



## Code of Practice for Freedom of Speech

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### A. Introduction

1. This Code of Practice outlines the approach at ArtsEd to promoting and securing freedom of speech and academic freedom within our institutional context, and under the obligations placed on us by relevant legislation. It is intended to support and promote balanced and respectful debate by our community, in which ideas and opinions, some of which may be controversial, can be expressed freely, provided that this is done within the law. This Code includes the procedures that must be followed and expected conduct for meetings, events or other activities held at ArtsEd or held elsewhere (including online) in association with the ArtsEd brand.
2. References to “we”, “us” and “our” in this Code mean ArtsEd.
3. Staff and/or students (including Student Union Officers) who have a question about this Code may contact [hecouseoffice@artsed.co.uk](mailto:hecouseoffice@artsed.co.uk).

### B. Scope

4. The Code should be read alongside the following ArtsEd policies which can be found on our website at <https://artsed.co.uk/about-us/policies/>:

- i. Equal Opportunities Policy
- ii. Health and Safety Policy
- iii. IT Acceptable Use Policy
- iv. Safeguarding Policy
- v. Staff Code of Conduct
- vi. Staff Disciplinary Policy and Procedure
- vii. Student Bullying, Harassment and Sexual Misconduct Policy
- viii. Student Complaints Procedure
- ix. Student Charter
- x. Student Misconduct and Disciplinary Procedure

ArtsEd staff should also refer to the Staff Handbook.

5. This Code applies to:
  - i. ArtsEd staff members
  - ii. Creative freelance staff e.g. visiting lecturers, external directors
  - iii. Higher education students
  - iv. Members of the ArtsEd Board of Trustees
  - v. Visiting speakers
  - vi. any person organising or in attendance at any meeting, event or activity on ArtsEd's premises, or in ArtsEd's name off-campus or online except those within the scope of paragraph 7.
6. With the exception of meetings, events and activities that fall within the scope of paragraph 7, this Code applies to all physical and online meetings, events and activities including but not limited to any teaching sessions (such as classes, workshops, lectures or seminars) committee meetings, exhibitions, performances and auditions in any spaces, wherever situated, of which ArtsEd has title or possession, by freehold, leasehold, licence or otherwise.
7. This Code does not apply to meetings, events and activities:
  - i. Solely for pupils of the Day School and Sixth Form that are not in any way related to higher education.
  - ii. taking place at ArtsEd premises on a commercial hire basis in another organisation's name and to which no ArtsEd staff, ArtsEd members, ArtsEd students or external speakers invited by ArtsEd are in attendance.

## **C. Our values and commitments**

8. We are committed to fostering an inclusive culture which promotes equality, values diversity and maintains a working, learning and social environment in which the rights and dignity of all our staff and students are respected. We recognise that the broad range of experiences that a diverse staff and student body brings strengthens our work and enhances our teaching, and that for ArtsEd to remain world-leading in performing arts education, we must

continue to provide a diverse, inclusive, fair and open environment that allows everyone to grow and flourish.

9. **Academic freedom** means that staff who are engaged in higher education teaching and research within their role at ArtsEd 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, or having the likelihood of securing promotion or different jobs at ArtsEd being reduced.
10. **Freedom of speech** means the freedom to impart ideas, opinions or information by means of speech, writing or images (including in electronic form). This right includes freedom of artistic expression such as a painting or the production of a play.
11. Our Articles of Association, which provide the framework for how ArtsEd is run and governed, set out our commitment to upholding academic freedom of enquiry in our teaching and ensuring that free and open debate can take place in an atmosphere of tolerance.
12. As set out in our Equal Opportunities Policy, we are committed to a positive culture for working and studying which permits freedom of thought and expression within a framework of mutual respect and without violating the dignity of others.
13. In accordance with our Articles of Association, we will take steps to ensure that freedom of speech within the law is secured for our students, staff, members and visiting speakers. We will also take steps to ensure that the use of our premises is not denied to an individual in connection with their ideas, opinions, views or beliefs, or to a body, in connection with their policy or objectives, or the ideas, opinions, views or beliefs of any of that body's members.

