PRESTON COLLEGE

# CODE OF PRACTICE ON FREEDOM OF SPEECH AND EXPRESSION

# Code of Practice on Freedom of Speech and Expression

**Policy Owner**: Board/Resources

**Date Approved**: October 2026

**Next Review**: July 2027

**Responsibility for Review**: Principal and Chief Executive

**Policy Review Frequency**: From 2027 at least every 3 years, unless changes are required by regulators/law

Applicable to staff: Yes/~~No~~

Applicable to students: Yes/~~No~~

Publish on College website: Yes/~~No~~

**Consultation**:

| **Undertaken with**: | **Yes/No**: | **Date**: |
|---|---|---|
| Board/Committee | Resources Board | 1 October 2026<br>October 2026 via written resolution |
| ELT | Yes | |
| CMT | Yes | |
| Unions | Yes | |
| Students | | |
| Employees | | |
| Employers/Stakeholders | | |

**Any Associated Documentation, for Reference**:

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|---|
| Procedure for Holding Activities in College, Health and Safety Policy, Staff Behaviour Code, Safeguarding, Child Protection and Prevent Policy, Anti-Bullying, Harassment and Sexual Misconduct Policy, Positive Behaviour Framework, Fitness to Study Procedure, Fitness to Practice Procedure |

**ELT Sign-off**: Kate Wallace, Principal & CEX

## Introduction

1. Freedom of speech and expression are basic human rights protected by law; they are not absolute freedoms but freedoms within the law. Universities and Colleges have a history of being open to debate and ideas, with students at the forefront of pushing the limits of freedom of expression. This includes the rights of visiting speakers on campus to lawfully express views, as well as of students and staff to express their views without fear of censorship or detriment.

2. The College has a duty to ensure the safety and welfare of our staff, students and communities. The freedom to express views needs to be balanced with the need to secure freedom from harm for students and communities. Sometimes an external speaker or their topic of discussion has the potential to go against our conditions for a safe event. We are committed to working together with event organisers and in some cases, external speakers themselves, to make sure that we reach a judgement that is reasonable, informed and within the law.

3. Preston College recognises and endorses that freedom of speech and expression within the law has fundamental importance for institutions as places of education, learning and the disinterested pursuit of truth. In particular, institutions are obliged under section 43 of the Education (No. 2) Act 1986 to take reasonable measures to protect freedom of lawful speech. In addition, a principle of freedom of lawful expression is enshrined in Article 10 of the European Convention on Human Rights. Preston College will take all reasonably practicable steps to secure freedom of speech within the law for students, staff, governors and visiting speakers, in accordance with the Higher Education (Freedom of Speech) Act 2023.

4. Preston College is also required under section 15 of the 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. Institutions have a responsibility, so far as is reasonably practicable, to protect and advance the principle of academic freedom.

5. The Office for Students (OfS) Public Interest Governance Principles include Academic freedom and Freedom of Speech. Under the OfS regulatory 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.’

## Aims of this Code of Practice

6. This Code of Practice sets out the rights and obligations inherent within the principles of freedom of speech and expression and academic freedom and the Code y shall be construed and applied in the spirit of upholding those principles wherever reasonably practicable within the law.

7. This Code of Practice 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 College owned social media accounts.

9. Preston College is committed to creating an environment where everyone is treated with dignity and respect and where diversity is valued. Whilst the use of external speakers/organisations to enrich the learning experience is encouraged, it is important that there is a process in place to ensure to protect staff and students and meet our legal obligations in relation to the Prevent Duty Guidance for England and Wales (contained within section 26 of the Counter Terrorism and Security Act 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".

10. The College wants to ensure that events, activities and initiatives are safe while ensuring compliance with the law and the safety of participants. The policy aims to:

    - provide an environment where freedom of speech and expression are protected and balanced with the need to ensure that our community is free from harm and that incitement to hatred is never acceptable;

    - provide a supportive, inclusive and safe space for students;

    - provide clearly defined and effective procedures to ensure that the law is upheld;

    - safeguard any risk of attempted radicalisation or exposure to extremist views;

    - collaborate with others to reach sound, evidenced judgements about proposed external speakers ensuring that the College can meet their legal obligations;

    - encourage and provide a balance of opinion at any academic discussion or debate;

    - communicate to all governors, volunteers, staff and visitors, that it is our mutual responsibility to comply with equality and safeguarding and that both Preston College and the individual can be held liable if they contravene the laws;

    - signpost procedures for staff when engaging external speakers.

