Waltham International College

1.0 Governance

1.16 Freedom of Speech, Academic Freedom and External Speakers Policy and Code of Practice

Version Number:	10
Reviewed by | Approved by:	Compliance Review | BoG
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Compliance Alignment Statement

This version of the Freedom of Speech, Academic Freedom and External Speakers Policy and Code of Practice has been aligned to current UK and Office for Students requirements as of May 2026. The substantive changes are listed below.

Version Control Statement

Version	Date	Changes	Reason	Author	Next Review
1	05/04/18		New Policy – For managing the risk around the external speakers and events on campus.	Academic Manager	Mar 19
2	28/09/18	Made revisions to reflect that the policy covers Freedom of Expression, Academic Freedom and how the College engages with and vets external speakers. Changes in the responsibilities for approval of external speakers	More extensive coverage of relevant areas: Academic freedom, freedom of expression and engagement and vetting of external speakers. Reflect the current management structure	Head of HE	Jul/Aug 19
3	23/01/2019	Changes in responsibilities for approval of external speakers	Reflect the current Management structure, effective 1 September 2018	Head of HE	Jul/Aug 20
4	Aug 2020	No Updates	N/A	Quality	Jul/Aug 21
5	Aug 2021	No Updates	N/A	Quality	Jul/Aug 22
6	Aug 2022	Linked the Published Information Policy to the Related policies section. Made revisions to the process for organizing an event/lesson with an external Speaker. Added the role of Published Information Panel (PIP) in approving such events for publication. Addition of role of the Social Media Committee.	To add clarity to the process of organizing external speaker events/lessons and linking the PI Policy and the role of the newly formed Social Media Committee in supporting such events.	AP Quality	Jul/Aug 23
7	Aug 2023	No Changes	Annual Review		Aug 2024
8	Aug 2024	No Changes	Annual Review		Aug 2025
9	Feb 2026	Changed to new template Incorporated Freedom of Speech and Code of Practice Added Appendices	Annual Review	Quality and Compliance	Jul 2026
10	May 2026	Expanded the external reference list Included new paragraph explicit to NDA in Section 6. Added further reference to the reportable events under F3 in section 10.2.1 Added new monitoring paragraph for reportable events under F3 in section 11	Compliance Alignment 2026 (OfS)	External review	August 2027

External Reference Points

This makes reference in full, to the OFS Standard Public Interest Governance Principles for all registered providers of Higher Education. It also references:

- UK GDPR | Data Protection Act 2018
- Human Rights Act 1998
- Equality Act 2010 - public sector equality duty (PSED) and harassment
- Higher Education (Freedom of Speech) Act 2023 – legal and regulatory framework underpinning whole policy (Education (No. 2) Act 1986 has been amended by 2023 Act)
- Higher Education and Research Act 2017 (HERA 2017)
- Article 10, European Convention on Human Rights – definitions
- Prevent Duty Guidance 2023 (in force 31 Dec 2023) – legal and regulatory framework for Prevent Duty, in line with Counter Terrorism & Security Act 2015
- Protection from Harassment Act 1997 – other criminal and civil laws
- Terrorism Acts 2000 – other criminal and civil laws
- Terrorism Act 2006 – other criminal and civil laws
- Communications Act 2003 – other criminal and civil laws
- Malicious Communication Act 1998 – other criminal and civil laws
- Public Orders Offences (Public Order Act 1986) – other criminal and civil laws
- OfS Condition E6 (harassment and sexual misconduct) – fundamental principles
- OfS Condition F3 (reportable events) – monitoring
- OfS Regulatory Advice 24 – monitoring

Related Policies and Documents

Affects all other policy documents. This document should however be read together with the following documents:

- Safeguarding, Child Protection and Vulnerable Adults Policy
- Prevent Policy
- Published Information Policy
- Bullying and Harassment Policy

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1. Purpose

This unified policy sets out Waltham International College's (WIC) approach to securing and promoting freedom of speech within the law and academic freedom, and to managing external speakers and events on campus and online. It consolidates and replaces previous WIC policies on Freedom of Speech/Expression, Academic Freedom and External Speakers.

Add purpose

2. Scope

It applies to all staff, students, governors, contractors, and visiting speakers, and to all WIC-managed premises and official online spaces.

3. Introduction

WIC recognises that freedom of expression and freedom of speech are basic human rights and that these are protected by law. The College tolerates a wide range of political and academic views, regardless of whether they are unpopular, controversial or provocative. The College therefore does not, as a policy, deny the use of its premises to any individual, group or members of groups on the grounds of their beliefs, or on the grounds of the policies or objectives of groups they represent.

