



Stratford College London

Freedom of Speech Policy

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Stratford College London

Freedom of Speech Policy



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Stratford College London Policy Statement and Code of Practice on Freedom of Speech

1. Policy Statement on Freedom of Speech

1.1 This policy is implemented in compliance with the UK statutory obligations in relation to freedom of speech. Section 43 of the Education (No. 2) Act 1986, often called the "freedom of speech" section, requires UK Higher Education Institutions to take "reasonably practicable" steps to ensure freedom of speech for their members, students, and employees. This includes ensuring that the use of their premises is not denied to any group or individual based on their beliefs or policy aims. It also places a duty on higher education institutions to have a code of practice for meetings and activities and to take disciplinary measures to enforce it.

1.2 Management, students, and employees of Stratford College London College must conduct themselves so as to ensure that freedom of speech within the law is secured for management, students, and employees of the College and for visiting speakers. The freedom protected by this Code of Practice is confined to the exercise of freedom of speech within the law. The College believes that a culture of free, open and robust discussion can be achieved only if all concerned avoid needlessly offensive or provocative action and language.

1.3 Whilst there is no legal prohibition on offending others, the College expects speakers and those taking part in meetings or protest activities to respect its values, to be sensitive to the diversity of its community and to show respect to all sections of that community. An event which is likely to give rise to an environment in which people will experience, or could reasonably fear harassment, intimidation, verbal abuse or violence, particularly because of their ethnicity, race, nationality, religion or belief, sexual orientation, gender, disability or age, is also likely to be unlawful. Advice on any aspect of this Policy Statement and the Code of Practice may be obtained from the Principal.

2. Code of Practice on Freedom of Speech

2.1. Introduction

Code of Practice issued under section 43 of the Education (No 2) Act 1986:

2.1.1 Section 43 of the Education (No 2) Act 1986 requires the College to issue and keep up to date a code of practice to be followed by management, students, and employees of the College for the organisation of meetings and other events, which are to be held on College premises, and for the conduct required of management, students, and employees of the College in connection with meetings and other events.

2.1.2. This Code applies to all management, students, and employees of the College, in respect of all College premises. Outdoor as well as indoor meetings and other events on College premises are included.

2.1.3. An intentional or reckless breach of this Code of Practice is an offence and may be the subject of disciplinary action. Where, the acts of individuals involve alleged breaches of criminal law; the College will assist the prosecuting authorities in implementing the due process of law and any internal disciplinary proceedings may be deferred or suspended pending the outcome of criminal proceedings.

2.1.4 This Code of Practice recognises the HERA and the Higher Education (Freedom of Speech) Act 2023 and the regulatory advice 2024: Guidance related to freedom of speech (OFS) and Article 10 (1) of the European Convention on human rights in terms of its effect on the Human Rights Act 1988.

2.1.5 Stratford College London (SCL) as a higher education institution, is fully committed to the freedom of speech principle and its promotion in line with the statutory guidance in 1.1 and 2.1.4 above.

2.1.6 This Code of Practice outlines the College's commitment to freedom of speech in terms of the key legislative frameworks under which freedom of speech shall be upheld as well as the College's procedures in place for managing issues related to freedom of speech.

3. Scope

3.1 In line with legislative frameworks and OFS guidance advice, this Code of Practice applies to:

3.1.1 All members of staff and students of the College.

3.1.2 All invited/visiting speakers as well as other persons participating in College events or activities on the College premises.

3.2 For clarification purposes, this Code of Practice is not applicable to meetings which are purely commercial or purely commercial events on the College premises.

3.3 References to "College premises" relate to premises over which the College exercises control. This may be either indoor or outdoor.

4 Key concepts and legislative framework

4.1 The freedom of speech principle refers to the freedom within the law (in line with statutory provision outlined in 1.1 and 2.1.4 above) to receive and impart ideas, opinions or information through speech, writing or images without interference (electronic form inclusive).

4.2 Academic Freedom

This applies to the academic staff of the College in terms of their freedom (as within the law) to question and test received wisdom and to put forward new ideas and unpopular or controversial opinions, without affecting their position at work or loss of their job or associated job or organisational privileges at the College or the chances of securing promotion or alternative job positions at the College being reduced.

4.3 The definitions of freedom of speech and academic freedom as provided in 4.1 and 4.4 are underpinned by the Human Rights Act 1998 and thus the European Convention on Human Rights, Article 10, which articulates freedom of speech and expression as a human right and sets out the limited circumstances in which that right might be circumscribed, such as to protect public safety, the prevention of disorder or crime or for the protection of the reputation or rights of others.

4.5 Stratford College London has a duty under the HERA 2017 (as amended by the Higher Education (Freedom of Speech) Act 2023) to take such steps as are reasonably practicable for securing and promoting freedom of speech and academic freedom within the law for all staff and students and also for visiting speakers.