**Definitions/Interpretations of the terms used**

11. For the purposes of this Code of Practice, the following terms are defined to ensure clarity and compliance with the Higher Education (Freedom of Speech) Act 2023 and OfS Regulatory Advice 24:

**Academic freedom**
Includes the freedom of academic staff within the law to question and test received wisdom and to put forward new ideas or controversial or unpopular opinions without adverse consequences. E.g. such as loss of their jobs or privileges at the provider or the likelihood of their securing promotion or different jobs at the provider being reduced.

**Freedom of Speech**
Means the freedom for students, staff, governors, visiting speakers and others to express ideas, beliefs and viewpoints that are lawful.

**Within the law**
Refers to speech which is not prohibited by UK legislation, including but not limited to criminal or

civil law relating to incitement, discrimination including harassment, terrorism, hate crimes, or malicious communications.

**Unlawful speech**
Means speech that violates criminal or civil law, including (but not limited to):

- incitement to violence;
- incitement to racial or religious hatred;
- support for proscribed terrorist organisations;
- unlawful discrimination under the Equality Act 2010.

**Reasonably practicable steps**
Means the steps that the College is required to take under the Higher Education (Freedom of Speech) Act 2023 to secure lawful speech, unless such steps are not reasonably practicable considering safety, operational impact, or other statutory duties.

12. References to 'Preston College premises' and/or 'facilities' include premises and/or facilities which are owned by Preston College, premises and/or facilities which Preston College does not own but over which it exercises *s*ome degree of control, and premises and/or facilities occupied or controlled by Preston College's students' union whether or *not* the College owns or has control of such premises and/or facilities.

13. References to "activities" include (but are not limited to) meetings, demonstrations, events and publication or communication of information externally through whatever media (including College owned social media accounts) which take place or are proposed or planned or due to take place on Preston College's premises or through its ICT systems. "Information" could include any written or video or audio communications such as (but not limited to) signs, posters, publications, video, audio or social media content.

14. Event - Has the meaning provided in the Procedure for Holding Activities in College and includes meetings, debates, external speaker sessions and any public or semi-public activity organised by staff, students, visitors or external bodies on College premises or virtual systems. References to events includes any event, presentation, visit, activity or initiative organised by a student group/society, individual or staff member that is being held on the Preston College premises or where Preston College is being represented by a stand on non-College premises e.g. at an exhibition, school event or fair. It also includes events where external speakers are streamed live into an event or a pre-recorded film is shown. It also includes activity being held on Preston College premises but organised by external venue hire clients.

15. Reference to an external speaker or visitor is used to describe any individual or organisation who is not a student or staff member for Preston College. This includes any individual who is a student or staff member from another institution. It also includes the main contact from any external venue hire client who is paying to use College facilities.

16. References to an institutional employee (e.g. the Principal and Chief Executive) includes reference to their nominee where appropriate.

## Scope

17. This rights and obligations of this Code of Practice shall apply to:

    - Preston College, including members of the Governing Body;

    - all persons (whether academic staff or otherwise) working for Preston College whether for payment or otherwise;

    - all duly enrolled students of Preston College (whether full or part-time);

    - all students studying with Preston College (whether full or part-time) under an agreement with a partner organisation, even if not enrolled as students at Preston College;

    - the students' union and any societies, clubs or associations which normally operate on Preston College's premises; and

    - all persons invited to speak and/or express views (whether in person or otherwise including through the use of College owned social media accounts) and/or otherwise take part in activities which take place on or are planned or proposed or due to take place on Preston College's premises or through its ICT systems in accordance with the provisions of this Code of Practice and the Procedure for Holding Activities in College.

