



**CODE OF PRACTICE
FREEDOM OF SPEECH AND EXPRESSION
2026 - 2029**

(Approved by Corporation Board April 2026)

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1. Purpose

- 1.1 Calderdale College (the College) recognises that freedom of speech and expression within the law has fundamental importance for higher and further education. It underpins the pursuit of learning, teaching, and the disinterested search for the truth. The College has a legal duty under Section 43 of Education (No. 2) Act 1986 and Article 10 of the Human Rights Act 1998, and under the Higher Education (Freedom of Speech) Act 2023, to take reasonably practicable steps to secure lawful freedom of speech for students, staff, members of the Corporation Board, and visiting speakers.
- 1.2 Calderdale College values freedom of speech within the law as essential to education and democracy. It upholds the right to express lawful views, including those that others may find offensive or controversial, and will not restrict speech based on viewpoint, reputation, or perceived offensiveness, provided it remains lawful and respects the rights of others.

2. Scope

- 2.1 The Code's right and obligations apply to:
 - The College, including members of the Corporation Board;
 - All persons (whether academic staff or otherwise) working for the College or undertaking duties on behalf of the College;
 - All duly enrolled students of the College;
 - The student representatives and any societies, clubs or associations which normally operate on College premises; and
 - All persons invited to speak or otherwise take part in events to be held on College premises in accordance with the provisions of this Code.
- 2.2 This Code covers freedom of speech and expression in all its forms, including (but not limited to) speeches, debates, meetings, demonstrations, written publications and digital or social media communications.

3. Details of code of practice

3.1 Legal Context and Framework

- 3.1.1 The College recognises that its duty secure freedom of speech within the law arises under Section 43 of the Education (No 2) Act 1986, Article 10 of the Human Rights Act 1998, and the Higher Education (Freedom of Speech) Act 2023.
- 3.1.2 In discharging this duty, the College must balance the right to freedom of speech with its other statutory obligations, including (but not limited to):
 - the Equality Act 2010;
 - the Counter-Terrorism and Security Act 2015 (Prevent duty);
 - safeguarding and health and safety legislations; and
 - its duties to protect staff, students and visitors from unlawful harm.

3.1.3 In determining whether speech or an activity may lawfully be restricted, the College will apply the following principles:

- a) Whether the speech is with the law;
- b) Whether there are reasonably practicable steps that can be taken to secure the speech; and
- c) Whether any proposed restriction is prescribed by law and proportionate to a legitimate aim.

3.1.4 Where tension arises between freedom of speech and other legal duties, the College will adopt a proportionate approach that gives proper weight to the importance of lawful free expression in higher and further education.

3.2 Freedom of Speech and Expression

3.2.1 The College will 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 applies.

Speech will not be restricted solely on the basis that it is controversial, unpopular or offensive, provided it remains within the law.

3.2.2 Freedom of speech does not extend to unlawful speech. This includes (but is not limited to):

- incitement to violence or public disorder;
- racial or religious hatred;
- harassment or discrimination;
- support for terrorism or extremism; or
- any other conduct prohibited by criminal or civil law.

3.2.3 In securing lawful freedom of speech, the College will have due regard to its wider statutory duties, including:

- eliminating discrimination, harassment and victimisation under the Equality Act 2010;
- advancing equality of opportunity between persons who share a protected characteristic and those who do not;
- fostering good relations between persons who share a protected characteristic and those who do not; and
- preventing people from being drawn into terrorism in accordance with the Prevent duty under the Counter-Terrorism and Security Act 2015.

3.2.4 The College will 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 grounds connected with:

- the beliefs or views of such individual or any member of such body; or
- the policy or objectives of such body

provided that such or use is lawful and consistent with this Code.

3.2.5 Every person to whom this Code applies must refrain from organising, engaging in, or being associated with conduct (other than by lawful, reasonable and peaceful persuasion) intended to prevent the lawful exercise of rights under this Code.