4. Definitions

- Freedom of speech (within the law) is the freedom to impart ideas, opinions or information by speech, writing or images (including electronic), consistent with Article 10 ECHR and UK law. Unlawful speech (e.g., incitement to violence or hatred, harassment, terrorism offences, defamation) is not protected.
- Academic freedom (for academic staff) is freedom within the law to question and test received wisdom and to put forward new ideas or unpopular opinions without risk to employment or career opportunities.
- Visiting speaker is a person who is not a WIC staff member or student who speaks, presents, or otherwise addresses a WIC audience at an event organised or hosted by WIC or in WIC spaces.
- Event is any meeting, lecture, debate, class session with external input, panel, performance, or online webinar hosted or branded by WIC.

5. Legal and Regulatory Framework

- Higher Education (Freedom of Speech) Act 2023 (amends HERA 2017 and EA 1986). From 1 August 2025, providers must take reasonably practicable steps to secure freedom of speech within the law for staff, students, members and visiting speakers; maintain a free speech code of practice; and promote the importance of freedom of speech and academic freedom. The statutory tort and direct duties for students' unions were repealed; OfS will operate an amended complaints scheme for staff and visiting speakers via future legislation.
- Education (No. 2) Act 1986, s.43 outlines duty to take reasonably practicable steps to secure freedom of speech and to issue and keep up to date a code of practice.
- Article 10 European Convention on Human Rights outlines that freedom of expression is subject to restrictions prescribed by law and necessary in a democratic society (e.g., national security,

public safety, prevention of disorder or crime, protection of health or morals, protection of reputation or rights of others, preventing disclosure of information received in confidence, maintaining the authority and impartiality of the judiciary).

- Equality Act 2010 (including Public Sector Equality Duty) outlines interaction with harassment provisions and compliance alongside free speech duties.
- Counter-Terrorism and Security Act 2015 and Prevent Duty Guidance (2023, in force 31 Dec 2023) outlines proportionate arrangements to reduce permissive environments, train staff, and manage external speakers and IT policies, balanced with free speech and academic freedom.
- Other criminal and civil laws are: Public Order offences, Protection from Harassment Act 1997, Terrorism Acts 2000/2006, Communications Act 2003, Malicious Communications Act 1998, Defamation.

6. Fundamental Principles

WIC will secure freedom of speech within the law, and promote the importance of free speech and academic freedom in higher education.

Lawful speech that may be controversial, offensive or upsetting is in scope; unlawful speech is not protected.

Decisions will follow the OfS three-step framework: (1) Is the speech within the law? (2) Are there reasonably practicable steps to secure it? (3) If not, are any restrictions prescribed by law and proportionate?

WIC will not require individuals to bear security costs for the use of WIC premises except in exceptional, lawful circumstances defined in this policy and code of practice.

WIC will not use, and will not require students or staff to enter into, any contractual term or agreement (including any non-disclosure agreement or settlement clause) that restricts them from reporting, or prevents them from disclosing, incidents of bullying, harassment or sexual misconduct to WIC, to the Office for Students, or to any other appropriate authority (see also WIC Bullying and Harassment Policy 5.12, and OfS Condition E6, in force 1 August 2025).

Respectful conduct is required. Protests and counter-speech are permitted within the law and must not prevent others from speaking or listening.

7. Roles and Responsibilities

7.1 Governing Body

Approves and oversees this policy and the code of practice; monitors compliance; receives annual reports.

7.2 Principal

Accountable for implementation and resourcing; appoints the Designated Senior Officer for Freedom of Speech (DSO-FS).

7.3 Quality and Compliance

Leads policy implementation, assurance, training and reporting; chairs or designates the investigation panel for complaints under this policy.

7.4 Prevent Lead

Screens external speaker/event requests, advises on proportional mitigations; liaises with authorities as appropriate under Prevent duty.

7.5 Published Information Panel

Approves external speaker events and their publicity; ensures compliance with policy and alignment with WIC's values and legal duties.

7.6 Event Organiser

Submits requests and risk assessments; secures mitigations and operational arrangements; ensures compliance on the day.

7.7 All Staff and Students

Must act lawfully, follow this policy and WIC codes of conduct; support free and open debate and report concerns.

