



074. Freedom of Speech Policy

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Policy owner:	Academic Director (CEO)
Version No.:	2.0
Review cycle:	Annually
Approval route:	Board of Governors
Publication route:	External (IFG website)
Latest publication date:	13.02.2026

Introduction

At International Foundation Group (IFG), fostering open dialogue and academic exploration is central to our ethos. We value freedom of speech and academic freedom as essential elements guiding our mission and values. IFG upholds the principles of freedom of speech, expression, and academic freedom.

In practice, IFG strives to maintain a supportive environment where diverse viewpoints can thrive while also prioritising the welfare of our community members and preserving our institutional integrity.

International Foundation Group (IFG) is committed to ensuring the IFG staff and students have freedom within the law, to question and test accepted ideas.

This includes putting forward new ideas and sometimes controversial or unpopular opinions, without placing themselves in jeopardy of losing their job or privileges.

However, academic freedom must be applied carefully and has limitations in practice. Members of the academic community should never make statements that are at variance with the institutional values of IFG, which in practice or contractually they have agreed to support.

Whilst freedom of speech is a human right it is not absolute, and is subject to restrictions in certain circumstances. Significantly, the right to free speech in higher education applies only to “free speech within the law”, a principle which we extend to pre-university courses.

When considering their duties regarding freedom of speech and academic freedom, Higher and Further Education Providers must also consider their other legal duties. In particular, their duties under the Equality Act 2010 which includes the Public Sector Equality Duty.

The legal duties on HEPs in relation to freedom of speech do not cover unlawful speech. There are a range of circumstances in which speech may be in breach of criminal law where this would constitute an offence under the Public Order Act 1986, including:

- Speech causing fear or provocation of violence
- Acts intended or likely to stir up hatred on grounds of race, religion or sexual orientation
- Speech amounting to a terrorism related offence and
- Causing a person harassment, alarm, or distress

There are also circumstances in which speech may be found to be unlawful in respect of civil law, including defamatory speech. This can include defamatory material on social media.

- Public Order Act, section 4.
- Public Order Act 1986, sections 18 and 29B.
- Under the Terrorism Act 2006 or Terrorism Act 2000.
- Public Order Act 1986, intentionally (section 4A) or unintentionally (section 5).

There is an extensive case law as to what constitutes harassment, alarm and distress, and the majority of speech that expresses political or other opinions, even if controversial or offensive, will not constitute such an offence.

Policy Statement

International Foundation Group expects all individuals covered by this Policy to uphold freedom of speech within legal bounds. The institution celebrates the diverse perspectives of its staff and students, fostering open debate even on challenging topics.

However, this commitment must be balanced with legal obligations to prevent incitement to violence, hatred, or disturbances of the peace. Discussions and debates should be conducted in a respectful and lawful manner.

IFG is responsible for ensuring the well-being of its staff and students and for maintaining a safe and inclusive environment for all activities. IFG will fulfil its legal duties to enable responsible engagement by staff and students and will ensure compliance with obligations regarding external speakers. We are also aware of the cultural sensitivities of our students. We are therefore conscious of the need to approach potentially sensitive issues in a way that does not cause offence or distress, without in any way compromising on the principle of freedom of speech.

The IFG Board of Governors is ultimately responsible for the implementation and oversight of this policy.

Scope

This Policy extends to all personnel, students, participants of International Foundation Group, guests, external speakers, and individuals acting on behalf of the institution or present on its premises or any other campuses in its operation.

The principle of freedom of speech set out in this policy shall extend to the performance by all staff of their duties and responsibilities and to any visiting or guest lecturer invited by IFG. It shall also extend to students presenting or exhibiting work produced during the course of their studies. Students will be informed of this policy during their induction to their course.

Complying with legislation and regulation

In addition to the requirement of any relevant judicial authority, IFG must also consider its responsibilities with other elements of legislation and regulation:

The Education Act (No 2) 1986
The Higher Education and Research Act 2017
The Higher Education (Freedom of Speech) Act 2023
The Human Rights Act 1998
The Equality Act 2010
The Protection from Harassment Act 1997
The Public Order Act 1986
The Counter Terrorism and Security Act 2015

Promoting free speech and supporting wellbeing

Freedom of expression encompasses not only content that is well-received but also that which may provoke, surprise, or unsettle. It pertains to all individuals seeking, sharing, or exchanging diverse information and ideas, including the right to engage in peaceful protest. The institution will actively encourage and enable freedom of speech, fostering both vigorous and respectful discussions and use the guidance from all the above together with recent guidance from the Office for Students to achieve this.

