

Freedom of Speech Code of Practice

1. Introduction

- 1.1. Trinity Laban believes that freedom of expression and academic freedom are at the heart of its mission and must be fully reflected in both its policies and practices. Our approach is to enable and promote free speech and encourage debate of all kinds. The only exception is where the free speech is unlawful, such as where there are serious concerns about public disorder or the direct incitement of violence or hatred.
- 1.2. This means that there must be an atmosphere of free and open discussion. Trinity Laban supports the view of the European Court of Human Rights that freedom of expression constitutes one of the essential foundations of a democratic society and that such freedom is applicable not only to information or ideas that are favourably received, but also to those that have the potential to offend, shock or disturb the listener. Staff and students primarily determine the subjects and topics of discussion that take place on campus. Pluralism, tolerance and broadmindedness are essential components of a democratic society, and all views, including those that can be difficult to hear, should be able to be expressed and heard with tolerance and mutual respect. There is freedom to challenge or debate the law, moral or other issues but this does not give permission to break the law.
- 1.3. The principle of free speech has the potential to be abused, including through incitement to violence or to breaches of the peace, or by the use of threatening words or behaviour (including the display of writing, signs or other visible representations) which are intended to provoke racial or religious hatred or hatred on grounds of sexual orientation, or to encourage or draw people into terrorism. All of our staff and students have a responsibility to consider these issues in the course of their work.
- 1.4. Every person employed at Trinity Laban and Trinity Laban Students' Union, as well as every student enrolling at the Conservatoire, should be aware that joining the Trinity Laban community involves obligations and responsibilities which are consistent with Trinity Laban's values and the law.
- 1.5. Trinity Laban has adopted this code of practice to ensure freedom of speech within the law is secured for students, employees and other members of the Trinity Laban community. The code's obligations and rights apply to:
 - all members of staff;
 - all students;
 - all members of the governing body;
 - Trinity Laban Students' Union, its constituent societies, sabbatical officers and employees;
 - any visitor to Trinity Laban;
 - any person or organisation using Trinity Laban premises for an event.

2. Legislative context

- 2.1. Trinity Laban has adopted this code to ensure that it acts in accordance with the duties imposed upon it by Section 43 of the Education (No 2) Act 1986, as updated by the Higher Education and Research Act 2017 and the Higher Education (Freedom of Speech) Act 2023.
- 2.2. The Education Act (No 2) 1986 (Section 43) imposes specific obligations on higher education providers to protect freedom of speech and requires that they: ‘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 1986 Act includes a duty on provider governing bodies to issue and keep updated a code of practice setting out the procedures to be followed by students and staff in connection with meetings on the provider’s premises.
- 2.3. The Higher Education and Research Act 2017 makes it clear that all higher education providers which register with the Office for Students must follow its regulatory framework. Under the framework the governing bodies of registered providers should take ‘such steps as are reasonably practicable to ensure that freedom of speech within the law is secured within the provider.’ The 2017 Act also includes a general duty for the Office for Students to protect institutional autonomy, including academic freedom.
- 2.4. The Higher Education (Freedom of Speech) Act 2023 requires higher education providers to have particular regard to the importance of freedom of speech and take steps that are reasonably practicable to secure free speech within the law for staff, students and visiting speakers. It also requires providers to secure academic freedom within the law for academic staff and places a duty on students’ unions to secure free speech.
- 2.5. Freedom of thought, conscience and religion (Article 9) and freedom of expression (Article 10) are safeguarded by the European Convention on Human Rights and incorporated into UK law by the Human Rights Act 1998. However, these are qualified rights and subject to certain qualifications which are necessary in a democratic society.
- 2.6. The Equality Act 2010 places a duty on higher education providers to have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity. It also imposes obligations not to discriminate on the grounds of the relevant protected characteristics.
- 2.7. The Protection from Harassment Act 1997 creates both civil and criminal offences for harassment and makes provision for protecting persons from harassment and similar conduct.
- 2.8. The Public Order Act 1986 contains a range of criminal offences relating to violent conduct and speech or actions that threaten violence causing someone to fear for their

safety or causing another person harassment, alarm or distress. The 1986 Act also makes it an offence to use threatening, abusive or insulting words or behaviour either with the intention of stirring up racial and religious hatred, or in circumstances where it is likely racial or religious hatred will be stirred up, as well as stirring up hatred on grounds of sexual orientation.

2.9. The Terrorism Acts of 2000 and 2006 define certain criminal activities including inciting acts of terrorism, disseminating terrorist publications or belonging to or supporting proscribed organisations. Terrorism is defined as including the use or threat of serious violence against a person or serious damage to a property for the purpose of advancing a political, religious or ideological cause. The Counter Terrorism and Security Act 2015 places an obligation on higher education providers to have due regard to the need to prevent people from being drawn into terrorism ('the Prevent Duty'), whilst also having particular regard for the duty to ensure free speech and to the importance of academic freedom.

