



Freedom of Speech Code of Practice 2026 - 2027

Equality Impact Assessment: Askham Bryan College recognises the importance of the Equality Act 2010 and its duties under the Act. This document has been assessed to ensure that it does not adversely affect staff, students or stakeholders on the grounds of any protected characteristics.

1. POLICY STATEMENT AND SCOPE

“If liberty means anything at all, it means the right to tell people what they do not want to hear.” — George Orwell

- 1.1 Askham Bryan College is committed to the principles of free speech and freedom of expression and in particular, the principle of free academic debate and discussion, to the fullest extent permitted by law. This extends to a wide range of issues, including, but not limited to social, political, economic and religious issues, and legal and moral issues, and subject to 1.3 below, ideas that have the potential to offend, shock or disturb the listener. This means that students and staff will sometimes be exposed to views they find disagreeable, or even offensive, but it is crucial that a broad range of different voices can be heard, challenged, and debated. Ideas and opinions should be capable of being expressed in an atmosphere of mutual respect and tolerance.
- 1.2 This Code of Practice (“the Code of Practice”) sets out the rights and obligations inherent within the principles of freedom of speech and freedom of expression and academic freedom as mandated by the Higher Education (Freedom of Speech) Act 2023 and the Code of Practice shall be construed and applied in the spirit of upholding those principles wherever reasonably practicable within the law. The Code of Practice also covers freedom of speech and expression in whatever form that may take including (but not limited to) speeches, debates, meetings, demonstrations, written publications and through the use of social media.
- 1.3 This also extends to the right of academic staff to have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions without placing themselves at risk of losing their jobs or any privileges they may have at the College. Institutions have a responsibility, so far as is reasonably practicable, to protect and advance the principle of academic freedom. The College will ensure that applicants for academic roles are not adversely affected due to their lawful exercise of academic freedom.
- 1.4 The College, however, will not tolerate or countenance an environment of fear, harassment, intimidation, verbal abuse or violence. Freedom of speech also means freedom from intimidation, harassment and fear.

- 1.5 This policy will be communicated to all employees and associates of Askham Bryan College and will be made available on the company's intranet or shared platforms. New employees will be informed of this policy during their induction process.

2. SCOPE

- 2.1 The Code of Practice applies to:

- all staff, both current and former;
- all students (full or part time, and whether studying under an agreement with a partner organisation or not);
- College Student Union, and any societies, clubs or associations which normally operate on the College's premises;
- Governors and members of the Corporation;
- visiting speakers;
- external organisations, and
- all persons invited to speak and/or express views (whether in person or otherwise including through the use of social media) and/or otherwise take part in activities which take place on or are planned or proposed or due to take place on the College's premises.

- 2.2 It encompasses all College-linked activities, both on-campus and online, including, but not limited to, lectures, seminars, research, student union events, conferences, and social media communications.

3. DEFINITIONS

- 3.1 In this Code of Practice, the following words have the following meanings:

“freedom of speech” means everyone has the right to express lawful views and opinions freely, through speech, writing, art, or electronic media, without interference. However, speech must remain within the law and not constitute harassment, defamation, incitement to violence, or hate speech;

“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. Academic freedom applies equally to teaching, research, and public engagement.

4. OTHER KEY PRINCIPLES

Respectful Engagement

- 4.1 The College promotes and will secure, a culture of rigorous yet respectful debate. Members of the College community should engage with challenging ideas in a spirit of intellectual curiosity, courtesy, and inclusion. Protest is legitimate but must not suppress the rights of others to speak or be heard.