3.2.6 The College will take such steps as are reasonably practicable, including where appropriate the initiation of disciplinary measures, to secure compliance with this Code.

3.3 Academic Freedom

3.3.1 Academic staff shall have freedom within the law to question and test received wisdom and to advance new ideas or controversial opinions without fear of losing their jobs or privileges.

3.3.2 The College shall support academic staff in exercising this right and will ensure that disciplinary, capability or performance processes do not infringe upon lawful academic freedom.

3.4 Responsibilities in relation to External Speakers

3.4.1 The College is committed to securing freedom of speech within the law. The protection of lawful free speech does not extend to permitting unlawful conduct or the breach of the lawful rights of others.

3.4.2 All external speakers must comply with the law and with this Code of Practice. The College reserves the right to refuse permission for a speaker to attend, to refuse to permit an event to proceed, or to halt an event where it reasonably considers there may be a breach of this Code or of any legal obligation.

3.4.3 During the course of any event or activity, no external speaker shall:

- act in breach of criminal law;
- incite hatred, violence or public disorder;
- promote extremism or acts of terrorism, or support individuals, groups or organisations associated with terrorism;
- spread hatred or discrimination against persons who share a protected characteristic; or
- defame any individual or organisation.

3.4.4 The organiser of any event involving an external speaker is responsible for:

- a) ensuring that the External Speaker Form is completed in accordance with College procedures;
- b) ensuring that the speaker is made aware of this Code of Practice; and
- c) ensuring compliance with the College's safeguarding, health and safety, and visitor requirements.

3.5 Responsibilities for Events and Activities

- 3.5.1 Events and activities include meetings, lectures, debates, demonstrations, publications and online events taking place on College premises or through its ICT systems.
- 3.5.2 The College will take reasonably practicable steps to secure freedom of speech within the law while maintaining good order and safety. It may impose reasonable and proportionate conditions on events where necessary to comply with legal obligations.
- 3.5.3 Events involving external speakers must be assessed in accordance with College procedures, normally at least 20 working days in advance. Where potential risks are identified, the matter must be escalated to a member of the Executive for review.
- 3.5.4 In assessing events, consideration will be given to whether there is a foreseeable risk of:
- unlawful incitement to violence, hatred, extremism or terrorism;
 - support for illegal organisations;
 - a breach of the peace or public disorder;
 - individuals being drawn into terrorism; or
 - harm to the safety or lawful rights of others.
- 3.5.5 A member of the Executive will issue a written decision, which may grant permission subject to reasonable and proportionate conditions (including security or audience management measures). Permission will not be withheld solely because the views expressed are controversial or unpopular, provided they are lawful.
- 3.5.6 The College will not normally require organisers to bear security costs. Costs may only be passed on in exceptional circumstances where a documented risk assessment identifies a specific and evidenced security threat. Any such decision shall be confirmed in writing and reported to the Principal.
- 3.5.7 Decisions made under this section are final.

3.6 Practical Measures

- 3.6.1 The College will permit the use of its premises and ICT systems only where organisers agree to comply with all lawful instructions and any conditions imposed in relation to the location, format, stewarding, charring, security and audience management of an event or activity.
- 3.6.2 Where there is a reasonable possibility of disruption or risk to safety, the College may consult with the police or other appropriate authorities. Where necessary, suitable security arrangements may be required as a condition of the event proceeding.
- 3.6.3 Organisers are responsible for ensuring that events are conducted in accordance with the law and College regulations and for any reasonable costs arising from the organisation of the event, including cleaning, repair of damage or additional security where justified by a documented risk assessment.
- 3.6.4 No articles or objects may be brought onto College premises where their presence or use is likely to cause injury, damage or disorder.
- 3.6.5 Responsibility for the conduct of an event rests with the appointed chairperson or lead organiser, who must ensure compliance with any conditions attached to permission.