## **D. Legal and regulatory context**

14. The Higher Education and Research Act 2017, as amended by the Higher Education (Freedom of Speech) Act 2023, sets out the legal requirements for higher education providers in England regarding freedom of speech and academic freedom. This legislation defines freedom of speech with reference to Article 10(1) (freedom of expression) of the European Convention on Human Rights, which is enshrined in UK Law by the Human Rights Act 1998. The legislation provides a very high level of protection for the lawful expression of a viewpoint and for speech in an academic context, which may include speech that is shocking, disturbing or offensive.
15. We have a statutory duty under the legislation referred to in paragraph 14 above to take reasonably practicable steps to ensure that freedom of speech within the law is secured for our staff, members, students and for visiting speakers, and to publish a code of practice for freedom of speech matters. The duty to secure freedom of speech includes a duty to secure academic freedom for academic staff.
16. We also have a statutory duty to promote the importance of freedom of speech within the law and academic freedom for academic staff in the provision of higher education.

17. In fulfilling our obligations relating to freedom of speech, we must also comply with and balance a range of legislation including:

- i. Health and Safety at Work 1974
- ii. Public Order Act 1986
- iii. The Education (No. 2) Act 1986
- iv. The Education Reform Act 1988
- v. The Data Protection Act 1998
- vi. European Convention on Human Rights enshrined in UK Law by the Human Rights Act 1998
- vii. Protection from Harassment Act 1997
- viii. Proceeds of Crime Act 2002
- ix. The Racial and Religious Hatred Act 2006
- x. Terrorism Acts 2000 and 2006
- xi. The Equality Act 2010
- xii. The Counter Terrorism and Security Act 2015
- xiii. The General Data Protection Regulation 2018

This list is not exhaustive. We will consider other relevant legislation when making decisions regarding academic freedom and freedom of speech.

18. We understand that in accordance with the Human Rights Act 1998, freedom of expression (including speech) is not an unqualified privilege; such rights may be subject to restrictions and penalties as prescribed by law and as “are necessary in a democratic society”.

19. Legislation also places obligations on us to safeguard the wellbeing of our students, staff members, visitors and the wider community. These legal obligations, in some instances, set limits on certain freedoms to preserve the rights and freedoms of others. The protection of lawful freedom of expression (including speech) does not extend to allowing a criminal offence or breach of civil law to occur under the guise of free speech or free expression.

20. The Equality Act 2010 places a duty on us to protect our staff and students from unlawful discrimination, harassment, intimidation or threats of violence on the grounds of a protected characteristic. Speech that constitutes unlawful harassment or incitement to hatred or violence is not free speech within the law and is not protected.

## **E. How we meet our commitments to academic freedom and freedom of speech**

21. This Code of Practice will be published on the Policies page on the ArtsEd website and drawn to the attention of applicants to our higher education courses during the application process.

22. The Code of Practice will be communicated in writing to current students and staff including creative freelance staff at the time of joining ArtsEd, and subsequently at least annually.

23. Communication of the importance of freedom of speech and academic freedom, and our expectations and approach to securing these, will form part of the induction of new staff and students to ArtsEd and our annual staff training requirements.
24. Exposure to teaching, discussions and debate in which the ideas and opinions of staff and students can be expressed as well as challenged is part of a healthy academic environment, even where those views might be contentious or offensive to some. The design, delivery and assessment of our higher education curriculum is expected to enable diverse opinions to be expressed without restriction, provided that those opinions do not breach legal obligations and, where relevant, the rights of others.
25. Staff, students and prospective students will not be treated less favourably or face disciplinary action for exercising their right to academic freedom or freedom of speech within the law. This does not remove the requirement for staff and students to meet our expectations for conduct (see Section J).
26. Terms of reference for committees and boards with responsibilities for matters that may involve freedom of speech, will include a provision for considering freedom of speech implications.
27. In assessing our compliance with our duty to secure freedom of speech within the law, we will take account of whether the speech is prohibited by law and what reasonably practicable steps we can take to secure the speech. When conducting this assessment, we will consider whether any restriction or regulation of the speech is compatible with the European Convention on Human Rights, our other legal obligations, physical safety, or to maintain the essential functions of ArtsEd.
28. We have mechanisms in place for staff, students and others to raise concerns regarding the ability to exercise the right to academic freedom and freedom of speech as outlined in the How to Complain section (see Section K).
29. We will keep records of decisions that have or are likely to have an effect on freedom of speech within the law, and how we have given due regard to the importance of freedom of speech. Significant matters and trends will be included in an annual report to the Board of Trustees (see Section L).

