

Kaplan UK Pathways: Code of Practice on Freedom of Speech and Academic Freedom

1. Purpose and Scope

This Code of Practice (**Code**) sets out Kaplan UK Pathways (**Kaplan, we, us, our**) commitment to securing lawful freedom of speech and academic freedom, explains the regulatory and legal context and provides procedures for implementing that commitment in practice across our UK operations (including, for the avoidance of doubt, our Scotland operations).

The Code applies to all staff, students and members of Kaplan UK Pathways, and to any person speaking at, or attending, any event or activity we host, sponsor or permit on our UK premises or digital/online platforms. This includes, without limitation, teaching and non-teaching staff, students, contractors, agency workers, visitors, alumni, external speakers, partner organisations, tenants/licensees using our facilities, and any third-party event organisers acting with our permission. Our “premises” shall include any physical premises in the UK that Kaplan controls, namely Kaplan colleges, Kaplan Living residences and Kaplan office space including London Head Office, alongside any digital/online platforms that Kaplan controls.

The Code operates, and is to be read, alongside our Safeguarding Policy, Harassment and Sexual Misconduct Policy, Student and Staff Disciplinary Policies, Complaints Policies Data Protection Policies and the Academic Quality and Standards Manual including, but not limited to, [Chapter 2. Curriculum Development: Design, Approval, Monitoring and Review](#) and [Chapter 11. The Student Voice](#).

In accordance with the Office for Students’ Regulatory Advice 24 (“Guidance related to freedom of speech”), this Code of Practice is published in a prominent location on Kaplan’s public website, is communicated to all staff and students in writing at least once a year, and is available for students on the Student Support and Induction sections of the virtual learning environment (VLE) and for staff on the HR Hub.

2. Our commitment

Kaplan strongly supports and protects freedom of speech and academic freedom within the law. We start from the presumption that lawful speech should be permitted.

Kaplan encourages its staff and students to engage in robust and lively debate and discussions, without fear of retribution, provided that such debate and discussion involves the

expression of lawful views only. The expression of ideas, beliefs, views or opinions will not, in itself, constitute wrongful conduct solely because those ideas, beliefs, views or opinions are unpopular, controversial, offensive or upsetting.

Kaplan will take all reasonably practicable steps to secure that members, students, staff and visiting speakers are able to express lawful views and put forward new ideas and controversial or unpopular opinions without adverse consequences, within the bounds of the law and subject to proportionate conditions where necessary for safety and compliance.

The Code does not allow unlawful speech or conduct and it does not remove Kaplan's duties to protect the safety and rights of others, to prevent unlawful harassment or to comply with applicable regulatory and legal requirements.

3. International Students, Cultural Sensitivity and Institutional Values

We are proud to be a diverse and inclusive community, welcoming students, staff and contractors from a wide range of cultural backgrounds. We recognise that freedom of speech and communication may differ across cultures. We also recognise that international students may be particularly vulnerable given the potential distance from their familiar support networks and a possible lack of familiarity with British culture. Kaplan has accordingly adapted its policies and processes to reflect the needs of our community.

This Code is based on a core principle of freedom of thought and expression. All students, staff and contractors are expected, via their conduct, to uphold these principles and adhere to the standards set out in this Code, regardless of cultural differences.

We help with this by:

- issuing appropriate pre-arrival materials;
- carrying out student and staff inductions which encourage open communication of cultural sensitivities;
- sign-posting our Complaints Policy.

4. Legislation and definitions

The Higher Education (Freedom of Speech) Act 2023 (the **Act**) amends the Higher Education and Research Act 2017 (**HERA**) to strengthen the legal requirements placed on universities and colleges relating to freedom of speech and academic freedom. The Act makes clear that universities and colleges must secure lawful freedom of speech, including academic freedom.

Freedom of speech

Freedom of speech means the freedom, within the bounds of the law, to impart ideas, opinions or information by means of speech, writing or images (including in electronic form) without adverse consequences. This definition is taken from the Act, which also refers to Article 10 of the European Convention on Human Rights (the **Convention**).

