



Oakswood College

Empowering Through Education



Freedom of Speech

Complaints Procedure

PROMOTING EXCELLENCE • ENSURING COMPLIANCE
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GOVERNANCE



QUALITY



COMPLIANCE



EXCELLENCE



Oakwood College

Empowering Through Education

(Trading name of Oakwood Group Ltd)

Freedom of Speech Complaints Procedure

Document Control & Version History

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1. Introduction

With effect from 1 August 2025, as a higher education provider Oakwood College is required to comply with its legal and statutory obligations to secure Freedom of Speech within the law. A key part of how we ensure this is by having a process for complaints that lawful freedom of speech has been restricted in our institution.

In accordance with our institutional obligations, this Freedom of Speech Complaints Procedure is aligned with the following:

- Free-Speech duties under the [Higher Education \(Freedom of Speech\) Act 2023](#)
- [Protection from Harassment Act 1997](#)
- [Higher Education & Research Act 2017](#)
- OfS requirements regarding Freedom of Speech, including those under OfS Condition of Registration E6
- [OfS Freedom of Speech Regulatory Advice 24](#)
- [OIA's Good Practice Framework](#)

This Procedure sets out the principles and process for raising and managing complaints where it is alleged that actions or omissions by the institution restricted lawful free speech.

This procedure is in place to ensure the protection and promotion of lawful freedom of speech and academic freedom on campus for:

- All members of the institutional community (both students and staff)
- Visiting speakers (invited guests/organisations)
- Applicants for employment or study
- Others directly affected by institutional decisions

It is an important principle underpinning the context of this procedure that some individuals may be offended by individuals exercising their right to free speech, but this does not in and of itself make such speech unlawful. Individuals should therefore not report others over lawful expression of a particular viewpoint. This principle will be taken into account both in the event of determining the eligibility of a complaint and where a complaint is investigated and/or reviewed.

2. Purpose, Scope and Limitations

Under the requirements of both the Higher Education (Freedom of Speech) Act 2023 and the OfS requirements regarding freedom of speech (including those set out in Condition E6: Harassment & Sexual Misconduct), the College must:

- Take reasonably practicable steps to secure freedom of speech within the law;
- Never use non-disclosure agreements (NDAs) to silence victims of bullying, harassment or sexual misconduct on campus;
- Have a Code of Practice to ensure the protection of free speech;
- Promote the importance of freedom of speech in higher education.

Scope – what can be complained about under this Procedure?

The scope of this procedure is limited in scope to complaints regarding Freedom of Speech, specifically:

- Any decision or action/inaction by the institution that may have restricted or failed to secure freedom of speech *within the law* (as defined in Article 10 of the European Convention on Human Rights)

Examples include:

- refusal to permit events/speakers;
- disciplinary action over speech, or
- institutional policy with negative speech impact, or that has the object or effect of restricting lawful freedom of speech and/or academic freedom;
- a breach of the Code of Practice on Freedom of Speech

<https://oakwoodcollege.co.uk/policies.html>

Allied policies and procedures

The following policies and procedures are allied to this procedure:

- Code of Practice on Freedom of Speech
- Policy on Sexual Misconduct, Harassment and Unacceptable Behaviours
- Student Complaints Policy & Procedure
- Student Non-Academic Misconduct Policy & Procedure
- Staff Disciplinary Procedure
- Student Code of Conduct
- Staff Code of Conduct
- Whistleblowing Policy
- Prevent & Safeguarding Policy and Procedure
- Data Privacy Policy

Who Can Make a Complaint about Freedom of Speech under this Procedure?

- Current and former students (for incidents during their enrolment)
- Current and former staff¹ (for incidents during their employment)
- Invited visiting speakers (individuals or organisations)
- Applicants for study or employment
- Others directly affected by an institutional decision or omission concerning free speech

Where a complaint is received from an individual who does not fall within the scope of the list set out above, the complaint submission will be reviewed by Head of Governance, Quality, Compliance & Information Systems who will decide as to whether the complaint is eligible for consideration. Complainants will be informed in writing if their complaint is not eligible.

In the event that a current or former student makes a complaint that is deemed ineligible, a Completion of Procedures Letter will be issued. Please see further on in this procedure for escalating complaints to the Office of the Independent Adjudicator and Office for Students.

Limitations

Where a complaint has been raised and considered under this procedure, it cannot be raised for consideration under another procedure. Similarly, if a complaint that might reasonably have been raised under this procedure has been considered under another institutional complaint process, then it will not be accepted for consideration under this Procedure.