4.6 This Code of Practice highlights the College duty under the counter terrorism and Security Act 2015, which requires the College to have due regard to the need to prevent people from being drawn into terrorism and the risk associated with meetings or events hosted or funded by the College.

4.7 In exercising its duties under the Counter Terrorism Act 2015, the College will have due regard to its duties related to freedom of speech and academic freedom, as debates discussions and critical inquiry are in themselves powerful tools in preventing people from being drawn into terrorism

4.8 The provisions under the Equality Act 2010 must be recognised to protect staff and students from being subjected to unlawful discrimination, harassment, intimidation or threats of violence on the grounds of gender, age, race, sexual orientation, religion or philosophical belief, disability, pregnancy or maternity, marriage and civil partnership. It must also be clarified that the Colleges shall not interpret the provisions of the Equality Act 2010 to undermine freedom of speech and academic freedom. It must therefore, herein, be made clear that much as the students' learning experience and the working environment of staff may include exposure to research, teaching and learning material, discussions or course topics or speakers' views and opinions that may be found to be disturbing or contentious if they are within the law, they would unlikely be considered unlawful harassment under the Equality Act 2010.

4.9 The College is under no obligation to secure or promote freedom of speech that contravenes any legislative requirements. This means that other legislative requirements such as Offences under the Terrorism Acts, if speech encourages terrorism or amounts to the incitement of religious or racial hatred or hatred on grounds of sexual orientation under the Public Order Act, shall not be undermined by College activities or restrictive clauses

5. Values

5.1 The College values the creation of a teaching and learning environment that protects individual freedoms under the law and specifically to promote freedom of thought and expression, protect all staff and students from negative repercussions of exercising one's freedom of speech under law.

5.2 Promote freedom of speech and academic freedom under the law with a view to encouraging all staff and students as well as visitors to engage in robust, challenging and

evidence based discussion and civil debate, even if others find viewpoints expressed to be disagreeable or distasteful.

5.3 Promote freedom of speech and expression and thought to encourage participation in College activity, and feel able to question and test received wisdom without being made to suffer from same.

5.4 Promote freedom of speech and thought under law that encourages the expression of new ideas as well as controversial and popular opinions within the law and protected from intolerance or intimidation or discrimination.

6. Practical steps to ensure freedom of speech and academic freedom at the College

6.1 The steps taken shall be reasonably practicable.

6.2 The College governing documents, policies, curriculum and teaching and learning strategy shall be consistent and in consonance with the assurance of freedom of speech and academic freedom within the law.

6.3 Any College non-disclosure agreements with other parties being students, staff or visitors related to complaints about sexual misconduct, harassment or bullying shall be in conflict with the freedom of speech and academic freedom policies and shall therefore be of no effect.

6.4 The College shall ensure that this policy is explained to all staff and students as a key aspect of induction activities.

6.5 To enhance awareness, the attention of staff and students shall be drawn to this Code of Practice at the start of each academic year

6.6 The policy and the steps in place for enhancing effective observance shall be a key aspect of student and staff training activities as an ongoing activity.

6.7 The College complaints procedure and whistleblowing policy shall be the channels for raising concerns on freedom of speech and academic freedom.

6.8 The impact of College policies and any new policies and procedures in the College shall be considered before implementation.

6.9 All meetings under the control or auspices of the College shall be arranged and managed in consonance with the letter and spirit of the policies of freedom of speech and academic freedom.

6.10 The monitoring of concerns raised on freedom of speech and academic freedom shall adopt procedures effective for identifying and addressing cases on a regular basis.

6.11 The Director of Studies shall act as the named person responsible for facilitating the effective monitoring and addressing of concerns on freedom of speech and academic freedom.

6.12 The annual Board of Directors report shall reflect on the state of affairs in relation to this policy.

6.13 The College Board of Directors shall ensure that all steps taken to address concerns raised are reasonably practicable.

6.14 The Director of Studies, as the named person, shall ensure that all staff, students and visitors behave in a manner compliant with this code of practice.

7. College events and meetings

7.1 The College recognises the importance of contribution made by third parties such as external speakers, in delivering the curriculum. As this is encouraged, this Code of Practice sets out the conditions for organising such external speaker events and meetings in order to comply with the freedom of speech and academic freedom policy and statutory imperatives.

7.2 Although this Code of Practice does not set out to deny any individuals or body of persons on grounds related to their beliefs or opinions, except proscribed groups organisations, all external speakers upon application should expect to be subject to a critical debate and challenged.

