College Code of Conduct for Protecting Free Speech

Version One October 2025

Approved

Contents Page

1. Policy Statement 3
2. Scope 3
3. Objectives 3
4. Application of the code 4
5. Promoting free speech 4
6. Freedom of expression in curriculum 5
7. Meetings and visiting speaker events 5
8. Staff and student freedom of speech 5
9. Managing free speech 6
10. Research 6
11. Breaches to the Code of Conduct 6
12. Complaints 6
13. Communication and training 7
14. Responsibilities 7
16. Related legislation and documents 7
17. Appendix 1 9

College Code of Conduct for Protecting Free Speech

1. Policy Statement

In line with the Higher Education (Freedom of Speech) Act 2023 and the provisions of Part A1 of the Act, Nescot seeks to maintain the integrity of freedom of speech and uphold its legal requirements to this end. It does not seek to protect unlawful speech.

The College actively promotes freedom of speech and academic freedom across all activities and staff are supported in lawfully expressing their views—whether in research, debate, or external (including social media) activities—and will not face action for exercising their right to free speech, even if views differ from College values. This differs from unlawful speech, such as harassment, which will not be tolerated.

Our Values

- **N**urturing
- **E**xcellent
- **S**ustainable
- **C**ompassionate
- **O**riginal
- **T**ransformative

2. Scope

This code of conduct sets out Nescot's expectations relating to Freedom of Speech and academic freedom and how these expectations apply to college activities. It reflects the commitment of the College to fostering an environment that actively supports debate and the exchange of ideas, even where these may challenge and confront. It does not support unlawful activity.

Those covered by this code of conduct include:

- Students or members of staff (including the governing body) of the College
- Applicants to become a member of academic staff
- Visiting speakers to the College.

3. Objectives

Freedom of speech

The College is committed to upholding the values of free speech. 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) even though these ideas might be deemed unpopular, controversial or offensive. All expressions must comply with legal boundaries and **must not constitute harassment, defamation, incitement to violence, or hate speech.**

Academic freedom

Academic freedom allows staff and visiting speakers, within the law, to present and discuss a range of diverse material across a range of setting which may be considered controversial or test popular opinion and challenge existing wisdom. Doing so may expose others to views that they find offensive or uncomfortable, but the academic freedom to challenge ideas is protected within this document and is vital for fostering innovation and encouraging critical thinking. These principles of advancing knowledge and the pursuit of truth are core to higher education in the UK. **Speech that amounts to unlawful harassment or unlawful discrimination does not constitute free speech and is not protected and therefore not permitted.** Under the legal duty of Higher Education (Freedom of Speech) Act 2023, the protection of academic freedom applies across a range of settings including teaching, public engagement and research and staff cannot be sanctioned for upholding these academic freedoms.

4. Application of the code

The College remains committed to its statutory responsibilities under the Higher Education (Freedom of Speech) Act 2023, ensuring an environment that actively supports both freedom of speech and academic freedom. It encourages a culture of open, respectful, and intellectually robust dialogue. All members of the academic community are expected to engage constructively with differing or challenging perspectives, demonstrating intellectual curiosity, mutual respect, and a dedication to inclusivity. While lawful protest is recognised as a valid form of expression, it must not interfere with others' legal rights to speak, be heard, or participate in academic discourse without obstruction or disruption.
While we will provide appropriate support to students and staff who may be adversely affected by the expression of controversial or challenging views in line with our duty of care, we will not restrict or penalise speech that remains within the boundaries of the law.

5. Promoting free speech

In line with its obligations under the Higher Education (Freedom of Speech) Act 2023, the College will take reasonable steps to actively promote freedom of speech and academic freedom throughout the institution.

To achieve this,

- The College will bring staff, students' and visiting speakers' attention to this document.
- All staff involved in the production of policy and procedures should align these to this code of conduct, ensuring attention is drawn to this in the policy document.
- Any staff involved in line management must understand the values set out in this code of conduct and refrain from imposing disciplinary action on staff for their lawful expression of free speech.
- Recruiting staff must ensure that applicants are not penalised for any lawful expression of academic freedom

The College will only intervene in the promotion of free speech where it interferes with the essential functions of the institution: teaching, learning, research and administration. Whilst the promotion of free speech is an important element to learning, the regulation of lawful expression required to continue essential functions for the benefit of all will take precedence where necessary.

6. Freedom of expression in curriculum

A truly enriching education depends on the freedom to express ideas openly. This includes the right to speak freely for our students, their peers, our staff, and any guest speakers who contribute to our learning community

This Code applies to all learners and students at the College, as well as to staff. While academic freedom and freedom of speech are well-established principles within higher education, the structured nature of further education qualifications means that introducing controversial or sensitive topics outside the prescribed curriculum may not be suitable or beneficial for FE learners in formal classroom settings.

7. Meetings and visiting speaker events

The College strongly encourages students to engage with a range of external speakers to broaden their understanding of their chosen area of study as well as their own personal development. Collaboration through student led events is also encouraged to promote a sense of wellbeing and develop important life skills. These types of events should continue to be promoted to enhance the education experience for all students.