Single Comprehensive Source of Information (SCSI) Statement

International Foundation Group (IFG) maintains a Single Comprehensive Source of Information (SCSI), which contains all IFG policies and procedures relating to harassment, sexual misconduct and inappropriate behaviour, in accordance with the Office for Students (OfS) Condition E6.

Our SCSI is on the IFG website and easily accessible for everyone and does not require a login or password. It can be found on our website in our Student Support Section. The page is called Student Welfare at IFG London - Student Welfare at IFG - International Foundation Group (IFG) and will be highlighted during staff and student induction so that all students and staff are aware of how to access.

The SCSI is the authoritative source for IFG staff, students and prospective students to refer to for all matters relating to harassment, sexual misconduct, inappropriate behaviour and other welfare matters.

The SCSI is updated as and when information such as contact details or relevant policies & procedures are changed or updated. Changes to policies and procedures are noted and dated on the individual documents. Students and staff should therefore always refer to the SCSI for the latest information and advice. Historical versions of policies and procedures are retained by IFG Management and can be requested by both students and staff if required for historic incidents.

Our SCSI contains all policies, procedures and the multiple steps that may be taken by IFG to protect students from harassment, sexual misconduct, inappropriate behaviour and any welfare issues as required under Condition E6. Our primary aim is to prevent incidents from occurring but if they do then we have robust support, reporting, investigation and information handling procedures in place to ensure resolution and a fair decision-making process.

This statement can be found in both student and staff handbooks as well as being highlighted and discussed during student and staff inductions. Any questions regarding the policies & procedures should be addressed to the Academic Director or Director of Studies.

Our SCSI is reviewed annually and maintained by our Marketing and Partnerships Director, Stefan Green – email s.green@intfoundationgroup.co.uk

Academic Freedom

While IFG upholds the value of free speech, it is essential to recognise that it is not akin to a public forum. As an academic institution, it lends credibility to the perspectives it endorses and offers a platform to speakers it hosts. There is no obligation to grant speaking opportunities to individuals lacking recognised expertise in an academic field, nor to those advocating views contrary to empirically demonstrable facts.

Visiting or Guest Lecturers

Any person, or body, to which this Policy applies shall not take any action (other than by reasonable and peaceful persuasion) to prevent the holding or continuation of any lecture, tutorial, exhibition, or other academic activity because of the views held or expressed.

Any person or body, to whom this Policy applies shall not take any action (other than reasonable and peaceful persuasion) to prevent any student or group of students from attending any academic activity required by, or properly associated with, the course for which they are enrolled because of the views or beliefs held or lawfully expressed (whether or not within IFG) by that student.

All external speakers/visitors have a responsibility to abide by the law and college's policies whilst ensuring:

- They must not advocate or incite hatred, violence or call for the breaking of the law;
- They are not permitted to encourage, glorify or promote any acts of terrorism including individuals, groups or organisations that support such acts;
- They must not spread hatred or intolerance in the community and thus aid in disrupting social and community harmony;
- They must be mindful of the risk of causing offence to or seek to avoid insulting other faiths or groups, within a framework of positive debate and challenge;
- They are not permitted to raise or gather funds for any external organisation or cause without the express permission of the IFG Board of Governors.

Situations where the College will not support events and speakers

It shall be accepted as reasonable, to refuse consent, or withhold facilities for any event to which this Policy applies where the IFG Board of Governors reasonably believes (from the nature of the speakers or from similar events in the past whether held at the College or otherwise) that:

- the views likely to be expressed by any speaker are contrary to the law.
- the intention of any speaker is likely to incite breaches of the law or is likely to intend breaches of the peace to occur.
- the views likely to be expressed by any speaker are for the promotion of any illegal organisation or purpose.
- it is in the interests of public safety, the prevention of disorder or crime or the protection of those persons lawfully on premises under the control of the College, that the event does not take place.
- The views of any speaker are widely known and published and do not align with the values of the College, regardless of the focus of the event in question.

IFG shall consider what steps it is necessary to take to ensure:

- the safety of all persons,
- the maintenance of order; and
- the security of premises.

Where the IFG Board of Governors concludes that imposing conditions would not be sufficient to prevent serious disorder within premises subject to their control, it may decline permission for such events. Before doing so, however, the IFG Board of Governors will generally consult with external authorities such as the

police with a view to establishing whether the serious disorder can be prevented, or otherwise dealt with appropriately by the deployment of security staff or the attendance of police officers.

Approval and management of events and external speakers

Organisers of a visiting speaker or an externally staffed event should, in advance, complete the “Event Risk Assessment Template”, which includes consideration of the background of speaker(s) and the organisation they represent, the content of any presentation and the potential audience to whom it is intended to be delivered.

