

Higher Education Freedom of Speech and Expression Code of Practice

1. Introduction

- 1.1 NCC 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 and has an overarching value. In particular, higher education providers are obliged from 1 August 2025 under Part A1 of the Higher Education and Research Act 2017 to take the steps that, having particular regard to the importance of freedom of speech, are reasonably practicable for it to take in order to achieve the objective of securing freedom of speech within the law for staff of the provider, members of the provider, students of the provider, and visiting speakers.
- 1.2 NCC is also required from 1 August 2025 under Part A1 of the Higher Education and Research Act 2017 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 NCC or the likelihood of their securing promotion or different jobs at NCC being reduced. In addition, persons applying to become a member of academic staff of NCC must not be adversely affected in relation to the application because they have exercised their freedom within the law to academic freedom. Institutions have a duty to promote the importance of freedom of speech within the law and academic freedom.
- 1.3 This Code of Practice sets out the rights and obligations inherent within the principles of freedom of speech and expression and academic freedom, NCC values relating to freedom of speech and how those values uphold freedom of speech, and the Code shall be construed and applied in the spirit of upholding those principles wherever reasonably practicable within the law.
- 1.4 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.
- 1.5 The Code's rights and obligations shall apply to:
 - 1.5.1 NCC, including members of the Governing Body;
 - 1.5.2 all persons (whether academic staff or otherwise) working for NCC (whether for payment or otherwise);

- 1.5.3 all duly enrolled students of NCC (whether full or part-time);
 - 1.5.4 all students studying with NCC (whether full or part-time)
 - 1.5.5 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 NCC 's premises or through its ICT systems in accordance with the provisions of section 3 of this Code.
- 1.7 References in the Code to NCC's premises and/or NCC's facilities" include premises and/or facilities which are owned by NCC, premises and/or facilities which NCC does not own but over which it exercises some degree of control.
- 1.8 References in the Code to any institutional employee (e.g. Principal: Hackney and Tower Hamlets Colleges and the Group Principal and CEO) includes reference to their nominee.
- 2. Freedom of Speech and Expression**
- 2.1 NCC 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.
- 2.2 Every person to whom this Code's obligations apply shall assist NCC in upholding this Code of Practice.
- 2.3 Freedom of speech within the law may include speech that is shocking, disturbing or offensive and NCC will not suppress freedom of speech and expression, however abhorrent certain expressions may be to the majority of the members of NCC, provided that:
- 2.3.1 such speech and expressions do not go beyond the articulation of points of view, 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
 - 2.3.2 by allowing such views to be expressed, and by allowing the activity to take place in the format proposed NCC would not be failing in its wider legal duties, in particular to have due regard in carrying out its functions to the need to:
 - 2.3.2.1 eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;

- 2.3.2.2 advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - 2.3.2.3 foster good relations between persons who share a relevant protected characteristic and persons who do not share it; and
 - 2.3.2.4 prevent people being drawn into terrorism.
- 2.4 NCC 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 ideas or opinions of such individual; or
 - 2.4.2 the policy or objectives of such body or the ideas or opinions of any of its members.
- 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 NCC 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.
3. **The Holding of Activities**
- 3.1 References in the Code to "activities" include (but are not limited to) meetings (including teaching or research related activities), demonstrations, events and publications through whatever media (including social media) which take place or are proposed or planned or due to take place on NCC's premises or through its ICT systems.
- 3.2 NCC 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 systems¹. The organisation and holding of any such activities, and the arrangements therefor, must comply with this Code of Practice.
- 3.3 Any person to whom this Code's rights apply must submit a request, in writing, to the Principal: Hackney and Tower Hamlets Colleges of NCC for permission for an

¹ Such activities are likely to raise tensions between the need to protect people and property on the one hand and to ensure that members of the institution, visiting speakers etc can express themselves freely. The institution will need to ensure a co-ordinated approach involving all stakeholders in what may need to be a rapid decision -making process.

activity to take place where it is reasonably foreseeable in the reasonable opinion of Principal: Hackney and Tower Hamlets Colleges that the activity may be attended by one or more people and/or will raise issues which may be controversial in some way. Any such request should be submitted to the Principal: Hackney and Tower Hamlets College not less than 21 days before the proposed date of the activity and must contain details of the proposed subject matter and the purpose and format of the activity, including seating arrangements, the name and identity of any speakers or authors and the proposed timing and location of the activity.