7.8 Visting Speakers

Must comply with the Speaker Declaration and the law; avoid incitement, harassment, or fundraising without permission.

8. Procedures

8.1 Securing Free speech: Decision Making Framework

Step 1: Is the speech within the law?

Identify any legal risks (e.g., terrorism offences, incitement to violence/hatred, harassment, defamation, confidentiality).

Step 2 – Are there reasonably practicable steps to secure the speech?

Consider venue capacity, stewarding, ticketing, balanced panels, independent chairing, content warnings, time/place/manner adjustments, livestream moderation, security measures proportionate to risk.

Step 3 – No reasonable practicable steps exist.

If there are no reasonably practicable steps, consider restrictions that are prescribed by law and proportionate under Article 10 ECHR. Document the rationale.

8.2 External Speakers and Events: Process

1. **Notice period**

   Submit the External Speaker Approval Form at least 15 working days before the event (longer for higher-risk or large public events).

2. **Initial screening by Prevent Lead**

   logic checks (e.g., prior bans, topic risk) and open-source due diligence (including “name + organisation + controversy”).

3. **PIP decision:**

   Approval with conditions, request for further information, or refusal (with reasons). No publicity or confirmation until approval.

4. **Marketing**

   once approved, coordinate event promotion and messaging.

5. **Speaker Declaration**

   organiser obtains signed declaration confirming compliance with UK law, this policy, and WIC codes.

6. **Risk mitigations (examples)**

   independent chair; balanced panel or right of reply; pre-event briefing; stewarding; controlled Q&A; recording; adjusted format; security (WIC-funded unless exceptional).

7. **Exceptional refusal**

   If risks cannot be mitigated by reasonably practicable steps, the event may be refused with reasons documented under the three-step framework.

8.3 Conditions for Visiting Speakers

- Do not advocate or incite violence, hatred, or unlawful acts; do not support proscribed terrorist organisations.
- Do not harass or unlawfully discriminate against individuals or groups.
- Do not raise funds for external bodies without written permission.
- Comply with directions of the chair and WIC staff regarding time/place/manner, safety and security.
- Comply with UK law including defamation, confidentiality and data protection.

9. Prevent Duty and Balanced Approach

WIC will comply with the Prevent duty (CTSA 2015) as updated by the 2023 statutory guidance, including leadership and partnership, capabilities and training, reducing permissive environments (e.g., external speaker and IT policies), and proportionate monitoring. Prevent compliance will be delivered alongside, and not in contradiction with, WIC’s duty to secure lawful freedom of speech and academic freedom.

10. Complaints and Appeals under this Policy

10.1 Internal Routes

1. **Informal resolution:** Staff contact Programme Leader/HR; students contact Student Voice; visitors contact the DSO-FS.
2. **Formal Stage One – Investigation**:

2.1 A panel (senior management, senior academic, student representative) will review evidence, meet parties, and issue a written outcome.

2.2 Indicative timescales: panel convened within 5 working days of full submission; meetings within 10 working days; written outcome within 5 working days thereafter (subject to complexity and term breaks).

2.3 Outcomes may include mediation; rejection with reasons; or upholding with remedial actions (e.g., event to proceed with conditions; apology; staff management actions in line with HR procedures).

3. **Stage Two – Appeal:** Parties may appeal within 10 working days on grounds of new evidence, procedural irregularity, or manifest unreasonableness. A senior reviewer (CEO/Principal/DSO-FS nominee unconnected to the case) will issue a Completion of Procedures letter.

10.2 External Routes (OfS / OIA)

10.2.1 Office for Students (OfS)

Anyone may raise a notification to the Office for Students (OfS) if they believe WIC is not meeting regulatory requirements on free speech or academic freedom. See OfS guidance on raising concerns through OfS free speech complaints scheme. Material FoS matters meeting F3 materiality threshold will be reported to OfS within the F3 SLA, further documented in section 11.

Following government changes announced in January 2025, the OfS complaints scheme is intended (via future legislation) to accept eligible complaints from staff and visiting speakers about providers and constituent institutions. Students continue to use the OIA scheme for unresolved complaints. WIC will update this section if/when the OfS scheme opens.

10.2.2 Office of the Independent Adjudicator (OiA)

Students may take unresolved complaints to the OIA in line with its Rules after receiving a Completion of Procedures letter from WIC. See www.oiahe.org.uk .