3.6.6 The College reserves the right to amend, impose or withdraw conditions, or to halt an event at any time, where it reasonably considers there may be a breach of this Code of Practice or any legal obligation.

3.7 Sanctions and Penalties

3.7.1 Failure to comply with this Code of Practice may result in disciplinary or other appropriate action.

3.7.2 A member of the Board of Governors who breaches this Code may be removed from office in accordance with clause 9(2) of the College's Instrument of Government.

3.7.3 Students or members of staff who breach this Code will be subject to action under the relevant College disciplinary procedures.

3.7.4 Where those responsible for a breach are students or staff of a partner organisation, the relevant member of the Executive may notify that organisation with a view to appropriate action being taken under its own procedures.

3.7.5 Where a breach involved potential criminal conduct, the College may assist the police or other authorities in securing identification of those suspected of committing offences.

3.8 Complaints and Investigations

3.8.1 Alleged breaches of this Code of Practice may be raised in accordance with the College's Complaints Procedure or other relevant internal procedures, as appropriate.

3.8.2 The College will assess complaints at an initial stage to determine whether they fall within the scope of this Code. Complaints that are frivolous, vexatious, malicious, or that relate solely to the lawful expression of opinion within the law, may be dismissed at that stage.

3.8.3 Complaints accepted for consideration will normally be acknowledged within ten (10) working days and investigated and concluded within twenty (20) working days, unless there are exceptional circumstances requiring a longer period.

3.8.4 Where a complainant remains dissatisfied following the completion of the College's internal procedures, they may have the right to refer the matter to the Office for Students under its statutory Free Speech Complaints Scheme.

4. Governance, Monitoring and Review

4.1 The Corporation Board retains overall accountability for ensuring that the College complies with its statutory duty under section 43 of the Education (No.2) Act 1986 to issue and keep up to date a Code of Practice freedom of speech.

4.2 The Principal shall provide the Board with an annual report on the operations of this Code. This report will include, where applicable:

- events authorised, refused or subject to conditions;
- complaints received under this Code and their outcomes; and
- training and awareness activity undertaken.

- 4.3 This Code shall be formally reviewed at least every three (3) years, or earlier where required by legislative or regulatory change.
- 4.4 Records relating to decisions made under this Code, including event assessments and complaint outcomes, shall be retained for a minimum of six (6) years.
- 4.5 The College will provide appropriate training for staff, students and governors involved in decisions affecting freedom of speech. Training will include guidance on lawful and unlawful speech, proportionality and good practice in securing freedom of speech within the law.

5. Related Policies and Procedures

- Equality, Diversity and Inclusion Policy
- Safeguarding and Prevent Policy
- Staff and Student Codes of Conduct
- Disciplinary Procedures
- Communications and Social Media Policy
- Research Ethics Policy

6. Policy Review

Change(s) Made			Reason for Change		
See Appendix A – Table of Changes & Additions (2026 revision)			Office for Students guidance		
Review Date	Reviewed by:	Initial Approval by:	Final Approval by:	Next Review Date:	Review Period
Feb 2019	Clerk to the Corporation	Curriculum, Quality & Standards Committee	Corporation Board	Feb 2022	3 Years
May 2022	Clerk to the Corporation	Curriculum, Quality & Standards Committee	Corporation Board	May 2025	3 years
April 2025	Clerk to the Corporation	Curriculum, Quality & Standards Committee	Corporation Board	April 2028	3 years
February 2026	Clerk to the Corporation	Curriculum, Quality & Standards Committee	Corporation Board	April 2029	3 years

7. Equality Impact Statement

This Code supports compliance with the Equality Act 2010 and the Public Sector Equality Duty. It has been reviewed to ensure that implementation does not unlawfully discriminate. Where tension exists between equality obligations and free speech duties, decisions will be proportionate and lawful.

