
**Code of Practice relating to Freedom of
Speech, External Speakers & Events on
Academy premises**

2021-22

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1. Preamble

- 1.1 The Education (No 2) Act 1986 requires Backstage Academy to “take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees and for visiting speakers”. This includes a duty to ensure, so far as is reasonably practicable, that use of any premises is not denied to an individual or group on grounds connected with their beliefs, views, policies or objectives.
- 1.2 Reference to “Backstage Academy Premises” includes premises which are owned and/or controlled Backstage academy or Production Park Ltd.
- 1.3 In order to facilitate the discharge of these duties, the Backstage Academy Board (The Governing Body) is required under the Act to issue and keep up to date a Code of Practice setting out the procedures to be followed by members, students and employees, and their conduct, in connection with the organisation of meetings and other activities to be held on its premises and which fall within the scope of this Code of Practice.
- 1.4 The Code of Practice shall apply to:
 - Backstage Academy, including members of the Backstage Academy Board;
 - Staff (full-time or part-time) and/or those working on behalf of Backstage Academy;
 - Backstage Academy students (full-time or part-time);
 - Any student societies, clubs or associations; and
 - all persons invited to speak or otherwise take part in events to be held on Backstage Academy premises.
- 1.5 The Backstage Academy Board authorises the Head of Institution to ensure that as far as is reasonably practicable all members, students and employees of Backstage Academy comply with the requirements of this Code of Practice. Failure to comply with the Code of Practice may result in action being taken against those concerned under the relevant procedure, irrespective of any action which may be taken in law.

2. Principles

2.1 Freedom of Speech

- i. The Education (No 2) Act 1986 requires Backstage Academy to “take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees and for visiting speakers”. So far as is reasonably practicable, no premises of Backstage Academy shall be denied to any individual or body of persons on any grounds connected with:
 - a) the beliefs or views of that individual or of that body; or
 - b) the policy or objectives of that body.
- ii. Backstage Academy must also take account of other legal obligations which may require it to have regard to what is said on its premises. The freedom to follow lines of enquiry, no matter how unpopular or controversial, is an essential requirement for the pursuit of higher-level learning and research, which leads to the creation of new knowledge and understandings. The law protects the rights of members of Backstage Academy to engage in vigorous, open debate and argument about social, political, religious, economic and scientific ideas, provided that the views expressed are not contrary to the civil or criminal law.

A speaker, for example, who incites an audience to violence or to breach of the peace or to racial hatred or which invites support for a proscribed terrorist group transgresses the bounds of lawful speech. Equally, assemblies of persons, even if directed to lawful purposes, cease to be lawful if they cause serious public disorder or breaches of the peace.

- iii. Backstage Academy is not required to provide a platform for activity, for example, which is defamatory or in contempt of court, or may lead to violence, disorder or a breach of the peace, or incites racial or religious hatred, or encourages terrorism.

2.2 Segregation

- i. Events and meetings should be open to all, regardless of gender, and enforced segregation by gender, or any other characteristic, at events or meetings is strictly prohibited. Enforced segregation includes pre-allocation of seats by gender and the use of stewards to direct attendees to gender segregated seating. Segregation by gender is permissible for religious observation, however, any events or meetings following such religious observation must allow for openly available seating regardless of gender.
- ii. Individuals are free to choose to sit in groupings as they wish, including single gender groupings, at any and all events. Such voluntary segregation is permissible and compelling attendees to mix with other members of the audience is not acceptable and may constitute harassment.

