

Walbrook Code of Practice for Quality Assurance (Higher Education)

Chapter 16: freedom of speech

Introduction

- 1.1 Walbrook welcomes and promotes freedom of speech and expression within the law. The purpose of this Code of Practice is to set in place a framework for those engaged with Walbrook, in whatever capacity, to ensure that activities where debate, challenge, and dissent aren't only permitted but expected, can continue for current and future generations.
- 1.2 This Code of Practice on freedom of speech applies to all students, staff, faculty, members, partners, and visiting speakers of Walbrook in relation to any activity, whether in person or digitally delivered, on behalf of, or in partnership with, Walbrook.

Freedom of speech and expression

- 2.1 The Education Act (No 2) 1986 requires universities and colleges to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for its members, students, employees, and visiting speakers.
- 2.2 However, whilst the law promotes and protects freedom of speech, it also places limits on those freedoms to maintain public order and safety, and to ensure there is no breach of the law. Walbrook recognises that in this context, a conflict exists between the laws that promote freedom of speech and those that restrict it.
- 2.3 Consequently, Walbrook acknowledges that it has a legal responsibility to create a balance between minimising the possibility that extremism or unlawful conduct will arise and ensuring that it meets its legal obligations in relation to securing freedom of speech.
- 2.4 The byelaws of Walbrook state that the Board of Directors shall ensure that the academic staff of Walbrook 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 in jeopardy of losing their jobs or any privileges they may have at Walbrook. This principle is extended to all students, staff, faculty, members, partners, and visiting speakers.
- 2.5 Within that context, Walbrook requires all students, staff, faculty, members, partners, and visiting speakers to tolerate and protect the expression of opinions within the law, whether or not these opinions are repugnant to them.

Acts of Parliament that constrain free speech include the following:

The Higher Education (Freedom of Speech) Act 2023 requires that higher education institutions protect and promote the importance of freedom of speech within the law for staff, students, and visiting speakers, and academic freedom. This includes in teaching and research settings. It requires that institutions have a Code of Practice (this document) setting out their approach to freedom of speech.

Public Order Act 1986: a person who uses threatening, abusive or insulting words or behaviour, or displays any written material which is threatening, abusive or insulting, is guilty of an offence if:

- (a) he intends thereby to stir up racial hatred, or
- (b) having regard to all the circumstances racial hatred is likely to be stirred up thereby.

Racial and Religious Hatred Act 2006: introduces Part 3A into the Public Order Act 1986 which provides that a person who uses threatening words or behaviour, or displays any written material which is threatening, is guilty of an offence if he intends thereby to stir up religious hatred.

Criminal Justice and Immigration Act 2008: amends Part 3A of the Public Order Act 1986 (hatred against persons on religious grounds) to include hatred against a group of persons defined by reference to sexual orientation.

The Terrorism Acts 2000 and 2006: define criminal activities relating to terrorism in terms of inciting acts of terrorism, including its glorification, the dissemination of terrorist publications or belonging to or supporting proscribed organisations (a list is published on the government website).

Counter Terrorism and Security Act 2015: states that a specified body, including a university, 'must, in the exercise of its functions, have due regard to the need to prevent people from being drawn into terrorism,' and to 'have particular regard to the duty to ensure freedom of speech... to the importance of academic freedom...'



<https://www.gov.uk/government/news/universities-to-comply-with-free-speech-duties-or-face-sanctions>

<https://www.farrer.co.uk/news-and-insights/freedom-of-speech-in-universities-spring-2021-update/>

<https://www.universitiesuk.ac.uk/sites/default/files/field/downloads/2022-10/UUK-briefing-HE-Free-Speech-Bill-Lords-Committee-Stage.pdf>

Steps taken to ensure freedom of speech and academic freedom

3.1 Walbrook will:

- ensure that this Code of Practice is brought to the attention of new students at registration and new staff during induction.
- draw the attention of students to the code annually.
- ensure that all staff are supported to understand and exercise their responsibilities towards freedom of speech and academic freedom, recognising that some such roles may require additional training and support.
- ensure that there are adequate measures in place to raise concerns about freedom of speech and academic freedom.
- ensure that when new policies and procedures are introduced, consideration is given to their impact on freedom of speech and academic freedom.
- monitor any concerns that have been raised about freedom of speech and academic freedom to ensure that they are addressed so far as is reasonably practical and that any lessons learned are incorporated into a review of relevant policies, practices and procedures. Its processes for programme development and approval, quality assurance and academic assessment will respect the rights of freedom of speech and academic freedom.

The Holding of Events

- 4.1 Walbrook has the responsibility to preserve good order in respect of the events it organises and controls. It has the right and the power to control and, if necessary, to enforce conditions or restrictions upon events such as meetings and demonstrations. Where any person or body to whom this Code applies is seeking to hold an event involving a visiting speaker, both the [Visiting Speaker Policy](#) and [Visiting Speaker Code of Conduct](#) shall be followed.
- 4.2 The term 'event' applies to any activities that relate to academic life, whether those activities take place on or off campus.

- 4.3 A completed Visiting Speaker Risk Assessment form is required in all circumstances where the event is likely to raise issues which may be considered controversial. For student societies, this form should be made for all events that involve external speakers and for any that include controversial content. The form should be submitted 28 calendar days before the proposed date of the event and should contain details of the proposed subject matter and format of the event, the name and identity of any speakers and the proposed timing and location of the event. No advertising must be undertaken until permission for the event has been granted.
- 4.4 If there is any doubt as to whether the event may be controversial, the organisers of the event shall consult the named contact within the accompanying form at the earliest opportunity so that the correct procedures may be followed.
- 4.5 Walbrook will not unfairly refuse to allow events to be organised and held. The expression of controversial views which do not breach the law will not constitute reasonable grounds for withholding permission for an event. Reasonable grounds for refusal would include, but are not limited to, the fact that the event is likely to:
- incite those attending to commit a criminal act.
 - lead to the unlawful expression of views.
 - be in direct support of an organisation whose aims and objectives are illegal; or
 - give rise to a breach of the peace.

When deciding whether an event might reasonably be refused, consideration should be given to:

- the safety of persons attending the event and persons who might foreseeably be put at risk;
 - the security of Walbrook premises; and
 - the good name and reputation of Walbrook.
- 4.6 It is a mandatory requirement that the organisers of any event indicate they accept the terms of this Code of Practice when organising an event. These conditions include the provision that where organisers change the speakers and/or the nature of an event after it has been booked, they must inform Walbrook, who will then review the approval for the event.
- 4.7 Walbrook confirms that, apart from in exceptional circumstances, use of our premises by an individual or body will not be on terms that require the individual or body to bear some or all of the costs of security relating to their use of the premises. Exceptional circumstances may include very high-profile

visits (for example, very senior politicians) or events with a speaker likely to attract very significant protest. The decision on this will be made by the event organiser as part of the application process, and the costs made clear to the organisers.

No Platform Policy

- 5.1 Walbrook will offer no platform to those who are intolerant of the free speech of others both generally and where it includes the denial of the right to hold or express a differing opinion. This also includes those who engage in the active prevention of permitting others to speak, such as the interruption - violent or otherwise - of meetings.
- 5.2 Walbrook reserves the right to refuse speakers or organisations where it reasonably believes that their presence would offend the principles of scholarly inquiry, or where it would put at risk the safety of students, staff or the general public.

Complaints

Where an individual feels that this freedom of speech code of practice has been breached, a complaint may be lodged through the Complaints Procedure.

Monitoring and Review

This Code of Practice is subject to review approximately every 12 months by the QPR Team.

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