## Principles

18. Preston College shall take such steps as are reasonably practicable to ensure that freedom of speech and expression within the law is secured for every person to whom this Code of Practice applies.

19. Any restriction on speech will only be imposed where it is prescribed by law, necessary, and proportionate under Article 10(2) of the European Convention on Human Rights.

20. Every person to whom this Code of Practice obligations apply shall assist in upholding this Code of Practice.

21. Preston College will not suppress freedom of speech and expression, however abhorrent certain expressions may be to the majority of the public, provided that:

    - such speech and expressions do not go beyond the articulation of points of view, are within the law and do not constitute incitement to riot, insurrection, racial hatred, religious hatred, discrimination including harassment or other activities which are likely to cause a breach of the peace or public disorder, significantly increase the risk of an individual being drawn into terrorism or otherwise be unlawful, and

    - by allowing such views to be expressed, and by allowing the activity to take place in the format proposed the College would not be failing in its wider legal duties.

22. In carrying out its public functions, the College will have due regard to the aims of the Public Sector Equality Duty, while ensuring that actions taken to meet these aims do not unlawfully restrict freedom of speech within the law.

23. Preston College reserves the right to regulate the use of its premises and is not legally obligated to host public meetings on its premises. The College's normal academic and administrative business will take priority over other usage. However, Preston College shall ensure, so far as is reasonably practicable, that the use of its premises and facilities is not denied to any individual or body of persons on any ground connected with:

    - the beliefs or views of such individual or any member of such body; or
    - the policy or objectives of such body.

24. Every person to whom this Code of Practice obligations apply shall refrain from organising or engaging in, or otherwise being associated with any conduct (other than by lawful, reasonable and peaceful persuasion) intended to prevent the enjoyment of rights under this Code of Practice.

25. Where any College policy or procedure appears to conflict with freedom of speech within the law or academic freedom, the College will interpret and apply that policy in a manner that gives primacy to freedom of speech within the law**,** unless a statutory obligation requires otherwise.

26. Preston College takes such steps as are reasonably practicable (including where appropriate the initiation of disciplinary measures) to secure that the obligations under this Code of Practice and the associated Procedure for Holding Activities in College are complied with.

27. In order to secure freedom of speech, the College shall not enter into a non-disclosure agreement with any person to whom this Code applies in relation to a complaint relating to misconduct or alleged misconduct by any person (and if such a non-disclosure agreement is entered into it is void). Misconduct in this context has the meaning set out in the Higher Education (Freedom of Speech) Act 2023 and means sexual abuse, sexual harassment, sexual misconduct, bullying or harassment.

**Holding activities and obtaining approval for external speakers/organisations at the College**

28. When arranging for external speaker/organisations to visit Preston College the Procedure for Holding Activities in College must be followed when holding activities where:

    - external speaker/organisations are to deliver/present to students;
    - it is reasonably foreseeable (in the reasonable opinion of event organiser and/or their line manager) that the activity will raise issues which may be controversial in some way.

29. The starting presumption is that events proceed; cancellation is exceptional. Risk mitigation steps (security, alternative venues, online delivery) must be considered before refusal.

30. Preston College reserves the right to cancel, prohibit or delay any event with an external speaker if the Procedure for Holding Activities and Communication of Information Externally is not followed or health and safety or security criteria cannot be met.

31. Further, under the law freedom of speech is a qualified right and circumstances may arise in which it is legitimate and proportionate for the College to restrict or regulate lawful speech in accordance with the principles established through the legal and regulatory framework. The College's starting point is very much a presumption in favour of allowing lawful speech, but there may be circumstances where restricting or regulating lawful speech is necessary to achieve a legitimate objective, such as compliance with a legal or regulatory duty. This will only be the case where the restriction is proportionate.

32. Where an event is refused on the basis of security costs, the reasons must be clearly explained. In most cases it should be possible to at least mitigate the issues of security costs and, wherever possible, individuals wishing to express lawful views should not suffer as a result of the unlawful attempts of others to disrupt their right to free speech.

33. Preston College premises cannot be hired by groups whereby the hire of the premises may result in Preston College being in breach of any of its legal or regulatory obligations, including but not limited to its obligations under the Equality Act.