5. CODE OF PRACTICE

- 5.1 The Higher Education (Freedom of Speech) Act 2023 imposes a duty on the governing body of a registered higher education provider to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for:
- (a) staff of the provider,
 - (b) members of the provider,
 - (c) students of the provider, and
 - (d) visiting speakers.
- 5.2 This also extends to securing academic freedom for academic staff. “Academic freedom”, in relation to academic staff at a registered higher education provider, means their freedom within the law—
- (a) to question and test received wisdom, and
 - (b) to put forward new ideas and controversial or unpopular opinions,
- without placing themselves at risk of being adversely affected, either (a) through loss of their jobs or privileges at the provider; or (b) the likelihood of their securing promotion or different jobs at the provider being reduced.
- 5.3 However, all staff, not just academic staff, have the right to freedom of expression, as enshrined in Article 10 of the European Convention on Human Rights and Article 10 of the Human Rights Act 1998.
- 5.4 The governing body of a registered higher education provider must also, with a view to facilitating the discharge of its duties, maintain a Code of Practice setting out:
- (a) the provider’s values relating to freedom of speech and an explanation of how those values uphold freedom of speech;
 - (b) the procedures to be followed by staff and students of the provider and any students’ union for students at the provider in connection with the organisation of—
 - (i) meetings which are to be held on the provider’s premises and which fall within any class of meeting specified in the code, and
 - (ii) other activities which are to take place on those premises and which fall within any class of activity so specified,
 - (c) the conduct required of such persons in connection with any such meeting or activity, and
 - (d) the criteria to be used by the provider in making decisions about whether to allow the use of premises and on what terms (which must include its criteria for determining whether there are exceptional circumstances where use of its premises by any individual or body is on terms that require the individual or body to bear some or all of the costs of security relating to their use of the premises).

Equality, Diversity and Inclusion

- 5.4 The Equality Act 2010 makes it illegal to discriminate against someone, whether directly or indirectly, because of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 5.5 The College celebrates and values the diversity brought to it by all those individuals who live, work and learn here and believes the College will benefit from attracting and retaining students and staff from a variety of backgrounds. The principles of equality and diversity are therefore also at the heart of College life and are also supported by appropriate policies, procedures and good practice.

Safeguarding and Prevent Duty

- 5.6 This Code of Practice is also written with reference to the Prevent Duty contained within Section 26 of the Counter Terrorism and Security Act 2015 (CTSA 2015). The duty states that specified authorities including further education colleges, in the exercise of their functions, must have “due regard to the need to prevent people from being drawn into terrorism”.
- 5.7 The College is committed to supporting vulnerable students through its safeguarding policies and procedures and recognises that this can support the College’s contribution to the Prevent duty. The guidance on Prevent is included within the College’s Safeguarding Policy.

6. ENSURING ACADEMIC FREEDOM

- 6.1 The principle of freedom of speech set out in this Code of Practice shall extend to the performance by all staff of their duties and responsibilities and to any visiting or guest speakers invited by the College. It shall also extend to students presenting or exhibiting work produced during the course of their studies with the College.
- 6.2 Any person or body to which this Code of Practice applies shall not take any action (other than by reasonable and peaceful persuasion) to prevent the holding or continuation of any lecture, tutorial, exhibition, or other academic activity because of the views held or expressed or which are reasonably likely to be expressed by the speaker or course tutor or student concerned.
- 6.3 Any person or body to whom this Code of Practice applies shall not take any action (other than reasonable and peaceful persuasion) to prevent any student or group of students from attending any academic activity required by, or properly associated with, the course for which they are enrolled because of the views or beliefs held or lawfully expressed by that student or because of the reasonable likelihood that such views will be expressed.

7. CONTROVERSIAL VIEWS AND THE BOUNDARIES OF LAWFUL SPEECH

General Principles

- 7.1 The College recognises that education, and higher education in particular, is a space where controversial, uncomfortable, or minority views must be allowed to be aired and debated, provided they are expressed within the bounds of the law. Controversial views contribute to intellectual progress and societal development by challenging assumptions and encouraging rigorous scrutiny of ideas.

