

Freedom of Speech and Academic Freedom Policy

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2	Annette Campbell	April 2024		Full review undertaken. Policy updated to consider new duties from the Higher Education (Freedom of Speech) Act enacted May 2023.
3	Annette Campbell	August 2025		Policy updated to consider the Office for Students Regulatory advice 24 - Guidance in relation to freedom of speech.

Policy description:

This policy is Craven College's response to the requirement of the Education (No 2) Act 1986 and the [Higher Education \(Freedom of Speech\) Act 2023](#) that the governing body of Further and Higher Education institutions should issue a code of practice setting out the procedures to be followed by students and employees of the establishment in connection with the organisation of meetings and other activities which are to be held on College premises, and the conduct required of such persons in connection with any such meeting or activity.

The requirements of this policy apply to all staff of the College; all students registered at the College and the Governors of the College.

1.0 Freedom of Speech Policy Statement

Freedom of speech and expression are an important part of Craven College life.

Craven College seeks to protect robustly civic and academic freedoms and to foster an academic culture of openness and inclusivity, in which members of our community engage in debate critically but courteously and remain open to both intellectual challenge and change.

The legal duty of UK College's to protect free speech is detailed in legislation, with specific requirements of the Education (No2) Act and the Higher Education (Freedom of Speech) Act 2023 placing duties on Governors of a Higher Education provider (and constituent institutions and students' unions) to i) secure

freedom of speech; ii) maintain a code of practice; and iii) promote the importance of freedom of speech and academic freedom.

1.1 Definitions

Freedom of speech means the freedom, within the law, to impart ideas, opinions or information by means of speech, writing or images (including in electronic form).

Academic freedom means the freedom of academic staff to question, and test received views and wisdom, and to put forward new ideas and controversial or unpopular opinions, within the law, without placing themselves at risk of losing their jobs or privileges or reducing the likelihood of them securing promotion or different roles at Craven College.

1.2 Securing and promoting the importance of Freedom of Speech

Craven College is committed to securing and actively promoting the importance of free speech within our community. It is fundamental to our purpose to advance education, knowledge and wisdom for the good of society. The work of the college is carried on in a spirit of tolerance and collegiality, freedom of opinion, mutual respect and concern, and openness responsibly exercised within the law. We support with enthusiasm and vigour the principles of freedom of thought and speech, which is one of our core values. As members of the Craven College Community, we each have our own role to play in securing free speech across all the college's work and activities.

We embrace and celebrate difference, diversity and debate and strive to provide a safe environment for students, staff or speakers invited to the college to be able to express freely their ideas, however polarising they may be. As a college, we pride ourselves on being a place of education and learning and our community must be one in which we are able, within the law, to question and test received wisdom, express new ideas and explore controversial or unpopular topics and opinions.

We recognise that this will not always feel comfortable because such freedom must apply not only to information or ideas that are favourably received or uncontroversial, but also to those that offend, shock or disturb. As such, we believe that promoting and securing free speech must go alongside embodying our values of mutual understanding, respect and tolerance towards each other when sharing our views and ideas. Staff and students who have been affected by the free speech of others can access a range of support from college.

1.3 Speech that is not protected or which may be restricted/regulated

Our commitment to freedom of speech extends only to speech within the law (speech that breaches either civil or criminal law is not protected). Craven College's Code of Practice, 1.7 on Freedom of Speech identifies some of the civil and criminal laws which are likely to be most relevant.

In addition, freedom of speech is a 'qualified' right, and there may be circumstances in which it is legitimate and proportionate for the college to restrict or regulate lawful speech in line with the principles established through the legal and regulatory framework. Whilst we operate under a very strong presumption in favour of permitting lawful speech, the qualified nature of the right is addressed further under the college's Code of Practice on Freedom of Speech.

1.4 Securing and promoting the importance of Academic Freedom

Craven College is committed to securing and promoting the importance of academic freedom. In accordance with the definition at paragraph 1.2, this means that our academic staff shall have the 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. Academic staff will be no less likely to secure a promotion or other roles at the college because of expressing such ideas or opinions, within the law.