## **F. Policies and procedures to be followed by staff and students**

30. We have a set of policies and procedures that staff and students must follow, which provide a framework for the management and oversight of our higher education provision. They can be found on the ArtsEd website at <https://artsed.co.uk/about-us/policies/>. We have referenced the key policies and procedures for which there are freedom of speech implications in Section B. However, this Code applies to all policies and procedures relating to our higher education activities.
31. When making any decision or adopting any policy that could directly or indirectly (positively or negatively) affect freedom of speech, decision-makers at ArtsEd are expected to follow this Code and act in a way that is compatible with our statutory free speech duties. In the event

of any conflict between this Code and another policy or procedure, this Code will take precedence.

## **G. Procedures for organising events, meetings and other activities**

32. Timetabled activities which are part of the core delivery or assessment of the approved curriculum of higher education courses as set out in programme and module specifications (e.g. classes, workshops, lectures, seminars, performances, filming on set), are subject to a timetabling and room booking process managed by the Registry in liaison with Course Leaders and teaching staff. This process is focused on ensuring provision of appropriate space for the nature of each teaching and learning activity and that timetables are effective across all higher education provision.
33. Committee and Board meetings are organised according to their terms of reference. Other meetings required for the ordinary operational management of ArtsEd (e.g. Executive meetings) are organised in accordance with need and relevant policies (if applicable), and subject to the standard room booking process.
34. Staff and students organising in-person or online events, meetings and activities that do not fall within the scope of paragraphs 32 or 33 (e.g. public talks), should follow the Events and Speakers Procedure in Section H. This procedure does not apply to organisation of events that are social in nature and unrelated to the academic life of ArtsEd.

## **H. Events and Speakers Procedure**

35. The organiser of an event, meeting or activity should complete the [Events Request Form](#) at least 15 working days prior to the proposed date of the event. Where there will be one or more internal or external speakers at an event, the organiser should also complete the [Speaker Request Form](#) at the same time.
36. The Events Request Form and Speaker Request Form (where applicable) are required for events, meetings and activities held in ArtsEd spaces as well as those held in person elsewhere or online in association with the ArtsEd brand. Organisers are responsible for ensuring that requests are made with sufficient notice to allow us to assess any potential risks, and to consider and implement arrangements to mitigate these.
37. It is essential to us that opportunities for free and open discussion within the law are safeguarded. The invitation of speakers to ArtsEd is a fundamental part of an active and stimulating higher education academic environment. As such, we start from the position that all meetings, events and activities including those that involve an external speaker should proceed. No meeting, event or activity will be refused on the grounds of the views or beliefs of the organisers or the participants, unless it is likely there will be unlawful speech, it would lead to a breach of our other legal obligations, pose a real and significant threat to physical safety or significantly disrupt the essential functions of ArtsEd. Where we identify risks, we will work with organisers to determine the steps that could be taken to reduce the risks and to ensure any restriction or regulation of speech is compatible with our legal obligations.