11. Monitoring, Assurance and Reporting

The annual report will be presented to the Board on free speech and academic freedom (events, mitigations, refusals, complaints, outcomes, training). A record (HE FoS Act 2023 – Reg Advice 24) of decisions (approvals with conditions, refusals, and mitigations) will be maintained to evidence compliance. This record, Freedom of Speech Decision Register, will be reviewed annually by the Board of Governors.

Annual communication will be issued to staff and students, drawing attention to these duties and the code of practice; inclusion in induction.

Policy will be reviewed at least annually, and on changes to legislation or OfS/Home Office guidance.

Where a freedom of speech matter meets the materiality threshold under OfS Condition F3 (e.g. a high-profile speaker refusal that gives rise to a public legal challenge, or any matter that could affect WIC's ability to meet its ongoing regulatory conditions), the matter will be reported to the OfS as a reportable event within the timescale required by Condition F3. The Principal will assess materiality and, where appropriate, WIC's legal advisers.

12. Code of Practice

12.1 Access to Premises

Use of WIC premises will not be denied on the grounds of a person's lawful ideas or opinions or a body's policy or objectives. Terms will not be set on such grounds. Conditions may be applied only where necessary and proportionate for safety, legality or operational reasons.

12.2 Criteria for conditions/refusal

Conditions may be applied where reasonably practicable steps can secure the event. Refusal will only occur where no reasonably practicable steps would secure lawful speech. Reputation or viewpoint alone are not valid reasons to refuse.

12.3 Allocation of Security Costs

WIC normally bears security costs required to secure lawful speech. In exceptional, documented circumstances (e.g., third-party commercial hire unrelated to WIC's educational purposes), WIC may charge reasonable, proportionate costs consistent with the law.

12.4 Protests

Protests and counter-events are permitted within the law. They must not prevent speakers being heard or attendees' access. Proportionate arrangements (time/place/manner) may be imposed to protect rights of all participants.

12.5 Online Events and Recordings

Where events are livestreamed or recorded, moderators will manage chat/Q&A; recordings must respect privacy and data protection; takedown requests will be assessed under this framework.

13. Appendices

13.1 Appendix 1: External Speaker Approval Form

- Event title, date/time, venue/online platform
- Organiser (name, role, contact)
- Visiting speaker(s) (name, affiliation, contact, short bio)
- Topic/abstract and intended audience
- Open-source checks summary (include links)
- Risk assessment (crowd size, protest risk, online risks, safeguarding/Prevent considerations)
- Proposed mitigations (chairing, stewarding, ticketing, recording, security, etc.)
- Accessibility arrangements
- Data protection considerations
- Organiser declaration and date

13.2 Appendix 2: Visitor/External Speaker Permission Checklist

- Speaker has received WIC policy and Speaker Declaration
- Venue booking confirmed; capacity adequate; stewarding plan in place
- Safeguarding/Prevent checks complete and proportionate
- IT/online moderation arranged (if applicable)
- Media/social media plan agreed with Social Media Committee after PIP approval
- Contingency plan for disruption and protest
- Security arrangements (if any) agreed and funded by WIC (unless exceptional case recorded)

13.3 Appendix 3: Speaker Declaration (template)

I confirm I will comply with UK law and WIC's Freedom of Speech, Academic Freedom and External Speakers Policy. I will not incite violence or hatred; support proscribed organisations; harass individuals; or raise funds without permission. I agree to comply with proportionate directions from the event chair and WIC staff about time, place and manner to protect safety and the rights of others. Name/Signature/Date.

13.4 Appendix 4: Key References

1. OfS Regulatory advice 24: Guidance related to freedom of speech (last updated 11 Nov 2025): https://www.officeforstudents.org.uk/publications/regulatory-advice-24-guidance-related-to-freedom-of-speech/
2. OfS – Changes to regulation (updated Feb 2025): https://www.officeforstudents.org.uk/for-providers/freedom-of-speech/freedom-of-speech/changes-to-regulation/
3. OfS – Raising concerns about free speech: https://www.officeforstudents.org.uk/for-providers/freedom-of-speech/freedom-of-speech/raising-concerns-about-free-speech/
4. Higher Education (Freedom of Speech) Act 2023 (Legislation): https://www.legislation.gov.uk/ukpga/2023/16
5. GOV.UK – Government press release (15 Jan 2025): https://www.gov.uk/government/news/government-reaffirms-commitment-to-free-speech-in-universities
6. Prevent duty guidance (England & Wales, in force 31 Dec 2023): https://www.gov.uk/government/publications/prevent-duty-guidance