3. Procedures

- 3.1 Backstage Academy is under no legal obligation to allow meetings to be held on its premises which are open to members of the public. Meetings held on Backstage Academy premises shall not be open to those who are not members or employees of Backstage Academy except by named invitations proposed by the organiser and approved in writing by a member of the senior leadership team before such invitations or materials advertising the meeting are sent out.
- 3.2 The Backstage Academy will not unreasonably refuse to allow events to be held on its premises. Reasonable grounds for refusal shall include, but are not limited to, those events:
 - i. where there is a real likelihood that the speaker may not be able to enter or leave the building safely and/or have the freedom within the law to deliver their speech without disruption;
 - ii. where there is reasonable belief that a breach of the civil or criminal law may be committed;
 - iii. that are in direct support of an organisation whose aims and objectives are illegal;
 - iv. where views to be expressed constitute views that risk drawing people into terrorism or are shared by terrorist groups; or
 - v. which give rise to a breach of the peace.
- 3.3 Meetings or activities to which the Code of Practice applies are those which are likely to take place outside teaching time or relate to non-teaching activity, and for which a room booking is required. However, if external guest speakers are invited to timetabled lectures and seminars, the organisers should consider whether 3.2 above applies, and contact the Director of Student Experience if there is any possibility of a problem occurring.
- 3.4 Meetings or activities shall be held only in a place which has been booked in accordance with the normal procedures through Room Bookings Enquiries.

The booking request will require the person making the booking to state:

- the name of the organiser, and in the case of an external booking, the affiliation of the organiser;
- the name(s) of any external speakers and their affiliation(s);
- the purpose of the meeting and/or the subject matter of any speech;
- the language in which meetings will be conducted, if not in English

On receipt of the booking request, the Director of Student Experience will either:

1. accept the booking and grant permission for the meeting or activity to take place; or
 2. refer the booking to the Head of Institution; or
 3. if suitable premises are not available, decline the booking.
- 3.5 In the case of bookings referred to the Head of Institution under 3.4, the Head of Institution shall make such enquiries as is necessary, and consult senior staff and the Chair of the governing body, in order to decide whether to grant or withhold permission for use of Backstage Academy premises for the proposed purpose. Backstage Academy has the responsibility to maintain good order on its premises and the grant of permission may be subject to such conditions as the Head of Institution deems necessary to ensure that Backstage Academy discharges its statutory responsibilities concerning freedom of speech within the law and consistent with the need to maintain order.
- 3.6 The Head of Institution is entitled to designate a meeting or activity as being subject to this Code of Practice, even if the organisers have not applied to book a room on Backstage Academy premises.
- 3.7 Any meeting or activity must have a named organiser with full authority to act on behalf of the group in all matters concerned.
- 3.8 The Head of Institution may declare the meeting or activity to be a public event, which would permit the police to be present.
- 3.9 The organiser and every person concerned with the holding of any meeting or activity for which written consent has been granted by the Director of Student Experience shall be required to comply with any appropriate conditions specified by the Head of Institution. Conditions may include the requirement to issue tickets, the availability of stewards and security staff, the admission or exclusion of press, television or broadcasting personnel.
- 3.10 The organiser of the meeting or activity will be required to meet the full cost of providing stewards and security staff as reasonably determined by the Director of Student Experience necessary for the meeting and for control and access to it. Payment will be in accordance with Room Booking terms and conditions
- 3.11 The principal organiser responsible for the meeting or activity has a duty to ensure that nothing in the preparation for, or conduct of, a meeting or activity infringes the law, Backstage Academy regulations and is compliant with this Code of Practice. The Chair of the meeting has a duty to take all reasonable steps to ensure that both the speaker and the audience act in accordance with the law and that the principles of freedom of speech are upheld during the meeting. The Chair will be expected to use his or her best endeavours to provide any questions to a speaker, or contributions, are taken from a cross-section of those attending the meeting and are not confined to those of a particular view. In the case of unlawful conduct, the Chair is required to give appropriate warnings and if the conduct continues to require the withdrawal or removal of the persons by stewards or security staff.
- 3.12 Backstage Academy employees and staff designated by the Head of Institution are entitled to enter meetings held on Backstage Academy premises to which this Code of Practice applies.
- 3.13 Premises used for meetings or activities must be left in a clean and tidy condition; organisers may be charged for any additional cleaning and repair costs that may be required. The organisers will be required to indemnify Backstage Academy in the event of any loss, damage or expense arising at the meeting or activity to Backstage Academy premises.
- 3.14 Stewards and/or security staff shall have the right to prohibit those attending the meeting bringing onto Backstage Academy premises any article or object likely to cause injury or damage.
- 3.15 Appeals against the decision of the Director of Student Experience may be made to the Head of Institution whose decision is final. The Head of Institution will report the outcome of any appeals to the next meeting of the Backstage Academy Board.

