



FREEDOM OF EXPRESSION POLICY & PROCEDURE 2025-27



SIGNIFICANT CHANGES FOLLOWING REVIEW

PAGE NUMBER OR HEADING NAME	DETAILS OF SIGNIFICANT CHANGE	CHANGES MADE BY
Whole Document	New policy to comply with the OfS Freedom of Speech Guidance, Keeping Children Safe in Education and the Prevent Duty.	Head of Safeguarding

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Freedom of Expression Policy

1. Policy Statement

- 1.1 This policy affirms the College's commitment to upholding freedom of speech within the law and academic freedom, as required by the Higher Education (Freedom of Speech) Act 2023, the Human Rights Act 1998, and the Prevent Duty under the Counter-Terrorism and Security Act 2015.
- 1.2 We believe that open, respectful dialogue is essential to education and democracy. As a college at the heart of our community, we are committed to fostering an inclusive environment where diverse views can be expressed safely and lawfully.

2. Scope

- 2.1 This policy applies to:
- All staff (academic and professional)
 - Students aged 14–18
 - Adult learners
 - University-level students
 - Visiting speakers and external organisations using college premises
- 2.2 It covers all college-related activities, including teaching, research, events, online platforms, and student societies.

3. Legal and Regulatory Framework

3.1 This policy aligns with:

- Higher Education (Freedom of Speech) Act 2023
- Education (No. 2) Act 1986
- Education Reform Act 1988
- Human Rights Act 1998 (Article 10)
- Equality Act 2010
- Counter-Terrorism and Security Act 2015 (Prevent Duty)
- OfS Regulatory Advice 24 (2025)

3.2 The College has a duty to promote fundamental British Values under the Prevent Duty with effectiveness being inspected under the Ofsted Framework. These Values are:

- democracy
- the rule of law
- individual liberty
- mutual respect
- tolerance of those of different faiths and beliefs

4. Principles

4.1 Freedom of Speech Within the Law

All members of the college community have the right to express lawful views, even if controversial or offensive to some. This includes:

- Political, philosophical, and religious beliefs
- Academic critique and dissent

- Peaceful protest and debate

4.2 Academic Freedom

4.2.1 Academic staff have the right to:

- Question established ideas
- Conduct research without institutional interference
- Teach and publish controversial or unpopular views, within the bounds of the law

4.2.2 University students have the right to:

- Explore and express a wide range of academic, political, and philosophical views
- Engage in critical debate and challenge received wisdom
- Participate in academic activities without fear of institutional censorship or disciplinary action for lawful expression
- All academic content and debate must be framed in a way that promotes critical thinking, respect for others, and compliance with the law.

4.2.3 All students have the right to:

- Freedom of speech within the law, including the right to receive and impart ideas, even if those ideas are controversial or unpopular
- Learn in an environment that supports open inquiry and respectful disagreement
- Be safeguarded from unlawful speech, harassment, or incitement to hatred or violence

- All academic content and debate must be framed in a way that promotes critical thinking, respect for others, and compliance with the law.

4.3. Safeguarding and Age-Appropriate Practice

4.3.1 For 16–18-year-old students, safeguarding is paramount. Staff must ensure that exposure to controversial content is age-appropriate and contextualised.

4.3.2 Adult learners and university students are entitled to greater academic freedom, with appropriate support to engage critically with challenging material.

4.3.3 All academic content and debate, whether for Further Education or Higher Education, must be framed in a way that promotes critical thinking, respect for others, and compliance with the law.

5. Unlawful Speech and Boundaries

5.1 The following are not protected:

- Incitement to violence or terrorism
- Hate speech or harassment based on protected characteristics
- Defamation or malicious communications
- Obscene or pornographic content without educational justification

5.2 Appendix 1 provides guidance on examples of lawful and unlawful speech.

6. Responsibilities & Conduct

6.1 The College Will:

- Take reasonably practicable steps to secure and promote lawful free speech
- To shape an FE curriculum that enriches learners beyond academic and vocational skills by deepening their understanding of democracy, individual liberty, the rule of law, and mutual respect and tolerance—fostering critical thinking and active citizenship
- Provide training to staff and students on freedom of speech, academic freedom, and safeguarding
- Ensure event risk assessments are proportionate and not used to suppress lawful speech
- Hold Higher Education Ethics Meetings for research into controversial topics and provide advice and guidance to students
- Avoid compelling staff or students to express or suppress contested views