Once a complaint has been addressed under one policy (e.g. student complaint, staff grievance), it will not be revisited under a different route for the same issue. The same complaint will also not be permitted to be raised concurrently or successively under different procedures.

After a complaint has been fully resolved at the final stage of an internal process, it will not ordinarily be re-investigated or considered further internally—except in cases of new, significant evidence or substantiated procedural error.

Overlap with other institutional procedures

A complaint that lawful freedom of speech has been restricted in our institution may also fall under other institutional policies and procedures, either because of an overlapping remit

¹ For the purposes of this procedure, the definition of ‘staff’ does not only include permanent staff, and is the definition set out on page 64 of [Annex B of OfS Freedom of Speech Regulatory Guidance 24](#)

(e.g. the Student Complaints Procedure) or because the complaint is comprised of more than one issue of complaint, not all of which fall under this Procedure.

Issues of complaint that fall outside the scope of this Procedure will be investigated under the appropriate institutional complaints/appeals procedure, as follows:

- Complaints regarding sexual misconduct, harassment or other unacceptable behaviours should be referred into the procedures under the Policy on Sexual Misconduct, Harassment & Unacceptable Behaviours;
- Complaints by students or former students will normally be considered under the Student Complaints Procedure;
- Complaints by staff will normally be considered under the Staff Grievance Procedure;
- Complaints by third parties will normally be considered under the Public Complaints Procedure.

However, where complaints submitted under one of the above procedures involve allegations that lawful freedom of speech has been restricted, that issue will normally be referred for eligibility review and investigation into this Procedure.

Similarly, where a complaint is submitted under this Procedure but comprises issues that fall outside of the scope of this Procedure, if deemed eligible for consideration following an initial review, they may be fully or partly referred into another relevant procedure as appropriate. The College will always apply judgement as to what it deems the most appropriate – prioritising fairness and reasonableness in reaching such decisions – in referring complaints into alternative procedures to those under which they have been submitted.

Where it is not primarily evident at the outset of the complaint that issues may fall within the scope of this Procedure, but this becomes apparent as the matter is progressed through a procedure, the Head of GQC & IS will consider which policy/procedure should most reasonably apply.

Such ‘multi-issue’ complaints will normally only be considered under one procedure, but where Head of Quality Assurance & Information Systems is satisfied that it is feasible and reasonable to do so, issues of complaint regarding freedom of speech may be separately considered under this Procedure. In this event, such issues referred into this Procedure will not normally be additionally/separately fully investigated and considered under the procedure that the rest of such a complaint is dealt under.

3. Principles underpinning this Procedure

- **Presumption in favour of lawful speech:** Lawful but controversial or unpopular speech is protected unless specifically restricted by law.
- **Legal Compliance:** All restrictions on speech must be "prescribed by law" and proportionate under the European Convention on Human Rights.
- **Balance of probabilities:** all decisions reached under this Policy will be made on the balance of probabilities.
- **Transparency:** All processes and rationales for decisions made under this procedure will be clearly explained. **Anonymous complaints will not be considered**, as they cannot be meaningfully investigated in this context.
- **Impartiality and fairness:** No investigator or reviewer may have been involved in the issue(s) of complaint, disputed event or decision. Appropriate support and reasonable adjustments will be offered to both Complainants and Respondents, without prejudice.
- **No Detriment:** No-one raising a complaint will be subject to disadvantage for doing so.
- **Timeliness:** the timescales set out in this procedure will be adhered to as far as possible. Where a stated timescale cannot be met, Complainants and as relevant Respondents will be notified and given an indicative timeframe for when they should expect to be contacted again on the matter.

4. Record-Keeping, Monitoring and Reporting

All complaints and decisions made under this Procedure will be recorded for regulatory oversight. Records will be anonymised as appropriate and identifying data shared on a necessary basis.

An annual review of complaints data arising from this Procedure will be undertaken by the Board of Governors to identify any Reportable Events, issues requiring attention and/or policy changes.

5. Informal complaint resolution

Complainants are expected, where appropriate, to make reasonable endeavours to resolve any issues and matters informally, via constructive, collegial dialogue, before resorting to submitting a formal complaint under this procedure. However, there may be circumstances

where it is not feasible or appropriate to try to resolve the complaint informally, and in such instances, Complainants are expected to use the formal complaint process set out below.

