



## College of Health

### Code of Practice on Freedom of Speech

#### 1. Introduction

- 1.1 The College is fully committed to the principle, and to the promotion, of freedom of speech.
- 1.2 This Code of Practice sets out the College's commitment to freedom of speech, outlines the various legislative frameworks under which such freedoms must be upheld and may be circumscribed, and summarises relevant procedures.

#### 2. Scope

- 2.1 This Code of Practice applies to:
  - all members of the College (ie. staff, students and associate faculty)
  - visiting speakers and all other persons invited or otherwise lawfully participating in College activities.
- 2.2 References in this Code of Practice to 'premises' means those premises over which the College exercises control, whether indoor or outdoor, permanent or temporary.
- 2.3 For the avoidance of doubt, this Code of Practice does not apply to purely commercial meetings or events.

#### 3. Key Concepts and Legislative Framework

- 3.1 Freedom of speech means the freedom, within the law, to receive and impart ideas, opinions or information by means of speech, writing or images (including in electronic form) without interference.
- 3.2 Academic freedom, in relation to staff delivering learning and teaching activities, means their freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without any jeopardy to their role or privileges including the likelihood of their securing promotion.
- 3.3 These concepts are underpinned by the Human Rights Act 1998, which brings the European Convention on Human Rights into direct effect in national law. Article 10 of the Convention articulates freedom of expression as a human right and sets out the limited circumstances in which that right might be circumscribed (such as to protect

public safety, for the prevention of disorder or crime, or for the protection of the reputation or rights of others). These concepts also exist within other UK legislation.

- 3.4 HE Providers in England have duties under the Higher Education and Research Act 2017 (as amended by the Higher Education (Freedom of Speech) Act 2023) to take such steps as are reasonably practicable to secure and promote freedom of speech and academic freedom within the law for staff and students and for visiting speakers.
- 3.5 Section 26 of the Counter-Terrorism and Security Act 2015 places a duty on certain bodies, including higher education providers, to have 'due regard to the need to prevent people from being drawn into terrorism'. This necessitates the establishment of protocols and procedures by which to assess the risks associated with meetings or events hosted, affiliated, funded, or branded by the College. This Act also requires the College to have particular regard to its other duties with regard to academic freedom and freedom of speech. It is recognised that debate, discussion, and critical enquiry are, in themselves, powerful tools in preventing people from being drawn into terrorism.
- 3.6 Under the Equality Act 2010, staff and students must not be subjected to unlawful discrimination, harassment, intimidation or threats of violence on the grounds of race, sex, age, religion or philosophical belief, sexual orientation, disability, gender reassignment, marriage and civil partnership, or pregnancy or maternity. However, the provisions of the Equality Act 2010 are not to be interpreted to undermine freedom of speech and academic freedom.
- 3.7 It is specifically recognised that students' learning experience and the working environment of staff may include exposure to research, course material, discussion or speakers' views that they find offensive, contentious or unacceptable, but are nonetheless within the law, and are therefore unlikely to be considered unlawful harassment or discrimination under the Equality Act 2010.
- 3.8 There are other legislative requirements that may be relevant in particular cases, such as offences under the Terrorism Acts if speech encourages terrorism, or amounts to the incitement of religious or racial hatred or hatred on the grounds of sexual orientation under the Public Order Acts, as well as statutory requirements relating to the holding of processions and assemblies.

#### **4. The College Environment**

- 4.1 The College of Health mission is to create an active, inclusive and supportive learning environment with students at the heart of everything we do, so that they can develop their full potential as the healthcare professionals of the future.
- 4.2 This mission is underpinned through the fostering of an environment in which diversity, both in terms of society and in terms of ideas, is embraced. Staff and students are able to question and test received wisdom and all members of the College and all invited visitors are fully able to exercise their right to free speech within the law.
- 4.3 The College does not have an affiliated Students' Union.

## **5. Steps the College takes to ensure Freedom of Speech and Academic Freedom**

- 5.1 The College ensures that teaching, curriculum, policies and procedures reflect its duties to ensure, so far as is reasonably practicable, freedom of speech and academic freedom within the law.
- 5.2 The lawful expression of academic viewpoints is protected through the following non exhaustive processes:
  - admission of students and appointment of staff
  - assessment and quality assurance of provision
  - policies relating to equality, diversity and inclusions (including the Prevent duty)
  - academic regulations, including complaints, appeals, fitness to practise and student discipline
  - staff policies and procedures including in relation to staff conduct.
- 5.3 In summary, these ensure that no individual will be subjected to disciplinary sanction or other less favourable treatment because of the lawful exercise of freedom of speech or academic freedom.
- 5.4 Specifically, the College does not enter into non-disclosure agreements related to complaints about sexual misconduct, bullying or harassment.
- 5.5 In ensuring the recognition and compliance with this Code of Practice, the College:
  - a. Ensures that this Code of Practice is published on the website and is reviewed regularly.
  - b. Ensures that this Code of Practice is brought to the attention of new students at induction.
  - c. Ensures that this Code of Practice is brought to the attention of new staff during induction.
  - d. Ensures that all relevant staff are aware of and receive appropriate training on freedom of speech and academic freedom.
  - e. Ensures that when new policies and procedures are introduced consideration is given to potential impact on freedom of speech and academic freedom.
  - f. Ensures that all relevant decision-makers, in making any decision or adopting any policy that could directly or indirectly affect freedom of speech, act in line with policies and processes related to free speech.
  - g. As appropriate seeks feedback from members of the College on whether freedom of speech and academic freedom is being adequately protected and take these responses into account.
  - h. Ensures that there are appropriate measures in place to raise concerns about freedom of speech and academic freedom.
  - i. Ensures that appropriate processes for the holding of events as detailed within the Policy for Freedom of Expression (as contained within the Governance and Academic Regulations) are maintained and utilised.
  - j. Monitors any concerns that have been raised about freedom of speech and academic freedom to ensure that they are addressed so far as is reasonably practicable and in line with guidance from the OfS and/or other relevant legal or regulatory bodies.

- k. Takes steps to secure compliance with this Code of Practice, including where appropriate taking disciplinary action.
- 5.6 Specifically, events with external speakers will be assessed in accordance with the College's Freedom of Expression Policy (as contained within the Governance and Academic Regulations<sup>1</sup>), which includes procedures for notification, risk assessment, and lawful restrictions.

## **6. Breaches and Complaints**

- 6.1 Should the College receive a concern about the exercise of academic freedom or freedom of speech or where it has received a concern about departure from that set out within this Code of Practice, it will consider which of its procedures are most appropriate to consider the concern, making such enquiries and seeking such information as it considers necessary.
- 6.2 Such consideration may lead to further investigation in accordance with complaints processes and/or disciplinary procedures in accordance with relevant staff or student disciplinary policies.
- 6.3 Should staff or visiting speakers not be satisfied through the College's internal processes they may complain to the OfS.
- 6.4 Should students not be satisfied through the College's internal processes they may apply for adjudication through the Office of the Independent Adjudicator (OIA).

## **7. Monitoring and Review**

- 7.1 The College will maintain oversight and updating of this Code of Practice through the Prevent and Safeguarding Working Group.
- 7.2 The point of contact for any query about this Code of Practice is through [prevent@collegeofhealth.uk](mailto:prevent@collegeofhealth.uk)

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<sup>1</sup> [Governance and Academic Regulations](#)