

# HE28 Freedom of Speech and Academic Freedom Policy



**TEC  
Partnership**

Changing lives every day

Freedom of Speech and Academic Freedom Policy v.1

Policy Name and Reference	Freedom of Speech and Academic Freedom Policy (HE28)
Version	1.0
Name of Responsible Committee	Corporation
Job Title of Responsible Author	Group Academic Registrar
Date First Issued	December 2025
Date Current Version Issued	December 2025
Date of next Planned Review	September 2028
Application to Collaborative Provision	Compulsory

Revision History

Version Number	Date	Type of Amendment	Amendment Details
1.0	Dec 2025	New Policy	New policy issued to be in compliance with HERA (2017) and Higher Education (Freedom of Speech) Act (2023).

If you need any further advice on how the regulations work, you should contact the HE Quality Office.

HE Quality Office [heqa@tecpartnership.ac.uk](mailto:heqa@tecpartnership.ac.uk)

Rm: OH02 (01472) 311222

## 1. Purpose and Scope

This policy outlines TEC Partnership's commitment to upholding freedom of speech and academic freedom, in accordance with the Higher Education (Freedom of Speech) Act 2023 and the Office for Students' Regulatory Advice 24 (RA24). The Corporation of TEC Partnership has approved this policy. It applies to all staff, students, governors, visiting speakers, and external participants involved in events held on institutional premises or under its auspices. This policy must be used alongside other sector documents, including Regulatory Advice 24 (OfS, 2025).

TEC Partnership is committed to the protection of free speech and academic freedom within the law as outlined in this policy statement. Our values as a provider of higher education are:

- Respect
- Ambition
- Inclusiveness
- Sustainability

We embed our values into every activity that TEC Partnership staff and students undertake, and we would expect staff and students to uphold these values.

## 2. Legal and Regulatory Frameworks

This policy is informed by the following legislation and guidance:

- Higher Education (Freedom of Speech) Act 2023
- Education (No. 2) Act 1986
- Human Rights Act 1998 (Article 10: Freedom of Expression)
- Education Reform Act 1988 (Section 202(2)(a))
- Equality Act 2010
- Prevent Duty
- Office for Students Regulatory Advice 24 (RA24)

## 3. Principles

TEC Partnership is a further education college group, registered with the Office for Students as a provider of higher education and Degree Awarding Body in England. TEC Partnership affirms that:

- Freedom of speech and academic freedom are fundamental to its mission.
- Lawful speech will not be restricted, even if controversial or unpopular.
- Unlawful speech, including hate speech, incitement to violence, or harassment, is not protected.
- Academic freedom includes the right to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions. This includes not adversely impacting staff who put these ideas forward.

Where necessary, TEC Partnership ensures that these principles are embedded in our core governance documents and regulations.

## 4. Responsibilities

#### 4.1 Institutional Responsibilities

TEC Partnership will ensure its policies and procedures do not unduly restrict lawful speech. An assessment must be made by the relevant approving committee that a change to our policies and procedures does not restrict freedom of speech. TEC Partnership maintains a clear and accessible process for organising events and inviting speakers. This is available in LS16. TEC Partnership is committed to providing training and guidance to staff and students on freedom of speech obligations.

Framework for decision making.

When making an assessment about securing freedom of speech, TEC Partnership will set out to make the assessment using the guidance in RA24 (OfS, 2025) and outlined in Annex 1.

Step 1: Is the speech within the law?

Step 2: Are there any reasonably practicable steps to secure the speech?

Step 3: Are any restrictions 'prescribed by law' and proportional under the European Convention on Human Rights?

#### 4.2 Staff and Student Responsibilities

- Staff and Students must ensure they respect the rights of others to express lawful views.
- Engage in debate and discussion in a respectful and constructive manner.
- Follow procedures for organising events and inviting speakers.

### 5. External Speakers and Events

All events involving external speakers must:

- Be registered in advance through TEC Partnerships external speaker approval process (LS16).
- Be assessed for risk, including potential for unlawful speech or disruption.
- Be supported with appropriate mitigation measures where necessary (e.g., security, moderation).

Risk assessment under LS16 is delegated to the Executive Director of Learner Services, however, where appropriate, higher risk decisions will be made by the Accountable Officer of TEC Partnership or delegated to another senior post holder.

Events will not be cancelled solely due to the controversial nature of a speaker's views, unless there is a clear legal basis or risk identified under the assessment framework.

### 6. Complaints and Breaches

Complaints regarding breaches of this policy must be submitted through the formal complaints procedure HE20/FE05. Breaches may include:

- Unlawful restriction of speech
- Failure to follow event procedures.
- Disruption of lawful speech

Formal complaints will be investigated in accordance with HE20/FE05. Staff and students should be aware that where necessary, an investigation may follow the relevant disciplinary policy.

