

FREEDOM OF SPEECH POLICY AND CODE OF PRACTICE

1. The NFTS is committed to the active promotion of freedom of speech within the law and thus to ensure that our students and staff are able to discuss and debate ideas freely.
2. The role of higher education institutions in ensuring freedom of speech is reinforced in several pieces of legislation:

- (i) **The 1986 Education Act** states 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 School will not, therefore, as far as is reasonably practicable, deny access to its premises to individuals or bodies on the basis of their beliefs, views or policies.

- (ii) **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.

The associated public sector equality duty requires public sector institutions, in the exercise of their functions, to have due regard to 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.

- (iii) Under Section 26 of **the Counter-Terrorism and Security Act 2015**, the School has a statutory duty to have 'due regard to the need to prevent people from being drawn into terrorism' ('the Prevent Duty'). The School takes this responsibility seriously, and also affirms the need, also stated within the Act, to balance this duty with fidelity to the principles of freedom of speech. The definition of terrorism accepted by the School is the use or threatened use of violence for the purpose of advancing a political, religious, racial or ideological cause.
- (iv) **The Human Rights Act 1998** establishes the individual's right to freedom of expression within the law.
- (v) **The Education Act 1994** places financial and governance oversight duties upon universities with regard to student unions.

Code of Practice

This Code of Practice applies to all staff, students, governors, and visiting speakers.

The School expects students, staff, governors, and visitors to ensure freedom of speech within the law is assured. Whilst there is no legal prohibition on offending others, the School nevertheless believes that discussion that is open and honest can take place if all views, including those that can be difficult to hear, are expressed and heard with tolerance and mutual respect. Students, staff, governors and visiting speakers are therefore required to demonstrate sensitivity to the diversity of the School community and to show others respect.

An event or activity which encourages or draws people into terrorism, or creates an environment of fear, harassment, intimidation, verbal abuse or violence, particularly as a result of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation is likely to be unlawful. All staff and students have a responsibility to consider these issues in the course of their work.

The Director shall conduct a weekly review of the Curriculum Schedules and School events and activities. If (s)he identifies that an event or activity may not comply with the School's Code of Practice, (s)he will refer it for review by the Management team. If they decide that the event or activity complies with the Code of Practice, it can go ahead. They may, however, require the organisers to put in place safeguards, such as extra security or a strong and well-informed chair with the power to intervene or close the event or activity down if there is a breach or threatened breach of the Code of Practice. They will also require the organisers to record the event, so there is no dispute afterwards about what is said by whom. A named Principal Organiser should be identified for each event who is responsible for the booking and control arrangements and conduct of the events including stewarding and moderating, chairing, monitoring and entry.

If Management decide the event may pose too great a risk under the Code or Practice, the organiser will be contacted, where possible, in advance of the event for a meeting with the Registrar. The purpose of the meeting would be to discuss the content of the event with the organiser to establish whether the content is likely to be in breach of the Code of Practice. Where the Registrar considers that the event is reasonably to be regarded as breaching the Code of Practice, the Director shall be informed, and, after approval from the Director, the proposed event shall be cancelled. The Registrar and/or Director may decide to consult with students, staff or other groups before coming to a decision, or to take legal advice. The Director's decision will be final and will not be subject to appeal

The expression of views that may be controversial, but do not breach the law or this Code of Practice, will not constitute reasonable grounds for cancellation of an event or activity. Reasonable grounds for refusal would include:

- incitement to commit a criminal act;
- unlawful expression of views;
- support for an organisation whose aims are illegal;
- the creation of an environment likely to give rise to a breach of the peace.

If students, staff, or governors believe that an event they are organising poses a risk under this Code of Practice, they are required to refer the matter in the first instance to the

Registrar. No advertising of the event is permitted until a decision is reached by Management or the Director (as appropriate) on its compliance with the Code of Practice.

If an event has been advertised, students and staff may still make representations to the Registrar if they feel it breaches the School's Code of Practice. If the event is allowed to take place, they will be allowed the right to peaceful protest for one hour prior to the event taking place. They will not be permitted to interfere with the running of the event.

Wilful breach of this Code of Practice will be dealt with under the School's disciplinary procedures and, if necessary, by recourse to law.

The School will withhold the right to use School premises if it fears there is a likelihood of this Code of Practice being breached.

Students proposing to run an event and who are concerned that it may constitute a breach of the Code of Practice, should contact the Registrar in the first instance.

This Policy and Code of Practice was updated in September 2022