

Academic Freedom and Freedom of Speech

September 2025

Scope	All Staff, Students, External Speakers, and Visitors
OFS Condition	E1
Strategic Plan	Pillar 3
Access:	Public

Version 1.2

Approved by the Board of Governors

Table of Contents

1. Introduction	Page 2
2.Scope.....	Page 3
3.Promoting free speech and supporting wellbeing	Page 3
4. Academic freedom.....	Page 3
5. Policy	Page 3
6. Conduct	Page 4
7. Policies and other relevant reference points	Page 4
8. Monitoring and review	Page 5
Appendix A: legal framework.....	Page 6

1. Introduction

1.1 UK Business College (UKBC) is committed to open debate and discussion, and freedom of speech and academic freedom are at the heart of the College's mission and values. The principles of freedom of speech, freedom of expression and academic freedom are important to the College because they define its role as being one where debate is positively encouraged, and where a range of ideas can be considered, examined and dissected both in academic programmes and in the wider life of the institution.

1.2 In operating this policy, UKBC seeks to ensure that the principles of freedom of expression are upheld, balanced with the need to protect the welfare of both staff and students and to protect the College's reputation.

1.3 The College has designated the Principal as the senior officer responsible for oversight of this policy and for ensuring the College complies with its duties under the Higher Education (Freedom of Speech) Act 2023.

1.4 A summary of the legal framework underpinning this policy, including the College's obligations under the Higher Education (Freedom of Speech) Act 2023 and other relevant legislation, is provided at Appendix A. The College also recognises the role of the Office for

Students (OfS) as the statutory regulator for freedom of speech and academic freedom in higher education, and will update this policy in accordance with any regulatory changes.

2. Scope

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

3. Promoting free speech and supporting wellbeing

3.1 The freedom of expression applies not only to information or ideas that are favourably received, but also to those that offend, shock or disturb. It applies to all who wish to seek, receive or impart information and ideas of all kinds, and includes the right to protest peacefully.

3.2 The College will actively promote and facilitate freedom of speech and academic freedom, in line with its statutory duties, and will allow for robust and civil debate while supporting the wellbeing of its community.

4. Academic freedom

4.1 The College is a defender of free speech and academic freedom, and recognises its legal obligations to uphold these rights for all staff, students, and visiting speakers. As a scholarly institution, it seeks to encourage the development of knowledge and reasoned debate.

4.2 While it is not obliged to provide a platform for individuals without academic merit or expertise in a given subject, it will not deny access to speakers solely because their views are controversial or unpopular, provided their speech remains within the law.

4.3 The College will take steps to ensure that academic staff are not disadvantaged or penalised in their employment, promotion or privileges as a result of exercising lawful academic freedom.

5. Policy

5.1 UKBC expects all people within the scope of this Policy to ensure that freedom of speech within the law is assured.

5.2 UKBC is proud of the diversity of its staff and students and the different views and opinions held, and as such encourages openness of debate and discussion, including opinions which may be difficult to hear. This must, however, be set alongside the College's legal obligations to guard against actions which may incite violence, hatred or breaches of the peace. Discussion and debate must therefore be conducted in a respectful and lawful manner.

5.3 The College has a duty to ensure the welfare of all of its staff and students and to ensure that the business of UKBC is transacted in a safe and tolerant environment. UKBC will ensure that its legal obligations are met to allow all staff and students to engage in their activities in a responsible manner and will ensure that its obligations are met regarding external speakers.

5.4 The College has established procedures to manage requests for meetings or events involving external speakers. These are designed to ensure events are conducted lawfully, and that the College's duties to protect freedom of speech within the law are upheld. Requests must be made in accordance with the External Speakers and Events Policy. Any decision to refuse a speaker or impose conditions will be based on clear, lawful criteria, and will be subject to internal appeal.

5.5 The College will maintain this document as its Freedom of Speech and Academic Freedom Code of Practice, as required under the Higher Education (Freedom of Speech) Act 2023.

6. Conduct

6.1 Individuals who believe their freedom of speech has been unlawfully restricted or interfered with may raise a complaint under the College's complaints procedure. If the matter is not resolved satisfactorily, Students may be able to escalate the matter to the Office of the Independent Adjudicator (the OIA) - <https://www.oiahe.org.uk/>

6.2 The College will maintain a secure log of complaints and concerns relating to freedom of speech and academic freedom. This will support compliance monitoring, internal review, and cooperation with the Office for Students if required.

6.3 Other concerns about compliance with this Policy or general procedures concerning freedom of speech will be addressed using College policies and procedures, including its disciplinary practices, while protecting freedom of speech within the law to the maximum extent possible.

6.4 Nonetheless, the College may act to address unlawful expression by its members, including harassment of individuals, to address actions that unreasonably disrupt the proper functioning of the College, and otherwise to discharge its legal responsibilities.

7. Policies and other relevant reference points

- Staff disciplinary procedures are set out in the Employee Handbook
- Anti-Bullying and Harassment Policy
- External Speakers and Events Policy
- Policy on Safeguarding & External Speakers
- Student Code of Conduct and Disciplinary Procedures
- Preventing Radicalisation and Extremism Policy
- Student Complaints Policy

Note that the College's implementation of the Prevent Duty will be balanced with its legal obligation to secure freedom of speech within the law.

8. Monitoring and review

8.1 The Academic Freedom and Freedom of Speech Policy and Code of Practice is reviewed annually and approved by the Board of Governors.

8.2 The College will also monitor compliance with the OfS's free speech regulatory requirements and adapt its policies and procedures in line with any statutory guidance issued.

Appendix A: Legal Framework

a) The **Education (No. 2) Act 1986** (section 43 (1)) requires ensuring that freedom of speech within the law is secured for its employees, students and visiting speakers. This also includes the duty to ensure, as is reasonably practicable, that the use of any of the College's premises is not denied to any individual or body of persons on the grounds of their beliefs, views, policies or objectives.

b) The **Higher Education and Research Act 2017 (HERA)** makes it clear that all colleges 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 and colleges 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.

c) 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.

d) 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.

e) 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.

f) The **Human Rights Act 1998** establishes the individual's right to freedom of expression in UK law.

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

h) The **Terrorism Act 2006** creates offences relating to the encouragement of terrorism and dissemination of terrorist publications.

i) 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 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.

j) The **Higher Education (Freedom of Speech) Act 2023** strengthens and extends existing free speech duties. It requires registered providers to:

- Take reasonably practicable steps to secure lawful freedom of speech for staff, students, members and visiting speakers.
- Actively promote the importance of freedom of speech and academic freedom.
- Maintain and comply with a Code of Practice setting out procedures for meetings, events and conduct.
- Protect academic staff from adverse consequences in relation to their jobs, privileges or opportunities for exercising lawful academic freedom.
- Recognise that individuals may bring legal claims (a new statutory tort) if duties are breached.
- Comply with the OfS Free Speech Complaints Scheme and regulatory enforcement powers (effective from 1 August 2025).

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