Where a speaker or organisation requests to come to IFG to speak to students and / or staff, the member of staff who is contacted, or the member of staff who leads the organisation of the event, should complete the same checklist.

The form and its contents will be discussed by the IFG Board of Governors prior to confirmation of the visiting speaker or organisation and an assessment of the risks recorded with any mitigating actions agreed e.g. security enhancement arrangements.

Copies of the “Visiting Speakers and Organisations Approval Form and Checklist” should be held in a central database, and information provided to IFG’s Security and Reception in advance of the event. All external speakers will be required to enter IFG premises via the security and main reception. Their arrival (and departure) will be recorded, and visitors will be issued with a Visitor badge, instructions about IFG’s Health and Safety and Emergency Evacuation procedures.

As with all visitors who have not been subject to criminal record checks the guest speaker should be collected from reception by a member of the event organising staff and accompanied at all times.

Where any visiting speakers or organisations address students, the organiser must ensure that IFG has at least one member of staff present at the event, who has received Safeguarding and Prevent training, to ensure that if extremist or unlawful views are unexpectedly presented, that they are challenged appropriately.

Conduct

Any breach of the provisions of this Policy by staff, students or governors will be addressed through IFG Disciplinary Procedures.

It is the duty of all those subject to the Policy to assist IFG in upholding the rights of freedom of speech set out in this Policy. Where a breach of this Policy occurs, it is the duty of all to whom this Policy applies to take all reasonable steps to secure the identification of persons involved in that breach.

Where breaches of the criminal law occur, the IFG Board of Governors shall assist, where appropriate, the Police and the Crown Prosecution Service. In respect of any criminal charges, IFG shall not, unless the Academic Director determines otherwise, proceed with any disciplinary proceedings in respect of the same matters, until the conclusion of any ongoing criminal proceedings.

Monitoring and review

The Freedom of Speech Policy is reviewed annually and approved by the IFG Board of Governors.

Appendix A: Legal Framework

- a) 2023 Higher Education Freedom of Speech Act <https://www.legislation.gov.uk/ukpga/2023/16>
- b) PREVENT Duty for England and Wales
 - The Prevent duty is a legislation requirement in the Counter-Terrorism and Security Act 2015 that requires certain authorities to consider the need to prevent people from becoming terrorists or supporting terrorism
 - https://assets.publishing.service.gov.uk/media/65e5a5bd3f69457ff1035fe2/14.258_HO_Prevent+Duty+Guidance_v5d_Final_Web_1_.pdf
- c) The Education (No. 2) Act 1986 (section 43(1)) requires ensuring that freedom of speech within the law is secured for its employees, students and visiting speakers. This also includes the duty to ensure, as is reasonably practicable, that the use of any of the College's premises is not denied to any individual or body of persons on the grounds of their beliefs, views, policies or objectives.
- d) The Higher Education and Research Act 2017 (HERA) makes it clear that all universities and colleges which register with the Office for Students (OfS) must uphold the existing laws around freedom of speech and follow the OfS's regulatory framework. Under the framework, the governing bodies of registered universities and colleges should take 'such steps as are reasonably practicable to ensure that freedom of speech within the law is secured within the provider.' HERA also includes a general duty for the OfS to protect institutional autonomy including academic freedom.
- e) The Education Reform Act 1988 (section 202) (reinforced by the Higher Education and Research Act 2017) makes clear 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 in jeopardy of losing their jobs or privileges they may have at their institutions.
- f) The Public Order Act 1986 creates criminal offences relating to public order; to control public processions and assemblies; to control the inciting of racial hatred or on the grounds of religion or of sexual orientation.
- g) The Protection from Harassment Act 1997 creates both civil and criminal offences for harassment and makes provision for protecting persons from harassment and similar conduct.
- h) The Human Rights Act 1998, which establishes the individual's right to freedom of expression in UK Law.
- i) The Equality Act 2010 that places duties upon public authorities to prevent discrimination on the basis of protected characteristics as set out in the Act. The College also has a duty to foster positive relations between communities.
- j) The Terrorism Act 2006 creates offences relating to the encouragement of terrorism and dissemination of terrorist publications, including publishing, or causing another to publish, a statement likely to be understood as a direct or indirect encouragement or other inducement to the commission, preparation or instigation of acts of terrorism with the intent that members of the public will be directly or indirectly encouraged or otherwise induced by the statement to commit, prepare or instigate acts of terrorism, or being reckless as to whether that effect will be caused.
- k) The Counter - Terrorism and Security Act 2015 creates a general duty to have due regard to the need to prevent people from being drawn into terrorism having particular regard to the duty to secure freedom of speech imposed by section 43(1) of the Education (No. 2) Act 1986 when carrying out that duty.