3. Roles and responsibilities

3.1. The Board of Governors is responsible for the approval of this code and for seeking assurance on its effective operation.

3.2. Responsibility for the interpretation and implementation of the code is delegated by the Board of Governors to the Principal.

3.3. Members of the Executive team, Heads of Department and the President of Trinity Laban Students' Union are responsible for the day-to-day implementation of this code and are accountable to the Principal for ensuring that this code and its principles are applied across all activities under their management.

3.4. The Principal shall report to the Board of Governors on the circumstances of any significant infringements of, or departures from, the provisions of this code.

3.5. The Registrar or the Director of Strategy & Business Operations will be responsible for approving any restrictions or conditions imposed on an event; any mitigating actions to allow an event to take place; or the cancellation of an event.

3.6. All staff and students have personal responsibility to uphold freedom of speech in line with this code of practice.

4. Academic freedom

4.1. The principle of freedom of speech set out in this code shall extend to the performance by all staff of their duties and responsibilities and to any visiting or guest lecturer invited by Trinity Laban. It shall also extend to students presenting or exhibiting work produced during the course of their studies with the Conservatoire.

- 4.2. Trinity Laban endeavours to provide opportunities to facilitate discourse on contemporary issues by encouraging critical debate within the law, where expression of views within the law by different parties is encouraged.
- 4.3. Trinity Laban encourages a wide range of views which might entail the airing of opinions and ideas that are unpopular, controversial or provocative and foster an environment where academic freedom and freedom of speech and expression is secured within the law.

5. Events

- 5.1. The procedure for booking events and external speakers is outlined in the External Speakers and Events Policy. All spaces to be used for events should be booked in line with the relevant booking policies and procedures.
- 5.2. The expression of views which are unpopular, controversial or provocative or which cause offence, shock or disturb do not, if lawful, constitute grounds for the refusal or cancellation of an event or an invited speaker.
- 5.3. Trinity Laban reserves the right to impose such conditions upon the use of its facilities as are reasonably necessary for the discharge of its obligations relating to the health and safety of its registered students, staff and other persons lawfully upon its premises. Conditions for events may include, for example, restrictions on access by those from outside Trinity Laban.
- 5.4. Trinity Laban reserves the right to decide that practical considerations such as the cost, short notice period or difficulty of providing the necessary mitigations may require an event to be modified, curtailed, postponed, or exceptionally, cancelled. Trinity Laban will bear the cost of appropriate security for approved events to uphold freedom of speech within the law.
- 5.5. It shall be accepted as reasonable to refuse consent, or withhold facilities for any event to which this code applies where Trinity Laban reasonably believes (from the nature of the speakers or from similar events in the past whether held at Trinity Laban or otherwise) that:
 - the views likely to be expressed by any speaker are contrary to the law;
 - the intention of any speaker is likely to be to incite breaches of the law or is to intend breaches of the peace to occur;
 - the views likely to be expressed by any speaker are for the promotion of any illegal organisation or purpose;
 - it is in the interests of public safety, the prevention of disorder or crime or the protection of those persons lawfully on Trinity Laban premises, that the event does not take place.

6. Breaches of the code

- 6.1. Any member of staff or student breaching this code will be subject to action under the relevant staff or student disciplinary procedure.
- 6.2. Where a breach of this code occurs, it shall be a duty of all to whom this code applies to take all reasonable steps to secure the identification of persons involved in that breach.

7. Complaints and appeals

- 7.1. Appeals against the rulings of either the Registrar or the Director of Strategy & Business Operations in respect of events shall be made to the Principal, whose decision shall be final. Such an appeal should be received within five working days of the initial decision.
- 7.2. Students may submit a complaint related to their academic studies, learning opportunities or student experience via the Student Complaints Procedure. Matters relating to the conduct of students will be considered under the Student Disciplinary Procedures.
- 7.3. Staff may submit a complaint via the institution's staff complaints procedure and a completed grievance/complaint form submitted to the Head of People and Organisational Development.
- 7.4. The Office for Students (OfS) operates a free speech complaints scheme. Under that scheme, the OfS can review complaints about free speech from members, students, staff, applicants for academic posts and (actual or invited) visiting speakers. Information about the complaints that the OfS can review is available on its website.

8. Review

- 8.1. A review of this code of practice will be undertaken following the issuing of regulatory advice from the Office for Students.
- 8.2. Minor updates to the code that do not affect the rules, principles or intent of the code may be approved by the Principal.
- 8.3. The Board of Governors will formally review the operation of the code and approve any changes to the code on an annual basis.