APPENDIX 1

The following list is not exhaustive and is intended as a guide only in order to seek further information.

Relevant legislation¹

Section 43, Education Act (No 2) Act 1986

HEIs must take reasonable steps to ensure that freedom of speech within the law is secured for members, students, employees and visiting speakers. This duty includes taking reasonable steps to ensure that the use of the HEI's premises is not denied to an individual or group on the grounds of views or beliefs held by the individual/group, or the policy or objectives of the group.

Section 202, Education Reform Act 1988

HEIs must ensure that academic staff 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 any privileges they may have at an institution. These rights must be exercised within the law.

Human Rights Act 1998

The Human Rights Act 1998 incorporates the European Convention on Human Rights into UK law. As public institutions HEIs must carry out their functions in accordance with the rights guaranteed by the Convention. Relevant Convention articles include:

Article 9 - Freedom of thought, conscience and religion.

The right to freedom of thought and conscience is absolute and cannot be limited. The right to manifest religion or belief is subject to limitations in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights or freedoms of others.

Article 10 – Freedom of expression.

Individuals have the right to freedom of expression, including the freedom to hold opinions and to receive and impart information and ideas. The right is subject to limitations including those set by law and necessary in a democratic society, 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, or for preventing the disclosure of information received in confidence.

Article 11 – Freedom of assembly and association

Individuals have the right to freedom of peaceful assembly and to freedom of association with others, subject to limitations in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.

Article 14 – European Convention on Human Rights.

This Article provides an over-arching principle of non-discrimination and can only be used in relation to other Convention rights. It entitles an individual to exercise his or her rights under the Convention without discrimination on any grounds including sex, race, colour, language, religion, political or other opinion, national or social origin, or association with a national minority. This right is unqualified and cannot be limited.

Article 17 – inter-relationship between Convention rights.

¹ Extracted from *UUK: Promoting Good Campus Relations dealing with hate crimes and intolerance(2005)* and *DfES: Promoting Good Campus Relations: Working with Staff and Students to Build Community cohesion and Tackle Violent Extremism in the Name of Islam at Universities and colleges (2006)*

This Article states that the convention does not grant anyone the right to do anything which is aimed at deriving others of their Convention rights, or at limiting those rights.

Anti-Discrimination legislation

Legislation prohibits discrimination on the grounds of race, gender, religion or belief, age, sexual orientation, gender reassignment or disability in all HEI functions including terms of employment, the recruitment, retention and progression of staff and the admission, progression and assessment of students including benefits, facilities and services and the imposition of any penalty or detriment.

HEIs have a positive duty to eliminate unlawful discrimination and promote equality of opportunity in relation to race, sex and disability.

Public Order Act 1986

This Act outlaws the following:

- acts or threats of violence: riot, violent disorder or affray;
- causing fear or provocation of violence: a person using threatening, abusive or insulting behaviour towards another, or displaying threatening, abusive or insulting material, may be guilty of causing fear or provocation of violence if or she intends or causes a fear of violence, or intends to provoke or causes a fear that violence will be provoked;
- harassment, alarm or distress: using threatening, abusive or insulting words or behaviour, or disorderly behaviour, or displaying threatening, abusive or insulting material, within the hearing or sight of a person likely to be caused harassment, alarm or distress.
- Incitement to racial hatred: using threatening, abusive or insulting words or behaviour, or displaying, publishing or distributing threatening, abusive or insulting material intended or likely to stir-up racial hatred. Racial hatred is defined as hatred against a group or persons defined by reference to colour, race, nationality or ethnic/national origins

The Protection from Harassment Act 1997

Under this Act harassment is defined as:

- pursuing a course of conduct which amounts to harassment of another, which the harasser knows or ought to know amounts to harassment;
- causing fear of violence – pursuing a course of conduct that causes another to fear that violence will be used against him/her

A person convicted of harassment may be made the subject of a restraining order, which can impose exclusion zones.

The Crime and Disorder Act 1998

This Act increased the penalties applicable to offences if they are racially aggravated or if there is a religious element to the crime. As long as some of the motivation is wholly or partly racial, the offence will count as a racially aggravated offence.

