

Freedom of Speech Code of Practice

Date: 10 June 2026

Last amended by: Tim Johnson

1 Purpose

- 1.1 To provide a code of practice setting out ThinkSpace Education's (TSE) approach to freedom of speech and academic freedom within the law.
- 1.2 Provide information and guidance on how to recognise and deal appropriately with a freedom of speech concern raised by staff, students or other stakeholders.

2 Background

- 2.1 TSE is committed to upholding freedom of speech and academic freedom within the law. The following legislation forms the basis of this Code of Practice.

2.2 Article 10 of the Human Rights Act 1998

- 2.2.1 Article 10 of the Human Rights Act states that everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority.

Education (No 2) Act 1986

- 2.2.2 Section 43 of the Education (No 2) Act 1986 states that every individual and body of persons concerned in the government of any establishment to which the section applies shall 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. The duty imposed includes, in particular, the duty to ensure, so far as is reasonably practicable, that the use of any premises of the establishment is not denied to any individual or body of persons on any ground connected with:

- (a) the beliefs or views of that individual or of any member of that body; or
- (b) the policy or objectives of that body.

- 2.2.3 The Act requires that TSE's Academic Board and Board of Directors shall, with a view to facilitating the discharge of that duty, issue and keep up to date a code of practice setting out the procedures to be followed by members of the establishment in connection with the organisation of:

- (a) Meetings to be held, virtually or in person, using TSE facilities which fall within any class of meeting specified in the code.
- (b) Other activities which are to take place virtually or in person, using TSE facilities and which fall within any class of activity so specified.
- (c) The conduct required of such persons in connection with any such meeting or activity.

- 2.2.4 Additionally, the Act states that every individual and body of persons concerned in the government of any such establishment shall take such steps as are reasonably practicable (including where

appropriate the initiation of disciplinary measures) to secure that the requirements of the code of practice are complied with.

2.3 Prevent Duty

- 2.3.1 The Counter-Terrorism and Security Act 2015 means the Higher Education Provider (HEP) must have due regard to the need to prevent people from being drawn into terrorism.
- 2.3.2 TSE complies with this duty in all its aspects, which in practice means striking a fine balance between freedom of speech on the one hand and the Prevent duty on the other.
- 2.3.3 TSE's approach to the Prevent duty, including the role of the TSE Prevent Lead and referral pathways, is set out in the TSE Prevent Policy, available at <https://thinkspace.ac.uk/about/policies/>.

3 Scope

- 3.1 TSE's Freedom of Speech Code of Practice sets out the rights and obligations inherent in supporting and upholding freedom of speech and academic freedom within the law for all members of the TSE community.
- 3.2 TSE (which includes all bodies or persons having authority to determine any matter relevant to these provisions) is required to take all reasonably practicable steps to protect freedom of speech for all of the following:
 - 3.2.1 All students of TSE
 - 3.2.2 Any visiting or guest lecturers invited by TSE
 - 3.2.3 Any alumnus invited by TSE
 - 3.2.4 Any person or organisation wishing to use facilities, online or otherwise, controlled by TSE
- 3.3 In relation to the holding of any events on facilities controlled by TSE, the Code of Practice applies to:
 - 3.3.1 Persons invited or otherwise lawfully on the premises for the purposes of the event
 - 3.3.2 Persons who, if it were not for the provisions of this Code, would have been invited to the event or would otherwise have been present at the event.
- 3.4 Subject to 3.1 above, those who are under a duty to observe and uphold the principle of freedom of speech under this Code of Practice include all members of TSE's Board of Directors, Academic Board and all other TSE staff.