6.2 Staff Must:

- Respecting others' rights to lawful free expression, even when views differ from their own
- Encouraging respectful debate and open inquiry without imposing personal beliefs
- Supporting students' lawful expression and avoiding penalisation for differing views
- Ensuring age-appropriate delivery of controversial content, particularly for 14–16 and 16–18-year-olds
- Avoiding unlawful conduct, including hate speech, harassment, or incitement
- Following college procedures for events and external speakers

- Reporting concerns through appropriate safeguarding or complaints channels

6.3 University Students Must:

- Exercise their right to freedom of expression within the law
- Engage in respectful debate and critical thinking
- Comply with Ethics Policies and Guidance regarding research and assignments
- Organise and participate in peaceful protest, provided it is lawful and non-disruptive
- Follow procedures for inviting speakers or hosting events
- Report concerns about speech or conduct through appropriate channels

6.4 All Students Must:

- Respect the rights of others to express lawful views
- Avoid unlawful behaviour, including harassment or disruption of events
- Participate in open dialogue in a way that promotes mutual respect
- Seek guidance when engaging with controversial or sensitive topics
- Report any concerns about speech or safety to a trusted member of staff

7. No Platform Policy

7.1 The College is committed to protecting lawful freedom of speech. However, it will not provide a platform to individuals or groups who:

- Actively seek to suppress the lawful speech of others, including through disruption or intimidation

- Advocate or engage in violence in pursuit of political, religious, or ideological goals
 - Promote views that are incompatible with the rule of law, democratic values, or public safety
 - Pose a safeguarding risk to students, particularly those under 18, or are likely to incite hatred, terrorism, or unlawful discrimination
- 7.2 The College may refuse or withdraw invitations to speakers or organisations where it reasonably believes their presence would:
- Breach the law or statutory duties (e.g. Prevent, Equality Act)
 - Compromise the safety or wellbeing of students, staff, or the public
 - Undermine the principles of academic freedom or respectful inquiry
- 7.3 The College will maintain a record of restricted individuals or groups, reviewed regularly, and apply decisions consistently and proportionately.
- 7.4 All decisions will be made in line with the OfS three-step test:
- Is the speech within the law?
 - Are there reasonably practicable steps to secure it?
 - Are any restrictions prescribed by law and proportionate?
- 7.5 Guidance on lawful and unlawful speech can be found in Appendix 1 and guidance on elections and referendums in Appendix 2.

8. Events and External Speakers

- 8.1 All events involving external speakers must:

- Be referred for review if potentially controversial
- Undergo a risk assessment
- Be cancelled only if speech is likely to be unlawful or pose a serious safety risk

8.2 Appendix 3 provides details of the process for Guest Speaker Approvals and Appendix 4 gives guidance on open source checks to ensure due diligence.

9. Complaints and Enforcement

- 9.1 Complaints about suppression of speech will be handled through internal procedures. Details of the complaints Process can be found on the College's website.
- 9.2 Unresolved cases within Higher Education may be referred to the OfS Free Speech Complaints Scheme once all internal avenues have been exhausted.
- 9.3 Breaches of this policy may result in disciplinary action for any student or staff member through the appropriate disciplinary policy as outlined in Section 11.

10. Review and Communication

- 10.1 This policy will be reviewed annually and communicated to all staff and students at the start of each academic year.

10.2 The Policy will be available on the College's intranet and website.

11. Linked policies and procedures:

- Safeguarding Policy and Procedures including the Appendix: Prevent Procedure: Detecting and preventing radicalisation and extremism
- Prevent Risk Assessment
- FE Supporting Positive Behaviours Policy and Procedures
- Higher Education Disciplinary Policy
- Staff Code of Professional Conduct
- Staff Disciplinary Policy
- E-Safety Policy
- Whistleblowing Policy and Procedures
- Code of Ethics
- Learner Voice Strategy

Appendix 1 – Lawful and Unlawful Speech Examples

Below are some examples of lawful and unlawful speech based on current policies and legal frameworks. This is not an exhaustive list but is included to provide guidance for students and staff.

Examples of Lawful Speech

These are protected under UK law and South Essex Colleges Group Principles, even if controversial or offensive to some:

1. Gender-critical beliefs:

- Expressing the view that biological sex is immutable (e.g., “I believe sex is binary and based on biology”) is protected under the Equality Act 2010 and case law (e.g., ***Forstater v CGD Europe***).
- This is lawful as long as it is not expressed in a harassing or targeted way.