This Freedom of Speech Policy and Code of Practice is part of a framework of principles and operational procedures for the management of issues relating to the exercise of the right to freedom of speech. It shall be brought to the attention of students and staff in inductions and trainings, and through annual reference in Student, Staff and Academic Handbooks.

Craven College is under no legal obligation to allow meetings to be held on College premises which are open to members of the public or made purely on a commercial basis, and therefore reserves the right to decline to accept a booking by a third party, or to cancel such a booking, particularly (but not exclusively) with reference to any major risks or issues related to such activity both on the grounds of health and safety and in the context of this Code.

1.5 Additional Legislation Requirements from the 1998 and 2023 Acts

The Education (No 2) Act 1986 and the [Higher Education \(Freedom of Speech\) Act 2023](#) requires every individual and body of persons concerned in the governance of any further education institution to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for students and employees of the institution and for visiting speakers.

There is also the requirement that, so far as is reasonably practicable, the use of College premises shall not be denied to any individual or body of persons on grounds connected with the beliefs or views of that individual or any member of that body, or with the policy and objectives of that body.

Every individual and body of persons concerned in the governance of the College is required to take such steps as are reasonably practicable, including where appropriate disciplinary measures, to ensure compliance with the Act and this policy.

Clear guidance is required to students, staff, governors and external agencies as to how the College manages freedom of speech as part of its Prevent Duty Guidance and in line with the Counter-Terrorism and Security Act 2015.

1.6 Code of Practice on Freedom of Speech

Code of Practice issued under section 43 of the Education (No 2) Act 1986 the Higher Education (Freedom of Speech) Act 2023:

- This Code applies to all governors, students, and employees of the College, in respect of all College premises. Outdoor as well as indoor meetings and other events on College premises are included.
- An intentional or reckless breach of this Code of Practice is an offence under the policies of the College and may be the subject of disciplinary action.
- Where the acts of individuals involve alleged breaches of criminal law, the College will assist the prosecuting authorities in implementing the due process of law and any internal disciplinary proceedings may be deferred or suspended pending the outcome of criminal proceedings.

1.7 Freedom of speech within the law

Our commitment, in line with the Higher Education (Freedom of Speech) Act 2023 and the OfS (Office for Students) Regulatory Advice, is to secure and promote freedom of speech within the law across all activities at Craven College.

Our commitment to freedom of speech extends only to speech within the law. In other words, speech that breaches either civil or criminal law is not protected (and will not be permitted at the college). There are a range of laws that might be relevant in this respect, including:

Equality law –The Equality Act 2010 prohibits discrimination, harassment and victimisation by reference to the characteristics protected under the Act. It also includes a duty (the Public Sector Equality Duty) to

have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between all members of the college's community.

Human Rights laws – Under the Human Rights Act 1998, the college as a 'public authority' must comply with the European Convention on Human Rights. In addition to Article 9 (freedom of thought, conscience and religion) and Article 10 (freedom of expression), the rights under Article 8 (right to respect for private and family life) and Article 14 (which requires that all the rights and freedoms set out in the Human Rights Act must be protected and applied without discrimination) apply.

Criminal law - There are various criminal offences which may occur in relation to speech, including harassment, acts intended to stir up hatred on grounds of race or religion, malicious and offensive communications offences, online safety offences, public order offences and terrorism related offences.

Anti-terrorism laws and duties - Under the Counter Terrorism and Security Act 2015, the college is required to comply with the 'Prevent' duty to help prevent the risk of people being drawn into or supporting terrorism.

2.0 Craven College Policy and Code of Practice

Freedom of speech has fundamental importance for colleges as places of education, learning and the disinterested pursuit of truth. The College is also required under Article 11 of its Articles of Government to have regard to the need to ensure that academic staff 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. Colleges have a responsibility, so far as is reasonably practicable, to protect and advance the principle of academic freedom.

Members, students and employees of the College must conduct themselves so as to ensure that freedom of speech within the law is secured for members, students, and employees of the College and for visiting speakers. The freedom protected by this Code of Practice is confined to the exercise of freedom of speech within the law. The College believes that a culture of free, open and robust discussion can be achieved only if all concerned avoid needlessly offensive or provocative action and language.

This Policy and Code of Practice apply to events to which visiting speakers are invited and to the letting of College premises to external organisations.