7.3 Proposed events shall be considered as approved by default unless there are legal grounds to refuse permission.

7.4 Such grounds for refusal include:

7.4.1 Where the views to be expressed are not consistent with law.

7.4.2 Where external speaker is likely to trigger breaches of the law or intend to breach the peace.

7.4.3 Where such proposed event or meeting may not accommodate divergent views.

7.4.4 Where such speaker or organisation granted permission may advocate violence to further their political, social, religious or philosophical beliefs.

7.5 However, where controversial or unpopular views are the points to be legally expressed, these shall not be considered as reasonable grounds for refusal of permission.

7.6 where the College considers granting of permission is likely to cause disturbance or give rise to disorder, the College shall determine the necessary steps to take to ensure safety of all persons and protect College premises such as employing security/stewards.

8. Approval and Coduct of Meetings and events on College premises

8.1 Meetings and events to which this Code applies

8.1.1 In this part of the Code reference to a meeting or an event refers to meetings or other events where the nature of the meeting or event, the identity of the speaker or speakers or some other factor gives rise to reasonable concern on the part of the organisers, the Principal or other individuals that the proposed meeting or event may be disrupted or may result in violence, disorder, harassment or any other unlawful activity.

8.1.3 The Principal is responsible for approving suitable arrangements for such meetings and events and may make such directions, or issue such guidance, as is necessary to ensure that the nature and conduct of the meeting is lawful and in accordance with the provisions of this Code.

8.2_Organisation of such meetings or events

8.2.1. It shall be the duty of the organisers of every such meeting or event to seek the approval of the principal for the holding of that meeting.

8.2.2 Any other member of the College or member of staff who has concerns about a prospective meeting or event should bring his or her concerns promptly to the attention of the Principal and the Principal shall take such reasonable steps as are warranted under paragraph 5 above.

8.2.3 Organisers should supply details of the date, time and place of the meeting, the names, addresses, and Colleges (if any) of the organisers, the name of the organisation making the arrangements, and the name of any expected speaker, whether or not a member of the College. Information is required *at least seven working days in advance (although the Principal may, at his or her discretion, agree to receive information closer to the time of the meeting than this)*. The Principal may cancel any meeting or event where the required information has not been provided seven working days in advance.

8.2.4 The organisers of meetings and events should comply with any conditions set by the Principal concerned with the arrangements for the conduct of the meeting. Such conditions may include a requirement that tickets should be issued, that an adequate number of stewards should be provided, that the police should be consulted about the arrangements, and that the time and place of the meeting should be changed.

8.2.5 The cost of meeting the requirements, and the responsibility for fulfilling them, rests with the organisers (save for academic meetings or events, where the expense rests with the department, faculty or college concerned).

8.3 The Principal will not seek to curtail or cancel a meeting or event unless in their considered opinion the meeting or event infringes on the legitimate rights and freedoms of others or poses a significant risk to health and safety or there is some other substantial and lawful ground for the curtailment or cancellation. The Principal will consult as necessary with the relevant departments and/or police about forthcoming meetings and events covered by the Code. In any case where serious disruption may be anticipated which may not be effectively addressed by any condition specified under paragraph 9 above, the Principal shall have power, having taken into consideration any advice received to order or to advise the cancellation, postponement, or relocation of the meeting.

8.4. All decisions will be reached by the Principal following careful consideration of the evidence available to them and will be limited to those actions that are reasonable, proportionate and necessary to prevent crime or disorder, or otherwise protect the legitimate rights and freedoms of others.

8.5 If an organiser is unhappy with the outcome of a decision of the Principal he or she may write to the Director of Studies setting out clear reasons for unhappiness with the decision and requesting a reconsideration of the decision.

9. Conduct at such meetings or events

9.1 The organisers and those in attendance at any meeting or event must comply with any reasonable instructions given during the course of a meeting or event by the Principal, by any other College officer or person authorised to act on behalf of the College in the proper discharge of his or her duties, or by police.

9.2 It is the duty of every member, student, and employee of the College not to impede any person entitled to be present from entering or leaving a place where the right to freedom of speech is being or is to be exercised. This duty is subject only to such conditions as may have been specified in accordance with the terms of this Policy or any limitations imposed or directions given by the police or other relevant public authority.

9.3 Nothing in this Code shall be taken to prohibit the exercise of the right to protest by peaceful means; provided always that such protest is conducted lawfully within the general principles and other requirements of this Code, and the provisions of the Statutes and Bylaws of the College.

10. College premises made available for use by outside organisations

10.1 In any case where the College is proposing to grant permission to an outside organisation or group to hold meetings or events on College premises, the outside organisation or group shall be required to act in accordance with this Code of Practice.

11. Admissions

The College shall not refuse admission of a student on application onto a course because of their viewpoint and shall not revoke or change the terms of existing student's admission with a binding offer because of that student's viewpoint on a subject matter.

