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**London
South Bank
University**

Freedom of Speech Code of Practice

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Freedom of Speech Code of Practice
Summary

Our commitment

LSBU recognises the overarching value of freedom of speech within the law for higher education institutions and is committed to the principles of free speech and freedom of expression; it fully supports the free expression of opinions within the law, and the upholding of the principles of academic freedom in all activities of the University.

In support of delivering this commitment:

- Whenever a visiting speaker will be participating in an event at LSBU the External Speaker Request Form must be filled out at least 14 days in advance: http://www.lsbu.ac.uk/__data/assets/pdf_file/0005/80159/external-speaker-request-form.pdf
- Whilst freedom of speech and academic freedom within in the law underpin all activities of the University, most events, meetings or lectures taking place at LSBU will not require detailed consideration, action or monitoring under this Freedom of Speech Code of Practice.
- Examples of activities which may require further detailed consideration under this Freedom of Speech Code of Practice are events during which views might be expressed which:
 - infringe/discriminate against the rights of others;
 - risk drawing people into terrorism;
 - constitute criminal offences, threats to public order or breaches of the law; or
 - address contentious or controversial subjects, especially when there is risk of protest and/or disruption.
- If you are in any doubt as to whether an activity will involve concerns surrounding Freedom of Speech you should read this Code of Practice in full and consult with the individuals listed.
- This summary does not replace the full Code of Practice and other related LSBU policies and procedures, to which all members of the University must adhere.

LSBU Freedom of Speech Code of Practice

1. Policy statement

- 1.1 The Higher Education (Freedom of Speech) Act 2023 (the “Act”) amends the Higher Education and Research Act 2017 and imposes a duty on the persons concerned in the government of London South Bank University (“LSBU”) to take such steps that, having particular regard to the importance of freedom of speech, are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of LSBU and for speakers visiting LSBU.
- 1.2 LSBU interprets and applies the legal test of “reasonably practicable” as requiring a fair and balanced assessment of competing duties and risks, including but not limited to the particular importance of securing freedom of speech within the law, the need to protect health and safety, and the potential for disorder. Decisions must be evidence-based, proportionate, and consistent with this Freedom of Speech Code of Practice (“Code”).
- 1.3 LSBU takes its responsibilities in respect of freedom of speech and academic freedom, including the duty to promote the importance of freedom of speech and academic freedom within the law, as codified in the Higher Education (Freedom of Speech) Act 2023, seriously.
- 1.4 LSBU is committed to the free expression of opinions within the law, including the expressions of beliefs, views, policies and objectives which may be contrary to those held by some or many of the staff and students of LSBU.
- 1.5 LSBU respects the rights and freedoms of individuals, and the principles of equality, diversity and inclusion. All members of its community share the responsibility for maintaining an environment of reasoned enquiry, mutual tolerance and civility. However, it is not the proper role of a university to attempt to restrict the discussion of ideas and opinions that are within the law, no matter how distasteful, unwelcome or offensive those ideas and opinions may seem to some. This is especially the case regarding matters of academic and public interest.
- 1.6 Freedom of speech means that everyone has the right to express lawful views, opinions or information freely, in speech or in writing, without interference. Lawful speech, including controversial, unpopular, or offensive views, shall not be restricted based on content or viewpoint. Only freedom of speech within the law is protected. This means that freedom of speech will not be protected if it contravenes some other law and illegal or unlawful acts will not be tolerated by LSBU.
- 1.7 Academic freedom means freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions without being at risk of being adversely affected. An individual would be deemed to have been adversely affected if they had either lost their job or privileges at LSBU, or experiences a reduction in the likelihood that they would secure a promotion or different job at LSBU.

- 1.8 LSBU is also required by the Counter Terrorism and Security Act 2015 to have in place policies and procedures to mitigate the risks of people being radicalised or drawn into terrorism. This is referred to as the “Prevent duty”. Encouragement of terrorism and inviting support for proscribed organisations (as detailed further below) are criminal offences, and LSBU will not provide a platform for these offences to be committed.
- 1.9 This Freedom of Speech Code of Practice is LSBU's definitive statement on free speech. All other policies (including relating to EDI, Safeguarding, Fitness to Practise and IT policies) must align with its principles. Provisions of this Code of Practice will prevail in case of any conflict.
- 1.10 This Code will be posted in a prominent position on the University's intranet and website.

