

Academic Freedom and Freedom of Speech

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1. Introduction

- 1.1. The School of Professional Studies (SPS) is committed to fostering open debate, constructive discussion, freedom of speech, and academic freedom, which are central to the School's mission and values.
- 1.2. These principles support an environment in which diverse perspectives and ideas can be explored, challenged, and critically examined within academic programmes and throughout the wider life of the institution.
- 1.3. In implementing this policy, SPS aims to uphold the principles of freedom of expression while also ensuring the welfare and safety of students and staff, and protecting the reputation of the School both within the UK and internationally.
- 1.4. A summary of the legal framework supporting this policy is set out in Appendix A. This policy is designed to comply with all applicable UK legislation relating to freedom of speech and academic freedom, including the Education (No. 2) Act 1986, the Education Reform Act 1988, the Equality Act 2010, and the Human Rights Act 1998.

2. Scope

- 2.1. This Policy applies to all staff, students, members of SPS, visitors, external speakers and anyone operating on behalf of the School or on its campus.

3. Definitions

- 3.1. 'Freedom of Speech' and 'Academic Freedom' are defined within this policy as follows:
 - **Freedom of speech** is a fundamental right protected under Article 10 of the Human Rights Act 1998. This includes the right to hold and express opinions freely without unlawful interference, as well as the right to receive and access information and ideas from others, including through participation in discussions, events, publications, and other forms of communication.
 - **Academic freedom** is the principle that freedom of inquiry and expression is essential to the mission of education. It enables academic staff, students, and scholars to teach, study, discuss, research, and communicate ideas or facts within their areas of expertise without fear of unlawful interference, censorship, disciplinary action, or disadvantage.

4. Promoting free speech and supporting wellbeing

- 4.1. Freedom of expression extends not only to information and ideas that are widely accepted or favourably received, but also to those that may challenge, offend, shock, or disturb others. It

includes the right to seek, receive, and share information and ideas of all kinds, as well as the right to engage in lawful and peaceful protest.

- 4.2. SPS is committed to promoting and supporting freedom of speech and fostering an environment in which robust, respectful, and civil debate can take place.

5. Academic Freedom

- 5.1. SPS is committed to protecting and promoting freedom of speech within the law. At the same time, as an academic institution, the School has a responsibility to maintain academic standards, uphold evidence-based inquiry, and ensure that activities taking place under its name are consistent with its educational mission and values.
- 5.2. SPS is therefore not required to provide a platform for individuals or organisations whose activities or views are unrelated to legitimate academic, educational, or scholarly purposes, or which are inconsistent with the law or the School's policies and standards.
- 5.3. Academic staff have the freedom, within the law, to question established ideas and assumptions, to test received wisdom, and to advance new, controversial, or unpopular opinions without fear of disciplinary action, dismissal, or any detriment imposed by the School, provided that such conduct is lawful, professionally responsible, and consistent with applicable academic and professional standards.
- 5.4. SPS recognises its responsibilities under the Prevent Duty to safeguard students, staff, and visitors from the risk of radicalisation and exposure to extremist ideologies. We also have a duty to take reasonable and proportionate steps to protect members of its academic community from abuse, threats, intimidation, incitement to violence, hatred, discrimination, harassment, or any other unlawful conduct.
- 5.5. This policy is informed by the Equality and Human Rights Commission: Freedom of expression: a guide for higher education providers and students' unions in England and Wales; we believe that:
- Everyone has the right to freedom of expression within the law
 - SPS should always work to broaden debate and challenge, rather than narrow it
 - Any decision about speakers and events should seek to promote and protect the right to freedom of expression
 - Peaceful protest is a protected form of expression; however, protest should not be allowed to shut down debate or infringe the rights of others
 - Freedom of expression should not be abused for the purpose of unchallenged hatred or bigotry

5.6. Our policy position shall therefore be:

- That we will not unlawfully prohibit, censor or deny a platform to controversial or unpopular ideas and opinions; rather we will moderate an environment in which they can be challenged objectively and in the spirit of rational debate
- We may set mitigations or conditions to activities deemed to be 'high risk', namely those which would potentially breach our Dignity Policy or Codes of Conduct by creating a hostile or degrading environment for people, or calling for civil disorder
- Our approach will be aligned with the higher education sector and guided by the statutory guidance. Where we are unsure if mitigations or conditions would be unlawful, we will seek advice from the higher education regulatory bodies
- We are not obliged to provide a platform to individuals who have no recognised expertise in a field of academic inquiry nor does it have to provide speaking opportunities to those who wish to promote views that are manifestly at odds with empirically verifiable objective facts
- We cannot tolerate any views expressed by staff and students that are contrary to the values of SPS being presented as if they were endorsed by the school

5.7. Nothing in this policy removes the requirement of staff, students and visiting speakers to act in accordance with the school's other policies and codes of conduct, in particular those relating to the conduct of individuals, including its Dignity Policy, its IT Regulations, and its Social Media Policy. Breach of this or any other school policy may render employees and students liable to disciplinary action up to and including dismissal from the school.

5.8. Where the school is made aware that breaches of this policy may have broken the law it will, where appropriate, assist prosecution authorities in their enquiries.