- 3.4 Any organisers of any activity shall, if there is any doubt as to whether the activity may, in the reasonable opinion of the Principal: Hackney and Tower Hamlets Colleges, be controversial, consult the Principal: Hackney and Tower Hamlets Colleges at the very earliest opportunity so that the correct procedures may be followed.]
- 3.5 Within ten working days of receiving a written request pursuant to paragraph 3.3 above the Principal: Hackney and Tower Hamlets Colleges shall issue a written decision in reply which shall either grant or withhold permission for the activity to take place on NCC's premises or through its ICT systems. Permission granted under this Code may be subject to such conditions or restrictions (for example, as to security precautions, limits on numbers of people to be admitted, seating arrangements or form of publication) as the Principal: Hackney and Tower Hamlets Colleges reasonably sees fit.
- 3.6 Apart from in exceptional circumstances, as defined by senior management, NCC will not require the individual or body to bear some or all of the costs of security relating to their use of the premises.
- 3.7 NCC will not unreasonably refuse to allow activities to take place on its premises or through its ICT 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 and the starting point for any event is that it should go ahead and that cancellation should be exceptional. 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 NCC and/or the scope of its ICT systems there would be:
- 3.7.1 incitement to commit a criminal act;
 - 3.7.2 the unlawful expression of views;
 - 3.7.3 support of an organisation whose aims and objectives are illegal;
 - 3.7.4 the foreseeability that an individual might be drawn into terrorism; and/or
 - 3.7.5 a breach of the peace.

- 3.8 In determining whether permission for an activity to take place on NCC's premises and/or through its ICT system might reasonably be refused, consideration may be given by Principal: Hackney and Tower Hamlets Colleges (as is appropriate in the circumstances) to:
- 3.8.1 the safety of persons attending the activity or otherwise foreseeably affected by the activity and/or on NCC premises who might foreseeably be put at risk;
 - 3.8.2 the security of NCC's premises; and
 - 3.8.3 the good name and reputation of NCC.
- 3.9 A request for an appeal against a decision of the Principal: Hackney and Tower Hamlets Colleges may be made, in writing, to the Group Principal and CEO within five days of the issue of the Principal: Hackney and Tower Hamlets Colleges' decision². [The decision of the Group Principal and CEO shall be final and binding. The Group Principal and CEO may also impose such conditions or restrictions on the activity taking place as it reasonably sees fit.

4. **Practical Measures**

- 4.1 NCC shall permit the use of its premises and ICT 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 NCC in relation to (but not limited to) the location, arrangements, form and conduct of such activities, including adequate stewarding, chairing 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, NCC 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 NCC 's premises or through its ICT systems shall be responsible for any costs involved in organising and holding such activities. Save that they will only be required to bear some or all of the costs of security relating to their use of the premises in exceptional circumstances.

² This is an unrestricted right to appeal. Each institution may want to consider whether there should be specified grounds for appeal, in the light of its general approach to freedom of speech issues and how many appeals it anticipates it might receive. If there are to be grounds, then this section needs to refer to a request for an appeal being made and someone will then need, as a first step, to sift those requests to determine whether or not grounds are disclosed.

5. **Sanctions and Penalties**

- 5.1 Where those responsible for the breach are students or staff of NCC action may be taken against them under the relevant disciplinary procedure.
- 5.2 Where those responsible for the breach are students or staff of a partner organisation of NCC the Principal: Hackney and Tower Hamlets Colleges 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.
- 5.3 Where a breach of this Code of Practice takes place at an activity or as a result of an activity taking place, NCC 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.

6. **Review and Amendment of Code**

NCC acknowledges its duty from 1 August 2025 under Part A2 of the of the Higher Education and Research Act 2017 to maintain a Code of Practice. With this end in view the Governing Body will receive a report on the operation of the Code by the Principal: Hackney and Tower Hamlets Colleges, together with any recommendations for revision of it, at intervals not exceeding [3³] years. It will also, in accordance with Part A2 of the Higher Education and Research Act 2017, at least once a year, bring this Code of Practice to the attention of all of its students.

³ See comment in the accompanying background note on the legal framework to freedom of speech.