## 7. Academic Freedom and Freedom of Speech

TEC Partnership recognises that freedom of speech and academic freedom are interrelated but distinct. Academic freedom includes the right of academic staff to:

- Teach and research freely within the law.
- Participate in institutional governance.
- Disseminate findings without censorship.

These rights are protected under Section 202(2)(a) of the Education Reform Act 1988 and are operationalised through TEC Partnership policies and governance structures.

## 8. Operational Interpretation of Academic Freedom

Academic freedom includes the following principles. These principles do not restrict the right of TEC Partnership to make appropriate decisions about the curriculum planning or efficient operation of the college as a going concern.

### 8.1 Freedom to Teach

- Decide what is taught (course content).
- Decide how it is taught (pedagogy).
- Decide who teaches (via transparent selection).
- Decide who is taught (entry standards).
- Decide how progress is assessed.
- Decide whether students' progress (grading criteria).

### 8.2 Freedom to Research

- Choose research topics.
- Choose methods.
- Define purposes (including refusal of unethical research).
- Choose dissemination modes (journals, conferences).

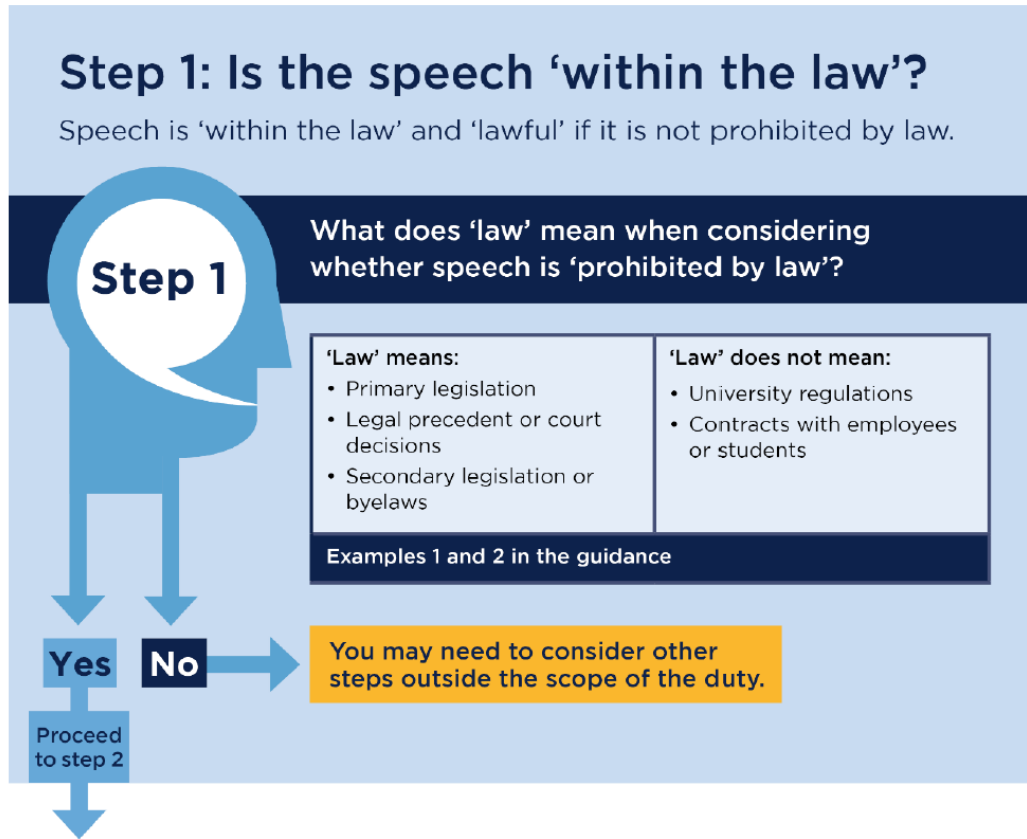
### 8.3 Knowledge Exchange & Enterprise

- Freedom to choose external partners.
- Freedom to define engagement methods.
- Right to decline ethically/culturally problematic work.

