

WEST THAMES COLLEGE

NAME OF POLICY

West Thames College Freedom of Speech Policy for Higher Education

Lead	Approved By:	Date Approved:	Next Review Date:	Where Published:
Name of Lead Staff Member Katrin Lehmann	Name of Person/ Group who Approves Quality and Equality Committee		September 2027	Website

West Thames College Freedom of Speech Policy for Higher Education

1. Purpose

This policy sets out how West Thames College secures and promotes freedom of speech and academic freedom within the law, in-line with:

- Section 43 of the Education (No. 2) Act 1986 (existing duty to take reasonably practicable steps to secure free speech)
- The Higher Education (Freedom of Speech) Act 2023, which inserts a new Part A1 into the Higher Education and Research Act 2017 (HERA), creating statutory "secure" and "promote" duties on registered higher education providers and their constituent institutions
- The Human Rights Act 1998, in particular Article 10 of the European Convention on Human Rights (freedom of expression) and Article 9 (freedom of thought, conscience and religion)
- The Equality Act 2010
- The Counter-Terrorism and Security Act 2015 (the Prevent duty)
- Guidance issued by the Office for Students (OfS), including Regulatory Advice 24: Guidance related to freedom of speech

This policy applies to speech that is within the law. It does not create a right to say anything regardless of legal limits, and it does not permit the College to restrict lawful speech merely because it is unpopular, controversial, or causes offence.

This policy applies to all staff, students, students' union, external speakers, and visitors.

Policy Statement

Freedom of speech and academic freedom are fundamental to the College's purpose as a place of learning, enquiry, and debate. The College is committed to:

- Securing freedom of speech within the law for staff, students, and visiting speakers, by taking all steps that are reasonably practicable.
- Promoting the importance of freedom of speech and academic freedom as active, ongoing commitments, not only reacting when a concern is raised.
- Ensuring that decisions affecting speech, events, or academic content are not based on the popularity, reputational convenience, or the institution's agreement or disagreement with a particular viewpoint.

This freedom sits alongside other legal obligations including safeguarding duties, the Prevent duty, and obligations under the Equality Act 2010.

Definitions

Freedom of speech, for the purposes of this policy, means freedom to impart and receive ideas, opinions, and information within the law, including speech that some members of the College community may find uncomfortable, unwelcome, or offensive, provided it is not otherwise unlawful.

Academic freedom means the freedom of academic staff, within the law, to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves at risk of losing their jobs or privileges, or reducing their likelihood of promotion.

Unlawful speech refers to speech that falls into a category restricted by primary legislation or established legal precedent, for example, speech that meets the threshold for an offence under public order, harassment, terrorism, or malicious communications legislation. It does not mean speech that is merely upsetting, offensive, or that expresses a minority or unpopular viewpoint.

Framework for Assessing Restrictions on Speech

Any decision to restrict, condition, or refuse to permit speech, an event, a speaker, or a piece of academic work must follow this three-step framework, reflecting current Office for Students guidance:

Step 1- Is the speech within the law? If the speech falls into a category prohibited by primary legislation or legal precedent (for example, incitement to violence, or speech meeting the threshold of a public order or terrorism offence), it is not protected by this policy and may be restricted.

Step 2 — If the speech is within the law, are there reasonably practicable steps to secure it? Relevant factors may include physical safety considerations and compliance with other legal or regulatory requirements (for example, safeguarding duties where under-18s are involved, or requirements imposed by professional, statutory, or regulatory bodies). The following are not valid grounds for restricting lawful speech:

- Reputational risk or embarrassment to the College
- Disagreement with, or discomfort about, the viewpoint being expressed
- The speech being merely controversial, provocative, or unpopular

Where reasonably practicable steps exist to secure the speech (for example, additional security, a different room, a chaired discussion format, or a rescheduled time), they must be taken.

Step 3 — If no reasonably practicable steps exist, does a restriction meet the Article 10 test? Any restriction must be lawful, pursue a legitimate aim, and be a necessary and proportionate response the minimum interference required to address the genuine concern identified in Step 2.

Decision-makers must record their reasoning against this framework in writing for any decision to restrict, condition, or refuse speech, an event, or a speaker.

Key Principles

1. Lawful speech is protected, including unpopular or offensive speech. The College will not restrict speech solely because it is controversial or because some members of the community disagree with it.
2. Unlawful speech is not protected. Speech that meets the legal threshold for harassment, incitement to violence or hatred, or another criminal offence falls outside this policy's protection and may be addressed through relevant College procedures and, where appropriate, referred to the police.
3. Academic freedom. Academic staff may explore, teach, and publish on controversial or unpopular topics as part of their academic role, within the law, without risk to their employment or career progression for doing so.
4. Equality and dignity. This policy operates alongside, not instead of, the College's obligations under the Equality Act 2010. Protecting free speech and protecting people from unlawful discrimination or harassment are not in conflict where both are correctly applied, unlawful harassment is not protected speech, but lawful expression of a viewpoint is not harassment merely because it relates to a protected characteristic or is unwelcome to some.
5. Rights and responsibilities. All members of the College community may express their views within the law, and should engage in debate constructively, while recognising that others have an equal right to speak and to be heard.

Procedures

Events, Meetings, and External Speakers

- All events featuring external speakers must be approved by the appropriate College staff member to ensure alignment with this policy.
- Organisers must provide a clear agenda and purpose for the event in advance.

Reporting Concerns and Complaints

- Any student, member of staff, visiting speaker, or other individual who considers that their freedom of speech has been unlawfully restricted, or that they have experienced unlawful speech (such as harassment or incitement), may raise this with the appropriate manager in Student Services.
- Complaints will be investigated in line with the College's complaints and Disciplinary misconduct procedures.

Disciplinary Action

Breaches of this policy including unlawful speech, or improper attempts to prevent lawful speech may lead to disciplinary action.

Interaction with Other Duties

This policy should be applied in conjunction with our Safeguarding Policy

[Safeguarding Policy.pdf](#)

Governance, Review, and Monitoring

- This policy is owned by the governing body and reviewed annually.
- Effectiveness will be monitored through records of event feedback and complaints data.
- The College will keep this policy under review ahead of the OfS's mandatory conditions of registration relating to free speech, expected to take effect from April 2027.

Conclusion

West Thames College is committed to securing and promoting freedom of speech and academic freedom within the law. This policy is intended to protect open debate and the expression of controversial or unpopular views, while ensuring unlawful speech, harassment, and risks to safety are addressed appropriately and proportionately.