



The Inns of
Court College
of Advocacy

Policy Statement on Academic Freedom and Research

Version 1.0

The Legal Basis for Academic Freedom and Research

Academic Freedom stems from domestic, European and international law.

Academic Freedom is a legally established right expressed in **Section 202(2) of the Education Reform Act 1988**, which requires an organisation, such as the ICCA, to have regard to the following needs:

- a) to ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges they may have at their institutions;
- b) to enable qualifying institutions to provide education, promote learning and engage in research efficiently and economically; and
- c) to apply the principles of justice and fairness.

Academic Freedom

The ICCA delivers a single post-graduate course, the ICCA Bar Course, which prepares students for a professional career at the Bar of England & Wales, or employed practice, following a period of pupillage or work-based learning.

The Professional, Statutory and Regulatory Body (The Bar Standards Board) prescribes a syllabus, curriculum and assessment strategy. Whilst recognising the requirements of that strategy, the ICCA believes that academic staff should have the right to express opinions, teach, pursue, and discuss knowledge without restriction or interference by the administrators of the organisation.

Research

The ICCA Board of Governors sets the strategic vision for the ICCA from which falls various areas of research which will be undertaken by nominated academic staff as a result. Wherever research is undertaken by the ICCA, the belief in academic freedom underpins the right of academic staff to exercise their own best judgement in the pursuit of knowledge and the conduct of research. It is acknowledged that without such a guarantee of freedom, there may occur a conflict between intellectual curiosity and the consequences of expressions of opinion on continued employment.

Where it is relevant to the ICCA, the employment and privileges of academic staff engaged in research will not be put in jeopardy by reason of objections raised against the opinions or findings at which they arrive during the course of their professional activity in research or teaching, or against any opinions they may express in a lay capacity.

Academic Freedom and Responsibility

All ICCA academic staff will be made aware that the right to academic freedom is balanced by the obligation to use that freedom responsibly. Society values the independent and professional views of academic staff who, in turn, must be mindful of the scope of their professional authority and not

purport to exceed the scope of their expertise. All ICCA academic staff are also bound by their professional Code of Conduct (for example the Bar's Code of Conduct) and are cognisant of the ethical boundaries attached to being a member of the legal profession.

The concept of professional responsibility lies in the observance of standards of procedure, evidence, argument and proof which is shared by the legal profession. It is acknowledged that there may be occasions when analysis, interpretation and explanation of research results will lead a member of the ICCA's academic staff to conclusions which run contrary to accepted beliefs. The ICCA acknowledges in this instance that constructive dialogue is necessary to explore new findings which may in turn render prevailing beliefs outdated and obsolete. This is a fundamental role of lawyers in their day to day practice.