The College operates a risk-based event approval process whereby the event organiser is responsible for conducting risk assessments for any events or activity that presents a risk to the safety of individuals.

Following the College's Health and Safety Policy, the responsibility for conducting risk assessments and mitigating risks falls to the managers within the relevant departments. Should a situation arise where it is not possible to partly or fully implement all the identified control measures, the Head of Curriculum/Curriculum Manager will ensure the task / activity does not take place and will inform the Health and Safety Officer of the situation. The matter will then be referred to the Chief Operating Officer. In all cases, decisions relating to the outcome of the approval of such events should be recorded by email.

Events should only be restricted or cancelled where there is clear evidence to suggest that it poses a risk to safety of individuals (participants or bystanders) which cannot be mitigated. This should only occur in exceptional circumstances.

Costs to maintain security of events will be covered by the College, except in exceptional circumstances where these costs exceed £100. In these circumstances, costs in excess of this amount will be passed on to the organiser.

All visiting speakers must adhere to this Policy

8. Staff and student freedom of speech

The College affirms that no applicant—whether seeking admission to a programme or applying for employment—will face any disadvantage or negative treatment for lawfully exercising their

academic freedom, in line with relevant internal policies and the requirements of the Higher Education (Freedom of Speech) Act 2023.

Staff who form part of an appointment panel for either staff or student appointments will be made aware of the freedom of speech and academic freedom to ensure that they understand the legal and ethical obligations.

Under the obligations of the Higher Education (Freedom of Speech) Act 2023 the College will not penalise staff or students for lawful expression and will reject any campaigns to punish such individuals, even if the viewpoints shared are contradictory to college values.

9. Managing free speech

Staff and students must be supported in lawfully expressing their views, controversial or otherwise in their academic work, research, debate or external activities (including social media activity).

All members of the College community must support the freedom of expression as outlined above and students should not be penalised unless their expression:

- Breaches UK legislation
- Amounts to harassment or discrimination.

At times, this may lead to challenging debate and controversial discussion. Students should be encouraged to undertake such conversations in a respectful manner, with staff utilising opportunities where possible to encourage this debate in an academic space such as a classroom environment.

Students will receive training on relevant legislation, particularly (although not exclusively) relating to Equality and Diversity to ensure that the definitions of discrimination and harassment and the legal frameworks are understood.

10. Research

Students and staff are free to undertake academic research within the law, even if this is considered controversial or in opposition to the College's values.

Research should be approved and follow the procedures set out in the HE research ethics policy, but ethics committee members must not impose restrictions on reputational concerns or the contentious nature of any research. All research ethics decisions will be recorded for full transparency of decisions.

11. Breaches to the Code of Conduct

Any staff member or student who fails to abide by this Code of Conduct shall be subject to the investigatory and disciplinary procedures set out in the relevant policy (Staff Disciplinary Procedure or Student Code of Conduct and Behaviour Policy).

12. Complaints

The College will not consider complaints where it is determined to be in relation to controversial or offensive expression that is considered lawful. Lawful freedom of speech and academic freedom will not be penalised in line with the values set out above.

Any concerns regarding this Code of Conduct and its breach for students should be directed to the Head of Academic Standards for Higher Education for staff the Human Resources Department.

The College will review this Code of Conduct on an annual basis in line with relevant guidance and legislation.

13. Communication and training

This Code of Conduct will be actively promoted to staff and students at least once per academic year through a variety of channels such as student and staff information, induction sessions, equality and diversity training and the College website. It will also be referenced in all relevant policy and procedure documents as published on the College website.

Questions about this Code of Conduct, and requests for training, guidance, or information on this document should be directed to the Head of Academic Standards for Higher Education.

Any staff who are involved in decision making in relation to the design of relevant policy, student and staff appointments, disciplinary matters, employment contracts or research activity will be made aware of freedom of speech and academic freedom in line with this Code of Conduct.

14. Responsibilities

Under this code, all members of the College community are required to:

- Respect the legal rights of others to express their views.
- Avoid any unlawful actions, including harassment, discrimination, or encouraging violence or hatred.
- Report any instances of harassment or discrimination by either contacting Human Resources for staff concerns (or completing a staff concerns form), or for students, completing the Reporting Unwanted Attention or Harassment form, contacting Student Wellbeing team or using one of the QR codes displayed around the College

15. Related legislation and documents

This Code of Conduct aligns with:

- Higher Education (Freedom of Speech) Act 2023
- Education Reform Act 1988 (academic freedom protections)
- Human Rights Act 1998 (Articles 9 and 10 of the ECHR)
- Equality Act 2010 (protected characteristics including belief)
- Counter-Terrorism and Security Act 2015 (Prevent Duty)

Related Policy Documents

- Admissions Policy (FE & HE)
- Student Code of Conduct and Behaviour Policy
- Health and Safety Policy
- Safeguarding Policy
- IT User Agreement (staff/students)
- Staff Code of Conduct

