

# **Abingdon & Witney College Code of Practice on Freedom of Speech and Expression**

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| Policy Title               | Code of Practice on Freedom of Speech and Expression      |
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| Author (Name / Department) | Deputy Principal                                          |
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## 1. **Introduction**

- 1.1 Abingdon and Witney College recognises and endorses that freedom of speech and expression within the law has fundamental importance for institutions as places of education, learning and the disinterested pursuit of truth. The college recognises that it has duties under the Higher Education (Freedom of Speech) Act 2023 to take reasonable measures to protect freedom of lawful speech and under the Higher Education and Research Act (2017) to both protect and promote freedom of speech and academic freedom for all staff, students and visiting speaker of the college.
- 1.2 In addition, a principle of freedom of lawful expression is enshrined in Article 10 of the European Convention on Human Rights.
- 1.3 Abingdon and Witney College is required under The Higher Education and Research Act (2017) and Article 15 of the Instrument and Articles of Government to have regard to the need to ensure that academic staff have freedom 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 any privileges they may have at Abingdon and Witney College. Institutions have a responsibility, so far as is reasonably practicable, to protect and advance the importance of freedom of speech within the law and to promote the principle of academic freedom.
- 1.4 This Code of Practice, as required by The Higher Education and Research Act (2017), sets out the rights and obligations inherent within the principles of freedom of speech and expression and academic freedom and the Code shall be construed and applied in the spirit of upholding those principles wherever reasonably practicable within the law.
- 1.5 The Code of Practice covers freedom of speech and expression in whatever form that may take including (but not limited to) speeches, debates, meetings, demonstrations, written publications and through the use of social media. The college affirms the values of openness, tolerance and respect for lawful expression which underpin this code.
- 1.6 The Code's rights and obligations shall apply to:
  - 1.6.1 Abingdon and Witney College, including members of the Governing Body;
  - 1.6.2 all persons (whether curriculum staff or otherwise) working for Abingdon and Witney College, whether for payment or otherwise;
  - 1.6.3 all duly enrolled students of Abingdon and Witney College (whether full or part-time);
  - 1.6.4 all students studying with Abingdon and Witney College (whether full or part-time) under an agreement with a partner organisation of Abingdon and Witney College (e.g. a college or school) even if not enrolled as students at Abingdon and Witney College;
  - 1.6.5 any student committees, union, societies, clubs or associations which normally operate on Abingdon and Witney College's premises; and

- 1.6.6 all persons invited to speak and/or express views (whether in person or otherwise including through the use of social media) and/or otherwise take part in activities which take place on or are planned or proposed or due to take place on Abingdon and Witney College's premises or through its IT systems in accordance with the provisions of section 3 of this Code.
- 1.7 References in the Code to “Abingdon and Witney College's premises” and/or “Abingdon and Witney College's facilities” include premises and/or facilities which are owned by Abingdon and Witney College, premises and/or facilities which Abingdon and Witney College does not own but over which it exercises some degree of.
- 1.8 References in the Code to any institutional employee includes reference to their nominee.
2. **Freedom of Speech and Expression**
- 2.1 Abingdon and Witney College shall take such steps as are reasonably practicable to ensure that freedom of speech and expression within the law is secured for every person to whom this Code's rights apply. Staff, students and applicants will not be adversely affected for exercising their academic freedom within the law.
- 2.2 Every person to whom this Code's obligations apply shall assist Abingdon and Witney College in upholding this Code of Practice.
- 2.3 Abingdon and Witney College will not suppress freedom of speech and expression, however abhorrent certain expressions may be to the majority of the members of Abingdon and Witney College, provided that:
- such speech and expressions do not go beyond the articulation of points of view and are within the law and do not constitute incitement to riot, insurrection, racial hatred, religious hatred, sexual harassment or other activities which are likely to cause a breach of the peace or public disorder, significantly increase the risk of an individual being drawn into terrorism or otherwise be unlawful, and
  - by allowing such views to be expressed, and by allowing the activity to take place in the format proposed Abingdon and Witney College would not be failing in its wider legal duties, in particular to have due regard in carrying out its functions to the need to—
    - a) Uphold safeguarding duties as set out by the Department for Education in the two statutory guidance documents Working Together to Safeguard Children (2023) and Keeping Children Safe in Education
    - (b) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
    - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it and
- (d) prevent people being drawn into terrorism.

2.4 Abingdon and Witney College shall ensure, so far as is reasonably practicable, that the use of its premises and facilities is not denied to any individual or body of persons on any ground connected with:

2.4.1 the beliefs or views of such individual or any member of such body; or

2.4.2 the policy or objectives of such body.

2.5 Every person to whom this Code's obligations apply shall refrain from organising or engaging in or otherwise being associated with any conduct (other than by lawful, reasonable and peaceful persuasion) intended to prevent the enjoyment of rights under this Code of Practice.

2.6 Abingdon and Witney College shall take such steps as are reasonably practicable (including where appropriate the initiation of disciplinary measures) to secure that the obligations under this Code of Practice are complied with.

2.7. The college will bring this code to the attention of all staff, students and students at least once a year, as required by law.