Gender-Critical Views

- 7.2 The Equality Act 2010 and subsequent case law confirm that gender-critical beliefs, which is the belief that sex is biological and immutable, are protected philosophical beliefs. This was established in cases such as *Forstater v CGD Europe* and reaffirmed in *Higgs v Farmor's School*. As such, staff and students who express gender-critical views are protected from discrimination or sanction solely on the basis of holding or lawfully expressing these beliefs.
- 7.3 Expression of gender-critical views does not, in itself, constitute harassment, transphobia, or discrimination. The right to express these views must be balanced with others' rights not to be harassed. Harassment would involve targeted, offensive, or intimidating behaviour—not the expression of a belief per se.

Other Examples of Protected Controversial Views

- 7.4 Protected beliefs may also include:
- ethical veganism;
 - environmental activism;
 - religious or atheistic worldviews;
 - beliefs regarding national independence or political ideologies;
 - philosophical frameworks such as Stoicism or pacifism.
- 7.5 These views are lawful and must be accommodated within College discourse, subject to the boundaries of respectful and non-harassing conduct.

Policy on Managing Controversial Speech

- 7.6 Staff and students must be supported in expressing controversial views, including through academic work, public speaking, and social media, provided such expression:
- is not unlawful;
 - does not amount to targeted harassment;
 - takes place in a respectful and reasoned manner;
 - is open to challenge and debate.
- 7.7 The College will not adopt or enforce policies that have the effect of compelling assent to contested beliefs or chilling the expression of lawful dissent.

8. PROHIBITED PRACTICES

- 8.1 Non-disclosure agreements (NDAs) are banned in cases of harassment or sexual misconduct.
- 8.2 Staff and students must not be compelled to endorse contested beliefs as a condition of study or employment.
- 8.3 College policies must be reviewed to ensure they do not indirectly chill lawful speech (e.g. equality statements interpreted as prescriptive belief systems).

9. EXTERNAL SPEAKERS AND THEIR RESPONSIBILITIES

- 9.1 The College's policy and procedures on external speakers and their responsibilities are set out in and subject to the College's External Speakers Policy and External Speakers Procedures.
- 9.2 Where any person or body subject to the obligations of this Code of Practice wishes to hold any event for the expression of any views or beliefs held or lawfully expressed on premises controlled by the College, consent shall not be unreasonably refused.
- 9.3 Subject to 9.4, the use of any College premises will not be denied, in relation to an individual, on grounds their ideas and opinions, and in relation to a body, will not be denied on the grounds of its policy or objectives or the ideas or opinions of any of its members.
- 9.4 However, all speakers have a responsibility to abide by the law and the College's policies, and:
 - must not advocate or incite hatred, violence or call for the breaking of the law;
 - are not permitted to encourage, glorify or promote any acts of terrorism including individuals, groups or organisations that support such acts;
 - must not spread hatred and intolerance and thus aid in disrupting social and community harmony;
 - must be mindful of the risk of causing offence to or seek to avoid insulting other faiths or groups, within a framework of positive debate and challenge;
 - are not permitted to raise or gather funds for any external organisation from staff (including non-teaching staff), Governors, members of the Corporation, or students (full or part time, and whether studying under an agreement with a partner organisation or not), or cause without express permission of the College (available from Vice Principal (Students) or Head of Marketing).
- 9.5 The College will not tolerate those who are intolerant of the free speech of others, both generally and where it includes the denial of the right to hold or express an opposing opinion. This also includes those who engage in the active prevention of permitting others to speak, such as the interruption – violent or otherwise – of meetings. Those who offer no platform to others, without any reasonable or justifiable basis for doing so, should not benefit from the freedom to speak at the College.

