

Freedom of Speech

Code of Practice

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1. Introduction

- 1.1 Hereford College of Arts [The College] is committed to safeguarding freedom of expression and freedom of speech and the principle of academic freedom which allows for open and honest debate in an academic context. The College promotes a positive and inclusive environment and values the rights of individuals to have freedom within the law to express ideas and views even if they are controversial, provocative or unpopular in nature.
- 1.2 New Office for Students (OfS) guidance came into effect August 2025 and this policy has been updated in line with the guidance. The OfS is developing a complaints scheme to consider free speech complaints about universities and colleges. Staff members and visiting speakers will be able to submit complaints to the OfS. Students will have recourse to the Office of the Independent Adjudicator (OIA) once internal procedures are completed.
- 1.3 The College has adapted a version of the [joint statement on Freedom of Speech](#) published by UUK, AdvanceHE, NUS and CUC in October 2022 to our context:
- a) *Students and staff should not feel the need to self-censor and the College works hard to create a culture of intellectual enquiry. This means that students and staff will sometimes be exposed to views they find disagreeable, or even offensive, but it is crucial that a broad range of different voices can be heard, challenged, and debated, including the right to peaceful protest.*
 - b) *The College seeks to create a climate in which all students and staff can discuss a range of topics – including the complex and controversial – in the knowledge that they will be listened to and treated with mutual dignity, tolerance, and civility. Everyone, including those from marginalised groups, should be able to speak up without fear of harassment or discrimination – which should never be tolerated or excused.*
 - c) *Getting this balance right is not always straightforward and relies on the close cooperation of all members of the HCA community. Working together, we can continue to oppose harassment and discrimination, while also remaining steadfast in our commitment to the pursuit of truth and free exchange of ideas. It is only through fostering an honest dialogue and healthy debate that we advance understanding.*
- 1.4 The College has a statutory duty under section 43(1) of the Education (No 2) Act 1986 to take “such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers.”

1.5 The College is further required under section 43(3) of the Education (No 2) Act 1986 to keep an up-to-date Code of Practice setting out,

- a) the procedures to be followed by members, students and employees of the College in relation to meetings and activities which are to take place on the premises; and
- b) the conduct required of such people in connection with those events.

In HCA this guidance is outlined in our External Speakers Procedure.

1.6 The College is also required to comply with [Regulatory advice 24: guidance related to freedom of speech](#) from the Office for Students, which became effective from 1st August 2025. This guidance relates to the duties of registered higher education providers under the [Higher Education \(freedom of Speech\) Act 2023](#). These duties relate to:

- a) securing freedom of speech within the law (the 'secure' duties), and
- b) the freedom of speech code of practice (the 'code' duties)

1.7 In promoting freedom of speech the College has regard to the Human Rights Act 1998 and Article 10 of the European Convention of Human Rights which protects the right to freedom of expression.

1.8 The College is committed to upholding its duties under the Equality Act 2010.

1.9 The College recognises its duty under section [26\(1\) of the Counter Terrorism and Security Act 2015](#) to have due regard to the need to prevent people from being drawn into terrorism. The College will not permit its premises or resources to be used to promote or support extremism.

1.10 The College sees its responsibilities concerning Freedom of Speech as aligned with commitment to 'British Values' and opposition to bullying and harassment and concern to prevent radicalisation as articulated in relevant policies and will seek to pursue them in a holistic way. Whilst College recognises that procedures concerning visiting speakers are an important measure in the promotion and protection of freedom of speech it will also seek to support staff and students to engage in healthy and wide-ranging discussion and debate and other forms of creative exploration of ideas and issues as a key element of the curriculum. This also aligns with the College values of curiosity and bravery.

1.11 [OfS guidance notes in relation to the Secure Duty](#) that in connection with harassment, The Equality and Human Rights Commission (EHRC) 2019 statement on harassment in academic settings is relevant: 'The harassment provisions (of the Equality act 2010) cannot be used to undermine academic freedom. Students' learning experience may include exposure to course material, discussions or

speaker's views that they find offensive or unacceptable, and this is unlikely to be considered harassment under the Equality Act.' What constitutes harassment is to be seen in context and the guidance gives as an example of this, the use of dispreferred pronouns; where inadvertent misgendering would not be considered harassment, but repeated and deliberate misgendering could be considered harassment.'

2. Scope

- 2.1 This Code of Practice applies to all College meetings and to all staff, students, Governors, external speakers and visitors to the College.
- 2.2 For the purposes of this Code of Practice a 'meeting' is any organised gathering of people or other similar event, including any performance, which takes place on College premises, or an event or performance which takes place off-campus but remains under the control of the College. It includes meetings organised by any external venue hire client who is paying to use College facilities.
- 2.3 This Code of Practice applies to meetings or events in which individuals participate by way of remote access, live streaming, audio conferencing, social media or other similar means.
- 2.4 The Students' Union must comply with this Code of Practice and the procedures relating to external speakers in respect of meetings and events taking place on College premises and its terms of reference include a commitment to promoting Freedom of Speech.
- 2.5 External speakers are individuals, who are not staff or student members of the College or one of its contracted partners, who have been invited to speak to students and/or staff on College premises (or at an event hosted by the College on other premises) at any meeting, event, presentation, visit, activity or initiative organised by a student group or society, individual or staff member. External speakers will include students or members of staff from another educational institution and the main contact person from any external venue hire client who is paying to use College facilities. External speakers will also include groups or organisations presenting or performing to students, such as theatre and music groups.
- 2.6 As events may include visitors and members of the public, OfS Regulatory advice 24 notes that it may be an offence under sections 4, 4a and 5 of the Public Order Act 1986 if threatening, abusive or insulting words or behaviour are used towards another person. The Act includes other potential offences including unlawful violence and disorderly behaviour. There is no obligation on the college to secure