Article 10 of the Convention relates to the right of freedom of expression. It states that everyone has the right to freedom of expression which shall include the freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.

Academic freedom

Academic freedom means, in relation to academic staff, as their freedom, within the bounds of the law:

- to question and test received wisdom, and
- to put forward new ideas and controversial or unpopular opinions without placing themselves at risk of being adversely affected in any of the following ways:
 - loss of their jobs or privileges at the provider;
 - the likelihood of their securing promotion or different jobs at the provider being reduced.

The Act is clear that the duty to secure freedom of speech includes a duty to secure academic freedom.

5. Procedures for external speakers and events

All meetings and events involving third-party (i.e. non-Kaplan / non-Kaplan-affiliated) speakers on Kaplan UK Pathways premises must be requested via the College Director at this email address: freedomofspeechqueries@kaplan.com. Please state your email address, identify which pathway college the request is for, and detail the organiser, topic, speakers, audience, venue/online platform, publicity and any known sensitivities.

The College Director will conduct an initial risk screening and produce a documented, proportionate risk assessment. If the external speaker or event is considered high risk, mitigation measures may be imposed, or the event may not be permitted to take place and will be considered in accordance with this Code. Any such mitigation measures or conditions will be formally recorded.

It is anticipated that in the majority of cases, the meeting or event will be straightforwardly approved without issue.

Please see the framework for decision-making at section 7 below for details regarding how the College Director will reach a conclusion regarding such events.

The College Director will start from the position of allowing the event to go ahead, and that disallowing or cancelling an event is exceptional.

Kaplan's Prevent duties

Where an external speaker request or event raises concerns relating to radicalisation, terrorism, extremist activity or any other matter relevant to Kaplan's Prevent duties, the matter shall be escalated to the Prevent Lead for review and advice prior to a final decision being made. Any such escalation, together with the outcome, reasons for the decision and any conditions or mitigation measures imposed, shall be documented and retained in accordance with Kaplan's data retention requirements.

6. Protests, demonstrations and counter-speech

Kaplan recognises peaceful protest, demonstrations and counter-speech as forms of lawful expression. Kaplan will facilitate them where reasonably practicable, whilst ensuring staff and student safety, continuity of teaching and operations, the rights of others to speak or to study and work without undue disruption, and any other lawful and proportionate considerations.

Protest organisers should identify the college for us to direct the request to each College Director at freedomofspeechqueries@kaplan.com stating your email address the College Director will respond and enable proportionate planning.

As is the case with all meetings and events on our premises, unlawful conduct including but not limited to violence, threats and/or harassment will not be tolerated.

7. Framework for decision making

Kaplan utilises OfS' three-step framework for assessing any measure or decision that might affect speech or types of speech. The steps are as follows:

Step 1: Is the speech "within the law"? If yes, go to step 2. If no, the duty to secure such speech does not apply.

"Law" means primary legislation, legal precedent or court decisions, secondary legislation or byelaws.

"Law" does not mean university/college regulations or contracts with employees or students.

Step 2: Are there “reasonably practicable steps” to secure the speech? If yes, take those steps. Secure the speech. If you are interfering with the speech in any way, go to step 3.

The following factors are likely to be relevant to determining whether the speech can be secured:

- Legal/regulatory requirements, for example, Kaplan’s duty to prevent harassment and sexual misconduct, and its duties in relation to the Human Rights Act 1998;
- Maintaining essential functions of the institution, for example, learning, teaching, research activities, administration and institutional resources necessary for essential functions;
- Physical safety of staff, students and other members of the Kaplan community.

The following factors are likely to be irrelevant to determining whether the speech can be secured:

- The viewpoint that the speech expresses including whether it aligns with Kaplan’s aims or values, whether it is controversial or offensive, whether external or internal groups approve of the viewpoint that the speech expresses;
- The reputational impact of the speech on Kaplan.

If there are “reasonably practicable steps” that Kaplan could take to secure the speech, it should take those steps. An example of this step in action is as follows:

Students object to a visiting speaker because of their controversial but lawful views. A reasonably practicable step would be for Kaplan to allow the event to proceed with proportionate measures to address genuine risks, such as appropriate security, a chaired Q&A or a different room, rather than cancelling the event simply because the views are unpopular or offensive.

