



## **Freedom of Speech Policy and Code of Practice**

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## **1. Scope**

This policy and the code of practice set out the legal protections of freedom of speech, and an explanation of the boundaries that exist within these protections and how Matrix (“the college”) applies these protections to their students and the college community as a whole.

The college will endeavour to:

- Protect the right to freedom of speech in relation to the college’s community.
- Seek to ensure that all staff, students, and members feel comfortable and safe in expressing their opinions and beliefs.
- Ensure that academic staff understand the legal framework and boundaries when voicing potentially controversial opinions.
- Advise every member of our community that they should uphold the right of others to freedom of speech.
- Ensure that every student has easy access to this policy and code of practice.

## **2. The Central Principles and the Legal Framework including examples of unlawful speech.**

### **The Central Principles.**

As an educational provider, our college falls under the Higher Education (Freedom of Speech) Act 2023 ("The Act") which amends the Higher Education and Research Act 2017 ("HERA") reinforcing the legal requirements on educational institutions. The college will take the necessary practical steps to ensure that freedom of speech within the law is secured for its students, staff, visiting speakers and any others within the college community.

The right to freedom of speech is a central principle of a democratic society and is therefore preserved in international human rights law. In the UK this principle incorporates Article 10(1) of the European Convention on Human Rights ("the convention") within the UK Human Rights Act of 1998.

The Act imposes on educational providers, through their policy and code of practice as outlined in this document, to promote, clarify and secure the importance of freedom of speech within the law and academic freedom in the provision of higher education.

The Act defines academic freedom, in relation to academic staff registered at a higher education provider, as their freedom within the law, and therefore the Act clearly sets out, that where there is a duty to secure freedom of speech there is also a duty to secure academic freedom.

Academic freedom will mean that an educational provider will encourage the following: To question and test received wisdom and put forward new ideas and controversial or unpopular views. However, in addition, anyone doing so, must not be adversely affected or be at risk of, loss of employment or privileges at the provider, or have their potential for promotion or similar posts be reduced.

Whilst the Freedom of Speech is a protected principle, Article 10 of the European Convention on Human Rights also acknowledges that this right cannot be absolute. Freedom of Speech is a powerful instrument and cannot be abused to spread hate speech.

Hate speech includes speech, conduct, writing or display that leads to inciting violence, discrimination, or intimidation of a person or group who may have one or more of the following descriptions: gender, sexual discrimination, nationality, race, ethnicity or religion.

Therefore, there is not only a duty to protect freedom of speech but to also protect and consider the balance between free speech and hate speech. Any speech deemed to be hate speech is regarded as unlawful and not protected. Furthermore, speech that breaches either criminal or civil law is not protected. Hate speech is understood to be a threat to public order and social harmony as it may incite racial, sexual and religious hatred which will lead to further harm by fostering division, discrimination and violence.

Legislation to prevent and contain hate speech is encapsulated in the Public Order Act 1986, the Racial and Religious Hatred Act and the Communications Act 2003.

## **The Legal Framework including examples of unlawful speech.**

**The Higher Education (Freedom of Speech) Act 2023** includes the provision to promote freedom of speech and academic freedoms. **Section 43 of the Education (No.2) Act 1986** includes a legal duty on educational providers to take “reasonably practicable steps” to secure freedom of speech within the law for students, staff, academics and visiting speakers.

**The Human Rights Act 1998** encompasses Article 10 of the European Conventions on Human Rights guaranteeing the right to freedom of expression.

**The Public Order Act 2023** and the **Police, Crime Sentencing and Courts Act 2022** are generally concerning provisions on protest and assembly.

It should be noted that it is an offence under Section 4 of **Public Order Act 1986** to use towards another person, threatening, abusive or insulting words or behaviour, or to display the same in any form of visual representation.

Section 4A of **Public Order Act 1986** is to cover harassment, alarm or distress with the intent to causing a person this harm by using threatening, abusive or insulting words or behaviour, or disorderly behaviour, or to display the same in any form of visual representation.

In addition to intent, there must be evidence that a person is actually suffering harassment or distress from the behaviour.

**Harassment (Protection from Harassment Act 1997).** This Act lays out the concept that the course of harassment conduct must comprise of two or more occasions. Conduct must be oppressive and unacceptable as opposed to, unattractive or unreasonable and be of such gravity it also amounts to a criminal offence.