2. Our values

- 2.1 Freedom of speech within the law is of great importance to LSBU given its relevance and alignment with our EPIIC values. We have set out how these relate to and uphold the principles of freedom of speech below.

Excellence	LSBU believes free speech and freedom of expression are both core components of academic excellence and central to creating an educational environment where students and staff can test received wisdom, put forward new and potentially controversial view points and be challenged on those views. We will therefore ensure the right environment is created which promotes the freedom to express such views and enable those views to be heard.
Professionalism	Freedom of speech does not imply freedom from criticism. LSBU acknowledges lawful speech may be shocking, disturbing or offensive. However, we encourage engagement with opposing viewpoints in a spirit of constructive dialogue, maintaining civility and mutual respect at all times.
Integrity	LSBU will address concerns related to freedom of speech promptly, transparently and fairly in line with our Code of Practice and will report annually on complaints and actions taken under our Code. The University will not deny access to premises or facilities on the basis of lawful speech.
Inclusivity	The University will take reasonable and proportionate steps to ensure that expression does not incite violence, hatred, or unlawful discrimination, and complies with its duties under equality and anti-terrorism legislation.
Creativity	We believe that the free exchange of ideas is fundamental to higher education. Academic freedom and open intellectual debate are essential to the pursuit of knowledge, and the University actively foster a culture where this is encouraged and protected. LSBU will work with staff and students to make them aware of expectations and protections, and through our values and practices will encourage and support our community to be open-minded and constructive in responding to challenging views and associated material.

3. Scope

- 3.1 This Code of Practice applies to all Events and to all members, staff, students, visiting speakers, visitors and attendees.
- 3.2 For the purposes of this Code of Practice, the term “Events” refers to meetings, lectures, seminars, gatherings, assemblies, demonstrations, marches and other events or activities of any description which:
- 3.2.1 are held on premises which LSBU or its subsidiaries own or in respect of which LSBU or its subsidiaries hold a lease or habitually use by licence or permission, including those premises occupied by the London South Bank University Student Union (“Student Union”) and online or virtual communication spaces; or
- 3.2.2 are held on non-University premises but are affiliated, funded or branded in a manner which suggests an association with LSBU, its subsidiaries or the Student Union.
- 3.3 For the avoidance of doubt, this Code of Practice does not apply to purely commercial meetings or events on LSBU’s premises.
- 3.4 All persons to whom this Code of Practice applies are under an obligation to take no action which would hinder freedom of speech within the law or academic freedom, or which would prevent the University from discharging its duty to secure freedom of speech within the law and academic freedom.
- 3.5 The Code of Practice sets out LSBU’s values and the responsibilities, expectations and procedures to be followed by persons involved in the organisation of Events and includes conduct requirements. This Code of Practice should be read in conjunction with the Visiting Speakers Policy which can be found at the following link: [Visiting Speakers Policy](#).
- 3.6 This Code of Practice and the procedures established herein constitute a single, uniform process for LSBU, its subsidiaries and the Student Union.
- 3.7 LSBU will only permit the holding of Events which satisfy the conditions set out in this Code of Practice.

4. Responsibility

- 4.1 The Board of Governors of LSBU has overall responsibility for this Code of Practice. The day-to-day administration and implementation of the Code of Practice has been delegated to the Provost, who for the purposes of this Code of Practice, acts on behalf of the Board of Governors.
- 4.2 The Provost may nominate other persons in addition to carry out the administration and implementation of the Code of Practice.
- 4.3 The Board of Governors will review this Code of Practice annually and may revise, amend or replace it from time to time.
- 4.4 LSBU will publish an annual report on freedom of speech and academic freedom, summarising any events restricted or cancelled, complaints received and actions

taken. This report will be reviewed by the Board of Governors.