6. How to raise a formal complaint under this Procedure

Complaints should be submitted in writing, via email, to Head of Governance, Quality, Compliance & Information Systems at complaints@oakwoodgroup.co.uk, and must specify the following:

- i. Who is making the complaint and their status/role.
- ii. Details of the incident, action, or policy alleged to have restricted free speech.
- iii. What steps have been taken so far to try to resolve the issue, or the reason(s) why no such steps have been taken.
- iii. The adverse consequences suffered (these may not necessarily be financial).
- iv. Any relevant evidence or supporting documentation.

On receipt of a complaint made under this Procedure, the Investigation Procedure set out on the following pages of this document will be followed.

Investigation Procedure

This Procedure is aligned with the 3-step process set out in the [OfS Freedom of Speech Regulatory Guidance 24](#).

Stage 1: Initial Assessment of Complaint

On receipt, the Responsible Officer Head of Governance, Quality, Compliance & Information Systems:

- Confirms eligibility and scope;
- Checks if the complaint relates to lawful free speech being allegedly prevented, inhibited or restricted;
- Dismisses complaints clearly outside the scope (e.g. regarding unlawful speech or unrelated to free speech duties).

Where the Responsible Officer is satisfied that the complaint is eligible for consideration, it will progress to Stage 2 of the procedure.

Stage 2: Complaint Investigation

Where a complaint is accepted for consideration, a Complaint Investigator unconnected with the event/decision, will be appointed. This may be an internal member of staff, or, at the discretion of Head of Governance, Quality, Compliance & Information Systems, an external investigator.

The Complaint Investigator must be impartial, so in appointing the Complaint Investigator Head of Governance, Quality, Compliance & Information Systems will ensure there is no conflict of interest between the Investigator and the matters being investigated. It is the responsibility of individuals to raise any conflict of interest before commencing the role of Complaint Investigator.

On commencing their investigation, the Complaint Investigator may:

- Request further information from the complainant
- Invite representations from relevant parties or witnesses, including staff, students and third parties as applicable to the complaint;
- Take into account relevant policies, regulations, practices or precedents.

Investigations will normally be a paper-based exercise, however meetings may be conducted if deemed necessary by the Complaint Investigator, at their discretion. Where any individual

is invited to meet with the Complaint Investigator, they will be informed that they can be accompanied for support by a friend, family member, or Trade Union representative. Where an individual requests to be accompanied by a legal representative, this will not normally be permitted as this investigation process is not a hearing or disciplinary process of any kind.

Decision and Outcome

To close the complaint investigation, the Complaint Investigator prepares a written report that sets out the complaint outcome i.e. whether the complaint is justified, partly justified or not justified. The Report will set out the following:

- findings of the investigation and the reason(s) for the complaint outcome.
- whether there was a breach of the free speech duty
- any appropriate remedy (e.g. reversal of decision, review of policy, formal apology);
- Any recommendations.

Regardless of whether the complaint is found to be justified or otherwise, the Complaint Investigator may make any recommendations that they see fit as a result of the findings of their investigation.

The Complaint Investigator will normally complete their investigation and the report within one calendar month of being appointed and issued with the complaint for investigation. On completion of the investigation and report, they will send their report to the Responsible Officer.

The Responsible Officer will communicate the complaint outcome to all relevant parties via email, normally within 5 working days of receiving the complaint report from the Complaint Investigator, to give them an opportunity to review the report and seek any necessary clarifications.

Stage 3: Request for Review

Complainants who are dissatisfied with the Complaint process and/or outcome may request a review of the Complaint Outcome by the CEO or their nominee.

For complex complaint reviews, the CEO may appoint a Panel of up to 3 people to review the complaint. In this event, the Panel members may include internal staff and external individuals with appropriate expertise, as deemed appropriate by the CEO.

Making a request for a review

Requests for review must be made within 10 working days of the date of issue of the original outcome, and must be made on one or more of the following grounds:

- a) **Procedural Irregularity:** that the formal complaint process wasn't followed correctly, likely impacting the fairness and/or reasonableness of the decision.
- b) **Unreasonable Outcome:** that the decision made at the formal stage is unreasonable given the evidence and circumstances presented.
- c) **New Evidence:** that the Complainant can provide new, relevant evidence that for good reason was not able to be submitted to the original Complaint investigation, warranting a review of the Complaint outcome.

The review decision is final and there is no further internal avenue of appeal/review.

External review of complaints

If dissatisfied after exhausting this internal institutional procedure:

- Students may refer to the Office of the Independent Adjudicator (OIA).
- Staff, visiting speakers, or others may submit a complaint to the Office for Students.

Complainants will be notified of these rights and how to escalate their complaint externally at the conclusion of the procedure, and Completion of Procedures Letters will be issued where applicable.