## 9. Monitoring and Review

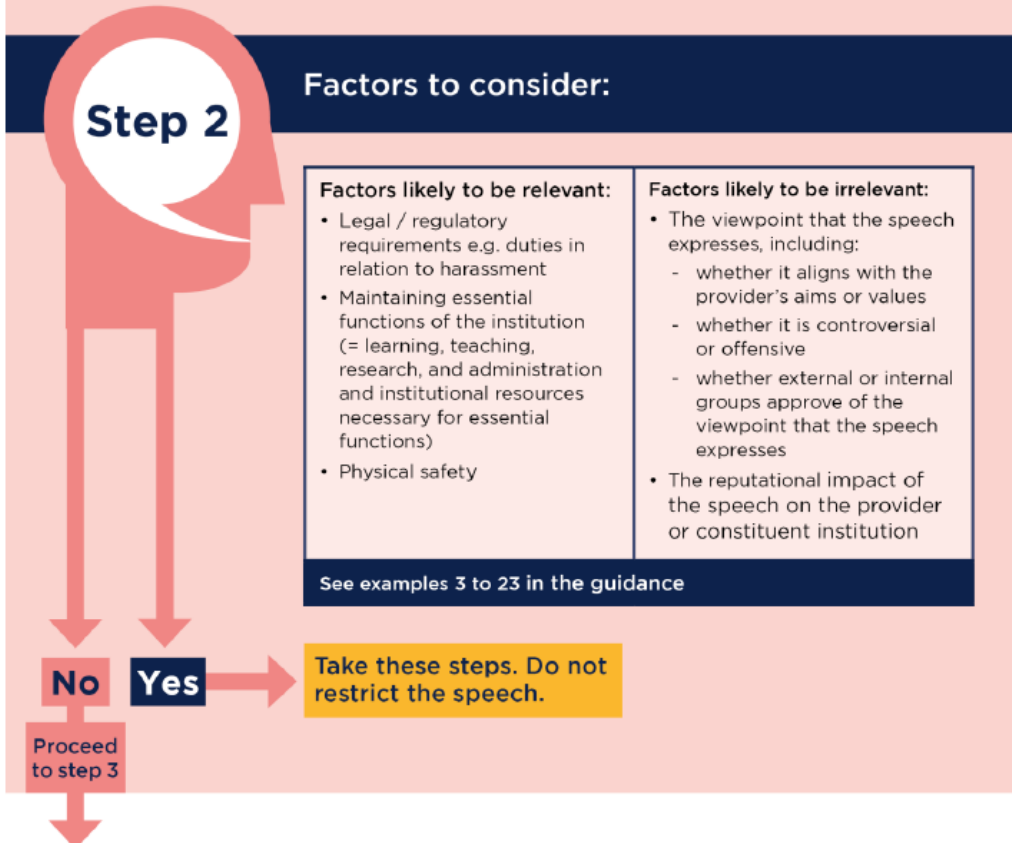
This policy will be reviewed annually and updated in line with changes to legislation, regulatory guidance, and institutional practice. TEC Partnership will report annually on compliance with freedom of speech duties, including as required by the Office for Students.

Annex 1 – Assessments on securing freedom of speech (extract from RA24 – Office for Students)



## Step 2: Are there any 'reasonably practicable steps' to secure the speech?

The particular circumstances will be important in considering whether a step is reasonably practicable. Reasonably practicable steps may include positive steps – doing something – and negative steps – refraining from doing something.



## Step 3: Are any restrictions ‘prescribed by law’ and proportionate under the European Convention on Human Rights?

This step involves considering whether restriction or regulation of the speech (‘interference’) is compatible with the European Convention on Human Rights (ECHR).

### Step 3

### Are any restrictions ‘prescribed by law’ and proportionate under the European Convention on Human Rights?

This step involves considering whether restriction or regulation of the speech (‘interference’) is compatible with the European Convention on Human Rights (ECHR).

#### Is the interference prescribed by law?

An interference is prescribed by law if:

- there is a specific domestic English legal rule or regime which authorises the interference;
- the person affected by the interference must have adequate access to the rule in question; and
- The rule is formulated with sufficient precision to enable the affected person to foresee the circumstances in which the law would or might be applied, and the likely consequences that might follow.

#### Is the interference proportionate?

To assess the proportionality of a measure to interfere in lawful speech, you must consider:

- whether the objective of the measure is sufficiently important to justify the limitation of a protected right,
- whether the measure is rationally connected to the objective,
- whether a less intrusive measure could have been used without unacceptably compromising the achievement of the objective, and
- whether, balancing the severity of the measure’s effects on the rights of the persons to whom it applies against the importance of the objective, to the extent that the measure will contribute to its achievement, the former outweighs the latter.

See example 24 in the guidance

The proportionality test in Article 10(2) means that, in practice, it is difficult to restrict or regulate speech in a higher education context. This is because there is a high bar for limitation of a protected ECHR right in general terms, and the particular purpose of higher education is such that limitation of Article 10 rights would undermine that purpose.

Yes No

Your restrictions are not consistent with your free speech obligations. You will need to revise your approach.

Your regulations or restrictions are likely to be consistent with your free speech obligations.

Regulations or restrictions should:

- use legal definitions where these are available
- incorporate objective tests where appropriate, for instance in relation to harassment
- avoid vague language or undefined terms
- include clear, adequate and effective ‘safeguard’ statements protecting academic freedom and freedom of speech within the law (for instance, to the effect that where a policy conflicts with academic freedom, the latter prevails).

# HE28

# Freedom of Speech and Academic Freedom Policy



[www.tecpartnership.com](http://www.tecpartnership.com)

