

***CODE OF PRACTICE
ON FREEDOM OF
SPEECH***

Effective 01 August 2025

1 Introduction

- 1.1 The College recognises that freedom of speech and expression within the law has fundamental importance for higher education providers.
- 1.2 This Code of Practice on Freedom of Speech (the Code) has been produced in accordance with the statutory duties set out in the Higher Education (Freedom of Speech) Act 2023 (the Act), and with reference to the guidance produced by the Office for Students (OfS, 2025). The purpose of the Code is to:
 - Promote a shared understanding of the College's principles and expectations around freedom of speech;
 - Establish a shared understanding of the steps the College will take to protect and promote freedom of speech;
 - Set out how non-compliance with this Code will be dealt with.
- 1.3 The Code takes into account the College's context as a wholly-virtual, postgraduate provider with a narrow curriculum focus. As such, it does not include provisions around the use of campus facilities or any other provisions which are inappropriate to our context.
- 1.4 The Code applies to all staff, students, and external speakers engaged by the College.
- 1.5 As set out in the Terms of Reference, the Programme Committee is responsible for advising the Board on all matters relating to freedom of speech and academic freedom. As such, the Programme Committee shall maintain oversight of any corrective actions or enhancements identified for the College's practices.
- 1.6 Oversight and approval of the Code is the responsibility of the Board.

2 Definitions

- 2.1 The College subscribes to the definitions set out by Universities UK (UUK, 2023):
 - **Freedom of speech** means everyone has the right to express lawful views and opinions freely, in speech or in writing, without interference;
 - **Academic freedom** means protecting the intellectual independence of academics to question and test received views and wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in danger of losing their jobs or privileges or reducing the likelihood of them securing promotion or different roles at the College.
- 2.2 The College recognises that the duty to secure freedom of speech includes (as relating to academic staff) a duty to secure academic freedom. As such the definitions are interlinked.

2.3 The College uses the additional definitions below:

- **Student** means any individual registered, applying for, or formerly registered on a College module or programme, including apprentices.
- **Staff** means any permanent, temporary, or adjunct employees or contractors engaged with the College.
- **External Speakers** are individuals engaged to speak to the College community in an event directly arranged by, or sponsored by, the College.

3 Our Principles

3.1 We value diversity of opinion and belief in our staff and student community. This diversity means that these beliefs may come into conflict, or may be felt to be offensive by those who encounter them. It is not the role of the College to protect or shield people from ideas which they disagree with, or which make them feel uncomfortable, if these are permitted within the law.

3.2 The College's learning and teaching activities aim to support students to qualify as a solicitor in England and Wales and to support their continuing legal and professional development thereafter. As such, the College's students are subject to the SRA's suitability assessment¹ at the point of applying for admission as a solicitor. However, it is not the College's responsibility to monitor compliance with these requirements, and we do not put in place any limitations to freedom of speech on the basis that this is likely to breach the SRA's requirements.

3.3 **We take the position that speech is permitted unless it is restricted by law.** This means that we will not suppress freedom of speech and expression, including contentious or offensive speech, provided that such speech:

- Does not go beyond the articulation of points of view permitted within the law.
- Does not constitute incitement to riot, insurrection, racial hatred, religious hatred, sexual harassment or other activities likely to cause a breach of the peace or public disorder.
- Does not increase the risk of an individual being drawn into terrorism.
- Does not contravene our wider legal duties, in particular the need to have due regard of to the need to:
 - (i) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (ii) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

¹ <https://www.sra.org.uk/solicitors/standards-regulations/assessment-character-suitability-rules/>

(iii) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- Does not interfere with the essential functions of the College, i.e. teaching and learning, and the administration of the provider.
- 3.4 The provisions above recognise that freedom of speech is a qualified right, and there are legitimate constraints placed on freedom of speech through legislation including:
- Equality Act 2010
 - Counterterrorism and Security Act 2015
 - Terrorism Act 2000 and 2006
 - Public Order Act 1986 and 2023
 - Malicious Communications Act 1998
 - Communications Act 2003
 - Harassment (Protection from Harassment Act 1997)
 - the Public Sector Equality Duty.
- 3.5 We will ensure, as far as reasonably practicable, that the use of College virtual facilities and engagement with College events shall not be denied to any individual on any grounds connected to the beliefs or views of the individual, provided that such beliefs are lawful and expressed as the individual's, not as on behalf of the College.
- 3.6 The College understands that within its community and among its visitors, there may be differing and conflicting ideas and views. Some of these opinions may be considered disagreeable or offensive by some or most of our community members. This can stem from wider conflicts involving ethnicity, religion, personal identity, or political conviction. While we do not aim to shield individuals from uncomfortable ideas or opinions, it is crucial to note that freedom of speech is not absolute. Balancing the promotion and protection of free speech with legal boundaries is a challenge for higher education providers. It involves recognising complex situations and making difficult judgments, often balancing conflicting rights. There will be a need, on occasion, to balance the right to freedom of speech against the need to protect the rights of others.
- 3.7 The College shall take such steps as far as reasonably practicable to ensure that the principles under this Code are complied with, which may include taking disciplinary measures against students and staff who contravene the Code.