Extreme speech by a student on social media inciting harassment of another student expressing different views and encouraging other people to add to the oppression and distress do this student may amount to harassment as defined in **the Protection from Harassment Act 1997**.

In the case of **R v. Sheppard (2018)** the defendant was convicted for sharing a series of anti-Semitic and homophobic posts on social media. The court found that while the defendant had the right to express his views, his posts were intended to incite hatred and thus fell outside the protection of freedom of speech.

**The Communications Act 2003** criminalises the sending of grossly offensive, indecent, obscene or menacing messages through a public electronic communications network, which includes social media platforms.

**The Online Safety Act 2025** aims to enhance online safety by imposing strict regulations on tech companies to protect users, particularly children, from harmful content and illegal activities

**The Online Safety Act 2023.** This Act provides for a new regulatory framework which has the general purpose of making the use of internet services regulated by this Act safer for individuals in the United Kingdom.

To achieve that purpose, the Online Safety Act 2023:

- (a) imposes duties which, in broad terms, require providers of services regulated by this Act to identify, mitigate and manage the risks of harm (including risks which particularly affect individuals with a certain characteristic) from:
  - (i) illegal content and activity, and
  - (ii) content and activity that is harmful to children, and
- (b) confers new functions and powers on the regulator, OFCOM.

**The Malicious Communications Act 1988** covers any person who sends to another person a letter, electronic communication or article of any description which

- (a) conveys a message which is indecent or grossly offensive or
- (b) any article or electronic communication which is, in whole or part, of an indecent or grossly offensive nature.

A person is guilty of an offence if the purpose, or one of the purposes, in sending the above is that it should, so far as falling within paragraph (a) or (b) above, cause distress or anxiety to the recipient or to any other person to whom it is intended for and that it or its contents or nature should be communicated. Electronic communication includes any oral or other communication by means of an electronic communications network and any communication (however sent) that is in electronic form.

**The Terrorism Act 2000.** This Act established a broad framework for counterterrorism in the UK. It includes the prohibition of speech that invites support of a proscribed organisation, to further activities of a proscribed organisations and to be addressed by a person who belongs to such an organisation.

**The Terrorism Act 2006** extends the 2000 Act to cover more specific areas, such as the dissemination of terrorist publications.

**The Counterterrorism and Security Act 2015.** This Act is to enhance national security and counterterrorism efforts including the Prevent duty. This requires the college to be aware of, and prevent students, from being drawn into terrorism.

**The Equality Act 2010** enshrines the protected characteristics such as age, disability, gender, reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The college endeavours at all times to be aware of, and prevent any form of direct, or indirect discrimination and make reasonable adjustments for students and staff with protected characteristics such as disability, religion or belief.

Other relevant references include

**The Middlesex University's Code of Practice on Freedom of Speech**, which our college follows as part of our validation agreement

**The Office for Students (Ofs) Regulatory Advice 24.** This advice demonstrates through detailed guidance the requirements of higher education providers to meet the duties and responsibilities under the Freedom of Speech legal framework. This includes access to this policy, the colleges code of practice and how the college manages invited speakers, complaints and free speech risks.

### **3.The Code of Practice**

#### **Duties and responsibilities**

All members of the college community have a duty to endorse and advocate the principles of Freedom of Speech at all times.

When appointing academic staff, the college must ensure that the appointee is sufficiently versed in the Freedom of Speech and this college should not require any member of staff to commit to a particular viewpoint, nor should any member of staff's view negatively affect the college, the students or other members of staff

Equally the college must take reasonable steps to ensure that no member of staff is adversely affected due to their right to exercise their freedom of speech within the law, when looking to secure a promotion,

The college will ensure that all students and staff have easy access to this policy and code of practice on their website and on the college VLE (Moodle)

Any persons involved in the organisation of guest speakers or events that utilise outside organisations, should bring this policy to their attention.

The Principal shall oversee the establishment and implementation of this policy together with its code of practice.

The college will bring to the attention of the following procedures for Staff and Students in relation to external speakers and events.