- Recruitment and Selection Policy
- Staff Harassment and Bullying Policy
- Equality and Diversity Policy
- Fitness to Practice Policy
- HE Research Ethics Policy
- Student Complaints Procedure (HE)
- Sexual Misconduct Policy
- Staff Disciplinary Policy
- Approval and Review

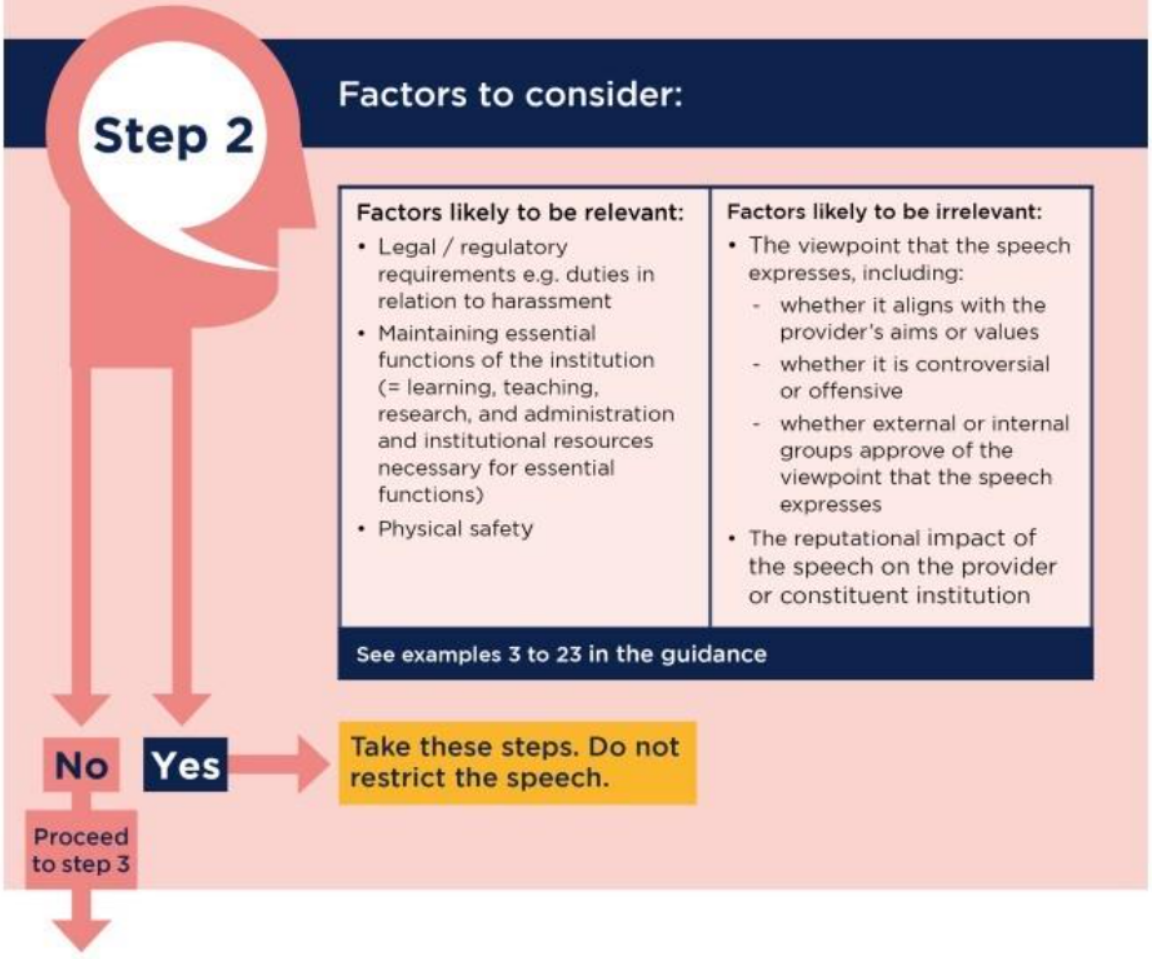
Policy Originator:	Head of Academic Standards, Assistant Principal Learner Experience, Chief People Officer
Approved by:	CLT
Date Approved:	October 2025
Review Interval:	3 years
Last Review Date:	October 2025
Next Review Date:	October 2028
Audience:	All staff
Entered on SP:	October 2025

16. Appendix 1

- Three step process to follow if the College feels it needs to restrict or regulate speech.
- Office for Students (2025) Regulatory advice 24. Guidance related to freedom of speech
- (reference OfS2025.35) [Online] Regulatory advice 24: Guidance related to freedom of speech (Accessed 27.06.25)

Step 2: Are there any 'reasonably practicable steps' to secure the speech?

The particular circumstances will be important in considering whether a step is reasonably practicable. Reasonably practicable steps may include positive steps – doing something – and negative steps – refraining from doing something.



Step 3: Are any restrictions 'prescribed by law' and proportionate under the European Convention on Human Rights?

This step involves considering whether restriction or regulation of the speech ('interference') is compatible with the European Convention on Human Rights (ECHR).