**Code of Practice on Freedom of Speech**

1. **CONTEXT**

1.1 Section 43 of the Education (No.2) Act 1986 and relevant subsequent legislation requires universities and colleges, and all concerned in their government to take such steps as are reasonably practicable to ensure freedom of speech within the law is secured for its members, students and employees and for the visiting speakers.

1.2 The Higher Education (Freedom of Speech) Act 2023 (‘the Act’) amends the Higher Education and Research Act 2017 (HERA) to strengthen the legal requirements on universities and colleges relating to freedom of speech and academic freedom.

1.3 The Act protects free speech within the law: it does not protect unlawful speech. The Act requires universities, colleges, constituent institutions, and relevant students’ unions to take steps to secure free speech within the law. It also requires them to maintain a free speech code of practice.

1. **SCOPE**

2.1 This Code of Practice applies to:

1. All members, staff and students of BMet
2. Visiting Speakers and other persons invited to or lawfully present on the college’s premises; and
3. The organisation of meetings, conferences or other similar events taking place on the college’s premises as well as those organised or sponsored/approved by the college but held on other premises whether for staff or students, the public or any specific group.
   1. References in this Code of Practice to the ‘College’s premises’ means those premises over which BMet exercises control and includes online or virtual classrooms and communication spaces/platforms.
4. **PRINCIPLES AND VALUES**

3.1 BMet upholds the principle that the core mission of universities and colleges is the pursuit of knowledge, and that free speech and academic freedom are fundamental to this purpose.

* 1. BMet is dedicated to creating an environment where diversity is valued and where everyone is treated with dignity and respect.
  2. The college recognises the complexities of balancing the rights of diverse individuals: including allowing freedom of speech while safeguarding freedom from harm.
  3. BMet appreciates that valuing diverse perspectives can sometimes mean engaging with views which are controversial or provocative. The college will take reasonably practicable steps to provide environments which are safe and open, and which encourage critical thinking and debate.
  4. Nothing in any other college policy or process should be seen as undermining or conflicting with this Code of Practice. In any case of conflict, the Free Speech Code of Practice will take precedent.

1. **STEPS THE COLLEGE TAKES TO ENSURE FREEDOM OF SPEECH**

4.1 The college will ensure that its teaching, curriculum, policies and procedures reflect its duties to ensure, so far as is reasonably practicable, freedom of speech and academic freedom within the law. This includes but is not limited to the following:

1. Processes for course/qualification development and approval, quality assurance and academic assessment;
2. Processes for scholarly research ;
3. No individual being subjected to disciplinary action or other less favourable treatment by or on behalf of the college as a result of their lawful exercise of freedom of speech or academic freedom.
4. Policies and processes relating to admission, appointment, re-appointment or promotion; disciplinary matters; employment contracts (that may include conditions of speech); equality or equity, diversity and inclusion, including the Public Sector Equality Duty; Harassment and Bullying; IT, including acceptable use policies; PREVENT duty; principles of curricula design; research ethics; speaker events; staff safe working code of conduct and student positive behaviour policy & procedure.
   1. The college does not enter into non-disclosure agreements related to complaints about freedom of speech and/or academic freedom.
   2. The college will have processes in place to ensure that risks to freedom of speech or academic freedom from any external body are identified and appropriately managed.
5. **PROMOTE AND SECURE DUTIES**

5.1 In undertaking its responsibility to promote and secure freedom of speech and academic freedom, the college will:

1. Ensure that this Code of Practice is brought to the attention of new students and new staff during onboarding and induction;
2. Ensure that annually an update on the Code is provided to all staff and students;
3. Ensure that all staff receive training on freedom of speech and academic freedom;
4. Ensure that there are clear systems in place to raise concerns about freedom of speech and academic freedom;
5. Ensure that when policies and processes are introduced or reviewed, consideration is given to their impact on freedom of speech and academic freedom;
6. Monitor and record any concerns that have been raised about freedom of speech and academic freedom to ensure that they are addressed as far as is reasonably practicable;
7. Take steps as necessary to secure compliance with this Code of Practice.
8. **EVENTS, MEETINGS AND OTHER ASSEMBLIES**

6.1 Where any individual or body subject to the obligations of this Code of Practice wishes to hold an event, meeting or other activity for the expression of any view or beliefs held or lawfully expressed on college premises, consent will not be unreasonably refused.