Step 3: Are any interferences lawful and proportionate?

If Kaplan proposes to restrict or regulate lawful speech in any way, it must consider whether that restriction is legally permitted and proportionate under the Convention.

This means Kaplan should be satisfied that:

- there is a clear legal basis for the restriction, and the relevant rule is accessible and sufficiently clear so that those affected can reasonably understand when it applies and what the consequences may be;
- the restriction is being imposed for a sufficiently important and legitimate reason;
- the restriction will genuinely help to achieve that purpose; and
- no less restrictive measure would achieve the same purpose without unacceptably compromising it.

Kaplan must balance the importance of the objective against the impact on freedom of speech. There is a high bar for restricting lawful speech, particularly in higher education. Where a more limited measure would adequately address the concern, Kaplan shall use that measure instead.

Decisions made in accordance with the framework in this section 7 will be appropriately recorded.

8. Steps to secure freedom of speech

Kaplan is a diverse and international community. Our students and staff may come from different countries, cultures, religions and educational traditions, and may have different expectations about what can or should be said in an academic environment. Some may be unfamiliar with the extent to which lawful expression, including controversial, unpopular or potentially offensive views, is protected in British higher education.

Kaplan may therefore take reasonably practicable steps to secure freedom of speech, including:

- **Setting clear expectations from the outset.** Explain during inductions that lawful ideas and opinions may be expressed, questioned and challenged at Kaplan, even where others find them controversial, offensive or inconsistent with their own cultural, religious or personal values.
- **Supporting constructive disagreement.** Help students and staff understand the distinction between disagreeing with or challenging a person's views and preventing that person from expressing them. Encourage respectful debate without requiring people to agree with, endorse or remain silent about particular viewpoints.
- **Providing appropriate training.** We are in the process of implementing staff training to ensure that staff who make decisions affecting speech (including external speaker events, student conduct and academic governance) understand Kaplan's freedom of speech

obligations and can distinguish between speech that is unlawful and speech that is lawful but may be upsetting or offensive.

- **Taking proportionate steps to enable events to proceed.** Where a speaker or event generates objections, consider practical measures such as a chaired discussion, Q&A, appropriate venue or proportionate security arrangements rather than cancelling the event because of opposition to the speaker's lawful views.
- **Ensuring policies do not unnecessarily restrict speech.** The regular review of codes, policies, risk assessments and regulations to ensure that they do not prohibit lawful expression merely because it may cause offence or conflict with Kaplan's values or the views of members of its community.
- **Protecting academic teaching and discussion.** Allow staff to introduce and discuss relevant controversial material and allow students to question, criticise and debate ideas without being disadvantaged because of the viewpoint they express.
- **Protecting academic research.** Avoid restricting research, publication or academic advancement because research reaches a controversial or unpopular conclusion, including where that conclusion conflicts with Kaplan's interests, policies or values or attracts external criticism. It is acknowledged that Kaplan is not a research-intensive institution but research activity is undertaken on a small scale and it is important that such activity is protected regardless of size. Any research carried out by, or otherwise involving, Kaplan staff, students or alumni is subject to the ethical and procedural requirements set out in the Research Policy, which must be applied consistently with this Code.
- **Responding appropriately to complaints.** Assess complaints about speech carefully before beginning disciplinary or investigatory action. The fact that someone has been offended or distressed should not, by itself, mean that the speech was unlawful or that disciplinary action is appropriate.
- **Supporting individuals facing pressure because of lawful speech.** Where a student, academic or speaker faces calls for sanction or removal because of lawful views they have expressed, respond promptly and, where appropriate, make clear that Kaplan will protect their right to express those views even if Kaplan or members of its community disagree with them.
- **Making space for different perspectives.** Where appropriate, facilitate opportunities for competing views to be expressed rather than seeking to resolve disagreement by suppressing one side of a lawful debate.

