



## Code of Practice for Freedom of Speech

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#### **A. Introduction**

1. As set out in the Institution’s Articles of Association, the Arts Educational Schools (ArtsEd) is committed to upholding academic freedom of enquiry in its teaching and to ensuring free and open debate can take place in an atmosphere of tolerance.
2. In accordance with Section 43 of the Education (No. 2) Act 1986, ArtsEd has a statutory duty to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for its staff members and students and visitors, including external speakers.
3. ArtsEd understands that in accordance with Article 10 of the Human Rights Act (HRA) 1998, freedom of expression (including speech) is not an unqualified privilege, such rights have restrictions and penalties prescribed by law as “are necessary for a democratic society”.
4. ArtsEd is subject to several legislated responsibilities and obligations to safeguard the wellbeing of its 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.
5. The protection to lawful freedom of expression (including speech) does not extend to allowing a criminal offence to occur under the guise of free speech or free expression.

**6. ArtsEd must comply and/or balance the following legal obligations:**

- 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. Human Rights Act 1998 (Art. 9; Art 11; Art 14)
- 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

**B. Scope**

**7. This Code sets out:**

- i. ArtsEd's position on the effective application of freedom of speech and freedom of expression.
- ii. the procedure that members including all staff members, students and visitors invited to ArtsEd (including external speakers) must follow in relation to meetings and other activities held at ArtsEd or in association with the ArtsEd's Brand.
- iii. the behaviours required of any persons (internally or externally) in relation to such meetings, events and activities whether physical or virtual/online.

**8. The Code should be read alongside the following ArtsEd Policies:**

- i. [Safeguarding Policy](#)
- ii. [Student Charter](#)
- iii. [Health and Safety Policy](#)
- iv. [Student Discipline Policy](#)
- v. [Staff Disciplinary Policy and Procedures](#)
- vi. [Staff Code of Conduct and Staff Handbook](#)
- vii. [Equal Opportunities Policy](#)
- viii. [Student Complaints procedure](#)
- ix. [IT Acceptable Use Policy](#)

**9. This Code applies to all ArtsEd's members, including all staff members and Higher Education students of the Institution.**

10. In line with the requirements of the Education (No. 2) Act 1986, ArtsEd's Articles of Association and to ensure academic freedom, it is not intended for the Code to apply to teaching and lectures which are part of the curriculum, seminars and tutorials that constitute an academic programme of study at ArtsEd, or academic research conducted by a member of ArtsEd's staff.
11. Subject to the provision in **paragraph 10** above, the Code further applies to any other person in attendance at any meeting, event or activity authorised by ArtsEd to take place on ArtsEd's premises, off-campus and online, in the name of ArtsEd. This includes external spaces (online or otherwise) and venues hired in or associated with ArtsEd.
12. Subject to the provision in **paragraph 10** above, this Code of Practice to Ensure Freedom of Speech and Freedom of Expression at ArtsEd applies to all physical and online meetings and events including but not limited to lectures, seminars, committee meetings, exhibitions and performances in any spaces, wherever situated, of which ArtsEd has title or possession, by freehold, leasehold, licence or otherwise.

### **C. Principles set out in this Code of Practice**

13. Where it is decided that such a meeting, event or activity is within the scope of this Code, the organiser(s) should follow the process set out in this Code. Infringements of or any departure from this Code by members of the ArtsEd organisation, including all staff members and students, could subject such a person to ArtsEd's disciplinary proceedings.
14. For actions involving breaches of the law, ArtsEd 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.

### **D. Responsibilities**

#### **i. ArtsEd**

15. ArtsEd has a duty of care to its members, including all staff members, students and to its visitors. ArtsEd has responsibility for upholding and maintaining the principles set out in this Code. This Code is issued in fulfilment of that duty and ArtsEd's obligations.
16. It is essential to ArtsEd that opportunities for free and open discussion within the law are safeguarded. As such, ArtsEd starts from the position that all meetings, events and activities (online or otherwise) should take place. However, there may be instances where ArtsEd may need to balance the decision to allow a speaker to express themselves against the need to comply with other legal duties.