5.9. Nothing in this policy shall be deemed to affect the rights of any person taking any steps pursuant to lawful industrial action or peaceful protest.

6. Raising Concerns

6.1. Concerns about breaches of this policy should be reported to the appropriate Programme Leader, or where they concern the Programme Leader, the Principal, or the Dean of School. Alternatively, the school's complaints procedures can be used to report concerns about academic freedom and freedom of speech.

6.2. Serious or systematic breaches of this policy may be reported through the school's Whistleblowing Policy and Procedures.

7. Annex A: Code of Practice

In relation to academic freedom, all staff, students, governors, and any external parties that contribute to the delivery of learning opportunities are expected to demonstrate the following actions:

- To promote an environment that is impartial, fair, inclusive, and open to a diversity of ideas, perspectives, and opinions.
- To engage in respectful academic discussion and challenge the views of others through reasoned argument, scholarly discourse, and appropriate academic language.
- To support academic debate that is informed by critical enquiry, rational discussion, and reliable evidence.
- To give proper consideration to ethical principles and responsibilities when undertaking research or academic activity.
- To recognise the distinction between personal beliefs and objective academic enquiry and evidence-based knowledge.
- To refrain from all forms of unlawful discrimination, harassment, victimisation, or exclusion within academic activities on the grounds of gender, race, ethnicity, age, disability, religion or belief, sexual orientation, marital or civil partnership status, gender reassignment, pregnancy or maternity, or any other protected characteristic.
- To respect cultural differences and the beliefs, values, and opinions of others, and to engage constructively with viewpoints that may differ from one's own.
- To avoid imposing personal beliefs or ideologies on others in a manner that interferes with lawful freedom of thought, expression, or academic enquiry.
- To listen to, consider, and respond appropriately to views and arguments that differ from one's own, whether held personally or institutionally.
- To ensure that all professional, academic, and research activities are conducted in accordance with applicable laws, regulations, and School policies.
- When communicating publicly or participating in public forums, staff and students must make clear when they are expressing personal views and not representing SPS, unless specifically authorised to do so.

SPS will not accept any acts or threats of physical violence or disturbing matters that involve campus activities, freedom of movement on campus or freedom for students to pursue their studies.

8. Annex B: Legal Framework

The **Education (No. 2) Act 1986 (section 43(1))** places a statutory obligation on Higher Education Providers in England and Wales to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students, and employees of the establishment and for visiting speakers.

This duty ‘within the law’ extends to ensuring ‘so far as is reasonably practicable, that the use of any premises of the establishment is not denied to any individual or body of persons on any ground connected with (a) the beliefs or views of that individual or of any member of that body; or (b) the policy or objectives of that body.

Under section 43(3), the school is also required to issue, and keep up-to-date, a policy of practice on freedom of speech, setting out the procedures to be followed by students and staff in connection with the organisation of meetings and activities which fall within any class specified within this policy, together with the conduct required of staff and students in connection with such meetings and activities.

For the purposes of the Act, the school’s duty extends to Student Union activities.

The **Higher Education (Freedom of Speech) Act 2023** builds upon the provision within the Education (No2) Act in relation to freedom of speech and academic freedom in higher education institutions and in students’ unions; and for connected purposes. The legislation is intended to strengthen the legal requirements on universities, Colleges and Schools in relation to free speech and academic freedom.

The Higher Education and Research Act 2017 (HERA) makes it clear that all universities, Colleges and Schools which register with the Office for Students (OfS) must uphold the existing laws around freedom of speech and follow the OfS’s regulatory framework. Under the framework, the governing bodies of registered universities, Colleges and Schools should take ‘such steps as are reasonably practicable to ensure that freedom of speech within the law is secured within the provider.’ HERA also includes a general duty for the OfS to protect institutional autonomy including academic freedom.

The Education Reform Act 1988 (section 202) (reinforced by the Higher Education and Research Act 2017) makes clear 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 in jeopardy of losing their jobs or privileges they may have at their institutions.

The Public Order Act 1986 creates criminal offences relating to public order; to control public processions and assemblies; to control the inciting of racial hatred or on the grounds of religion or of sexual orientation.

The Protection from Harassment Act 1997 creates both civil and criminal offences for harassment and makes provision for protecting persons from harassment and similar conduct.

The Human Rights Act 1998, which establishes the individual's right to freedom of expression in UK Law.

The Equality Act 2010 that places duties upon public authorities to prevent discrimination on the basis of protected characteristics as set out in the Act. SPS also has a duty to foster positive relations between communities.

The Terrorism Act 2006 creates offences relating to the encouragement of terrorism and dissemination of terrorist publications, including publishing, or causing another to publish, a statement likely to be understood as a direct or indirect encouragement or other inducement to the commission, preparation or instigation of acts of terrorism with the intent that members of the public will be directly or indirectly encouraged or otherwise induced by the statement to commit, prepare or instigate acts of terrorism, or being reckless as to whether that effect will be caused.

The Counter - Terrorism and Security Act 2015 creates a general duty to have due regard to the need to prevent people from being drawn into terrorism having particular regard to the duty to secure freedom of speech imposed by section 43(1) of the Education (No. 2) Act 1986 when carrying out that duty.

Version History

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1.0	First Approved Version	September 2025	Governing Body