In deciding what steps are appropriate, Kaplan should take account of the particular circumstances, including genuine safety concerns and its other legal obligations. Cultural sensitivity may inform how Kaplan enables discussion, but cultural difference or the possibility that a viewpoint may cause offence should not, by itself, be treated as a reason to restrict lawful speech.

9. Complaints and reporting

Any person who believes that freedom of speech or academic freedom has been unjustifiably restricted or that this Code has been breached may raise a complaint. Students and staff should consult the Complaints Policy applicable to them in the first instance. Visitors and external speakers should submit a complaint using our [Suggestions, Feedback, Appeal and Complaints Form](#).

It is recommended that this section of the Code is read alongside the applicable Complaints Policy.

Nothing in this Code prevents a complainant from using any external mechanism provided by law, by the Office of the Independent Adjudicator (**OIA**) (where eligible) and by the OfS, where available. For staff, applicants for academic posts, visiting speakers and non-student members, this includes the OfS Free Speech Complaints Scheme (active as of 1 September 2026). Please note that this Complaints Scheme allows OfS the power to consider complaints at their discretion and not every complaint will be considered. The OIA continues to be open to students for any unresolved complaints.

10. Disciplinary processes

Breaches of this Code by Kaplan staff or students may lead to action under the relevant disciplinary procedures, up to and including dismissal or expulsion in serious cases. It is recommended that this section of the Code is read alongside the applicable Disciplinary Policy.

Visitors, contractors, external speakers or organisers who breach this Code may have permissions to hold a meeting or event withdrawn, may be required to leave our premises and/or may be declined future meetings, events or bookings.

Where appropriate, matters may be referred to the police or other authorities.

11. Training

As mentioned at section 8 of this Code, we are in the process of implementing staff training on freedom of speech and academic freedom for all staff making decisions in relation to the following:

- admission, appointment, reappointment and promotion;
- disciplinary matters;
- employment contracts (that may include conditions on speech);
- processes and policies relating to equality or equity, diversity and inclusion, including the PSED;
- fitness to practice;
- harassment and bullying;
- IT policies and processes, including acceptable use policies and surveillance of social media use;
- Prevent duty;
- principles of curricular design;
- research ethics;
- speaker events;
- staff and student codes of conduct.

Adequate training shall involve ensuring an up-to-date understanding of this Code (including but not limited to how it applies in practice) and the requirements of the relevant legislation in relation to freedom of speech in relation to the staff member's role within Kaplan.

12. Data Protection

Kaplan will process all personal data under this Code in full compliance with data protection laws and our [Privacy Notice](#). Please see below for more detail:

- **Confidentiality and privacy:** all information will be kept confidential and will only be shared on a strictly need-to-know basis with trained Kaplan staff.
- **Data security:** all records and information gathered will be securely stored. Measures are in place to protect data from unauthorised access, misuse or loss.
- **Data sharing:** data will only be shared externally if required by law (for example, in cases of safeguarding or reporting obligations).
- **Retention and disposal:** personal data will be retained only as long as necessary to comply with this Code and any legal obligations.

13. Historical versions and regular review of this Code

Kaplan will retain previous versions of this Code for a minimum period of six years. Historic versions will be made available upon request and, where reasonably practicable, will be

published alongside this current version. Kaplan will review this Code at least once per year in accordance with the review dates specified at the end of the Code. However, Kaplan will bring any review forward where substantive legislative or regulatory changes are made before a scheduled review date.

14. Other relevant policies

This Code should be read in conjunction with the following Kaplan policies for more detailed information:

- Under 18 Policy;
- Code of Conduct for Staff;
- E-Safety Policy;
- Web Filtering and On-line Safety Policy;
- Whistleblowing Policy;
- Red & Yellow Alert Policy;
- Acceptable Use Policy;
- Staff and Student Relationship Policy;
- Student Complaint Policy;
- HR Disciplinary Policy;
- Student Disciplinary Procedure;
- Safeguarding Policy;
- Harassment and Sexual Misconduct Policy;
- Research Policy.

Version: 1

Publication date: 21/10/2026

To be reviewed on or around: 21/10/2027