17. ArtsEd will not stop an invited speaker from speaking at a meeting, event or during an activity (online or otherwise) unless:
  - i. They are likely to express unlawful speech.
  - ii. Their attendance would lead the Institution to breach other legal obligations if no reasonably practicable steps can be taken to reduce these risks.
  - iii. Steps within the approval procedure have not been completed in sufficient time for the meeting, event or activity to proceed.
  
18. ArtsEd takes its duty of care seriously. When deciding whether to host a particular meeting, event or activity (online or otherwise) including hosting an external speaker, ArtsEd will consider whether the views expressed, or likely to be expressed, are ones that could discriminate, cause harm, risk drawing people into terrorism or breach any of the Institution's legal obligations. Where ArtsEd identifies risks which cannot be mitigated, the meeting, event or activity (including the speaker) will not be allowed to proceed.

**ii. Event Organiser(s)**

19. Organisers of meetings, events or activities and external speakers who speak at any of ArtsEd's premises or online spaces as well as at an external event organised in ArtsEd's name must:
  - i. Comply with the procedure within this Code.
  - ii. Complete and submit the [External Speaker Request Form](#) within the specified timeframe.
  - iii. Cooperate with the mitigations ArtsEd wishes to put in place (if any) for the organisation, publicity and management of the meeting, event or activity (online or otherwise) in order to facilitate full debate where views may be challenged as well as maintain physical and online safety.
  
20. It is the organiser's responsibility to provide full details of their proposed meeting, event or activity (online or otherwise) including those of their proposed speaker(s) by the specified deadline. Where full details are not provided by the organiser, ArtsEd will not be able to process the External Speaker Request Form for the meeting, event or activity nor approve a prospective external speaker.
  
21. Organisers must ensure that nothing in the preparations for or conduct of their meetings, events or activities (online or otherwise) infringes the law. Organisers must also ensure that their meetings, events or activities (online or otherwise) are free from any form of segregation.
  
22. Any physical or online donations/collections of monies at or for meetings, events or activities (including for charity) must be authorised by the Deputy Principal or nominee before advertisement.
  
23. Meetings, events, activities and external speakers cannot be advertised via any medium including in online spaces until the organisers have received approval to do so from ArtsEd.

24. Organisers are required during meetings, events or activities (online or otherwise) to:
- i. maintain order and avoid disorderly conduct.
  - ii. allow reasonable heckling, but to require any person(s) heckling in such a manner as to prevent the conduct of business to desist from doing so.
  - iii. ensure that the behaviour of attendees and speakers does not infringe the law.
  - iv. where necessary, organisers should call the Reception Team on 0208 987 6666 to report any disruptive person(s) from the meeting, event or activity.
25. ArtsEd reserves the right to cancel or prohibit any meeting, event or activity (online or otherwise) if the procedures provided for within this Code are not followed.

#### **E. External Speakers Procedure**

26. The invitation of external speakers to ArtsEd is a fundamental part of an active and stimulating higher education academic environment and we will always seek to allow events to go ahead providing they are within the law and are notified in line with this code of practice.
27. Staff and students who wish to organise events that involve external speakers are responsible for notifying ArtsEd of the invited speakers. They are also responsible for ensuring requests are made with sufficient notice to allow ArtsEd to assess any potential risk relating to the event and make arrangements to mitigate this.
28. ArtsEd considers that a balanced debate enables open and transparent academic challenge, and, in light of this, encourages organisers to consider holding both in person and virtual events in which topics have speakers for and against (without prejudice to the protections for freedom of speech). To enable a balanced debate, in person and virtual events, there should be an independent chair, where appropriate.

##### **i. In Person Events**

When inviting external speakers and booking ArtsEd owned spaces, staff and students (including Student Union Officers) should use the [External Speakers Request Form](#) and follow ArtsEd's Freedom of Speech Code of Practice.

##### **ii. Online Events**

If staff or students are organising an event or meeting online that will include an external speaker, they are responsible for ensuring that the Freedom of Speech Code of Practice is adhered to by all participants. Staff and students (including Student Union Officers) who invite external speakers for online events must complete the [External Speakers Request Form](#).