38. It is the organiser's responsibility to provide full details of their proposed meeting, event or activity including those of their proposed speaker(s) within the specified timeframe. Where full details are not provided by the organiser, we will not be able to process the Events Request Form and Speaker Request.
39. A meeting, event, activity or an external speaker cannot be advertised via any medium including in online spaces until the organiser has received approval to do so from ArtsEd.
40. Any physical or online donations/collections of monies at or for a meeting, event or activity (including for charity) must be authorised by the Head of Development or nominee before advertisement.
41. The Head of Student Services or nominee is responsible for considering Event and Speaker Requests from student organisers. The Head of Development or nominee is responsible for considering Event and Speaker Requests from staff organisers. They will consider any risks related to the meeting, event or activity and may require that steps be taken by us or the organiser as conditions of approval to enable it to take place. The starting point for considering requests is that a meeting, event or activity should go ahead and will only be refused in exceptional circumstances (see paragraph 37 and paragraph 43).
42. The steps we may require are taken in order for a meeting, event or activity to proceed will depend on the specific circumstances and risks identified. They may include, for example, requiring that an independent chairperson is present to ensure a range of viewpoints can be heard, or that security arrangements are put in place to protect the health, safety and wellbeing of our community. Organisers are expected to cooperate with any steps we require for a meeting, event or activity to take place.
43. We will not deny permission for a meeting, event or activity to be held or stop an invited speaker from speaking at it unless, in exceptional circumstances, it is:
- i. likely to lead to the unlawful expression of views.
  - ii. likely to lead to a breach of the Terrorism Act 2006 or the Counter Terrorism and Security Act 2015.
  - iii. in support of a proscribed or unlawful organisation, or the external speaker belongs to a proscribed organisation.
  - iv. likely to present a threat to the health and safety of the staff, students, the public or other attendees.
  - v. against the law, likely to breach the law or likely to result in us breaching any of our legal obligations
  - vi. likely to significantly disrupt the essential functions of ArtsEd.
44. Before refusing permission for a meeting, event or activity to take place, we will consider whether there are reasonably practicable steps we can take to secure speech within the law and whether any restriction or regulation of the speech is compatible with our legal obligations including the European Convention on Human Rights, or will pose a real and significant threat to physical safety, or significantly disrupt the essential functions of ArtsEd.
45. If the Head of Student Services (or nominee) for student-organised events or Head of Development (or nominee) for staff-organised events considers that permission for a

meeting, event or activity should be refused or delayed indefinitely, they will make a recommendation to the Registrar who will consider the Event and Speaker Request and decide whether to refuse permission.

46. The Head of Student Services (or nominee) or Head of Development (or nominee) as appropriate will notify the organiser of the outcome and if approved, any conditions attached to its approval.
47. We reserve the right to cancel or prohibit a meeting, event or activity if the procedures within this Code are not followed, or withdraw permission or impose conditions if further information becomes available that leads to any of the circumstances in paragraph 43 arising. Cancellation or prohibition of a meeting, activity or event, or withdrawal of permission will be subject to approval by the Registrar

### **Appealing the decision of Event Request or Speakers Request**

48. An organiser who is dissatisfied with the outcome of their Event Request and/or Speakers Request may appeal the decision by writing to [studentcases@artsed.co.uk](mailto:studentcases@artsed.co.uk).
49. An appeal can be made on one or more of the following grounds:
- i. That there has been a procedural irregularity.
  - ii. That there was bias on the part of the decision-maker or nominee.
  - iii. That the decision is unreasonable.
  - iv. That a condition of approval of the meeting, event or activity is disproportionate.
  - v. That there is new material information which the organiser can demonstrate was for good reason not previously available.
50. An appeal must be submitted within 10 calendar days of the date that we notified the organiser of the outcome of the Event Request and Speakers Request (if applicable). Appeals received after this timeframe will not be considered unless the organiser is able to present evidence of a good reason for the delay.
51. It may be necessary to postpone the proposed date of the meeting, event or activity whilst an appeal is considered.
52. Appeals will be considered by the Principal or their nominee. In all cases, the person considering an appeal will not be someone who was not involved in making the original decision about the External Speakers Request. The Principal or their nominee may consider an appeal based on written information only or may also hold meetings with relevant parties during their consideration of the appeal.
53. The organiser will be informed of the outcome of their appeal within 10 working days of the date that the appeal is received. Where the organiser is a student, they will be issued with a Completion of Procedures (COP) letter when they are informed of the outcome. The outcome of an appeal constitutes our final decision regarding an Events Request and Speaker Request.



54. Where an organiser who is a student is dissatisfied with our final decision about their request following an appeal, they may be able to complain to the Office of the Independent Adjudicator for Higher Education (OIA). The OIA is an independent body set up under the Higher Education Act 2004 to review student cases and complaints. Information and eligibility rules are available at [www.oiahe.org.uk](http://www.oiahe.org.uk).

