

L A I N E
THEATRE ARTS

FREEDOM OF SPEECH
POLICY
2023

FREEDOM OF SPEECH POLICY

Policy Statement

The following policy applies to all courses run by the College; that is the *Trinity National Diploma in Professional Musical Theatre*, the one-year *Foundation Diploma in Dance and Musical Theatre*, and the *BA (Hons) Top-up Degree*, validated by the University of Portsmouth.

Laine Theatre Arts is committed through its culture and values to academic freedom and the freedom of speech. It endeavours to create an environment in which ideas and opinions are open to challenge and where the highest standards of artistic and academic rigour are pursued.

The Board of Directors and Senior Leaders will take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for all Directors, staff and students of the College and for all visiting speakers and artists. The College will not, as far as is practicably possible, deny access to its premises to individuals or bodies on the basis of their beliefs, views or policies.

Legal Framework

This policy reflects current UK legislation and will be updated as appropriate to reflect any legislative changes. The policy should be considered in conjunction with the College's policy on academic freedom.

There are a range of legal provisions underpinning, informing and regulating freedom of speech and expression. For example, Section 43 (i) of the Education Act (1986) requires that 'persons concerned in the government of any establishment shall take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers'.

The Equality Act 2010 covers the following protected characteristics: age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation. Under these provisions, the College in the exercise of its business has due regard for the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited under the Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

The European Convention recognises that there could be limits to freedom of speech 'in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary'.

In addition, the College's adopted HE Code of Governance (2020), reminds Governing Bodies in 2.7 and 2.8 that it must 'understand and respect the principles of academic freedom and freedom of speech, the ability 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, and its responsibility to maintain and protect it as enshrined in freedom of speech legislation’.

PURPOSE, DEFINITIONS, SCOPE AND APPLICATION

Purpose

The purpose of this policy is to ensure that staff understand the concept of freedom of speech and the steps Laine Theatre Arts will take within the law to ensure that it is secured for students, staff, directors, visiting speakers and artists.

Definitions

| Term | Meaning |
|----------------------------|--|
| Event | Any conference, assembly, or meeting of people held on College premises or other premises which is to any extent organised, branded, funded, supported or endorsed as a College activity but is not held for purpose of collective religious worship. This definition includes conferences, assemblies, or meetings expected to receive contributions that are pre-recorded, streamed or broadcast from other locations. |
| External Speaker or Artist | People who are not students, staff, or Directors of the College who have been invited to speak at an event or work with students and/or staff for purposes that are not a designated part of an academic course of study, research activity or an academic offer. This definition includes pre-recorded, streamed or broadcast materials from a speaker. |
| Members of the Public | People who are not students, staff, nor Directors of the College |
| Protected Characteristic | Any of the characteristics of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation that are protected from discrimination by law. |
| The Law | Any of the laws of England and Wales and the jurisdiction of the laws of England and Wales, or the laws that apply to any other jurisdiction in which the College operates. |
| The College Premises | All of the premises owned, leased, or used by licence or permission by the College. |

Scope

The policy covers Laine Theatre Arts’ approach to ensuring that all staff are aware of the rights and responsibilities related to freedom of speech.

Whilst there is no legal prohibition on offending others, the College is of the view that open and honest discussion is only possible in the absence of offensive or provocative action and language. Staff are therefore expected to demonstrate sensitivity and respect at all times to the diversity of our organisational and wider community.

The principles of freedom of speech also extend to the use of electronic and social media. However, the College requires responsible and legal use of the technologies and facilities available to staff and students of the College, including the use of the internet, email and social media.

Application

Every Director, manager and staff member is required to take personal responsibility for understanding the provisions of this policy and its day-to-day application.

KEY PRINCIPLES

1. To ensure that all staff understand the legal, cultural and normative principles surrounding freedom of speech at events.

An event which creates an atmosphere of fear, harassment, intimidation, verbal abuse or violence particularly in connection to age, disability, gender, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, or sexual orientation is likely to be unlawful.

The expression of views that may be controversial, but do not breach the law, will not constitute reasonable grounds for refusal of the event. Reasonable grounds for refusal would include:

- Incitement to commit a criminal act;
- Putative unlawful expression of views;
- Support for an organisation whose aims are illegal;
- The likely creation of an atmosphere conducive to giving rise to a breach of the peace;
- Promotion of radicalisation and extremism.

Wilful breach will be managed under the College's disciplinary procedures where appropriate and, if necessary, by recourse to the law.

2. To encourage the use of open and honest discussion of views without offensive or provocative language or actions.

The College expects all staff to respect its values, be sensitive to diversity and show respect to all sections of the community.

The College recognises that academic discourse includes the lawful expression of ideas that may offend, shock or disturb without fear of disciplinary action or any other sanction. These views must also be presented without malice and be in the public interest.

3. To ensure all members of the College feel able to raise any concerns about issues which relate to freedom of speech, e.g., offensive language, discrimination, and bullying, within a supportive and open leadership culture.

We strive to create a culture of openness and trust, which enables College members to feel able to bring freedom of speech issues and other matters to the attention of the organisation as appropriate.

APPROVAL POLICY

The policy is approved by the Board of Directors of Laine Theatre Arts (the Governing Body) on the recommendation of the Academic Board which has delegated responsibility from the Board of Directors for academic freedom and freedom of speech. The Director of Studies and Educational Compliance has Senior Leadership responsibility for academic freedom and freedom of speech and advises the Principal and Artistic Director, the Academic Board, and the Board of Directors on all matters pertaining to academic freedom and freedom of speech.

RELATED POLICIES

Please see the following policies for further information.

- Academic Freedom Policy Statement
- Grievance Policy
- Disciplinary Procedure (Staff)
- Code of Conduct (Student)
- Code of Conduct (Staff)
- Whistleblowing Policy
- Harrassment and bullying

FURTHER ASSISTANCE

For further information about Laine Theatre Arts' commitment to freedom of speech please contact the Director of Studies and Educational Compliance.

Policy reviewed November 2023. Date of next review - November 2024.