2. Political or ideological views:

- Advocating for Scottish independence, Brexit, or socialism.
- Supporting or opposing government policies on immigration, education, or healthcare.

3. Religious or atheistic beliefs:

- Criticising or defending religious doctrines.
- Expressing atheistic views in academic or public forums.

4. Environmental activism:

- Campaigning for climate action or against fossil fuel investments by the university.

5. **Academic dissent:**

- Publishing research that challenges mainstream scientific consensus, provided it is evidence-based and not misleading or inciting harm.

6. **Peaceful protest:**

- Organising or participating in a protest against university policies, provided it does not disrupt others' rights to speak or learn.

Examples of Unlawful Speech

These cross legal boundaries and are not protected:

1. **Incitement to violence or terrorism:**

- Encouraging others to commit violent acts or glorifying terrorist organisations (e.g., praising a terrorist attack).

2. **Hate speech:**

- Speech that stirs up hatred against people based on race, religion, sexual orientation, or other protected characteristics (e.g., "All [group] are dangerous and should be removed").

3. **Harassment or bullying:**

- Repeatedly targeting an individual with offensive comments about their gender identity, race, or religion.
- For example, mocking a transgender student's pronouns in class discussions.

4. **Defamation:**

- Making false and damaging claims about someone (e.g., falsely accusing a lecturer of criminal behaviour in a public forum).

5. **Obscene or pornographic content:**

- Sharing or displaying sexually explicit material in academic or public settings without clear educational justification.

6. **Malicious communications:**

- Sending threatening or abusive messages via email or social media to staff or students.

Appendix 2: Elections and Referendums

- The College recognises the heightened legal protection for freedom of expression during election periods, as affirmed by the Equality and Human Rights Commission (EHRC) and the European Court of Human Rights. While students and staff are encouraged to engage in democratic debate, this must remain within the law and not include incitement to hatred, violence, or unlawful conduct. The College will ensure that all political engagement is age-appropriate, inclusive, and consistent with safeguarding responsibilities under Keeping Children Safe in Education (KCSIE) and the Prevent Duty.
- The EHRC states that there is a particularly high level of legal protection for freedom of expression during election periods. Any interference with this right must be exceptional and subject to strict limitations set out in human rights law. People are permitted to express views that may offend others, and vigorous debate on controversial matters is especially important during elections. However, freedom of expression does not justify incitement to racial or religious hatred, violence, or other unlawful conduct.
- The European Court of Human Rights in *Bowman v UK* (1998) affirmed that free elections and freedom of expression, particularly political debate, form the bedrock of any democratic system. These rights are interrelated and reinforce each other. Therefore, it is particularly important in the period preceding an election that opinions and information of all kinds are permitted to circulate freely.

- The College has a duty to promote fundamental British values, including democracy, the rule of law, individual liberty, and mutual respect and tolerance. Activities organised by the Enrichment Team and/or Student Union will support these values and may include voter registration drives, hustings-style meetings, and mock elections. These activities will be age-appropriate and supervised where necessary to ensure safeguarding of younger students.
- Where appropriate, the College will invite official candidates standing in local or national elections relevant to the College's location to participate in events. Invitations will not be extended to political parties or individuals not officially standing in the relevant election.
- To manage the distribution of political materials, the College will provide a central display area for literature from official candidates. This helps inform student engagement in mock or real elections. Leafleting or fly-posting around the College is not permitted and such materials will be removed. Political leaflets may be used as teaching resources at the discretion of staff, who are also responsible for vetting the suitability of any student-generated materials for display.
- In the case of national or local referendums, the College will facilitate balanced debates between representatives of opposing views. Official literature will be displayed and made available to staff for use in teaching, ensuring students are informed and able to engage critically with the issues.
- Any questions about the suitability of printed or digital materials for the College setting should be referred to the Senior Management Team.

Appendix 3: Visiting Speakers and Lettings

This appendix outlines the College's process for managing visiting speakers and external lettings, in accordance with the OfS Freedom of Speech Guidance, the Prevent Duty, and Keeping Children Safe in Education (KCSIE).