29. In line with ArtsEd's Freedom of Speech Code of Practice, so far as is reasonably practicable, being part of an event should not be denied to any individual or body or persons on any grounds connected with the beliefs or views of that individual or of any member of that body or the policy or objectives of that body. The only exclusion would be where the speaker belongs to a body which is a Proscribed Organisation as defined by the UK Home Office, under the Terrorism Act 2000.
30. Potential risks must be considered when reviewing an in-person event including student, staff and speaker wellbeing, reputational risk, the history of the speaker and any media attention that they have received previously. UK law regarding discrimination, incitement and intimidation should be considered when reviewing the history of the invited speaker to ensure that ArtsEd are not providing a platform for illegal activity nor contravening its duties and responsibilities under the Equality Act and/or the Human Rights Act.
31. The Head of Student Support and Engagement or nominee will process the external speaker requests within 14 calendar days from the date the [External Speakers Request Form](#) is received. Any requests submitted less than 14 calendar days to the proposed event may not be processed.
32. No meeting, event or activity (online or otherwise) involving an external speaker may be published, announced, advertised or held until ArtsEd is satisfied from its review of any additional evaluation that is required. Failure to comply may lead to commencing the staff Disciplinary or Student Conduct and Disciplinary Procedure against the organiser.
33. ArtsEd reserves the right to cancel or prohibit any meeting, event or activity (online or otherwise) if the procedures provided within this Code are not followed. ArtsEd has a reserved right to cancel any meeting, event or activity (online or otherwise) without notice if ArtsEd becomes aware of any undisclosed information or new information which it believes might cause a breach of this Code.

#### **F. Appealing the decision of the External Speakers Request Process**

34. Organisers dissatisfied with the outcome of the External Speakers request can submit an appeal.
35. A request to appeal should be submitted in writing (by the event organiser) to [appeals@artsed.co.uk](mailto:appeals@artsed.co.uk) within 14 calendar days of the date ArtsEd notified them of the initial outcome of the request.
36. Please note that it may be necessary to postpone the date of a meeting, event or activity (online or otherwise) for an appeal to be heard. An appeal may take place online, in person or via correspondence.

37. Where a request to appeal is received outside of the timeframe set out in this Code, and no evidence of a good reason for the delay is presented by the organisers, the Deputy Principal or nominee may dismiss the appeal and close the matter.
38. Organisers will be informed of the decision of the Deputy Principal or nominee within 14 working days from the date the appeal is received.
39. An appeal can be brought 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 and/or that the mitigation is disproportionate.
  - iv. That there is new material evidence which the organisers can demonstrate was for good reason not previously available.
40. ArtsEd's decision about whether a meeting, event or activity (online or otherwise) can occur, or a speaker can perform following an appeal is final.
41. When the appeal has been concluded ArtsEd will issue the organiser, where they are a student, with a Completion of Procedures (COP) Letter.
42. Students who wish to complain about the manner in which the External Speaker process is administered should make a claim under Stage 2 of the Student Complaint Procedure. Please note that students cannot complain about the decision reached at the Appeals Stage of this policy.
43. Decisions taken at the final stage of the Student Complaint Process may be eligible for review by 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)
44. Staff members who remain dissatisfied with the manner in which the External Speaker process is handled should seek further advice from the Human Resources Team, in line with the relevant ArtsEd's employment process.

## **G. Reporting and monitoring**

45. ArtsEd complies with the requirements of the General Data Protection Regulation 2018 (GDPR) and the Data Protection Act 1998 (DPA). Anonymised statistical information relating to the number and type of events collected as part of ArtsEd's External Speakers Review process 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'*.

46. Any event or circumstance relating to this Code that materially affects or could materially affect ArtsEd's legal form, business model or ability to comply with the Institution's ongoing condition of registration will be deemed as a 'Reportable Events' and reported to the OfS.
47. Staff and/or students (including Student Union Officers) who wish to discuss and seek advice about aspects of this policy should send their query to [studentsupport@artsed.co.uk](mailto:studentsupport@artsed.co.uk).