4 General Principles and Code of Practice

4.1 General Principles

- 4.1.1 TSE supports the principle of freedom of speech and expression within the law as one of the most important rights in a democratic society.
- 4.1.2 Free speech is not an unqualified privilege, and higher education institutions are subject to a range of legal obligations. There are circumstances where the law qualifies the right to freedom of speech or expression. These circumstances include where speech amounts to:
 - (a) The protection of freedom of speech does not extend to allowing a speaker to commit a criminal offence, including but not limited to incitement to racial or religious hatred, incitement to discrimination, harassment, or any speech or activity that amounts to support for a proscribed organisation.
 - (b) Institutions of higher education are subject to the statutory duty to have due regard to the need to prevent people from being drawn into terrorism as set out in the Counter-Terrorism and Security Act 2015.

- (c) Due regard of other legal responsibilities, such as those relating to preventing discrimination, applies alongside freedom of speech.

4.2 Academic Freedom and Freedom of Speech

- 4.2.1 In accordance with the Office for Students public interest governance principles, that apply to TSE as a registered provider, TSE is committed to ensuring that academic staff at TSE have freedom within the law:
 - (a) to question and test received wisdom; and
 - (b) to put forward new ideas and controversial or unpopular opinions without placing themselves in jeopardy of losing their jobs or privileges they may have at TSE.
- 4.2.2 TSE's Freedom of Speech Code of Practice sets out the rights and obligations inherent within the principle of academic freedom, freedom of speech, and the Prevent duty.
- 4.2.3 TSE recognises that freedom of speech is essential to the interests of students as stated by the Higher Education (Freedom of Speech) Act 2023. Freedom of speech:
 - (a) exposes students to new and challenging ideas
 - (b) encourages robust but civil debate which respects and understands different viewpoints
 - (c) underpins the diversity of England's higher education sector
 - (d) is a key part of giving students a high-quality higher education.
- 4.2.4 All staff employed by TSE, both academic and professional services staff, have the freedom to voice their opinions in relation to their area of academic expertise. TSE has a zero tolerance approach to discrimination, bullying, harassment or extremism or the incitement or promotion of terrorism.
- 4.2.5 If a student or member of staff at TSE has a concern about freedom of speech they should first raise the matter with the Head of Postgraduate Education (HPE) so that TSE can seek to resolve the concern. If the person who raised the concern with the HPE thinks that the matter has not been adequately resolved and freedom of speech has not been upheld, they should pursue the matter through TSE's complaints procedure.
- 4.2.6 TSE, as an institution of higher education, is subject to the statutory duty to have due regard to the need to prevent people from being drawn into terrorism as set out in the Counter-Terrorism and Security Act 2015.

4.3 Code of Practice

- 4.3.1 TSE is an academic community of staff and students. Central to this concept is the ability for all members of the community to participate freely in academic debate and discussion of ideas.
- 4.3.2 Any individual or body of persons shall be free, within the law, to hold meetings or engage in activities using TSE's online facilities. Subject to 3.1 above, no such meeting or activity shall be prevented except where TSE can show that there are reasonable grounds for concluding that the meeting or activity in question would not be, or would be likely not to be, within the law. The requirements for obtaining permission from TSE to hold a meeting or to invite an external speaker using TSE's facilities are set out in section 8 and Appendix 3.
- 4.3.3 TSE will seek to ensure that the use of TSE's facilities is not denied on grounds of the beliefs or views of the individual or of any member of the body wishing to use those facilities or the policy or objectives of that body.
- 4.3.4 Where there are concerns about an event, TSE will seek to facilitate an open and transparent discussion in order to address those concerns.
- 4.3.5 TSE has a zero tolerance approach to discrimination, bullying, harassment or extremism or the incitement or promotion of terrorism.

- 4.3.6 All persons to whom this Code of Practice applies are required to observe the principle of freedom of speech and to conduct themselves accordingly.

4.4 Some Wider Considerations and Context

- 4.4.1 Institutions of higher education do not function in a vacuum, and wider conflicts and disputes in local, national and global society can affect their campuses and communities. As part of TSE's approach to freedom of speech and academic freedom, TSE will seek to ensure that its members are able to engage in the academic study and discussion of issues that arise from such conflicts and disputes.
- 4.4.2 TSE will ensure that appropriate procedures are in place in order to allow all its stakeholders to raise concerns about freedom of speech and to have those concerns addressed.