Process Overview

1. Organisers must complete a Guest Speaker Request Form, available on the College Intranet.
2. The form must be approved by the organiser's line manager. First-time speakers require approval from the Head of Safeguarding.
3. The Head of Safeguarding will conduct due diligence checks. Concerns may be referred to external agencies (e.g. Local Authority, Police).
4. If the topic is controversial or raises safeguarding concerns, the request may be escalated to the Senior Leadership Team for review.
5. Student-led events must be coordinated through a Course/Programme Leader or the eXtra+ Team. Students cannot invite speakers independently.
6. The same process applies to external organisations hiring College premises.
7. The College Principal and Estates Team, in liaison with the Head of Safeguarding, will manage all bookings and speaker approvals.
8. Conditions may be attached to approved events to ensure safety and legal compliance (e.g. ticketing, stewarding, staff presence).
9. The College may refuse or withdraw permission for speakers or lettings that conflict with safeguarding, legal duties, or College values.
10. Appeals can be submitted to the Campus College Principal. The Senior Leadership Team will review and respond within five working days.
11. Breaches of this process may result in disciplinary action and cancellation of bookings.
12. The College will cooperate with law enforcement if any actions breach criminal or civil law.

Appendix 4: Guidance on Due Diligence Checks

Consider:

- What does the individual, group or organisation want to say within the college?
- Does the activity appear to promote extremist ideological, political or religious belief?
- Does the activity or organisation appear to breach the Equality Act 2010 duty, either by discriminating against individuals with protected characteristics or by not complying with the public duty?

Checks would include looking at more than one internet search engine, discussion with local community groups and when necessary discussion with partner agencies.

The Terrorism Act 2000 makes it a criminal offence to:

- belong, or profess to belong, to a proscribed organisation (Section 11 of the Act);
- invite support for a proscribed organisation (and the support is not, or is not restricted to the provision of money or other property) (section 12(1));

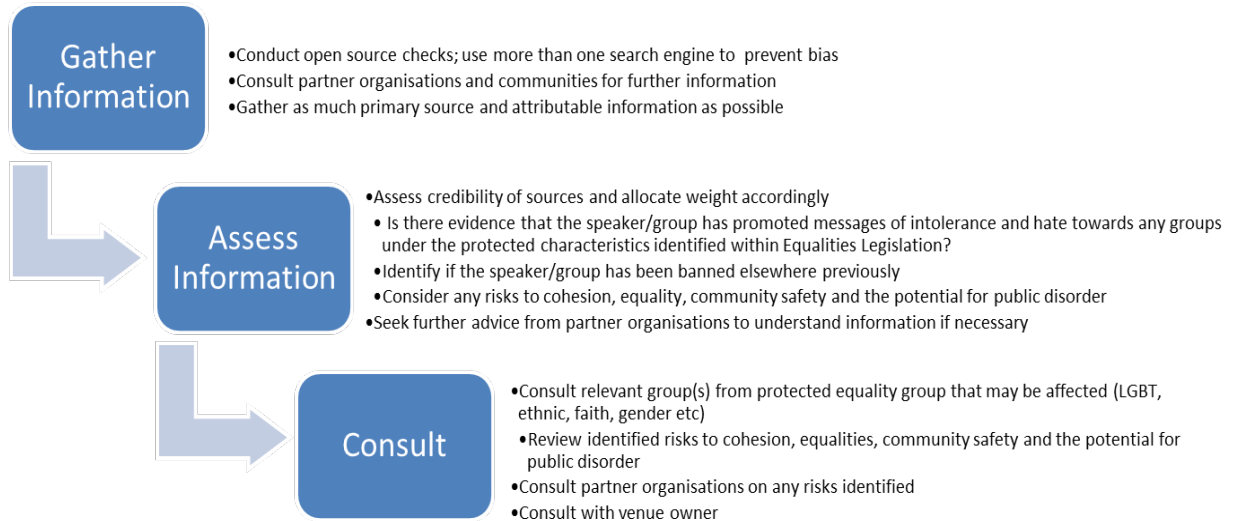
To check to see if an agency is listed on the government proscribed list please check:

<https://www.gov.uk/government/publications/proscribed-terror-groups-or-organisations--2>

If an individual, group or organisation is or has a history of speaking in favour of racism, religious hatred, sexism, homophobia, anti-democracy (this list is not exhaustive), then allowing them to use the college's facilities to promote any of these views would almost certainly be in breach of policy.

