



Policy on

Freedom of Speech

Approved

June 2026

Approved by

Senior Leadership Team

Policy Title	Freedom of Speech
Document Owner	Vice Principal HE and International

Directorates and Departments affected by this Procedure	Corporate and Curriculum
Procedure Effective From	June 2026
Next Review Date	June 2029

New College Durham is committed to safeguarding and promoting the welfare of children and young people, as well as vulnerable adults, and expects all staff and volunteers to share this commitment.

If you require this document in an alternative format and/or language, please contact records@newdur.ac.uk

We review our policies regularly to update them and to ensure that they are accessible and fair to all. All policies are subject to equality impact assessments which are carried out to determine whether the policy has, or is likely to have, a different impact on those with protected characteristics. We are always keen to hear from anyone who wants to contribute to these impact assessments and we welcome suggestions for improving the accessibility of fairness of this and all College policies.

Other policies and procedures mentioned in this document will be published internally and externally in these locations:

[Website](#)

This policy has been assessed for its compliance with the principles of the OIA Good Practice Framework

To make suggestions or to see further information please contact:

Peter Morrison

Vice Principal HE and International

peter.morrison@newdur.ac.uk

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1. Scope

This Policy will describe how New College Durham will comply with the requirements of the Higher Education (Freedom of Speech Act) 2023 (HEFSA 2023) as it amends the duties of a registered higher education provider in the Higher Education and Research Act 2017.

It will also describe how the College will comply with the regulations of the Office for Students (OfS) in relation to the provision of free speech.

Sub contractual partners will have their own Freedom of Speech policy which should align to that of NCD and will be approved by NCD

2. Responsibilities

The Corporation is responsible for ensuring that the College takes steps that are reasonably practicable to ensure that freedom of speech within the law is secured for their members, students, employees and visiting speakers. This includes issuing, enforcing and maintaining a relevant code of practice that complies with the HEFSA 2023.

The Senior Leadership Team is responsible for ensuring that mandatory training is carried out by all staff and Governors regarding free speech. In addition they will ensure that all students and apprentices receive mandatory information on free speech. This is so that all parties fully understand their rights and responsibilities.

3. Relationship with existing policies and regulations

This policy should be read in the context of the following College policies and related procedures:

- Academic Appeals Policy (HE)
- Safeguarding Children and Adults at Risk Policy and Procedure
- Fitness to Study Procedure
- PREVENT Strategy
- Complaints Policy
- Student Disciplinary Procedure
- Staff Code of Conduct

4. Compliance Statement

The College will take reasonably practicable steps to secure freedom of speech within the law for staff, students and visiting speakers. In particular, the College recognises its duty under the Human Rights Act 1998, specifically Article 10 in relation to Freedom of Expression, Education (No.2) Act 1986, the Higher Education (Freedom of Speech

Act) 2023, as well as other statutory obligations in law including those under PREVENT, safeguarding and equality legislation.

Freedom of Speech and Expression is defined here as per Article 10(1) of the European Convention on Human Rights as it has effect for the purposes of the Human Rights Act 1998).

- 1. 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 and regardless of frontiers. This Article shall not prevent states from requiring the licensing of broadcasting, television or cinema enterprises.*
- 2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.*

Academic freedom is defined here as per HEFSA2023 as the freedom to:

- question and test received wisdom
- put forward new, controversial or unpopular opinions

without being adversely affected (including for staff, the loss of job or opportunity for promotion) as a consequence of holding or expressing those opinions.

Tolerance for controversial views is expected in an educational context or environment, including in premises and situations where educational services, events and debates take place. In this context, the College recognises that exposure to ideas that are challenging or controversial is a normal part of academic life. Being exposed to any of the following is unlikely to amount to harassment:

- the content of higher education course materials, including but not limited to books, videos, sound recordings, and pictures;
- statements made and views expressed by a person as part of teaching, research or discussions about any subject matter connected with the content of a higher education course.

It is intended that abusive or intimidating behaviour should be dealt with under the Staff or Student Disciplinary Procedures.

The College will not in ordinary circumstances require a third party to bear the costs of additional security in relation to use of the premises for a speaking engagement unless a specific risk assessment identifies exceptional circumstances.

The College will not use non-disclosure agreements to prevent the disclosure of complaints or concerns relating to freedom of speech matters.

5. Code of Practice

The College has a Code of Practice as part of its PREVENT Strategy which describes the values of the College and provides a mechanism for staff to obtain permission to host speakers and hold events. Those allowed to authorise such events will need to balance the legal requirements in terms of our obligation under Freedom of Speech, the Equality Act and in terms of our PREVENT duty.

The College has clear procedures for arranging meetings and events, including criteria for deciding if an event will/will not go ahead. These are detailed in the PREVENT Strategy.

The College is committed to ensuring staff and students are aware of our code of practice on an annual basis.

6. Evaluation and review

The effectiveness of this policy will be monitored annually and reviewed every three years in light of experience and best practice. This mechanism recognises that changes to legislation may prompt a review of the policy before the three years stipulated.