5 Responsibilities

- 5.1 TSE's Board of Directors is responsible for ensuring that appropriate procedures are in place to implement the Freedom of Speech Code of Practice and monitoring the operation of the Code.
- 5.2 Academic Board is responsible for approval of the Freedom of Speech Code of Practice and overseeing compliance with the Code.
- 5.3 The Director has overall responsibility for the Freedom of Speech Code of Practice and ensuring that activities (events, meetings and other activities held using TSE's facilities) comply with the Code.

6 Procedures for the Organisation of Meetings and Activities using TSE Facilities

- 6.1 TSE will not unreasonably refuse to allow events to be held using its facilities but has a responsibility to ensure that the law is upheld and any risks to the safety of the members of the event are managed appropriately.
- 6.2 TSE has the discretion but has no legal obligation to allow meetings or events held on its premises which it does not consider fall within its academic or social remit.
- 6.3 TSE shall have the right to refuse entry to those attending the event if they bring onto TSE's facilities any items that are:
- 6.3.1 Unduly provocative or offensive in nature
 - 6.3.2 Designed or have the potential for use to cause injury to people or property.
- 6.4 For any proposed event intended to be held using TSE facilities, the event organiser should consult with the Director well in advance of the proposed event date and no less than two weeks before the proposed event date. All external speakers must confirm in writing at least seven days in advance of the event that they agree to abide by this Code of Practice.
- 6.5 In summary, permission for an event will only be given where TSE is satisfied that the speaker and event are lawful and safe, will not discriminate against or segregate attendees on the basis of any protected characteristic, and will not be used to raise funds for illegal individuals, organisations or causes. The full assessment questions are set out in section 8.3.

7 Procedures for the Organisation of Meetings and Activities outside of TSE Facilities

- 7.1 This Freedom of Speech Code of Practice and associated procedures identified above for holding meetings and other activities using TSE's facilities, do not apply to TSE members who organise meetings or other activities in facilities outside TSE's direct control. However, all members of the TSE

community are expected to act within the law and in a manner consistent with TSE's values and the Freedom of Speech Code of Practice at all times.

8 Management of Events and Speakers

8.1 Conduct of Speakers

- 8.1.1 All external speakers must present their ideas and opinions in the spirit of debate and the free exchange of ideas. External speakers must not:
 - (a) Break the law or incite others to break the law
 - (b) Incite intolerance, discrimination, hatred or violence
 - (c) Encourage or promote illegal acts or promote individuals, groups or organisations that undermine democracy or the rule of law.
- 8.1.2 These requirements are not exhaustive and TSE reserves the right to terminate an event if it considers that a speaker has materially breached any of the above or this Code of Practice more generally.
- 8.1.3 All external speakers are to be provided with a copy, either electronically or a hard copy, of this Code of Practice at least seven days before the proposed event date. In signing the permission form at Appendix 3, speakers confirm their satisfaction with the Code and agreement to comply with it.

8.2 Publicity Materials

- 8.2.1 TSE shall have the right to require that it is:
 - (a) Provided with copies of all publicity materials for the speaker and the event, together with information about who is funding the speaker's appearance.
 - (b) Informed if representatives of the media are to be admitted or excluded.
- 8.2.2 TSE's logo and other associated symbols and emblems shall not be used in publicity materials unless the prior written consent of the Director has been given.

8.3 Assessment of Events and Speakers

- 8.3.1 Before giving permission for any event to take place using TSE facilities, or off-site under the auspices of TSE, all the questions below must be considered by the Director or their nominee and the answer to each question should be no. If the answer to any of the questions below is yes, permission should not normally be given unless there are exceptional reasons to do so:
 - (a) Has the proposed speaker been previously barred from speaking at either this or another educational establishment, or do they have a known track record of causing harm through speech?
 - (b) Does the proposed speaker or the theme or content of the event contravene the purposes of this Code of Practice?
 - (c) Will the proposed speaker or the theme or content of the event be likely to attract attendees whose behaviour or conduct poses a risk to the health and safety of the members of the event?
 - (d) Is there or might there be an intention to segregate the audience on the basis of any protected characteristic as defined in the Equality Act 2010?
 - (e) Has the event been organised to raise or gather funds for any individual, organisation or cause which TSE or the relevant public authority considers to be illegal?
- 8.3.2 If the answer is no to all of the above questions and it is clear that there are no issues that need to be addressed, the Director may give permission for the event to take place.

