedom of speech and academic freedom and will ensure that when concerns are raised about freedom of speech and academic freedom, ensuring that,

so far as is reasonably practicable, they are addressed, and any lessons to be learned are incorporated into a review of relevant policies, practices and procedures.

GET will ensure that all meetings for which the use of Activate Learning's premises is granted or withheld under this Code of Practice, will be reported to the Board of Governors.

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.
- Reviewed by the HE Academic Board and approved by the Corporation Board annually, or sooner if required by changes in law or regulation.

12. Related Legislation

This Code of Practice aligns with:

- Higher Education (Freedom of Speech) Act 2023
- Education Reform Act 1988 (academic freedom protections)
- Human Rights Act 1998 (Articles 9 and 10 of the ECHR)
- Equality Act 2010 (protected characteristics including belief)
- Counter-Terrorism and Security Act 2015 (Prevent Duty)

13. Related Policies and Procedures

- Professional Conduct Policy
- Workplace Standards Policy
- External Speaker Procedure
- Recruitment and Selection Policy
- Equality and Diversity Policy
- Corporate Ethics Policy
- Disciplinary Procedure
- Safeguarding and Prevent Policy
- Complaints Policy
- Complaints Procedure
- Health and Safety Policy
- Research Ethics Policy
- Research Ethics Procedure