34. Preston College reserves the right to prohibit any third party from hiring space at Preston College commercially if Preston College reasonably determine that the third party may cause significant disruption to the normal running of the College and the education of pupils, and Preston College do not believe that these disruptions can be managed through the use of security.

**Practical Measures**

35. Preston College shall permit the use of its premises and ICT systems only by organisers or other individuals otherwise involved in an activity or proposed activity who undertake in writing to comply with all lawful instructions and conditions issued by Preston College in relation to (but not limited to) the location, arrangements, form and conduct of such activities, including adequate stewarding, chairing and provision of adequate control over entry.

36. In cases in which it is reasonable to assume that there is a possibility of disruption arising from the activity taking place, the Executive Leadership Team may consult with the police. If the activity is a public one the police may be prepared to be present throughout the event to minimise any disruption.

37. Any organisers or other individuals otherwise involved with an activity to take place on Preston College's premises or through its ICT systems shall be responsible for any costs involved in organising and holding such activities and for ensuring, as far as reasonably possible, that nothing in the organisation and holding or arrangements of such activities infringes the law or any institutional rule, regulation or procedure in any way.

**Publishing information externally**

38. When, in the reasonable opinion of the writer that the information will raise issues which may be controversial in some way, they should seek advice from their line manager.

**Communication of this College's Code of Practice on Freedom of Speech and Expression – Promotion of the importance of freedom of speech and academic freedom**

39. The College will publish this Code and its associated procedures prominently on its public website, accessible without login. The College will also publish a clear and simple statement about the document which summarises its content and how to access it. This information will include details of available complaints and redress mechanisms, including the Office for Students Free Speech Complaints Scheme and, where applicable, the Office of the Independent Adjudicator.

40. The governing body must promote the importance of

    - freedom of speech within the law, and

    - academic freedom for academic staff and their constituent institutions, in the provision of education.

41. The governing body must, at least once a year, bring to the attention of all of its students its duty to take steps to secure freedom of speech and its code of practice.

42. Information about the complaints procedure, appeals procedure and external routes of redress relating to freedom of speech will be published alongside this Code.

    Higher Education students should normally use the College's internal complaints procedures and, where applicable, may refer matters to the Office of the Independent Adjudicator (OIA).

    Staff applicants for academic posts and actual or invited visiting speakers may be eligible to submit complaints under the Office for Students Free Speech Complaints Scheme.

**Training and Induction**

43. The College will ensure that appropriate staff, including those involved in decision-making under this Code and the associated Procedure, receive training on freedom of speech within the law, academic freedom, and the application of the three-step test required under OfS Regulatory Advice 24.

44. Training will be refreshed periodically to ensure ongoing compliance with legal and regulatory expectations.

**Sanctions and Penalties**

45. Where those responsible for the breach of this Code of Practice are students or staff, action may be taken against them under the relevant disciplinary procedure.

46. Any member of the Governing Body who breaches this Code of Practice may be removed from office under clause 10 of the Instrument of Government.

47. Where those responsible for the breach are students or staff of a partner organisation, consideration shall be given as to whether to inform the partner organisation with a view to that partner organisation taking action (whether as well as or instead of) under its relevant disciplinary procedure.

48. 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.

**Review and Amendment of the Code of Practice**

49. Preston College acknowledges its duty under subsection 3 of section 43 of the Education (No. 2) Act 1986 to issue and keep up to date a Code of Practice on freedom of speech.

50. The College should record all decisions that are likely to have a substantial (positive or negative) effect on freedom of speech within the law. These records should demonstrate how the provider or constituent institution has had particular regard for the importance of freedom of speech within the law and compliance with free speech duties.

51. An annual report on the implementation of this Code and the associated Procedure for Holding Activities in College will be submitted to the Governing Body.

52. This report will summarise:

- the number and type of events considered;
- any restrictions applied and the reasons for them;
- any appeals received and their outcomes;
- any identified barriers to securing lawful speech;
- compliance issues and any mitigation taken.

53. The Code will be reviewed every three years.