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- 9.6 The College also does not support those who advocate or engage in violence in the furtherance of their political, religious, philosophical and/or other beliefs, including advocating or engaging in the violent overthrow of democracy in the UK or elsewhere.
- 9.7 The College reserves the right to debar speakers or organisations from the College where the College reasonably believes that their presence on College premises is not conducive to the good order of the College, or where it would offend the principles of scholarly inquiry, or where it would put at risk the safety of students, staff or the general public.
- 9.8 The College will maintain a list of organisations considered by the College to be within the scope of the provisions in 9.5 – 9.7. Currently this is:
- any person or group on/or linked to the UK Government list of proscribed terror organisations <https://www.gov.uk/government/publications/proscribed-terror-groups-or-organisations--2>;
 - talks by organisations generally considered to be extremist;
 - a speaker who is known to have spoken previously at another institution on a topic that has caused fear or intimidation of students or staff;
 - a speaker accepted in mainstream as being highly controversial;
 - a link or links to any person or group that has been connected with any controversy of a negative or positive nature;
 - a speaker who has significant profile and attracts a following that could create crowd control and health and safety issues;
 - a speaker from a political party during an election purdah.
- 9.9 Any amendments made to the list from time to time by the College shall be deemed as included or excluded as appropriate with effect from the date that the amendment is made.

See the College's External Speakers Policy for further.

10. BREACH OF THIS CODE OF PRACTICE

- 10.1 Breach of this Code of Practice will be dealt with under the College's disciplinary procedures and, if necessary, by recourse to the law.
- 10.2 Where a breach of this Code of Practice takes place at an activity or as a result of an activity taking place, the College may take steps to assist the police to secure identification of the persons suspected of committing offences with a view to appropriate action being taken against them.

11. COMPLAINTS

- 11.1 Different processes are in place depending on whether you are staff, applicants for academic posts, (actual or invited) visiting speakers and non-student members, or a current or past student.
- 11.2 Staff, applicants for academic posts, (actual or invited) visiting speakers and non-student members can use the OfS complaints scheme as set out at paras 11.2 to

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11.22 below and submit their complaint to the OfS, once they have exhausted the College's internal complaints procedures, set out at paras 11.26 – 11.28 below. Students must follow the process as set out at paras 11.26 to 11.29.

- 11.3 The Office for Students (OfS) operates a free speech complaints scheme. Under that scheme, the OfS can review complaints about free speech from non-student members, staff, applicants for academic posts and (actual or invited) visiting speakers. The scheme is free to use. Information about the complaints that the OfS can review is available on its website www.officeforstudents.org.uk/for-providers/freedom-of-speech/free-speech-complaints/.

Staff, applicants for academic posts, (actual or invited) visiting speakers and non-student members

What is a free speech complaint under the OfS free speech complaints scheme?

- 11.4 A free speech complaint is a complaint made by an eligible person (see para 11.3) that:
- a) claims that the person making the complaint has suffered adverse consequences (which need not be financial) as a result of action or inaction of a respondent; and
 - b) claims that, or gives rise to a question as to whether, the action or inaction was a breach of the respondent's free speech duty.

What is an "eligible person"?

- 11.5 Under the scheme, an **"eligible person"** is defined as:
- a) a person who is or was **a member or member of staff** of the registered higher education provider or constituent institution (as the case may be);
 - b) **a person who has applied to become a member of academic staff** of the registered higher education provider or constituent institution (as the case may be); or
 - c) a person who was, or was at any time invited to be, a visiting speaker at the registered higher education provider or constituent institution.
- 11.6 "The respondent", where the complaint is against the College, will be the College.
- 11.7 A free speech complaint may include claims other than free speech claims. However, the OfS will only review those other claims if they include information that is relevant to the free speech claims. The OfS will only determine the other claims to the extent necessary for determining whether the free speech claim is justified.
- 11.8 This scheme is not retrospective. This means that **the OfS will not review a free speech complaint to the extent that its free speech claims concern actions or inactions that took place before 1 September 2026**. Where a free speech claim has a relationship to actions or inactions from before 1 September 2026, the OfS will review the complaint only in relation to those actions or inactions that took place on or after 1 September 2026. The OfS website contains illustrative examples of how the OfS may apply this rule in practice (see <https://www.officeforstudents.org.uk/for->

[providers/freedom-of-speech/free-speech-complaints/what-the-scheme-covers/](#)).