5. Steps LSBU takes to secure freedom of speech

- 5.1 LSBU will ensure that its teaching, research, curriculum, policies and procedures reflect its duties to ensure, so far as is reasonably practicable, freedom of speech and academic freedom within the law. In particular:
- 5.1.1 its processes for programme development and approval, quality assurance and academic assessment will respect the rights of freedom of speech and academic freedom;
 - 5.1.2 its processes for facilitating research will respect the rights of freedom of speech and academic freedom;
 - 5.1.3 no individual will be subjected to disciplinary action or other less favourable treatment by or on behalf of LSBU because of the lawful exercise of freedom of speech or academic freedom; and
 - 5.1.4 it will not restrict the exposure to students of ideas because they are controversial or unpopular or because some (or many) may find them offensive.
- 5.2 The University will use the three-step framework set out below for assessing its compliance with its duty to secure free speech, based on Office for Students (“OFS”) guidance. The steps are:

Step 1 - Is the speech “within the law”. The OFS guidance sets out what this means and gives examples of what makes speech unlawful.

Step 2- If the speech is within the law, are there any “reasonably practicable steps” to secure the speech? If yes, LSBU will take those steps. Do not restrict the speech. The OFS guidance illustrates factors that are likely or unlikely to affect what is “reasonably practicable”. In particular, the following are unlikely to be relevant when considering what steps are reasonably practicable:

- a. the viewpoint that any affected speech expresses, including but not limited to:
 - i. whether it aligns with University’s aims or values;
 - ii. whether it is controversial or offensive;
 - iii. whether external or internal groups (for example alumni, donors, lobbyists, domestic or foreign governments, staff or students) approve of the viewpoint that the speech expresses.
- b. the reputational impact of any affected speech on the University.

Step 3 - if there are no reasonably practicable steps to secure speech, LSBU will ensure that any restrictions are “prescribed by law” and proportionate under the European Convention on Human Rights. The OFS guidance sets out that any restrictions on speech must be compatible with these requirements, if there are no reasonably practicable steps to secure it.

- 5.3 It should be noted that association with LSBU, as an academic institution, confers a degree of authority and legitimacy on views and provides privileged access to a scholarly audience for the speakers it hosts. In assessing what is reasonably practicable to do to ensure and promote freedom of speech and academic freedom in any case, LSBU does not regard itself as obliged to provide a platform to individuals who wish to promote views that are manifestly at odds with empirically verifiable objective facts or not susceptible to reasoned enquiry and debate. Staff

and students making decisions about invitations to speakers should always assess carefully the contribution that a discussion or event will have to the advancement of education in a university setting, and what form the event should take to best deliver that outcome.

- 5.4 LSBU does not enter into non-disclosure agreements related to complaints about sexual misconduct, bullying or harassment.
- 5.5 LSBU is aware that the terms of certain overseas funding, including funding from endowments, gifts, donations, research grants and contracts, and educational or commercial partnerships, from any overseas country, may present a risk to freedom of speech and academic freedom. Therefore, LSBU has processes in place to ensure that risks to freedom of speech or academic freedom are identified and appropriately managed.
- 5.6 LSBU shall:
 - 5.6.1 ensure that this Code of Practice is brought to the attention of new students at registration and new staff during induction;
 - 5.6.2 draw the attention of students to the Code and the accompanying statement about the Code annually;
 - 5.6.3 ensure that all relevant staff receive training on freedom of speech and academic freedom;
 - 5.6.4 periodically survey staff, students and other stakeholders to secure their views on whether freedom of speech and academic freedom at the institution are being adequately protected and take the findings into account;
 - 5.6.5 ensure that there are adequate measures in place to raise concerns about freedom of speech and academic freedom;
 - 5.6.6 ensure that when new policies and procedures are introduced consideration is given to their impact on freedom of speech and academic freedom;
 - 5.6.7 monitor any concerns that have been raised about freedom of speech and academic freedom to ensure that they are addressed so far as is reasonably practical and that any lessons learned are incorporated into a review of relevant policies practices and procedures; and
 - 5.6.8 take steps to secure compliance with this Code of Practice, including where appropriate disciplinary action.