Racial and Religious Hatred Act 2006

The Act creates new offences of stirring up hatred against persons on religious grounds. The new offences apply to the use of words or behaviour or display of written material, publishing or distributing written material, the public performance of a play, distributing, showing or playing a recording, broadcasting or including a programme in a programme service and the possession of written materials or recordings with a view to display, publication, distribution or inclusion in a programme service. For each offence the words, behaviour, written material, recordings or programmes must be threatening and intended to stir up religious hatred. Religious hatred is defined as hatred against a group of persons defined by reference to religious belief or lack of religious belief

Terrorism Act 2000

Under this Act there is a positive duty to inform the police where a person has information that might be of material assistance in preventing another person from committing and act of terrorism or securing the apprehension, prosecution or conviction of another person in the UK for an offence involving the commission, preparation or instigation of an act of terrorism. There is also a duty to inform the police about information relating to offences concerning the funding of terrorism.

Terrorism Act 2006

This Act created offences which include:

- publishing or causing to be published a statement which is likely to be understood as directly or indirectly encouraging terrorism. Indirect encouragement includes glorification as long as those to whom the statement is published understand that the conduct that is glorified is glorified as conduct that should be emulated;
- disseminating terrorist publications. Dissemination includes distributing, circulating, selling, emailing or offering for download. A publication will be a terrorist publication if it contains matter which directly or indirectly encourages terrorism, or is useful in acts of terrorism and was included in the publication wholly or mainly for the purposes of being so useful. Indirect encouragement includes glorification as long as those to whom the statement is published understand that the conduct that is glorified is glorified as conduct that should be emulated;
- preparing to commit an act of terrorism or to assist others to do so if the defendant has the necessary intention to commit an act of terrorism or assist others to do so;
- attending at a place for terrorist training.

Counter Terrorism and Security Act 2015

This Act makes provision to counter terrorism by:

- placing temporary restrictions on travel where a person is suspected of involvement in terrorism;
- enhancing existing terrorism prevention and investigation measures to monitor and control the actions of individuals in the UK who pose a threat;
- enhancing law enforcement agencies' ability to investigate terrorism and serious crime by extending the retention of relevant communications data to include data that will help to identify who is responsible for sending a communication on the internet or accessing an internet communications service;
- strengthening security arrangements in relation to the border and to aviation, maritime and rail transport; and
- reducing the risk of people being drawn into terrorism, by enhancing the programmes that combat the underlying ideology which supports terrorism through improved engagement from partner organisations and consistency of delivery.

APPENDIX 2

Definitions

1. An 'external speaker' is deemed to be anybody who is neither a registered student nor a paid employee of Backstage Academy or Production Park. An 'event' may be one that is hosted on Backstage Academy/Production Park premises or an external venue in the name of Backstage Academy.

Assessment of proposed External Speaker(s)

Prior to the confirmation of any external speaker, the event organiser will be responsible for assessing the speaker against the following set of questions:

- Question 1: Has the speaker previously been prevented from speaking at Backstage Academy or another HEI or similar establishment or previously been known to express views that may be in breach of the code of practice?
- Question 2: Does the proposed title or theme of the event present a potential risk that views/opinions expressed by speakers may be in breach of the code of practice
- Question 3: Is the proposed speaker/theme likely to attract attendance from individuals/groups that have previously been known to express views that may be in breach of the code of practice?

If the answer to all three questions is NO:

The event organiser should continue to request written authorisation for the event to take place from the Director of Student Experience.

If the answer to any of the questions is UNCLEAR:

The event organiser must seek guidance from the Director of Student Experience or Head of Institution, whose responsibility it will be to further review the speaker(s) against the questions above.

Ultimately, if the answer to any of the questions is YES the event organiser should be aware that the Head of institution may impose requirements in order to mitigate the risk, which will need to be satisfied to enable the event take place.