External speaker procedures are detailed in the External Speaker Policy.

2.1 Organisation of Meetings

- All meetings taking place on College premises are private unless the public is expressly invited to attend.
- Students and employees of the College have freedom of speech within the law, as do visiting speakers.
- Where meetings are organised by students, speakers should normally come from a club, society or organisation recognised by the College. Invitations should not be sent out by individual students without consultation with the Student Service Manager. The Student Service Manager – 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 department of the College, a trade union or member of staff. The member of staff must inform the Student Service Manager of any invitation issued.
- In the case of meetings organised by the College, speakers must come at the invitation of the Principal.

- 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.
- The individual or the organiser must give the Student Service Manager 2 weeks' written notice of the meeting to include:
 - Proposed date, time and place
 - The purpose / subject of the meeting
 - The name of the speaker
 - The organisation represented by the speaker (where relevant)
 - Whether the meeting is private or will be open to the public
- The Information is required 2 weeks in advance (although the Student Service Manager may, at their discretion, agree to receive information closer to the time of the meeting than this). The Student Service Manager may cancel any meeting or event where the required information has not been provided within 2 weeks in advance.
- The Student Service Manger will respond in writing within 5 working days of receiving the notice.
- Where permission is granted, the Student Service Manager may attach any conditions they consider necessary to meet the College's legal obligations in order to protect freedom of speech, any other legal obligation or any other College requirements or rule e.g.:
 - Tickets must be issued if the meeting is open to the public
 - Stewards must be provided and the Student Service Manager must be satisfied as to their suitability
 - Specified members of College management or staff should attend
 - The admission or exclusion of representatives of the media
- Any conditions set by the Head of Student Experience and Inclusion, and the Student Service Manager must be complied with by the Organiser.
- The Head of Student Experience and Inclusion and Student Service Manager have discretion to consult with the police and, if then deemed appropriate, to attach further conditions.
- The Head of Student Experience and Inclusion and Student Service Manager may, at their discretion, refuse permission for a meeting, or later withdraw permission previously given.
- The Head of Student Experience and Inclusion 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 Principal, and where necessary with the Director 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 and Inclusion 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 Deputy Principal against the whole or part of the Head of Student Experience and Inclusion's decision within five days of receiving that decision. The Deputy Principal'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 Inclusion or Student Services Manager 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 Student Services Manager or Head of Student Experience and Inclusion 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 and Inclusion with supporting information (e.g. reason disallowed) on request and at the end of the academic year.

2.2 Conduct at meetings

- It is the duty of every member, student, and employee of the College 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 Policy or any limitations imposed or directions given by the police or other relevant public authority.
- Nothing in this Code 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 and Inclusion 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 and Inclusion or Student Services Manager 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 Deputy Principal.
- The organisers and those in attendance at any meeting or event must comply with any instructions given during a meeting, or event by Student Services Manager or the Head of

Student Experience and Inclusion, 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.

2.3 External bookings / Lettings

All bookings or lettings to external organisations must follow the guidance as set out in the College's Lettings Policy for External Organisations Policy which can be found on the Staff Intranet. A record must be kept and reported to the Head of Student Experience and Inclusion on request and at the end of the academic year.

2.4 Other legal requirements

The College is mindful of its pro-active duties under equality legislation. The right to freedom of speech is constrained by laws protecting others from discrimination, victimisation and harassment, protecting national security and public safety, preventing of disorder or crime, protecting the reputation and rights of others, and preventing the disclosure of information received in confidence. Reference to such legislation and guidance can be found in Appendix one.

2.5 Sanctions and Complaints

- Failure to observe the requirements of this policy or of any conditions laid down by the Principal, their authorised representative or the Head of Student Experience and Inclusion makes any student or member of staff liable to disciplinary action and any associated room booking may be cancelled.
- If any actions involve breaches of the criminal or civil law, the College will assist the prosecuting authorities as appropriate.
- Where a breach of this Code of Practice takes place at a meeting or demonstration, steps will be taken by the College to secure identification of the persons committing offences and for appropriate action to be taken against them.

Complaints - Free speech complaints scheme

Under the Freedom of Speech Act 2023 Students, staff members and visiting speakers can complain to Craven College as a higher education provider if they have 'suffered adverse consequences due to actions or inactions about free speech duties.