First Assessment Conducted by:	Date:	Final/Approved Assessment Conducted by:	Date:
Clerk to the Corporation	26.02.2026	EDI Co-Ordinator	February 2026

8. Publication

Audience:	Published:
Staff	Staff Internet
General Public	College Website

Annex A: Definitions and Key Terms

(To be attached to both the Code of Practice and this Statement)

Term	Definition / Clarification	Legal / Regulatory Source
Freedom of Speech (within the law)	The right of individuals to express opinions and ideas without interference or fear of adverse consequences, provided such expression complies with UK law (including laws on defamation, harassment, and terrorism).	Education (No.2) Act 1986, s.43; Human Rights Act 1998, Art.10
Academic Freedom	The freedom for academic staff within the law to question and test received wisdom and to advance new ideas or controversial opinions without losing their job or privileges.	Higher Education and Research Act 2017, s.A1(11–12)
Reasonably Practicable Steps	Measures that are proportionate and achievable to secure lawful free speech, considering factors such as safety, legal compliance, and institutional resources. Examples include risk assessments, venue controls, and staff training.	OfS RA24, paras 25–31
Lawful Speech	Expression that does not breach UK criminal or civil law—for example, speech that is not defamatory, threatening, or inciting violence or hatred.	Public Order Act 1986; Equality Act 2010; Terrorism Acts 2000 & 2006
Unlawful Speech	Speech that falls outside legal protection, including incitement to violence, racial or religious hatred, harassment, support for terrorism, or serious defamation.	As above
External Speaker	Any individual (other than a current student or employee) invited to speak, perform, or present at a College event, whether in person or online.	College definition – adapted from OfS RA24
Event / Activity	Any organised meeting, debate, performance, online forum, or similar occasion (including student society events) where speech, performance, or expression occurs under the College’s auspices.	College operational policy
Students’ Union (SU)	The representative body for students which may, if separately constituted, have parallel duties under the <i>Higher Education (Freedom of Speech) Act 2023</i> .	HE (Free Speech) Act 2023, sA5
Reasonable Conditions	Conditions imposed to ensure safety, compliance, or security (e.g. ticketing, stewarding, restricted venue) — but not based on viewpoint or controversy.	OfS RA24, para 42

Term	Definition / Clarification	Legal / Regulatory Source
Disruption / Disorder	Actions that prevent or seriously hinder lawful speech or academic activity (e.g. violent protest, property damage, sustained interruption). Peaceful dissent or protest within the law remains protected.	Public Order Act 1986; OfS RA24 para 41
Freedom of Speech Complaint	A complaint alleging infringement of lawful free speech rights by the College, which may be escalated to the Office for Students after internal procedures are exhausted.	OfS Free Speech Complaints Scheme (2025)
Proportionate Restriction	A limitation on speech that is necessary, prescribed by law, and no more restrictive than required to achieve a legitimate aim (e.g. safety, prevention of crime, protection of others' rights).	Human Rights Act 1998, Art.10(2); OfS RA24 paras 68–95

Annex Notes:

- Definitions will be reviewed and updated in line with OfS guidance and future case law.
- Where ambiguity arises, interpretation shall favour the **presumption of lawful free expression** unless clear legal grounds justify restriction.

Appendix A: Table of Changes and Additions (2025 Revision)

Comparison of the original Code of Practice and the revised integrated 2025 draft

