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Legal advice and guidance for the education sector:

Academic freedom and free speech on campus investigations



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Legal advice and guidance for the education sector

Our Education team provides strategic legal advice and solutions to education providers, professionals working in education, parents and students. We work closely with our clients to anticipate and respond to legal issues, providing solutions in relation to the toughest and most sensitive of problems.

We also work in collaboration with professional associations, trade unions and examination boards, enabling us to advise our clients more effectively.

Academic freedom and free speech on campus

With increased scrutiny surrounding free speech and academic freedom issues, particularly on campus, it is becoming more beneficial for organisations to appoint an external investigator to investigate allegations, whether they be internal disputes or relate to external speaker events. The balancing of competing rights is a particularly challenging area of the law in respect of which significant financial and reputational costs can follow if you get things wrong. Undertaking these investigations with the right level of expertise – but also cost effectively – can be particularly difficult.

Appointing an external investigator will help you navigate this complex area of law and the competing array of rights and legal obligations in order to help mitigate legal, financial and reputational repercussions. It may also help you identify wider cultural issues and assist with compliance with legal obligations more generally.



How we can support you

We help all higher education institutions who are experiencing issues related to freedom speech and freedom of belief, including where staff have made comments or posts either internally or externally which require investigation. We have particular specialism in such issues in the higher education sector, which is highly regulated around issues of free speech and academic freedom. The interaction between the law protecting free speech and academic freedom and equality law, as well as charity, education regulation and the Prevent duty, is particularly challenging and potentially risky for institutions.

In conducting investigations, your institution can instruct us directly or we can work with, albeit independently of, your existing external lawyers to carry out complex investigations in a cost-effective way, with the confidence that the issues are being addressed by a leading expert in the field.

Why choose Doyle Clayton?

Investigations relating to academic freedom issues are led by James Murray, who is widely regarded as one of the leading lawyers in this area, having acted in multiple high profile cases. He holds academic positions, including one at the University of Oxford, through which he conducts cutting edge research in this field. He has published numerous peer-reviewed papers in well-respected journals on academic freedom and free speech, and is currently writing both his PhD thesis and a book on the legal regime governing free speech and academic freedom on campus. He also speaks and writes regularly in the national press about relevant legal issues in the area.

“We have a team of experienced, specialist investigators to support with all types of workplace investigations”

The benefits of instructing us to carry out your investigations include:

Specialist lawyers	Utilising the skillset of specialist lawyers who are experts in the potential legal disputes that could arise from the allegations under investigation.
Sensitive questioning techniques	Investigators who are skilled in sensitive questioning techniques.
Legal privilege	The potential for an investigation to be legally privileged so that findings and accompanying advice are not disclosable in any subsequent litigation.
A rigorous and impartial investigation	A more rigorous, impartial investigation to demonstrate compliance to external regulators / stakeholders and to demonstrate compliance with the preventative legal duty in respect of sexual harassment.
Fairness and credibility	To provide you confidence in complex / sensitive investigations and to ensure fairness and credibility.
Company reputation safeguarding	To safeguard the company's reputation, especially where allegations are likely to attract media attention.
Focus on other business critical work	To allow in-house HR teams to focus on other business critical work or to support smaller employers without the expertise or personnel to conduct a fair or thorough investigation.

Every workplace investigation is different, presenting unique sensitivities, dynamics and complexities that must be managed fairly, lawfully, and consider the risk of legal complaints and reputational harm.

We will provide a precise fee quote after we have agreed terms of reference with you, including how long the investigation is likely to take, how many witnesses will need to be interviewed, how much evidence will need to be reviewed and the complexity of the allegations.

We will act swiftly to commence the investigation and will provide you with an idea of likely timescales before we commence work.

About Doyle Clayton

We offer legal and advisory support to clients on issues arising in the workplace, and provide realistic and effective solutions on employment, business and personal immigration, corporate and commercial law, and education issues.

We provide our clients with excellent technical legal advice, and aim to deliver a personal and dedicated service, tailored to your needs. We have an outstanding reputation for delivering quality advice and are highly rated in the industry's legal directories.

Our team



James Murray

Partner

+44 (0)20 7778 7226

jmurray@doyleclayton.co.uk



Simon Henthorn

Partner & Head of Education

+44 (0)20 3696 7172

shenthorn@doyleclayton.co.uk



Rose Smith

Legal Director

+44 (0)20 7042 7206

rsmith@doyleclayton.co.uk

doyleclayton.co.uk

London (City)

One Crown Court
Cheapside
London
EC2V 6LR
+44 (0)20 7329 9090
info@doyleclayton.co.uk

Reading

Apex Plaza
Forbury Road
Reading
RG1 1AX
+44 (0)118 959 6839
info@doyleclayton.co.uk

Bristol

17-19 Berkeley Square
Bristol
BS8 1HB
+44 (0)117 374 7955
info@doyleclayton.co.uk



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