speech which is unlawful under the Public Order Act 1986. For example, speech that amounts to unlawful harassment, victimisation or discrimination is not protected. Similarly, unlawful incitement of religious or racial hatred, or speech threatening to kill or encouraging terrorism, or defamatory speech, or speech that is otherwise unlawful, is also not protected. It is important to note that speech which is merely insulting does not amount to an offence under Section 5.

2.7 The College reserves the right to take appropriate and proportionate disciplinary action and, if necessary, contact a relevant external agency in the event of an alleged breach of the Code of Practice and/or a breach of the law.

2.8 In seeking to ensure, as far as is reasonably practicable, that freedom of speech within the law is secured for the College's members, students, employees and visiting speakers in accordance with section 43 of the Education (No 2) Act 1986, and the [Higher Education \(Freedom of Speech\) Act 2023](#), the College expects everyone to whom this Code applies to observe its principles at all times whilst on College premises and whilst representing Hereford College of Arts.

3. Principles

3.1 Freedom of speech is a fundamental right and Hereford College of Arts is committed to ensuring that freedom of expression within the law is encouraged in a safe and tolerant environment.

3.2 The College will ensure that as far as is reasonably practicable, the use of its premises is not denied to any individual or organisation on any ground connected with:

- a) the beliefs or views of that individual or of any member of that organisation or
- b) the policy or objectives of that organisation

3.3 The College recognises that whilst freedom of speech is protected by law there are occasions when speech can be limited if it would amount to a breach of the law.

3.4 The College expects that external speakers and attendees including students at meetings will act within the law. Unacceptable conduct will include but is not limited to:

- a) A breach of criminal law.
- b) Using words or behaviour with intent to provoke or cause fear of violence.

- c) Engaging in acts intended or likely to stir up hatred on grounds of race, religion or sexual orientation.
- d) Encouraging or promoting any acts of terrorism.
- e) Defamation.
- f) Discrimination or harassment of any individual or group on the grounds of their sex, sexual orientation, race, ethnicity, nationality, religious or similar belief, disability or age.

3.5 The College will not permit an event to take place on its premises if it reasonably believes that it is likely to result in:

- a) Any conduct or breach of the law specified in paragraph 3.4
- b) A risk to health and safety
- c) A risk to security

3.6 The College reserves the right to monitor and impose conditions or restrictions upon any event on its premises and to close an event and ask people to leave the premises if necessary.

3.7 The College recognises that actively encouraging free speech does affect the legal requirements that Higher Education providers must comply with and that free speech and academic freedom may, in certain specific contexts, be limited by law. It also recognises that encouraging free speech does not replace any relevant existing statutory guidance on, for example, the Prevent Duty.

3.8 Staff and students need to be aware of other college policies regarding appropriate speech in different contexts. For example, the Staff Code of Conduct and Professional Behaviour requires staff to follow appropriate staff procedures to raise any complaint about another member of staff and not to complain directly to students about colleagues.

4. Procedures

4.1 Formal approval must be obtained from the College before an external speaker is booked to attend an event.

- a) All external speaker events must undergo a documented risk assessment, and decisions regarding approval or conditions must be recorded

- 4.2 The procedure to be followed in relation to the use of external speakers is set out in the External Speaker Procedure which supports implementation of this Code of Practice.
- 4.3 It is important that students feel able to raise any concerns about Freedom of Speech in a safe and supported way informally or formally using the student complaints policy and procedures and it is the responsibility of the College to ensure this is appropriately communicated, for example in the training of student Reps. Staff should also be encouraged to raise any concerns they have and Freedom of Speech will be monitored through relevant committees such as the college Academic Board with at least an annual report to the Curriculum and Quality Board Committee.
- 4.4 The College will provide training for academic staff and student representatives on free speech rights and responsibilities.
- 4.5 The Principal is designated lead on Freedom of Speech within the Senior Leadership Team and reports at least annually to the board.

5. Related Policies

- 5.1 Prevent Policy
- 5.2 Safeguarding and Child Protection Policy
- 5.3 Bullying, Harassment and Sexual Misconduct Policy
- 5.4 Student Behaviour and Professional Standards Policy (FE)
- 5.5 Student Professional Behaviour and Disciplinary Policy (HE)
- 5.6 Student Union Constitution
- 5.7 External Speaker Procedure
- 5.8 Staff Code of Conduct and Professional Behaviour