Topic / clause area	Old document wording	New document wording	What changed
Purpose and legal basis	"...fundamental importance for colleges as places of education, learning and the disinterested pursuit of truth... obliged under Section 43 of the Education (No.2) Act 1986... This principle is also enshrined in Article 10 of the Human Rights Act 1998."	"...fundamental importance for higher and further education... The College has a legal duty under Section 43 of the Education (No. 2) Act 1986 and Article 10 of the Human Rights Act 1998, and under the Higher Education (Freedom of Speech) Act 2023..."	Adds FE/HE wording and expressly introduces the Higher Education (Freedom of Speech) Act 2023 into the opening purpose statement.
Values statement / viewpoint neutrality	No separate values statement in the opening section.	"The College values freedom of speech within the law as essential to education and democracy... will not restrict speech based on viewpoint, reputation, or perceived offensiveness..."	Creates an explicit viewpoint-neutrality statement that was not separately set out in the original version.
Scope of persons covered	"The College, including members of the Corporation Board; ... All persons ... working for the College... All duly enrolled students... The student representatives and any societies, clubs or associations... and All persons invited to speak..."	"This Code applies to all members of the Corporation Board, employees, enrolled students, contractors, external organisations, and any societies, clubs or associations..."	Recasts the list into shorter drafting and expressly adds contractors and external organisations.
Scope of expression covered	"...including (but not limited to) speeches, debates, meetings, demonstrations, written publications and through the use of social media."	"It covers freedom of speech and expression in all its forms, including verbal, written, artistic, and digital forms."	Broadens and modernises the examples, replacing the older event/publication list with broader categories including artistic and digital expression.
New legal balancing framework	No standalone legal-context section or structured balancing test.	"The College must balance the right to freedom of speech with other statutory obligations..." and "...apply the following three-step test: 1. Is the speech within the law? 2. Are there reasonably practicable steps to secure it? 3. Are any restrictions prescribed by law and proportionate?"	Introduces a new formal legal framework and a three-step proportionality test for restriction decisions.
Core free-speech duty	"The College will take such steps as are reasonably practicable to ensure that freedom of speech and expression within the law is secured..."	"The College will take steps as are reasonably practicable to ensure that freedom of speech and expression within the law is secured... Speech will not be restricted based solely on viewpoint, reputation, or perceived offensiveness..."	Retains the core duty but adds explicit protection against restrictions based only on viewpoint, reputation or offensiveness.
Lawful but offensive speech	"The College will not suppress freedom of thought and expression, however abhorrent certain thoughts and expressions may be to the majority..."	"The College recognises that freedom of speech includes the right to express unpopular or controversial opinions..."	Keeps protection for unpopular speech but uses more measured wording and links the limit more directly to criminal or civil illegality.

Limits on unlawful speech	"...do not constitute incitement to riot, insurrection, racial hatred, religious hatred, hatred on the grounds of sexual orientation or hatred against any other identifiable group..."	"...does not extend to speech that breaches criminal or civil law, such as incitement to violence, hatred, harassment, or support for terrorism."	Moves from a longer example list to a shorter, broader statement framed around criminal or civil unlawfulness.
Academic freedom protections	Academic freedom was described in the purpose section only: "...academic staff have freedom within the law to question and test received wisdom... without placing themselves at risk of losing their jobs or any privileges..."	"Academic staff shall have freedom within the law to question and test received wisdom... The College shall support academic staff in exercising this right, ensuring that disciplinary or performance processes do not infringe on academic freedom."	Elevates academic freedom into its own section and adds a new express safeguard against disciplinary or performance processes undermining it.
External speaker compliance	"The College expects external speakers to act in accordance with the law and not to breach the lawful rights of others."	"All external speakers must act in accordance with the law and College policy. Event organisers are responsible for ensuring completion of an External Speaker Form and compliance with safeguarding, health and safety, and visitor regulations."	Makes the requirement more operational by tying it directly to College policy and organiser compliance duties.
Prohibited speaker conduct	"Act in breach of the criminal law; Incite hatred or violence or promote extremism... Encourage or promote any acts of terrorism... Spread hatred and intolerance; Discriminate against or harass... Defame any person or organisation."	"Act in breach of criminal law; Incite hatred, violence, or extremism; Promote acts of terrorism; Spread hatred or discrimination against protected groups; Defame individuals or organisations."	Keeps the same core prohibitions but streamlines the drafting and reframes discrimination around protected groups.
Event approval wording	"...must, as soon as possible and at least 20 working days before the event... include an assessment of the proposed speaker(s) against the following questions..."	"All events or activities (including online events) must be assessed against College procedures at least 20 working days in advance. If the event poses any potential risks, it must be escalated... Permission may be granted with reasonable conditions... but not based on the perceived viewpoint or controversy of the content."	Replaces the detailed four-question screening wording with a shorter risk-escalation model and adds a direct bar on refusing permission because content is controversial.
Security costs	"Policing costs to be borne by the organisers." and "Any organisers... shall be responsible for any costs involved in organising and holding such activities..."	"The College will not normally require organisers to bear security costs for events or speakers. Costs may only be passed on in exceptional circumstances where a documented risk assessment demonstrates a specific, evidenced security threat..."	This is a major substantive change: the old default that organisers bear policing/event costs is replaced with a presumption against passing on security costs except in exceptional, evidenced cases.
Practical measures / police consultation	"...the 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."	"The College may consult police where disruption or safety risks are anticipated."	Keeps the police-consultation power but shortens the wording and removes the explicit statement that public-event policing may be present throughout.
Sanctions section	"Where those responsible for the breach are students or staff of a partner organisation..." and "...the College may	"Failure to comply with this Code may result in disciplinary action... Students or staff who breach the Code will be subject	The revised sanctions section is shorter and more general. Some specific wording about

