

# **Code of Practice on Freedom of Speech for meetings or other activities on NCCA's premises and NCCA-branded events**

## **Introduction**

1. The National Centre for Circus Arts is a liberal institution. It believes in free speech and promotes a sense of responsibility for their own actions in its students. In pursuit of excellence, we encourage artistic work that express the widest possible range of views and beliefs. Our students must therefore be willing to work on productions of any of these works, any character these works may contain, including roles of any gender, race, faith or sexual orientation. Acceptance of a place at NCCA will be deemed acceptance of our training requirements.
2. NCCA is committed to upholding academic freedom of speech and enquiry in its training, education and research.

## **Scope**

3. This policy applies to all meetings organised by NCCA staff or students or otherwise conducted under the NCCA's brand. It does not apply to the commercial hire of NCCA's premises.

## **The Law**

4. Section 43 (1) of the Education (No.2) Act 1986 ('the Act') imposes a duty on every individual and body of persons ('the Responsible Person') concerned in the government of NCCA to take all reasonably practicable steps to ensure that freedom of speech within the law is secured for staff and students of NCCA and for visiting speakers, lecturers and other professionals.
5. The Act imposes a particular duty on those persons to ensure so far as is reasonably practicable that the use of NCCA premises shall not be denied to any individual or body of persons on any ground connected with their beliefs or views or their policies or objectives.
6. The Act imposes a further duty on the Board of NCCA to establish, issue and keep up to date a code of practice ('the Code') setting out:
  - procedures to be followed by members, students and employees of NCCA with regard to the organisation of meetings held on premises of NCCA and specified as being within the Code;
  - any other activities which shall take place on premises of NCCA and specified to be within the Code. The Code shall also specify the conduct required of

members, students and employees of NCCA in connection with any meeting or activity mentioned above.

7. This Code of Practice is in place to enable NCCA, as a Higher Education Provider, to discharge its duties in relation to freedom of speech within the law, including having due regard to the need to prevent people from being drawn into terrorism under Section 26 of the Counter-Terrorism and Security Act 2015.
8. The Act imposes a specific duty on the Responsible Persons to secure that the Code shall be complied with. The Chief Executive Officer or her/his nominee(s) will be responsible for this Code of Practice and its review and will contribute to NCCA's review process.
9. The Board of NCCA approved this Code of Practice at its meeting in March 2021, having due regard to factors such as public safety, the safety of staff, students and visitors to NCCA and the costs and practicalities of providing facilities to ensure their reasonable safety and protection.

### **Scope and purpose**

10. The Code of Practice applies to all NCCA staff, students, visiting professionals and to any other person in attendance at any meeting or other function which has been authorised to take place on NCCA premises.
11. The procedures described below and attached in Appendix 1 exist to:
  - (a) specify arrangements for the management of meetings and other functions on NCCA's premises which are not an integral part of the normal artistic, academic and/or administrative business of the School;
  - (b) identify reasonably practicable steps that must be taken to ensure that freedom of speech within the law is secured for members of the School and for visiting speakers.
  - (c) specify arrangements for NCCA-branded events involving external speakers and taking place off-site.
12. Staff and students may book accommodation for meetings, classes and events that form an integral part of the School's normal artistic, academic and administrative business, subject to availability in accordance with NCCA's usual procedures.
13. At the discretion of the Chief Executive, permission may be given for NCCA's accommodation to be hired by outside persons or organisations, including permission for meetings or events to be attended by members of the public. Where such permission is granted, the outside person or body must provide the information outlined in Appendix 1 and, if required, complete an appropriate risk assessment

prior to any booking being confirmed. The outside person or body must also meet any additional costs associated with managing any risks to the School represented by the booking.

14. Members of the School and other persons attending meetings or events on the premises must behave in a lawful manner.
15. In the case of meetings or functions that come within the provisions of this Code of Practice (see paragraph 8) and are organised by members of staff or students, the names of visiting speakers must be approved by the School prior to invitation.

### **Arrangements and procedures**

16. **Staff.** When a member of NCCA staff wishes to hold a meeting or function that is not directly related to the School's normal artistic, academic or administrative business on NCCA premises, or is to be hosted in NCCA's name off-site, a written request must be made to the Chief Executive Officer. Requests should be made as far as possible in advance of the projected meeting date, and not less than two weeks in advance. Requests should provide the information outlined in Appendix 1.
17. **Students:** When a NCCA student wishes to host an event that is not directly related to the School's normal artistic, academic or administrative business, a written request should be made to the Director of Higher Education programmes. Requests should be made as far as possible in advance of the projected meeting date, and not less than two weeks in advance. Requests should provide the information outlined in Appendix 1.
18. A risk assessment of the event should accompany the request, using the guidance in Appendix 2 and will be reviewed by the relevant senior member of staff receiving the request. The staff member or student making the request should indicate whether an event is likely to give rise to difficulties in relation to freedom of speech, or to the safety of the speaker or others within the audience. This will inform any judgment concerning whether permission to host an event is given.
19. The relevant senior member of staff will review the proposed request and risk assessment and reach a judgment. They may seek further information in relation to the request, including consulting other members of the senior management team. In the light of the risk assessment the designated senior manager may determine to postpone or cancel an external event, or to set any other reasonable conditions (including but not limited to security arrangements necessary, restrictions on external attendance, and the time the event must end) on any event which is permitted to take place.
20. Prior to receiving approval, events must not be advertised without the express permission, in writing, of the Chief Executive Officer or their nominee.