How to submit a free speech complaint

- 11.9 A free speech complaint must be made in writing, by submitting a complaint form to the OfS along with any supporting documents relevant to the complaint. The complaint form is available on the OfS's website at <https://www.officeforstudents.org.uk/media/5p3bij0d/free-speech-complaint-form.pdf>.
- 11.10 **You must, however, exhaust the College's internal complaints procedures first before submitting a complaint.** The complaint form can be submitted:
- a) once you have received confirmation from the College that you have completed that process or, if earlier;
 - b) once 90 days have elapsed since that process began.
- 11.11 The complaint form and any supporting documents may be submitted online or by post. Instructions on how to do this are on the OfS website.
- 11.12 If you have a disability, the OfS can adjust this process to enable you to access this scheme. Guidance on how to request adjustments is set out on the OfS website.
- 11.13 Please note: the OfS cannot review anonymous complaints.

Time limit for submitting a complaint

- 11.14 Unless there are good reasons why it was not, a free speech complaint must be submitted to the OfS by 12 months after the date on which it appears to the OfS that the action or inaction being complained about last occurred.

Appointing a representative

- 11.15 You may (but are not obliged to) appoint a representative to correspond with the OfS about your free speech complaint on your behalf. The OfS will then normally correspond with your representative, rather than directly with you. This means that you should make sure that your representative understands your free speech complaint, will act in your best interests and can keep you informed throughout our review process.

OfS decision

- 11.16 When the OfS has reviewed a free speech complaint and considers that it has all the information and evidence that it needs to make a decision about the extent to which it is justified, the OfS will make a decision. The OfS will do this as soon as reasonably practicable after it has received a free speech complaint.
- 11.17 The OfS will issue a **Notice of complaint outcome** in writing to you and to the respondent setting out its decision. Where you have appointed a representative, the OfS will issue the Notice of complaint outcome to both of you. The Notice of complaint outcome will state whether the free speech complaint is justified, partly justified or not justified, and the reasons for this.

- 11.18 If the OfS decides that your free speech complaint is justified or partly justified, it may make a recommendation to the respondent. The recommendation will be set out in the Notice of complaint outcome.

Group complaints

- 11.19 Where the OfS receives a series of free speech complaints from more than one person about the same respondent and the same subject matter, it may decide to treat these complaints as a group complaint. Individual complainants will also have the opportunity to express a preference to be grouped during the submission of a complaint.
- 11.20 The OfS may decide to consider the free speech complaints within a group complaint together where it considers it appropriate to do so, for example where it receives multiple complaints involving the same subject matter or the OfS requesting the same information from the respondent across a number of complaints.
- 11.21 The OfS will review and determine each of the complaints in a group complaint separately, considering the specific facts of each complaint.

Complaints relating to actions/inactions from before 1 September 2026

- 11.22 For complaints relating to actions/inactions from before 1 September 2026, you should contact, in writing, the PA to the Principal and Chief Executive Officer. An investigation shall be conducted and responded to, where possible, within 10 working days, in accordance with the College's Complaints Policy. If the complainant is an HE student or member of the HE academic staff or otherwise relates to HE provision at the College, then the complaint will be dealt with in accordance with the College's HE Students Complaints Policy.
- 11.23 You must bring any complaint within 3 months of the incident complained of.
- 11.24 In the event that you are not satisfied with the initial reply you receive, you should contact, in writing, the Chief Executive Officer, within 10 days of the date of the decision and ask for an appeal of the original decision. If you still remain unsatisfied, you may ask the Office of the Independent Adjudicator to investigate your complaint.

Where to get more information about the OfS free speech complaints scheme

- 11.25 For further details, please go to <https://www.officeforstudents.org.uk/providers/freedom-of-speech/free-speech-complaints-scheme-rules/>

Students

- 11.26 In the event that you wish to make a formal complaint for breach of this Code of Practice (for instance, in the event you feel that your right to free speech has been infringed or you have suffered adverse consequences as a result of exercising your right to free speech, or you feel that the College has otherwise breached its duties under this Code of Practice), you should contact, in writing, the PA to the Principal and Chief Executive Officer. An investigation shall be conducted and responded to, where

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possible, within 10 working days, in accordance with the College's Complaints Policy. If the complainant is an HE student or member of the HE academic staff or otherwise relates to HE provision at the College, then the complaint will be dealt with in accordance with the College's HE Students Complaints Policy.