	take steps to assist the police to secure identification..."	to disciplinary procedures in line with College policies."	partner organisations and police identification assistance is removed from the main sanctions text.
Complaints and investigations	No standalone complaints section.	"Complaints regarding alleged breaches of this Code may be raised under the College's Complaints Procedure..." and "Complainants may escalate unresolved matters to the Office for Students under its statutory Free Speech Complaints Scheme."	Adds a completely new complaints route, including triage, timescales, and reference to the OfS statutory complaints scheme.
Monitoring and reporting	"...the Board of Governors will receive a report on the operation of the Code by the Principal... at intervals not exceeding 3 years."	"The Corporation Board retains overall accountability... The Principal will provide an annual report on the Code's operation, including events authorised or refused, complaints received, and staff training."	Strengthens governance by moving from up-to-three-yearly reporting to annual reporting and specifying what the report must cover.
Record retention and training	No express record-retention period and no dedicated training clause.	"Records relating to freedom of speech decisions will be retained for six years." and "The College will provide regular training for staff, students and governors..."	Introduces two entirely new administrative requirements: six-year record retention and recurring training.
Related policies	"Communications Policy; Safeguarding Policy; Staff Code of Conduct; Student Code of Conduct"	"Equality, Diversity and Inclusion Policy • Safeguarding and Prevent Policy • Staff and Student Codes of Conduct • Disciplinary Procedures • Communications and Social Media Policy • Research Ethics Policy"	Expands the related-policy list and reframes it as a broader governance framework.
Status of the Code within governance	No wording stating that this Code is the definitive institutional statement.	"This Code is the definitive institutional statement on freedom of speech and expression and will be explicitly referenced in all related policies..."	Adds hierarchy wording that gives this Code a clearer lead status over related policies.
Equality impact wording	The original document had an equality impact assessment heading only, with no developed balancing text in the main body.	"Where tension exists between equality obligations and free speech duties, decisions will be proportionate and lawful."	Adds an explicit balancing statement between equality duties and free-speech duties.
Publication	Publication heading only.	"This Code will be published on the College website and intranet. It will be communicated annually to all staff, students, and external partners."	Adds concrete publication and annual communication commitments.
Definitions / presumption in favour of speech	No annex of definitions or interpretive presumption.	"Definitions will be reviewed and updated in line with OfS guidance and future case law." and "Where ambiguity arises, interpretation shall favour the presumption of lawful free expression unless clear legal grounds justify restriction."	Adds a new annex and an explicit interpretive presumption in favour of lawful free expression.

Prepared from the two user-supplied Word