2.6 Responsibilities and Compliance

Governing Board

- The Governors have overall responsibility for the effective operation of this Policy and for ensuring compliance with relevant legislation.
- The Governors 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 is shared with students at least once a year.
- The Governing Board remains responsible for oversight of freedom of speech compliance across all college-affiliated bodies, including the Student Executive.
- Ensure the Policy will be reviewed annually by the Principal. The Board of Governors will review the Policy at least every three years.
- SLT will ensure that there are adequate and effective mechanisms to raise concerns about freedom of speech and academic freedom.
- SLT 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.

- SLT will ensure all meetings for which the use of College premises is granted or withheld under this Policy will be reported to the Board of Governors.

Students' Union (HE) Responsibilities

Following legislative changes in June 2025, students' unions are no longer directly subject to statutory duties under the Higher Education (Freedom of Speech) Act 2023.

The College will work in partnership with the Students' Union to promote the importance of freedom of speech and academic freedom, within the law, for the benefit of the College community.

- It is the duty of Craven College Student Executive to promote the importance of freedom of speech and academic freedom and, in doing so, to take 'reasonably practicable steps to promote freedom of speech' (Freedom of Speech Act 2023). This includes members of the students' union, staff and students and visiting speakers.
- While Student Unions are no longer directly subject to statutory duties under the Higher Education (Freedom of Speech) Act 2023, Craven College will take reasonably practicable steps to ensure that the Students' Union acts consistently with this Policy and Code of Practice. This includes monitoring SU activities, approving external speaker events, and providing guidance on lawful limitations to speech."
- It is the responsibility for the Student Executive to have a code of practice about freedom of speech and to share it with members at least once a year.

Links to Government Legislation:

- Education (No 2) Act 1986
- Higher Education (Freedom of Speech) Act 2023

Links to other policies:

- Sexual Harassment Policy
- Lettings Policy for External Organisations
- Prevent Strategy and Action Plan
- Public Sector Equality Scheme
- Acceptable Use Policy
- Staff Code of Conduct
- External Speaker Policy

Relevant legislation and sources of information

Education (No. 2) Act 1986

Education Reform Act 1988

Higher Education (Freedom of Speech) Act 2023.

Anti-discrimination legislation and proactive equalities legislation:

Human Rights Act 1998 (incorporating the European Convention on Human Rights)

Employment Equality (Sexual Orientation) Regulations 2003

Employment Equality (Religion or Belief) Regulations 2003

Race Relations Act 1976

Race Relations (Amendment) Act 2000

Sex Discrimination Act 1976

Disability Discrimination Act 1995, as amended

Equality Act 2010

Prevent Duty 2015

Counter Terrorism and Security Act (2015)

Racial and Religious Hatred Act 2006

Provisions that qualify rights:

Public Order Act 1986

Crime and Disorder Act 1998 Protection from Harassment Act 1997

<http://www.preventforfeandtraining.org.uk/lm-guidance-materials>

Appendix 1 – Booking form

Staff Name:	Department:	
Number of students attending:		
Number of external visitors attending:		
Age of Attendees: <i>(select all that apply)</i>	16-18 <input type="checkbox"/>	19+ <input type="checkbox"/>
Staff Member Taking Responsibility for the Event: and supervision of students		
Do you have any concerns that the speaker may be controversial or hold inflammatory or offensive views? If YES, contact the DSL, explain why and what plans are in place to reduce concerns		
Has the guest speaker ever been refused a platform at any other events to your knowledge. If YES speak to the DSL		
Name of Guest Speaker(s) and the organisation they are representing:		
Address of Organisation:		
Telephone Number:	Email:	
Is there any known or likely media interest in the proposed event?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, please detail:		
Background checks – are there any matters that require further investigation / action? Supply brief discussion.		
Source	Agreed	
Website Checked		
Printed Literature Checked		
Resources to be Presented		
Google Search Completed		
Other Colleges Recommended		
Other Checks, Please State:		
What topic or event will the Speaker be holding:		
How will learners benefit:		
Date of Event:	Room of Event:	

Start Time:	End Time:
Authorised signature	Date

Appendix 2.