This may include (but is not limited to):

- Altering the conduct and time of the meeting and/or its facilitation.
- Requesting an advance copy of any guest list
- Placing a limit on attendees
- Enhancing security arrangements
- Imposing conditions on how the event is to be advertised
- Ensuring a presence of a Duty Manager to ensure good order
- Restricting or refusing media attendance
- Placing a limitation on what attendees may bring to the event, which may include banning food or drink or anything that could be used as a potential weapon
- Imposing conditions on how the event is run, for example in relation to requests for segregation of the audience
- Requesting stewards be provided by the organisers
- Restricting what materials are available at the event
- Liaison with the police
- Chairmanship (including, where necessary, the respective roles of the Chairman and meeting coordinator)
- Procedures for terminating the meeting

Anyone involved in organising a meeting or other activity, or processing a room booking should consider whether there is a possibility that the speaker may not be able to enter or leave the building safely and/or have the freedom within the law to deliver their speech without interruption; or that a breach of the civil or criminal law may be committed.

The following is an indicative list of circumstances which might give rise to a reasonable apprehension that disruption or disorder may occur.

- a) where the subject-matter of the meeting or activity includes in whole or in part
- Animal experimentation
 - Immigration and nationality policy
 - The supposed superiority or otherwise of racial/ethnic/religious groupings
 - Blood sports
 - Genocide
 - A current or recent war (or revolution)
 - Sexual abuse of children and paedophilia
 - Abortion
 - Drugs policy
 - Terrorism and/or violent extremism
 - Other local or national controversial matters
- b) when the guest or visiting speaker includes
- Any current Member of the House of Commons or Lords
 - A present or former representative of any political party which has put forward candidates at a British or Irish Parliament election in the last 20 years
 - Any member of the British or an overseas Royal family
 - Any diplomat or the representative of a foreign power
 - Any person who has previously been prevented from delivering a speech or whose presence has threatened a breach of the peace at Backstage Academy or any other Higher Education Institution
 - Any religious cleric or representative
- c) where the subject matter might be considered to be of a blasphemous² nature (not just in respect of Christianity), obscene or defamatory.

This list is provided for guidance and is not intended to be exhaustive. If there is any doubt whether the Code of Practice applies, the guidance of the Head of Institution should be sought.

² 'Blasphemy' is defined by the Oxford English Dictionary as 'irreverent talk about God or sacred things'.

APPENDIX 3

External Speaker Code of Conduct

Introduction

1. This Code of Conduct exists to ensure that all speakers taking part in a Backstage Academy hosted or run event or activity, on campus or elsewhere, act in accordance with the Code of Practice for Freedom of Speech, External speakers and Events. It applies to all staff, students, members of the governing body and visiting speakers and all Backstage Academy/Production Park premises.
2. It is the responsibility of the event or activity organiser (the individual from within Backstage Academy e.g. member of staff or student, named in the to ensure that:
 - this Code of Conduct is communicated to all external speakers (once approved and confirmed via the Booking Process)
 - that all reasonable steps are taken to ensure that the requirements within it are upheld during the running of the event or activity.

Conduct

1. Backstage Academy expects external speakers to act in accordance with the law and not to breach the lawful rights of others.
2. Set out below are some examples of Backstage Academy's expectations. Please note that this is not intended to be an exhaustive list of unacceptable conduct by external speakers. Backstage Academy reserves the right not to permit an external speaker to speak at or attend an event, to refuse to allow an event and/or to halt an event at any time if it reasonably considers there may be a breach of the External Speaker code of conduct or of any legal obligation.
3. During the course of the event at which he, she or they participate, **no speaker shall:**
 - Act in breach of the criminal law.
 - Incite hatred or violence or any breach of the criminal law.
 - Encourage or promote any acts of terrorism or promote individuals, groups or organisations that support terrorism.
 - Spread hatred and intolerance.
 - Discriminate against or harass any person or group on the grounds of their sex, race, nationality, ethnicity, disability, religious or other similar belief, sexual orientation or age.
 - Defame any person or organisation.
 - Raise or gather funds for any external organisation or cause without express permission of the University.
4. During the course of the event at which he or she participates, **all speakers shall:**
 - Comply with Backstage Academy's Code of Practice on Freedom of Speech.
 - Comply with Backstage Academy's External Speaker code of conduct.
 - Present ideas and opinions, in particular those that may be contentious or potentially offensive, in the spirit of academic debate, being open to challenge and question.
 - Follow Backstage Academy's policy on and instructions relating to health and safety.

| DOCUMENT CONTROL | |
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