

Freedom of Speech Code of Practice

1. Scope and purpose

- 1.1 Walbrook welcomes and promotes freedom of speech and expression within the law.
 - i Freedom of speech means that there is a right to express lawful views and opinions freely.
 - ii Academic freedom means protecting the intellectual independence of academics to question and test received views and wisdom, and to put forward new ideas and controversial or unpopular opinions.
- 1.2 The Higher Education (Free Speech) Act 2023 strengthens the requirements of the previous Education Act (No 2) 1986 and requires universities and colleges to take reasonable steps to ensure that freedom of speech within the law is secured for its members, students, employees, and visiting speakers, and that it is also actively promoted.
- 1.3 While 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.
- 1.4 Walbrook therefore 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.
- 1.5 The purpose of this Code of Practice is to provide a framework through which freedom of speech is understood and where debate, challenge and dissent are expected. The Code 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.

2. Principles

- 2.1 This Code of Practice is based on the following principles:
 - i The Walbrook Board of Directors will ensure that academic staff have freedom, within the law, to question and test received wisdom, and to put forward new ideas and controversial and unpopular opinions without placing themselves in jeopardy of losing their jobs or any associated privileges.
 - ii All members of the Walbrook community including student, staff, faculty members, partners and visiting speakers will have the right to freedom of speech, within the law, without detriment.

- iii All members of the Walbrook community will tolerate and protect the expression of other people's opinions, within the law, including if they find them repugnant.
- iv Programme development, approval and review policies will incorporate the principles of freedom of speech and academic freedom in relation to programme content and design.
- v Consideration of freedom of speech and academic freedom will be given to any new policy or procedure development.

3. Support and guidance

- 3.1 Embedding an institution-wide understanding of freedom of speech and academic freedom is dependent on knowledge, support and guidance. This Code of Practice will be brought to the attention of new students and staff to Walbrook, and we will also draw the attention of students to the Code annually.
- 3.2 All staff are supported to understand and exercise their freedom of speech and academic freedom roles and responsibilities, recognising that some colleagues may require additional training and support.
- 3.3 All staff with responsibilities for approving of hosting events (see Section x) must complete annual freedom of speech training.
- 3.4 General advice on this Code of Practice is available to students and staff from the Quality, Policy and Regulation Team.

4. Holding events

- 4.1 Walbrook is responsible for keeping good order at events and for ensuring that freedom of speech principles are upheld, within the law. This means that Walbrook has the right to enable an event to go ahead as well as place conditions or restrictions on events where necessary. It can also decide not to allow an event to go ahead.
- 4.2 All events relating to academic life fall within the scope of this Code of Practice, including student-led events and societies and events that are both in-person and online.
- 4.3 The Visiting Speaker Policy and the Visiting Speaker Code of Conduct will also apply where the event involves one or more visiting speakers.
- 4.4 A Visiting Speaker Risk Assessment form is required to be completed for:

- i Any event proposed by a student or student society so that a member of Walbrook staff takes responsibility for identifying any potential risk based on the information that the student/s has provided.
 - ii An event set up by any member of the Walbrook community that may include content that could be considered as controversial. The event organiser should consult the named contact in the risk assessment form at the earliest opportunity if there is any doubt as to whether the event may be controversial.
- 4.5 The person organising the event should consult Section 5 'No Platform' of this Code of Practice before submitting a risk assessment form for an event.
- 4.6 The Student Misconduct and Disciplinary Policy will apply if a student sets up or runs an event without Walbrook approval being given through the process set out above. The Staff Disciplinary Policy will apply if a member of staff sets up or runs an event without Walbrook approval being given through the process set out above. Walbrook may also terminate the event.
- 4.7 The Visiting Speaker Risk Assessment form should be submitted at least 28 calendar days before the proposed date of the event and it should contain details of the proposed subject matter, format, the name and identity of any speaker/s and the proposed timing and location. No advertising must be undertaken until approval of the event has been given by Walbrook.
- 4.8 Walbrook will not unfairly refuse to allow an event to be organised and held. When deciding whether an event might reasonably be refused, consideration will be given to:
 - i The safety of people attending the event and people who might foreseeably be put at risk;
 - ii The security of Walbrook premises; and
 - iii The good name and reputation of Walbrook.
- 4.9 The expression of controversial views which do not breach the law will not constitute reasonable grounds for withholding permission. Reasonable grounds for refusal would include, but are not limited to, the fact that the event is likely to:
 - i Incite those attending to commit a criminal act
 - ii Lead to the unlawful expression of views
 - iii Be in direct support of an organisation whose aims and objectives are illegal
 - iv Give rise to a breach of the peace.
- 4.10 The organiser/s of the event will need to confirm that they accept the terms of this Code of Practice. Walbrook must be informed if there is a change in the speaker/s or nature of

the event after approval has been given to assess if a reapproval process needs to take place.

- 4.11 Other than in exceptional circumstances, the individual or body setting up an event will not be liable for any security costs. Exceptional circumstances may include very high-profile visits (e.g. senior politician) or an event where the speaker/s may attract significant protest. The decision on cost will be made by the person approving the event as part of the risk assessment process, and the costs made clear to the organiser/s.

5. No Platform Policy

- 5.1 No platform means that Walbrook will not allow a speaker/s who actively promotes the denial of the right to hold or express a differing opinion. This includes:
- i Individuals or bodies who engage in the active prevention of permitting others to speak in any settings.
 - ii Where there is reasonable belief that the presence of a speaker would offend the principles of scholarly inquiry, or where there would be risk to the safety of others.
- 5.2 Lawful expression that is offensive or controversial will not in itself be grounds for denial, unless it presents a credible and evidenced threat to safety, public order, or legal compliance.

6. Complaints

- 6.1 Any student who believes their right to freedom of speech, within the law, has been breached by Walbrook has the right to make a complaint and should follow guidance in the Student Complaints Policy. Where it is not possible for the complaint to be resolved to the student's satisfaction, they have the right to pursue their case with the Office of the Independent Adjudicator.
- 6.2 Any member of staff who believes their right to freedom of speech, within the law, has been breached by Walbrook has the right to make a complaint and should follow guidance in the Staff Resolution Policy in the first instance.

7. Monitoring and Review

- 7.1 The Learning, Teaching Quality Committee is responsible for monitoring the implementation of this Code of Practice. As part of this responsibility, it will receive an annual report including on the number and nature of visiting speaker events including

approvals and rejections. It will also ensure that any lessons learned from implementation of the Code will be acted upon, including changes to policy and related procedure.

- 7.2 All speaker risk assessments, decisions to approve or refuse events, and related complaints will be retained for a minimum of six years.
- 7.3 This Code of Practice is subject to review approximately every 12 months by the QPR Team and any changes are subject to approval by the Learning, Teaching and Quality Committee and Academic Board.

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