### 3. **The Holding of Activities**

3.1 References in the Code to "activities" include (but are not limited to) meetings, demonstrations, events and publications through whatever media (including social media) which take place or are proposed or planned or due to take place on Abingdon and Witney College's premises or through its ICT systems.

3.2 Abingdon and Witney College has the responsibility to take reasonable steps to maintain good order on its premises. It has the right and the power to regulate and, if necessary, to impose conditions or restrictions upon activities which take place or are planned or proposed or due to take place on its premises or through its ICT systems. The organisation and holding of any such activities, and the arrangements therefore, must comply with this Code of Practice.

3.3 The college Guest Speakers and Events Procedure applies in relation to external visitors or speakers to the college. This procedure requires college staff who are organising such visits to log expected visitors with the college Reception and front of house team in order to enable visitor ID and access arrangements, parking and IT arrangements to be made. In order to facilitate record keeping of enrichment and to allow safeguarding procedures to be undertaken this process includes a requirement to share information about the purpose, nature and content of any event. If, through this process, an event or activity that may be considered controversial is identified, it shall be referred to the Vice Principal Student Engagement, or another member of the

Senior Management Team, for further consideration. The procedure requires events to be logged not less than 10 working days prior

- 3.4 In relation to activities that may be conducted by members of the college staff or student body as part of the normal course delivery, ie therefore not subject to the Guest Speakers and Events Procedure, college staff responsible for the planning and delivery of the curriculum have a duty to refer any planned activities that may be deemed controversial to the Vice Principal Student Engagement for consideration in the same way that external events or speakers may be assessed.
- 3.5 Any organisers of any activity shall, if there is any doubt as to whether the activity may, in the reasonable opinion of the Vice Principal Student Engagement, be controversial, consult their SMT lead at the very earliest opportunity so that the correct procedures may be followed.
- 3.6 Abingdon and Witney College will not unreasonably refuse to allow activities to take place on its premises or through its IT systems. The expression of controversial views which do not breach the law or risk a breach of the law will not of itself constitute reasonable grounds for withholding permission for an activity. Reasonable grounds for refusal would include (but are not limited to) the fact that, if the activity were to take place, a risk would arise that, within the premises of Abingdon and Witney College and/or the scope of its IT systems there would be:
  - 3.6.1 A risk to the safety of children and young people for whom the college has a duty of care
  - 3.6.2 incitement to commit a criminal act;
  - 3.6.3 the unlawful expression of views;
  - 3.6.4 support of an organisation whose aims and objectives are illegal;
  - 3.6.5 the foreseeability that an individual might be drawn into terrorism and/or
  - 3.6.6 a breach of the peace.
- 3.7 In determining whether permission for an activity to take place on Abingdon and Witney College's premises and/or through its IT system might reasonably be refused, consideration may be given to:
  - 3.7.1 the wellbeing and safety of persons attending the activity or otherwise foreseeably affected by the activity
  - 3.7.2 any impact there might be on the functions of teaching, learning, or administration of the college's business
  - 3.7.3 the security of Abingdon and Witney College's premises and IT systems;

- 3.8 A request for an appeal against a decision may be made, in writing, through the College Complaints Procedure (available on the website) within ten working days of the issue of the decision. The decision of the Principal shall be final and binding. The Principal may also impose such conditions or restrictions on the activity taking place as they reasonably see fit.

#### **4. Practical Measures**

- 4.1 Abingdon and Witney College shall permit the use of its premises and IT systems only by organisers or other individuals otherwise involved in an activity or proposed activity who undertake in writing to comply with all lawful instructions and conditions issued by Abingdon and Witney College in relation to (but not limited to) the location, arrangements, form and conduct of such activities, including adequate stewarding, charring and provision of adequate control over entry.
- 4.2 In cases in which it is reasonable to assume that there is a possibility of disruption arising from the taking place of an activity, Abingdon and Witney College may consult with the police. If the activity is a public one the police may be prepared to be present throughout the event to minimise any disruption.
- 4.3 Any organisers or other individuals otherwise involved with an activity to take place on Abingdon and Witney College's premises or through its IT systems shall be responsible for any costs involved in organising and holding such activities and for ensuring, as far as reasonably possible, that nothing in the organisation and holding or arrangements of such activities infringes the law or any Abingdon and Witney College rule, regulation or procedure in any way.

#### **5. Sanctions and Penalties**

- 5.1 Any member of the Governing Body who breaches this Code may be removed from office under clause 9 of Abingdon and Witney College's Instrument of Government.
- 5.2 Where those responsible for the breach are students or staff of Abingdon and Witney College action may be taken against them under the relevant disciplinary procedure.
- 5.3 Where those responsible for the breach are students or staff of a partner organisation of Abingdon and Witney College, the Principal or another relevant member of the Senior Management Team shall consider whether to inform the partner organisation with a view to that partner organisation taking action (whether as well as or instead of) under its relevant disciplinary procedure.
- 5.4 Where a breach of this Code of Practice takes place at an activity or as a result of an activity taking place, Abingdon and Witney College may take steps to assist the police to secure identification of the persons suspected of committing offences with a view to appropriate action being taken against them.