11.27 You must bring any complaint within 3 months of the incident complained of.

11.28 In the event that you are not satisfied with the initial reply you receive, you should contact, in writing, the Chief Executive Officer, within 10 days of the date of the decision and ask for an appeal of the original decision. If you still remain unsatisfied, you may ask the Office of the Independent Adjudicator to investigate your complaint.

Office of the Independent Adjudicator (HE students only)

11.29 Please note that the Office of the Independent Adjudicator for Higher Education ("OIA") OfS is unlikely to investigate a complaint for breach of this Code of Practice without you first having made a complaint to the College and exhausting the College's own internal complaints procedure first or if proceedings relating to the subject-matter of the complaint, to which you are or were a party, are being, or have been, dealt with by a court or tribunal.

NB FE students/Apprentices, etc must make use of the College's Complaints Policy instead

12. RESPONSIBILITIES

12.1 It is the responsibility of all staff and students, governors and members of the Corporation, to ensure that the principles of free speech, free academic debate and discussion, and equality, diversity and inclusiveness are respected at all times.

12.2 All members of the College must:

- respect others' rights to free expression;
- avoid unlawful conduct including harassment, discrimination, or incitement;
- follow procedures for organising meetings, events, and public communications;
- report concerns via appropriate internal channels.

13. MONITORING AND REVIEW

13.1 The Code of Practice will be reviewed annually and will be brought to the attention of all students by publishing it on the College's website and intranet.

13.2 The Director of Governance, assisted by the Legal and Compliance Adviser, will maintain oversight of the effectiveness of this Code of Practice.

14. SUPPORTING/RELATED DOCUMENTS

- Complaints Policy and Procedure
- HE Students Complaints Policy
- External Speakers Policy
- External Speakers Procedures
- Equality and Diversity and Inclusion Policy
- Peer on Peer Abuse (Students) Policy
- Staff Code of Conduct
- Staff Disciplinary Policy
- Behaviour Intervention Policy
- Behaviour Intervention Procedures
- Support for Study Policy
- Support for Study Procedures
- Student Charter
- Safeguarding Policy
- Safeguarding Procedures
- Anti-Sexual Harassment Policy
- Prevention of Harassment and Sexual Misconduct Policy (Students)

15. LIST OF RELEVANT LEGISLATION (NON-EXHAUSTIVE)

This policy aligns with:

- Education (No.2) Act 1986
- Education Reform Act 1988 (academic freedom protections)
- Education Act 1994
- Human Rights Act 1998 (Schedule 1, Article 9) (Freedom of thought, conscience and religion)
- Human Rights Act 1998 (Schedule 1, Article 10) (Freedom of expression)
- Human Rights Act 1998 (Schedule 1, Article 11) (Freedom of assembly)
- Protection from Harassment Act 1997
- Malicious Communications Act 1988
- Terrorism Act 2000
- Anti-Terrorism, Crime and Security Act 2001
- Communications Act 2003
- Higher Education Act 2004
- Safeguarding Vulnerable Groups Act 2006
- Terrorism Act 2006
- Public Order Act 1986 (POA) as amended by Racial and Religious Hatred Act 2006 and Criminal Justice and Immigration Act 2008
- Equality Act 2010 (protected characteristics including belief)
- Defamation Act 2013
- Counter Terrorism and Security Act 2015 (Prevent Duty)
- Higher Education and Research Act 2017
- Higher Education (Freedom of Speech) Act 2023
- The Higher Education (Freedom of Speech) Act 2023 (Commencement No. 3) Regulations 2025

16. DOCUMENT HISTORY

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