6. Organising an event

- 6.1 Where any individual or body subject to the obligations of this Code of Practice wishes to hold an Event (as defined in section 3.2 above) for the expression of any views or beliefs lawfully held or expressed on LSBU's premises, consent shall not be unreasonably refused. Any conditions imposed on the holding of the Event shall be kept to the minimum necessary in light of any risks identified in holding the Event.
- 6.2 An Event may only be held if it is:
 - 6.2.1 organised in compliance with this Code of Practice; and
 - 6.2.2 it is not prohibited under this Code of Practice.
- 6.3 This Code of Practice places a number of obligations on the organiser (the "Organiser") of the relevant Event. The Organiser is the person who is considered, under this Code of Practice, to be responsible for organising the Event, in accordance with the following:

- 6.3.1 where an Event is organised by a Department of LSBU, the person in charge of that Department shall be deemed to be the Organiser for the purposes of the Code of Practice. “Department” means a department, school, division, team, professional service group, or similar body of LSBU. A list of Departments can be obtained, on request, from the University Secretary; in the case of an Event organised by the Student Union, the President of the Student Union shall be deemed to be the Organiser for the purposes of this Code of Practice. In the absence of a Student Union President, the Student Union Executive will be responsible;
- 6.3.2 where an Event is organised by an outside person or body, the person authorising the Event on behalf of LSBU or a subsidiary of LSBU or the Student Union shall be regarded as the Organiser. Under these circumstances the Organiser must require all persons involved in the organisation of the Event to abide by the terms of this Code of Practice (as well as all other applicable terms and conditions) as a condition of authorisation;
- 6.3.3 in all other cases all the persons organising the Event shall be regarded for the purposes of this Code of Practice as the Organiser or joint Organisers of that Event.
- 6.3.4 All Events using LSBU premises must be booked in accordance with LSBU’s relevant procedures relating to the use of University premises.

7. Unlawful event

- 7.1 An Event shall not be held if it would constitute an Unlawful Event.
- 7.2 For the purpose of this Code of Practice, an “Unlawful Event” is an Event:
 - 7.2.1 at which ideas, views or concepts to be put forward:
 - a. are contrary to law; and/or
 - 7.2.2 which involves activity which is likely to:
 - a. constitute a criminal offence; and/or
 - b. constitute an offence under prevention of terrorism legislation; and/or
 - c. constitute a threat to public order; and/or
 - d. constitute a threat under the health and safety legislation; and/or
 - e. incite others to commit criminal acts or other breach of law; and/or
 - f. promote or support an illegal organisation including any proscribed organisation. A “Proscribed Organisation” is an organisation that is listed as a proscribed terrorist organisation by the UK Government. A list of Proscribed Organisations can be found on the following webpage: <https://www.gov.uk/government/publications/proscribed-terror-groups-or-organisations--2> .
- 7.3 If an Organiser is in doubt as to whether any Event will be an Unlawful Event or not, the Organiser shall consult the Provost (or their nominee) who will determine whether an Event will constitute an Unlawful Event under this Code of Practice.