Once you have enough information the Head of Safeguarding & Senior Leadership Team will have to balance the evidence (use a pros and cons list) and make a decision on the

evidence as to whether the activity promotes extremist ideological, political or religious belief and/or breaches the Equality Act 2010.



Appendix 5: Equality Impact Assessment

The aim of an equality impact assessment (EIA) is to consider the equality implications of any new or amended policy, procedure, practice, project, function on different groups of staff, students and visitors to the college. This EIA tool provides a simple framework that helps evaluate whether what the change may inadvertently disadvantage protected characteristics and identify ways to proactively advance and promote equality.

You will need to consider each of the equations and provide information as to consideration and any changes made in relation to Equality, diversity and inclusion.

Date EIA completed.	June 2025
Name of person responsible for completing the EIA	Jane Belcher
Role of person responsible for completing the EIA	Head of Safeguarding
Who is affected by the policy / decision / change	All staff and students
What's the reason for the new policy / change in policy, practice, process etc.	Updates are in line with legislation and statutory guidance on safeguarding and Prevent

You will need to consider whether it's possible that the proposed new policy / change in policy /procedure/practice etc could discriminate or unfairly discriminate or disadvantage people. You should consider:

Who gets to participate	Who does not, or who now does not due to the changes proposed / made.
Who is at an advantage	Who is at a disadvantage, and again has this changed?
Who will benefit	Who will not benefit (or who did and now doesn't due to the changes proposed in policy
Who can access the policy	Who cannot, or now cannot.

Protected Characteristic	What degree of impact does the change have (score 1-5 with 1 the lowest and 5 the highest)	What is a potential positive, neutral or negative impact? Include what you have considered. Are there any barriers?	What action will be taken to address any negative impact or remove any potential barriers identified? Note if we are not able to resolve anything identified.	Date by when and whom will this action be taken.
Age	1	Positive Impacts: - Promotes lawful freedom of expression and academic debate - Encourages critical thinking and democratic engagement - Demonstrates compliance with OfS Freedom of Speech Guidance, KCSIE and Prevent Duty	- All staff, students and visiting speakers to comply with the Responsibilities set out in Section 6 - All staff to assess whether the lesson content or event could cause harm or distress to students with protected characteristics, and whether mitigations (e.g. support, moderation, clear ground rules) are needed.	Embedded in best practice, policy and procedure
Disability	1			
Gender (Sex)	1			
Gender Reassignment	1			
Race	1			
Religion or Religious Belief	1			
Sexual Orientation	1			
Marriage or Civil Partnership	1	Negative or Adverse Impacts: - Risk of distress or discomfort to students with protected characteristics - Potential safeguarding concerns for younger students - Risk of reputational damage if not managed appropriately	- All staff to ensure that content is delivered in a way that is inclusive, age-appropriate, and does not marginalise or stereotype protected groups - Ensure the external speaker's content is reviewed in	
Pregnancy / Maternity	1			

Protected Characteristic	What degree of impact does the change have (score 1-5 with 1 the lowest and 5 the highest)	What is a potential positive, neutral or negative impact? Include what you have considered. Are there any barriers?	What action will be taken to address any negative impact or remove any potential barriers identified? Note if we are not able to resolve anything identified.	Date by when and whom will this action be taken.
			advance via the Guest Speaker Request process • Provide clear ground rules for respectful debate in classes and during guest speaker events • Ensure staff presence to moderate the event and support students • Offer opt-out options and post-event support for affected students • Deliver age-appropriate contextualisation for 14–18-year-olds	
Any other element that needs to be considered.	1	Persons where English is not a first language Some potential barriers to accessing/reading and understanding documentation for those with SEND	Appropriate action will be taken to ensure any person who discloses English as a second language or a health concern and/or disability are provided with adjustments to enable them to understand and be aware of processes	As and when required

Note:

1. The terms stated under protected characteristics are the terminology used in the Equality Act 2010.
2. As part of the policy approval process Executive Board will consider the EIA assessment and any potential barriers which we may not be able to overcome and whether the action proposed will mitigate sufficiently within legislation or whether we decide to not implement the new policy if the risk are significant. If the policy is approved the EIA is also approved.



Senior Leadership Responsibility	Executive Director Foundation Learning & Additional Learning Support
Policy Author	Head of Safeguarding
Roles Responsible for Reviewing	Executive Director Foundation Learning & Additional Learning Support Head of Safeguarding Deputy Executive Director HE & Quality
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