

# Policy on Academic Freedom and Freedom of Speech

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# Policy on Academic Freedom and Freedom of Speech

## 1 Introduction

This Policy has been instituted in recognition of the Trust's role as a higher education institution, however it covers all educational, research, and clinical activities and therefore has implications for all staff.

The Trust's associated education, debate and research activities are informed by the principles outlined in this policy.

The Trust adheres to the principles of academic freedom and recognises the right of its staff and students to test received wisdom and to put forward controversial or unpopular opinions. without jeopardising their privileges or position.

The Trust expects its staff to exercise their freedom of speech in ways which are mindful of the Trust's core values and its wider policies and procedures.

## 2 Purpose

This Policy has been established to ensure that students and staff involved in educational, research, events, and other activities at the Trust, are aware of their freedoms and responsibilities around their speech and expression.

## 3 Scope

This policy applies to all Trust staff, students and invited guests involved in the participation and delivery of Trust activities. These activities include meetings, extra-curricular events or related activities delivered away from the Trust's buildings but linked to the organisation by use of its name or funding.

## 4 Definitions

### **Academic Freedom**

The Trust supports its staff and students to work in ways which are consistent with its published strategies, policies, procedures and terms of employment or study. Scholarly activity which ensures the maintenance of academic standards is supported. Within these contexts, the Trust supports freedom of teaching, discussion, research and expression.

### **Freedom of Speech**

As a national and international thought leader around mental health, the Trust is an institution where, within the law, debate and discussion may occur; where ideas may be tested and where its staff and students may challenge and think for themselves. The Trust is committed to promoting an environment in which intense inquiry and informed argument generates

lasting ideas, and where members of its community have a responsibility both to constructively challenge and to listen fully.

## **5 Policy Statements**

### **Responsibilities**

The freedoms recognised by the Trust must co-exist with the organisation's primary purposes: to understand and think about mental distress, mental health and emotional wellbeing. Staff and students must be mindful of the Trust's core values and abide by its policies and procedures. As such they have responsibilities to:

Refrain from all forms of discrimination whether on the grounds of protected characteristics or any other personal attributes. This includes the promotion or groups or individuals who incite hate or discrimination;

To ensure that positions in debate have some grounding in scholarship, demonstrable evidence or a wider context;

To recognise and express where personal belief impinges on debate and judgement;

To debate in a manner which is not injurious to others or the reputation of the Trust or which is not disruptive to teaching or the delivery of clinical services;

To be mindful of the personal beliefs, backgrounds and opinions of others and to avoid unnecessary distress in the expressing contrary ideas or opinions;

To not impose beliefs on others;

To be clear that any opinions are not those of the Trust unless communication has been officially sanctioned, by the Trust's Communications team in liaison with other senior Trust staff as appropriate

To ensure that all research has appropriate ethical approval and is conducted in line with this;

To keep an open mind and to listen to views which may be contrary to one's own.

## **6 Duties and responsibilities**

The ultimate responsibility for oversight of this policy sits with the Chief Executive of the Trust, but in practice the operation and oversight of this policy is delegated to the Director of Education and Training / Dean of Postgraduate Studies.

## **7 Procedures**

Where concerns are raised by Trust staff, students, or other members of the Trust community, an investigation will be initiated using the appropriate procedures, such as the Trust's Disciplinary Policy or the Student Conduct Concerns Procedure.

Concerns may be also raised by students directly with the Director of Training and Education, via the Student Complaints Procedure, through HR

using the Trust's Complaints Procedure or using the Trust Freedom to Speak Up Guardian.

## **8 Training Requirements**

This policy is publicly available on the Trust's website. It will be communicated to staff and students registered with the Trust.

## **9 Process for monitoring compliance with this policy**

The Director of Education and Training is responsible for ensuring that the policy is implemented and monitored through the operational structure of DET. Concerns around Academic Freedom will be addressed under their remit and they will report to the Education and Training Committee, which is a specialist interest committee of the board of directors, on this area

## **10 References**

This policy has been created with reference to the Trust's main collaborative partner the University of Essex, and its policy on Academic Freedom and Freedom of Speech, and with reference to the Trust's internal guidelines on Freedom to Speak Up. It also acknowledges the Trust's statutory obligations as set out in the:

Education Reform Act 1998;

Higher Education and Research Act 2017;

Equality Act 2010,

Counter Terrorism and Security Act 2015 and the Prevent Duty Guidance 2015

Public Sector Equality Duty from the Equality Act 2000

## **11 Associated documents<sup>1</sup>**

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<sup>1</sup> For the current version of Trust procedures, please refer to the intranet.

*Policy on Academic Freedom and Freedom of Speech, office use only, 2021*

## 12 Equality Analysis

<b>Completed by</b>	<b>S Carrington</b>
<b>Position</b>	<b>Head of Academic Governance and Quality Assurance</b>
<b>Date</b>	

<b>The following questions determine whether analysis is needed</b>	<b>Yes</b>	<b>No</b>
Does the policy affect service users, employees or the wider community? The relevance of a policy to equality depends not just on the number of those affected but on the significance of the effect on them.	X	
Is it likely to affect people with particular protected characteristics differently?	X	
Is it a major policy, significantly affecting how Trust services are delivered?		X
Will the policy have a significant effect on how partner organisations operate in terms of equality?		X
Does the policy relate to functions that have been identified through engagement as being important to people with particular protected characteristics?	X	
Does the policy relate to an area with known inequalities?	X	
Does the policy relate to any equality objectives that have been set by the Trust?	X	
Other?		X

If the answer to *all* of these questions was no, then the assessment is complete.

If the answer to *any* of the questions was yes, then undertake the following analysis:

	<b>Ye s</b>	<b>No</b>	<b>Comment</b>
Do policy outcomes and service take-up differ between people with	X		There is the potential for continued debate on Trust activities which are controversial, such as our work on gender identity. There is the

different protected characteristics?			potential for these discussions to cause offense to some members of the Trust community and the public, if not handled appropriately.
What are the key findings of any engagement you have undertaken?			The policy states that where such discussion is undertaken, it is necessary to do so in a manner which is “not injurious to others or the reputation of the Trust”.
If there is a greater effect on one group, is that consistent with the policy aims?	X		
If the policy has negative effects on people sharing particular characteristics, what steps can be taken to mitigate these effects?			Appropriate promotion of the policy and in particular the need to behave respectfully when challenging beliefs – including those relating to particular characteristics.  In addition, debates on controversial topics will need to be managed in a way to ensure that any provocative views allow a chance for responses to be given, to ensure appropriate balance, and all those participating have the opportunity to contribute.
Will the policy deliver practical benefits for certain groups?	X		Reassurance that views can be freely expressed, so long as this is done respectfully and professionally and within the law.
Does the policy miss opportunities to advance equality of opportunity and foster good relations?		X	To alter the balance would risk being seen as promoting censorship.
Do other policies need to change to enable this policy to be effective?	X		Further policy work is required: Library Development and Acquisitions Policy (going through committee approval March 2021),

			Guest Speaker Policy (due for consideration May 2021).
Additional comments			

If one or more answers are yes, then the policy may unlawful under the Equality Act 2010 –seek advice from Human Resources (for staff related policies) or the Trust’s Equalities Lead (for all other policies).