

LAINE

THEATRE ARTS

Policies

Freedom of Speech Policy and Code of Practice

FREEDOM OF SPEECH POLICY AND CODE OF PRACTICE

SCOPE OF POLICY AND CODE OF PRACTICE

The Freedom of Speech Policy and Code of Practice applies to all directors, staff, students, visiting artists, lecturers and speakers engaged in the governance, management, delivery and study of all courses delivered by the College; that is the *Trinity College London Level 6 Diploma in Professional Musical Theatre* and the one-year *Foundation Diploma in Dance and Musical Theatre*, and the *BA (Hons) Musical Theatre* and *BA (Hons) Musical Theatre (Top-up)* validated by the University of Portsmouth. The policy and code of practice applies to all onsite and offsite activities undertaken by the College.

FREEDOM OF SPEECH POLICY

POLICY STATEMENT

Laine Theatre Arts is committed to fulfilling its legal duty to ensure academic freedom and the freedom of speech through its culture and values. 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 have a legal duty to 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.

Laine Theatre Arts Limited Board of Directors' duties regarding freedom of speech and academic freedom are set out in its Standing Orders:

- To take such steps as are reasonably practicable towards ensuring freedom of speech within the law is secured across Laine Theatre Arts.
- To ensure that staff while engaged in research, professional practice or teaching 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 have within Laine Theatre Arts.

LEGAL FRAMEWORK

This policy and code of practice reflects current UK legislation including the Higher Education (Freedom of Speech) Act 2023 and will be updated as appropriate to reflect any legislative changes. The policy should be considered in conjunction with the College's statement 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 Code of Governance, the Committee of University Chairs Higher Education 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’.

FREEDOM OF SPEECH CODE OF PRACTICE

PURPOSE

The purpose of this code of practice is to ensure that staff understand the concept of freedom of speech and academic freedom 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 engaging with onsite and offsite College activities.

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.

APPLICATION

The code of practice covers Laine Theatre Art '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.

Every Director, manager and staff member is required to take personal responsibility for understanding the provisions of the College's approach to ensuring freedom of speech through the code of practice 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.

BREACHES AND COMPLAINTS

Where the College receives a concern about the exercise of academic freedom or freedom of speech or where it has received a concern about a possible infringement or departure(s) from the principles and procedures set out in this policy and code of practice, it will consider which of its procedures are most appropriate to consider the concern, making such enquiries as it considers

necessary. Such consideration may lead to further investigation in accordance with the College's disciplinary, grievance or complaints procedures.

REVIEW AND APPROVAL

The policy and code of practice is reviewed annually and 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 monitoring the effectiveness of the College's processes for ensuring academic freedom and freedom of speech.

The Academic Director 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
- Harassment and Bullying Policy

FURTHER ASSISTANCE

For further information about Laine Theatre Arts' commitment to freedom of speech and academic freedom please contact the Academic Director.

DOCUMENT CONTROL

Version:	3
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