#### **Procedure for Staff and Students including External Speakers and Events**

In the event of a staff member or student wishing to invite an external speaker to speak at a college event, the following procedure must be followed:

The staff member or student will submit an external speaker request to the Principal, which contains the following information:

- a) Expected number of attendees and whether the event will be a member only, invitation only event or open to the general therapeutic community.
- b) Confirm any external speakers' affiliations (specifically where they are political or religious).
- c) Declaration of any knowledge of controversy attracted by the speaker or topic in the past.
- d) Confirmation if the event and speaker are likely to attract media interest – if so, why?
- e) Confirmation of web site details (where relevant) providing further information on the speaker.

Any failure to disclose full speaker details may result in an event/booking being cancelled and could result in referral for disciplinary procedures.

On receipt of the request, the Principal will check all speakers on Google (after first looking at any web link provided) and look at the first three pages of results (if any results are found).

The Principal will refer any speakers that may require further exploration to the Operations Team.

Where an individual from outside of the college contacts a member of staff and asks to run a CPD workshop or where staff or students wish to either run a college event outside of the college or invite external speakers (defined as individuals or organisations that are not part of the college) to run a workshop at the college, they must notify the Principal, who will liaise directly with the speaker following the procedures outlined in this policy.

### **Assessing Speakers**

Any speakers who are deemed to require further exploration will be investigated by the Principal and the Operations Team, who will conduct a short investigation into the proposed booking.

In making recommendations they will assess risk on the following basis:

- The potential for any decision to limit freedom of speech vs. its potential to be in breach of the college's Equality, Diversity and Inclusion Policy.
- The duty placed on the college under its safeguarding policy. The potential for the college failing in its wider legal duties.
- The potential to cause reputational risk to the college.
- The potential for the speaker's presence to cause fear or alarm to members of the staff and student community.
- The potential for the speaker's presence on site to give rise to breach of peace.

The college may make one of the following recommendations:

- On the basis of the risks presented, to not permit the event with the external speaker to go ahead.
- On the basis of the risks presented, to fully permit the event with the external speaker to go ahead unrestricted.
- On the basis of the risks presented, to permit the event with the external speaker to go ahead on the basis of regulatory steps designed to reduce risk.

Practical steps designed to reduce risk may include:

- Requiring that the event is observed by members of the Operations Team.
- Requiring that an event promoting a particular view includes an opportunity to debate or challenge that view.
- Requiring that an event closed to invited members only be opened to all the college members.
- Requiring that a copy of any speech to be delivered by the speaker be submitted to the Principal.

The recommendation will be put to the Operations Team, who will decide whether the event is to go ahead or not.

### **External Events**



Where the college staff member or student is asked to speak at an outside event where it is likely that they could be sharing a platform with someone whose views may bring them into disrepute with the expectations of them as outlined in this policy, they must seek the advice of their Operational Team or Programme Lead before agreeing to speak. They are encouraged to seek the advice of the Operational Team for assistance to think through the implications of such action.

Where the college staff member or student wishes to attend an event which involves them in doing something on the college's behalf (e.g. giving out leaflets at an event) they must seek the advice of the Principal and any publicity material will be produced in consultation and be approved by the Principal

### **Breach of Policy.**

Any breach of this policy may result in a disciplinary action under the relevant disciplinary procedure of this college, or any other appropriate action.

The college may also need to consider, where appropriate, assisting relevant Governmental authorities if a breach of law has occurred. At this point, the college may need to halt any internal investigation until advised by the authorities.

### **Concerns and Complaints.**

Students with concerns may raise these in the first instance with their Programme Lead before making a complaint.

Students with complaints relating to the Freedom of Speech should follow the college's Student Complaints and Grievance Procedure.

Please note that complaints which are deemed to be spurious, misleading or unmeritorious will be promptly rejected.

Staff and visiting speakers may raise concerns through the Office of Students free speech complaints scheme.

Students may also use the Office of the Independent Adjudicator for unresolved complaints.

### **Monitoring and review**

The Quality and Regulation manager is responsible for monitoring the effectiveness of this policy and supporting procedures and will conduct reviews at appropriate intervals or as required by new or amended legislation and or regulatory guidance.

## Related policies.

Admissions policy

Code of Ethics and Professional Practice

Equality, Diversity and Inclusion Policy

Fitness to Study

Harassment and Sexual Misconduct

Prevent Duty

Research Ethics

Safeguarding policy

Student Code of Conduct including the Student Conduct and Discipline Procedure.

Document name	Freedom of Speech Policy and Code of Practice		
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Approving Committee	Ops Team		
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