21. Any decision about whether the event may take place will be communicated to the organiser, usually within a week of receiving the request.

### **Appeals against decisions to refuse permission**

22. Where a staff or student member or body has made a request to book accommodation or host an event and is aggrieved by the decision taken, they may make an appeal to the Chief Executive Officer. Such an appeal will be heard by the Chief Executive Officer or their nominee as soon as is reasonably practicable. The Chief Executive Officer's ruling shall be final. External organisations have no right of appeal.
23. In considering appeals, the Chief Executive Officer may seek the advice of a freedom of speech panel which will normally comprise:
- Another member of the Senior Management Team not involved in the operational assessment of this Code of Practice;
  - Two members of teaching staff, normally to be members of Academic Board; and
  - A student member drawn from the student representatives;
- and which may conduct its business through a face-to-face meeting, a tele-conference, videoconference or by correspondence.
24. Members of the freedom of speech panel for each case should not include individuals who have been involved in determining whether or not an event may proceed before it reaches the appeal stage.

### **General Conditions**

25. Infringements of or departures from this Code of Practice by members of the School will render those responsible subject to disciplinary proceedings in accordance with School regulations and policies. Additionally, if any such actions involve breaches of the law, the School will be ready to assist the prosecuting authorities to implement the processes of law.
26. Any sharing of information with third parties relating to external speakers, speaker requests, or the use of premises by groups and speakers, must be authorised by the Chief Executive Officer.
27. Nothing in this Code of Practice shall detract from the responsibility and duty of a chair or organiser to ensure as far as reasonably practicable that the provisions of Section 43 of the Education (No 2) Act 1986 are complied with.
28. Nothing in this Code of Practice shall prevent a senior officer of the School from taking such steps as may be necessary at any time to ensure the safety of members

of the School or other persons, or to safeguard the premises and property of the School.

3 March 2021

## **Appendix 1: External Speaker/Event Request Form**

Where an external speaker or function outside of the normal artistic, academic and administrative business of the School takes place on NCCA premises or on external premises in NCCA's name, the information below must be provided to the relevant designated officer at least **two weeks in advance**.

### **Designated officers:**

Staff Events: Chief Executive Officer

Student Events: Head of Academic Administration and Student Support

External Hires: Chief Executive Officer

### **Information required:**

- i. Date, time and exact place of the meeting or function, including precise timing on expected arrival and departure of speakers.
- ii. Name of any speaker(s) or likely alternative speaker(s).
- iii. Subject/nature of the meeting.
- iv. Draft copy of any proposed notice, leaflet or other advertising material.
- v. Name, address, email address and telephone number of the member of School organising the meeting or function and their status within the organising group
- vi. Whether the audience may include persons who are not members of the School and whether the event is open to the general public.
- vii. Details of any circumstances that give rise to concern about possible disturbance which could be caused at the meeting or have an impact on the speaker's ability to enter or leave the premises.
- viii. Arrangements for chairing the meeting or function.
- ix. Whether the speaker has been refused permission to speak at the School in the past.
- x. Whether the speaker is known to be controversial in relation to reputation, political views or religious views (this is not an exhaustive list).
- xi. Whether the speaker is likely to attract high media attention.
- xii. Outcome of the risk assessment (see Appendix 2).

## Appendix 2: Risk levels for external speakers and events

Risk Level	Rating Description
<b>Low</b>	<p>The speaker or guest is a known expert in their field and is not known to be controversial, or to hold controversial views. His/her presence on NCCA premises is not likely to be regarded as provocative in any way. The topic of the talk is not controversial nor is it likely to be regarded as offensive by anyone. Access to the event is limited to School students and staff only.</p>
<b>Acceptable</b>	<p>The speaker or guest may hold a strong position on their topic but this would not be regarded as controversial. The speaker / guest may not have a publicly established reputation in their field. The talk is not likely to be regarded as controversial. It is very unlikely to attract adverse media attention or require staff or security presence.</p> <p>Attendance may be high, but the event is open to School students and staff only.</p>
<b>Moderate</b>	<p>The speaker and/or topic may be uncontroversial, but the event is open to non-School students and staff, including the general public and high numbers are likely to attend. The topic may be regarded by some as controversial and this could be a cause for concern even if attendance is likely to be low. There may be a need for some security presence. The event is being held at an external venue</p>
<b>Substantial</b>	<p>The speaker /guest and/or topic are controversial. There may be adverse media attention and a member of staff should attend or security arrangements be made. The speaker has been refused permission to speak at another institution before. Attendance at the event will be high and is open to non-School students and staff. The event is being held at an external venue.</p>
<b>Extreme</b>	<p>The speaker/guest and or topic are highly controversial and will definitely attract adverse media attention. The speaker/guest has been refused permission to attend an event at the School and/or other institutions before. High attendance is expected at the event. The speaker/guest and or topic may attract protest from other students or outside organisations. Non-School students and staff are invited to attend. Security presence would be essential.</p> <p><b><i>The event should not take place unless strict controls are put in place to protect individuals and property.</i></b></p>