4 Promoting and Securing Freedom of Speech

- 4.1 We will ensure that our teaching, curriculum, policies and procedures reflect our duties to ensure, so far as is reasonably practicable, freedom of speech and academic freedom within the law. In particular:
- Our processes for programme development and approval, quality assurance, and assessment will respect the rights of freedom of speech and academic freedom;
 - No individual shall be subject to disciplinary action or other less favourable treatment by or on behalf of the College solely because of the lawful exercise of free speech or academic freedom.
- 4.2 We will promote freedom of speech and academic freedom by:
- Bringing this Code and the Act to the attention of new students and staff at registration or induction.
 - Drawing attention to this Code and the Act on an annual basis to staff and students.
 - Providing training to those involved in decision-making processes on understanding the Act and their obligation under this Code.
 - Providing support to individuals with questions on freedom of speech principles, to help them understand their obligations.

5 Procedures to be followed by staff and students

Learning and Teaching Design and Delivery

- 5.1 The College's curriculum is focused on preparation for SQE and on the skills and knowledge to sit as a day one qualified solicitor. As such, it is expected that students will not typically encounter sensitive or controversial views in their studies outside of this narrow legal context.
- 5.2 Where teaching includes potentially sensitive or controversial views, the Module Leader should consider what steps can be taken to protect and promote freedom of speech and academic freedom. This includes creating an environment where students can express views within the law without fear of reprisal. This could include, for example:
- Notifying students in advance of the sensitive or controversial views being discussed, and how this will be managed.
 - Reminding students of their obligations under this Code.
 - Where appropriate, reminding students of the expectations of behaviour under the Student Contract.

- 5.3 Module Leaders can contact the Registrar and Chief Operations Director for advice on interpreting this Code.

Booking of external speakers

- 5.4 Approval of external speakers is the responsibility of the Head of Business Development and Marketing and/or the Head of Curriculum using the External Speaker Due Diligence Form.
- 5.5 Students and apprentices may request approval for student-led events including external speakers. Where this is requested, the Head of Curriculum or Head of Business Development and Marketing will support the request and conduct an assessment using the External Speaker Due Diligence Form.
- 5.6 The starting point for any event is that it should go ahead and cancellation is exceptional and undesirable.
- 5.7 The Registrar and the Chief Operations Director can provide advice to staff on interpreting this Code in relation to external speaker booking. This may include actions to ensure an event can go ahead while mitigating risk.
- 5.8 The external speaker booking process includes a requirement not to deny a speaker on the grounds of policy or belief. To ensure that compliance with this provision can be audited, the External Speaker Booking Form will be updated in 25/26 to include a requirement to follow the framework for assessing freedom of speech considerations set out in the Office for Students guidance (OfS, 2025).

6 Non-compliance with this Code

- 6.1 Where an individual's behaviour does not comply with this Code (for example, through speech which extends to harassment under the Equality Act 2010), the College may address this through the relevant disciplinary procedures.
- 6.2 Where necessary, this may include a referral through the College's Prevent Duty Policy.
- 6.3 Where an individual has a complaint about the College's implementation of this Code, they should direct this through the relevant complaints process.

7 Governance and Reporting

- 7.1 The Board has ultimate responsibility for ensuring that freedom of speech within the law is protected and promoted.
- 7.2 The Programme Committee has delegated authority to advise the Board on all matters related to freedom of speech and academic freedom, as set out in the Terms of Reference.

- 7.3 The Registrar and Chief Operations Director will be responsible for day-to-day management of the College's freedom of speech provisions.
- 7.4 The Programme Committee shall, on an annual basis, report to the Board to provide assurance that the Code has been adhered to.

8 Use of non-disclosure agreements

- 8.1 To meet the statutory duties set out in the Act, the Board will not permit the use of non-disclosure agreements in respect of complaints about sexual misconduct, bullying, or harassment.

9 Updates to this Code

- 9.1 The Code will be updated on an annual basis. Recommendations for updates will first be considered by the Programme Committee prior to consideration and approval by the Board.

References

OfS, 2022. *Insight brief 16: Freedom to question, challenge and debate*. [Online]
Available at: <https://www.officeforstudents.org.uk/media/8a032d0f-ed24-4a10-b254-c1d9bfcfe8b5/insight-brief-16-freedom-to-question-challenge-and-debate.pdf>
[Accessed 01 July 2024].

OfS, 2025. *Regulatory Advice 24: Guidance related to freedom of speech*. [Online]
Available at: <https://www.officeforstudents.org.uk/publications/regulatory-advice-24-guidance-related-to-freedom-of-speech/>
[Accessed 04 July 2025].

UUK, 2023. *How can universities prepare for the Higher Education (Freedom of Speech) Act?*. [Online]
Available at: <https://www.universitiesuk.ac.uk/sites/default/files/field/downloads/2023-09/how-can-unis-prepare-for-the-HE-freedom-of-speech-act.pdf>
[Accessed 01 July 2024].

Version Control

This version was approved 22 July 2025 by the Board.

Please contact registry@collegalpractice.com for access to previous versions.

Previous version(s)	Date superseded
N/A	N/A