8. Higher risk event

- 8.1 A Higher Risk Event (as defined below) shall not be held unless the Organiser has given 14 calendar days' notice to the Provost, or such lesser period as the Provost may accept, outlining the nature of the Higher Risk Event and indicating the topics which are likely to be raised at the Event and the names of all the speakers.
- 8.2 A "Higher Risk Event" is an Event at which there is a likelihood that:
- 8.2.1 the content of the event will include material which could encourage people to engage in or support terrorism;
 - 8.2.2 a speaker may not be able to enter or leave the building safely and/or deliver his or her speech without serious risk of disruption or threat to the speaker's safety; and/or
 - 8.2.3 any danger to the safety of persons attending the Event or of those in the vicinity could arise; and/or
 - 8.2.4 any damage of LSBU premises or property could be caused.
- 8.3 The Provost shall take all reasonably practicable steps so that any proposed Higher Risk Event shall proceed. The Provost shall exercise his/her judgement as to whether or not a Higher Risk Event should proceed in accordance with the following considerations as relevant:
- 8.3.1 if the Higher Risk Event is one in which the views likely to be expressed constitute extremist views that risk drawing people into participating in or supporting terrorism, then the Higher Risk Event should not be allowed to proceed except where the Provost is satisfied that such risk can be mitigated as far as reasonably practicable without the cancellation of the Event;
 - 8.3.2 the Provost shall, in consultation with other interested parties, including where relevant the Student Union President, consider whether there is any real likelihood of confrontation or disturbance at the Higher Risk Event;
 - 8.3.3 where the Provost decides that there is a possibility of confrontation or disturbance, he/she may consult with the local police and any other relevant authorities concerned with public safety or order, to establish whether it is reasonably practicable to allow the Higher Risk Event to proceed. In the case of a Higher Risk Event organised by the Student Union, the President of the Union or his/her nominee shall be entitled to be present when these discussions take place;
 - 8.3.4 after receiving any such advice from the police, the Provost will decide whether LSBU can, having regard to the location and security of the premises where the Higher Risk Event is planned to be held, provide suitable facilities for any speaker to address the Higher Risk Event. LSBU shall only pass on the costs of security to those arranging the relevant event in exceptional circumstances. Whether the circumstances are exceptional shall be determined by the Provost in consultation with the Group Head of Security and where appropriate the Group Head of Assurance based on such factors as a risk assessment for any given Event and whether the costs are likely to exceed £5,000.00;
 - 8.3.5 the Provost may, in appropriate circumstances, agree that the Higher Risk Event may take place subject to specified conditions being met;
 - 8.3.6 **if the Provost decides that, even after taking all reasonable precautions, there are**

no reasonably practicable steps that can be taken to ensure that the safety of staff or students at LSBU or members of the public, or the speaker, or any property, then to ensure any ensuing restriction of speech is proportionate, the Provost shall consider if it is possible to permit the Higher Risk Event to proceed in some other way, such as online, or through a recording;

- 8.3.7 the Provost shall record all decisions that are likely to have a substantial (positive or negative) effect on freedom of speech within the law and shall notify the Board of Governors at its next ordinary meeting of any instructions given in connection with a proposed Higher Risk Event and subsequent action that has been taken to enforce it.

9. Assessment of other Events

- 9.1 The Provost will use the OfS three-step framework described above to assess Events and the starting point for any Event is that it should go ahead and cancellation shall be exceptional. The Provost may in his/her reasonable judgement, instruct that any Event shall not be held, even if it does not constitute an Unlawful Event or Higher Risk Event if in his/her reasonable opinion, following assessment under the three-step framework, it is not reasonably practicable to do so and maintain the interests of the safety of any person or the prevention of disorder or crime if the Event takes place.
- 9.2 The Provost shall only instruct that a proposed Event shall not be held if, after considering all reasonable modifications to the Event and other reasonable precautions, he or she concludes that such modifications and/or precautions would not be sufficient to allow the Event to be held without giving rise to the circumstances described in paragraph 9.1 above.
- 9.3 If the Provost instructs that an Event shall not be held, he/she shall notify the Board of Governors at its next ordinary meeting of any such instruction and subsequent action that has been taken to enforce it.
- 9.4 The Provost shall in all cases be entitled to impose conditions and/or require changes to be made to any Event if he/she reasonably considers that it is necessary to do so to ensure that the Event does not breach this Code of Practice.
- 9.5 Controversial or unpopular views which are not unlawful would not constitute grounds for instructing that an Event shall not be held or for imposing conditions or requiring changes to an Event.

Permitted Speech Examples

Protected Expression	Non-Protected Expression
Lawful criticism of government policy	Calls for violence against ethnic groups
Controversial historical analysis	Harassment targeting protected characteristics
Debates on gender ideology	Material supporting proscribed organisations

10. Infringement of the code of practice

- 10.1 A member of staff or student who organises or attempts to organise an Event contrary to the provisions of this Code of Practice, or who continues to act as Organiser for an Event which the Provost has instructed should not be held, may be subject to action under the relevant disciplinary process. LSBU would not take disciplinary action against a staff member or student of the university who has, in good faith, attempted to comply with the provisions of this Code of Practice.
- 10.2 Any deliberate attempt to conceal the nature of an Event will be regarded as a breach of this Code of Practice and may lead to the cessation of the Event, including after its commencement.
- 10.3 The purpose of this Code of Practice is to secure freedom of speech within the law. Therefore it is contrary to the provisions of this Code of Practice for any person to organise, assist or engage in conduct that disrupts an Event and prevents lawful freedom of expression. Such conduct may result in disciplinary and/or legal action.

11. The conduct of events

- 11.1 Everyone has the right to free speech within the law. LSBU expects students, staff and visitors to ensure that freedom of speech within the law is assured.
- 11.2 LSBU seeks to expose its staff and students to the widest possible range of ideas and views. All persons to whom this Code applies are required to observe the principle of freedom of speech and expression while on LSBU's premises and shall show tolerance towards the expression of views, opinions and beliefs of others, even though those views, opinions or beliefs may run contrary to their own personal views, opinions or beliefs.
- 11.3 A member of staff or student who organises an event on LSBU's premises shall be responsible for ensuring, as far as is reasonably practicable, that the event is conducted in a manner to promote freedom of speech whilst maintaining good order and academic discipline and does not involve or lead to damage to property or an infringement of the law. Speakers remain responsible for their own compliance with the law.
- 11.4 LSBU staff and students are required to ensure that they do not wilfully engage in conduct that prevents, obstructs or disrupts the holding or orderly conduct of any meeting or other lawful activity that takes place on LSBU's premises.
- 11.5 The Organiser shall be responsible for the orderly and lawful conduct of the Event and shall also be responsible for regulating the admission of persons to the Event and providing such stewards as may be necessary.
- 11.6 If at any point the Organiser, the Provost, or any person charged with responsibility for the premises being used for the Event, has reasonable grounds for believing that the Event is about to lead to, or has already led to, an occurrence listed in paragraph 7.2 of this Code of Practice, they shall caution those present if appropriate, and where in their view this is necessary, close the Event forthwith.
- 11.7 The Organiser, the Provost, or any person charged with responsibility for the premises being used for the Event, shall have the right to call on assistance from the police where they have reasonable cause to believe that a breach of the peace is likely.

- 11.8 Nothing in this Code of Practice shall be taken to prohibit the lawful exercise of the right to peacefully protest. Protests against an event must be conducted without infringing the rights of others, including others' rights to freedom of speech. No protest should prevent an event allowed under this Code of Practice from going ahead as scheduled.
- 11.9 Infringements of, or departures from, this Code of Practice in whatever respect may render those responsible subject to disciplinary proceedings. In addition to disciplinary proceedings, breaches of the law may give rise to prosecution. All LSBU students and members of LSBU staff are under an obligation to assist with any investigation into any allegation of a breach of this Code of Practice.

12. Right to appeal against decisions of the responsible officer

- 12.1 Where it has been decided that an Event shall not be held, or where restrictions or conditions are imposed, the Provost will provide reasons to the Organiser. The Organiser has the right to submit an appeal against the decision within five working days of the date of the decision by making representations in writing to the Vice-Chancellor or their nominee. If there is insufficient time to consider the appeal before the scheduled date for the Event, the Event may have to be postponed pending the outcome of the appeal.
- 12.2 Within five working days of receipt of the appeal and after having consulted the Provost, the Vice-Chancellor or their nominee will review the original decision and will notify the Organiser of the outcome of their appeal. Where appropriate, the Vice-Chancellor may also consult LSBU's advisors from local communities and/or independent members of the Board of Governors.
- 12.3 If the Organiser is not satisfied with the outcome of the decision, they can refer their complaint as follows:
- 12.3.1 Students: Student Complaints Process, and, if unresolved, the Office of the Independent Adjudicator (OIA)
 - 12.3.2 Academic staff: Staff Grievance procedure, and, if unresolved, the Office for Students.
 - 12.3.3 Non-staff/non-student speakers: Deputy ViceChancellor Academic Framework, and, if unresolved, the Office for Students.

13. Reporting of disturbances

- 13.1 Should any disturbance arise at or from an Event held under this Code of Practice, the Organiser must make a full and detailed written report of this disturbance to the Provost within 72 hours.