* 1. Where an event involves a visiting speaker or external hire client, the ‘External Speakers Vetting Procedure’ in Appendix 6 of the college’s Child Protection and Safeguarding Policy must be followed.

1. **GOVERNANCE**

7.1 The college shall ensure that:

1. All decisions that could directly or indirectly (and positively and negatively) affect free speech within the law are recorded and demonstrate how BMet has had particular regard for free speech within the law.
2. It puts in place and follows arrangements setting out clearly and explicitly which committees and individuals are authorised to make decisions that could directly or indirectly (and positively and negatively) affect free speech within the law.
3. Terms of reference of all committees that could affect compliance with free speech duties, expressly provide for consideration of this impact. This includes committees responsible for all of the following: admission, appointment, re-appointment or promotion; disciplinary matters; employment contracts (that may include conditions of speech); equality or equity, diversity and inclusion, including the Public Sector Equality Duty; Harassment and Bullying; IT, including acceptable use policies; PREVENT duty; principles of curricula design; research ethics; speaker events; staff safe working code of conduct and student

positive behaviour policy & procedure.

1. Decisions about the curriculum and the way that it is delivered safeguard the ability of academics to teach and communicate ideas that may be controversial and unpopular but lawful; and opportunities for students to be exposed to such ideas.
2. **COMPLAINTS AND BREACHES**

8.1 A complaint can be raised about freedom of speech and/or academic freedom through the college’s Complaints process. Further information and a copy of the policy and process can be found here: [Customer Complaints and Compliments](https://www.bmet.ac.uk/contact/).

8.2 A concern may be raised through the college’s ‘Speak Up!’ system which facilitates a safe space for the reporting of harassment, bullying or abuse.

8.3 However a concern or complaint is raised, no individual will be treated less favourably on the basis that they have raised a concern or complaint regarding freedom of speech and/or academic freedom.

8.4 The College notes that the Office for Students (OfS) will operate a free speech complaints scheme. Under that scheme, the OfS can review eligible complaints about free speech from staff members, applicants for academic posts and (actual or invited) visiting speakers. The OfS will publish further information about this scheme and how this will operate in due course.

8.5 If an offence is allegedly committed at or in connection with an event or activity to which the provisions of this Code apply, in addition to any internal disciplinary procedures for staff or students that may be appropriate, the college may take steps to assist the Police in identifying any persons committing offences.

8.6 Where the college receives a concern about the exercise of academic freedom or freedom of speech or there has been a departure from the procedures set out in this Code, the college will investigate accordingly. Subject to the outcome of the initial investigation, such allegation may lead to further investigation in accordance with the college’s disciplinary procedures.

1. **MONITORING AND REVIEW**

9.1 The college’s Company Secretary or designated nominee will review this Code of Practice every three years or sooner where there are developments or amendments in relevant legislation, or changes to the college’s operation practices make such a review necessary. Reviews will be carried out in consultation with relevant internal stakeholders.

1. **SUPPORTING DOCUMENTS**

10.1 The following College documents support this Code of Practice:

* Freedom of Speech Policy
* External Speakers Vetting Procedure (*Appendix 6 of the Child Protection and Safeguarding Policy*)
* Child Protection and Safeguarding Policy
* Diversity and Inclusion Policy
* Positive Behaviour Policy: Ready Respectful Safe
* Positive Behaviour Procedure: Ready Respectful Safe
* Complaints and Compliments Policy

Copies of these policies can be located on our website here:[Corporate Policies and Procedures - Birmingham Metropolitan College](https://www.bmet.ac.uk/about-bmet/corporate-policies-procedures/)