12. Appointments

12.1 The College shall not require applicants to any academic position to commit (or give evidence of commitment) to a particular viewpoint. Records kept in all appointment processes must include evidence that the appointment process did not penalise a candidate for their exercise of free speech or academic freedom.

13. Employment

13.1 The College shall take reasonable steps in accordance with due process to reject any public campaign to punish a student or member of staff for lawful expression of an idea or viewpoint does not violate any lawful internal regulations.

13.2 Notwithstanding institutional position on a matter, the College shall affirm students' and staff members' rights to make such statements.

13.3 In such matters, the College shall rather reiterate the importance of free speech for all staff and students, including the position affected.

14. Termination of employment

14.1 The College shall, whenever reasonably practicable, not terminate employment for, or deny reappointment of, any member of staff because they have exercised free speech within the law to express a particular viewpoint.

15. Complaints and Investigation Processes

15.1 The College shall not encourage students or staff to report others over lawful expression of a particular viewpoint.

15.2 The starting point of any investigation shall be that lawful speech will not be punished because of a viewpoint that it expresses.

15.3 Complaints process shall be rapidly concluded as is reasonably practicable and in line with fairness.

16. Publication

16.1 This Code of Practice shall be published on the College's website and included in all induction activities in order to bring to the attention of students at least one a year.

16.2 This publication must be easily accessible by students and members of staff, visiting speakers and prospective students.

17. Research

17.1 The College shall ensure that staff and students are free to undertake academic research within the law.

17.2 This freedom shall not be restricted or compromised in any way because of a perceived or actual tension between any conclusions reached or may reach or the viewpoint that research supports or restricted as a result of any external pressure.

18. Governance

18.1 The College shall record all decisions that are likely to have a substantial (positive or negative) effect on freedom of speech within the law. These must be kept for as long as necessary to be available for external review.

18.2 The Director of Studies shall be the named person to ensure that all staff, students and visiting speakers behave in a manner compliant with the Code of Practice.

19. Other legal requirements

19.1 The College is mindful of its pro-active duties under equality legislation. The right to freedom of speech is constrained by laws protecting others from discrimination, victimisation and harassment, protecting national security and public safety, preventing of disorder or crime, protecting the reputation and rights of others, and preventing the disclosure of information received in confidence.

19.2 Reference to such legislation and guidance can be found in the Annexe to this Code of Practice.

20. Complaints and breaches

20.1 Where the College receives complaints related to breaches of law on freedom of speech and academic freedom, it shall consider the most appropriate steps to take to consider the concerns.

20.2 Such steps shall be preceded by investigation and inquiries as deemed necessary and in accordance with the College disciplinary procedures (staff students) or the College complaints procedures.

20.3 It is herein communicated to all staff and students that the OFS will operate a free speech complaint scheme as a window of opportunity for staff and students, visiting speakers and applicants for academic positions to lodge complaints in relation to freedom of speech and academic freedom. Further information on when the OFS scheme would be operational will be made available on the OS website.

20.4 However, the OFS advises all students who are not satisfied with College internal response to take the matter to the OIA. College will provide support in relation to the OIA process.

21. Monitoring and Review

21.1 The College Board of Directors shall periodically review this Code of Practice and prepare an annual report, reflecting on the effectiveness of the Code, in terms of meeting statutory imperatives and consider possible amendments to the Code where necessary.

22. Applications of the Code

22.1. Any person who is in any doubt about the application of this Code of Practice to any meeting, event or public gathering on College premises is under an obligation to consult the Principal, who will determine whether the provisions of the Code apply.

23. ANNEXE

23.1 Relevant legislation and sources of information

23.2 Legislation in this area is characterised by three key themes (the current text of the legislation can be found by searching the Office of Public Sector Information website).

23.3 Protection of the special status of Higher Education Institutions:

Education Act 1986
Education (No. 2) Act
1986 Education Reform
Act 1988

Anti-discrimination legislation and proactive equalities legislation:

Human Rights Act 1998 (incorporating the European Convention on Human Rights) Employment Equality (Sexual Orientation) Regulations 2003
Employment Equality (Religion or Belief) Regulations 2003 Race Relations Act 1976
Race Relations (Amendment) Act 2000 Sex Discrimination Act 1976
Disability Discrimination Act 1995, as amended Equality Act 2006
Racial and Religious Hatred Act 2006

Harassment and Sexual Misconduct

Provisions that qualify rights:

Public Order Act 1986

Crime and Disorder Act 1998

Protection from Harassment Act
1997

Criminal Justice Act 2003 and Criminal Justice (Scotland)
Act 2003

Helpful guidance is available in the following places:

Universities UK: (links to PDF) Promoting good campus relations:
dealing with hate crimes and intolerance