- 8.3.3 If the answer is yes to one or more of these questions or there is uncertainty or further consideration required, the matter should be discussed and decided upon by the Director in consultation with the Academic Board or Board of Directors, as appropriate.
- 8.3.4 This set of questions is not exhaustive and the Director has the discretion to consider other factors when deciding whether to approve an event.
- 8.3.5 In all circumstances, TSE should only take such action and make such decisions as it considers proportionate and consistent with the relevant legal requirements.

8.4 Obtaining Permission to hold an Event or Invite an Outside Speaker

- 8.4.1 The event organiser (the person – member of staff or student or student group) responsible for bringing an external speaker to TSE must first check with the HPE that the necessary platform or online facilities would be available and that no other events are already scheduled at the same time. Following this, the event organiser must complete the permission form as set out in Appendix 3 and submit it to the Director no less than two weeks before the proposed event.

8.5 Breaches of the Code of Practice

- 8.5.1 Any breach of the provisions of this Code of Practice shall be punishable under the appropriate student or staff disciplinary procedure as applicable.
- 8.5.2 It shall be the duty of all those subject to this Code of Practice to assist TSE in preventing breaches of the Code and to report any suspected breaches to the Director.
- 8.5.3 Where a breach of this Code of Practice occurs, it shall be a duty of all to whom this Code applies to take reasonable measures to prevent a continuation of the breach.
- 8.5.4 Where breaches of the criminal law occur, TSE shall, where appropriate, assist the Police and any other relevant authority in relation to the investigation and prosecution of such breaches.
- 8.5.5 The operation of the Code shall be monitored by TSE's Board of Directors and overseen by the Academic Board. It shall be approved by the Academic Board and reviewed annually, with the approval of the Board of Directors.

Appendix 1: Activities covered by the Code of Practice

- A1.1 Activities covered by TSE's Freedom of Speech Code of Practice include:
 - (a) Meetings, lectures, webinars, talks, seminars, tutorials, classes, short courses, conferences, symposia, debates and other similar academic activities.
 - (b) Stage plays, cinematic or video film showings, music concerts, literary readings either online or in-person.
 - (c) Demonstrations, processions, pickets.

Appendix 2: Guidance on activities

- A2.1 An event is any gathering (which would include meetings, events and other activities, either in person or online, organised by or on behalf of a TSE student group or member of staff) which involves an external speaker addressing the group, or where a member of TSE invites someone who is not a member of the TSE community.
- A2.2 The person, society or group who takes responsibility for organising an event will be referred to in this Code as the "event organiser".
- A2.3 External speaker event is any event that involves an external speaker addressing a group, either in person or online.
- A2.4 An external speaker is anyone who is not a member of the TSE community and who is invited to address a group, either in person or online.

A2.5 A Proscribed Group is an organisation which has been banned from the UK and placed on the list of Proscribed Organisations by the Home Office.

Appendix 3: Form for Obtaining Permission to Hold an Event or Invite an Outside Speaker

Event Title:

Organiser's Name:

Organiser's TSE Student Number:

Organiser's email address:

Organiser's mobile phone number:

Purpose and Description of the Event:

Location or TSE facilities to be used:

Estimate of the number of people expected to attend:

Names and titles of external speakers to be invited:

Has this person ever been refused permission to speak or had special conditions placed on them when speaking elsewhere? If yes, please provide details:

Please confirm that you have read the Freedom of Speech Code of Practice and it will not be infringed by this event.

Organiser's Signature _____

Date: