# Appendix A of the [Code of Practice on Freedom of Speech and Academic Freedom](/legal-information/code-of-practice-on-freedom-of-speech-and-academic-freedom/#appendix-b-complaints-cb80)

**The legislative context**

1. The University has adopted this Code to ensure that it acts in accordance with the duties imposed upon it by Section 43 of the Education (No 2) Act 1986, as updated by the Higher Education and Research Act 2017 and the Higher Education (Freedom of Speech) Act 2023.
2. There are other requirements that the University must also consider to comply with various elements of legislation and regulation, as well as the requirements of any relevant judicial authority relating to free speech and academic freedom.
3. The Education Act (No 2) 1986 (Section 43) imposes specific obligations on higher education providers to protect freedom of speech and requires that they: ‘shall take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers’. The 1986 Act includes a duty on provider governing bodies to issue and keep updated a code of practice setting out the procedures to be followed by students and staff in connection with meetings on the provider’s premises.
4. The Higher Education and Research Act 2017 makes it clear that all universities and colleges which register with the Office for Students must follow its regulatory framework. Under the framework the governing bodies of registered universities should take ‘such steps as are reasonably practicable to ensure that freedom of speech within the law is secured within the provider.’ The 2017 Act also includes a general duty for the Office for Students to protect institutional autonomy, including academic freedom.
5. The Higher Education (Freedom of Speech) Act 2023 requires higher education providers to have particular regard to the importance of freedom of speech and take steps that are reasonably practicable to secure free speech within the law for staff, students and visiting speakers. It also requires providers to secure academic freedom within the law for academic staff and places a duty on students’ unions to secure free speech.
6. The European Convention on Human Rights safeguards freedom of thought, conscience and religion (Article 9) and freedom of expression (Article 10) which are incorporated into UK law by the Human Rights Act 1998. However, these are qualified rights and subject to certain qualifications which are necessary in a democratic society.
7. The Equality Act 2010 places a duty on the University to have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between all members of the University’s community. It also imposes obligations not to discriminate on the grounds of the relevant protected characteristics.
8. 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.
9. The Public Order Act 1986 contains a range of criminal offences relating to violent conduct and speech or actions that threaten violence causing someone to fear for their safety or causing another person harassment, alarm or distress. The 1986 Act also makes it an offence to use threatening, abusive or insulting words or behaviour either with the intention of stirring up racial and religious hatred, or in circumstances where it is likely racial or religious hatred will be stirred up, as well as stirring up hatred on grounds of sexual orientation.
10. The Terrorism Acts of 2000 and 2006 define certain criminal activities including inciting acts of terrorism, disseminating terrorist publications or belonging to or supporting proscribed organisations. Terrorism is defined as including the use or threat of serious violence against a person or serious damage to a property for the purpose of advancing a political, religious or ideological cause. The Counter Terrorism and Security Act 2015 places an obligation on the University to have due regard to the need to prevent people from being drawn into terrorism (‘the Prevent Duty’), whilst also having particular regard for the duty to ensure free speech and to the importance of academic freedom.