## **I. Passing on security costs for events**

55. We are required by the Higher Education (Freedom of Speech) Act to ensure that, apart from in exceptional circumstances, use of our premises by an individual or body does not require the individual or body to bear some or all of the cost of security relating to their use of the premises. The legislation requires us to specify our criteria for determining whether there are exceptional circumstances in this Code of Practice.
56. We will not pass on to students or student groups any security costs arising from events organised by them including events involving an external speaker.
57. For events organised by staff, it is expected that costs will be met by the relevant School or department through the ArtsEd budgeting process.
58. Events taking place at our premises organised by other organisations and individuals and not taking place in ArtsEd's name are considered commercial activities. Security costs for such events will therefore be passed on to the organisation or individual organising the event.

## **J. Expected conduct**

59. Staff and students are expected to meet our expectations for conduct as set out in our policies and procedures including the Staff Code of Conduct, Student Charter, Student Bullying, Harassment and Sexual Misconduct Procedure, Student Misconduct and Disciplinary Procedure, Attendance Policy and Student Regulations.
60. All staff, students, members and external speakers are expected to uphold the right to free speech in our activities. Everyone may express their opinions and beliefs freely at ArtsEd, provided they do so within the law.
61. In exercising the right to free speech, we expect everyone to do so respectfully and lawfully. Personal attacks, harassment or discrimination in speech will not be tolerated.
62. Staff, students, members and visitors must not take any action that obstructs or interferes with the organisation or delivery of a meeting, event or other activity (including teaching or research) because of the planned topics or the beliefs or opinions of anyone involved in the organisation or delivery of that activity. This remains the case even when the topics, beliefs or opinions are controversial or offensive to some.
63. All meetings, events and activities must be free from any form of segregation.
64. Organisers, facilitators and chairs of meetings, events or activities are expected to:
- i. maintain order and avoid disorderly conduct.

- ii. allow people to express their disagreement with an idea or opinion, but not in a manner that obstructs or interferes with the conduct of business or the rights of others to free speech.
  - iii. ensure that the behaviour of attendees and speakers does not infringe the law.
  - iv. where necessary, call the Reception Team on 020 8987 6666 to report anyone disrupting the meeting, event or activity.
65. We recognise that protest has a crucial role in the exercise of free speech. Where protests take place, they must not obstruct or interfere with the right to free speech within the law.
66. A member of ArtsEd, including a staff member or a student, who infringes or departs from this Code may be subject to our disciplinary procedures.
67. For actions involving breaches of the law, we may assist the prosecuting authorities to implement the processes of law and/or take legal action against any persons, including those who are not ArtsEd's members.

## **K. How to complain**

68. A student who wishes to complain about a freedom of speech matter should follow the process set out in our Student Complaints Procedure.
69. A staff member who wishes to complain about a freedom of speech matter should raise it under the grievance procedure for staff set out in the Staff Handbook.
70. Complaints raised at the formal stage of the Student Complaints Procedure or the Staff Grievance Procedure will be subject to an initial assessment to determine whether they should be subject to a formal investigation. Our starting point for a complaint about freedom of speech is that lawful speech will not be subject to a formal investigation simply because of a viewpoint it expresses.
71. Where a complaint about a freedom of speech matter is received, we may determine it should be considered under another ArtsEd procedure. For example, we may refer a freedom of speech complaint that involves alleged misconduct by a student for consideration under the Student Misconduct and Disciplinary procedure.
72. It is not possible to complain to us about the final decision made following an appeal under the Events and Speakers Procedure.

## **L. Reporting and monitoring**

73. The Board of Trustees will receive an annual report on freedom of speech within ArtsEd setting out significant activities, trends and other matters relating to the operation and effectiveness of this Code of Practice.
74. Anonymised statistical information relating to the number and type of events collected as part of the Events and Speakers Procedure will be reported annually to the Board of Trustees

and the Office for Students as part of the *annual 'Prevent Duty Monitoring, Accountability and Data Return'*.

75. Any event or circumstance relating to this Code that materially affects or could materially affect our legal form, business model or ability to comply with the ongoing conditions of registration with the Office for Students (OfS) will be deemed a 'Reportable Event' and reported to the OfS.

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