CODE OF PRACTICE ON FREEDOM OF SPEECH FOR STUDY, MEETINGS OR OTHER ACTIVITIES AND EVENTS ON NATIONAL CENTRE FOR CIRCUS ARTS PREMISES.

INTRODUCTION

The National Centre for Circus Arts (NCCA) is a liberal institution. It believes in promoting free speech and 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. We are also committed to protecting academic freedom of speech and enquiry in its training, education, and research.

Our students must therefore be willing to discuss subjects and work on productions of any of works and 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.

1. The Law

1.1. 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 governance 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.

1.2. The Act imposes a particular duty on those persons to ensure so far as is reasonably practicable that the use of NCCA premises or online platforms 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.

1.3. 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:

1.4. Procedures to be followed by members, students and employees of NCCA with regard to the organisation of meetings held on the premises of NCCA or online and specified as being within the Code.

1.5. 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.

1.6. 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.

1.7. The Act imposes a specific duty on the Responsible Persons to ensure 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.

1.8. The Board of NCCA approved this Code of Practice at its meeting in May 2025, 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.

The legal framework which underpins this policy has been outlined in **Appendix A.**

2. SCOPE

2.1. This Policy applies to:

- All staff whose normal place of work is on the premises, covering their activities whilst on site, at external engagements and events, or through digital communications and social media channels.
- All registered students, covering their activities whilst on site, at external engagements and events, or through digital communications and social media channels.
- NCCA students' societies, clubs, and associations
- All bodies or persons not associated with NCCA who hire or otherwise use the facilities.
- Any other individual or organisation who attends any meeting or other function which has been authorised to take place on the premises.

2.2. This Policy applies to the following meetings and events:

- Meetings and events on the premises which are arranged by staff or students but on a 'private' basis (where the member of staff is hiring the premises on the same basis as a member of the public)
- Meetings and events on the premises or online, which are arranged as part of the higher education provision.
- Meetings and events on the premises or other uses of the facilities which are arranged by persons not associated with the NCCA, whether by hire or any other arrangement.
- Meetings and events on the premises or online arranged by any NCCA student-led club or association which involve an external speaker not associated with the organisation.
- NCCA-branded events involving external speakers and taking place off-site or online.

2.3 Further Laws that place limitations on freedom of expression in England and Wales are cited in **Appendix A.**

2.4 NCCA may require oversight of event promotion or delivery in relation to the event before signing off agreement to the holding of any event on its premises or online. NCCA also reserves the right to cancel any event if it considers it reasonably necessary to secure fulfilment of its statutory responsibilities concerning the protection of freedom of speech within the law.

3 ACADEMIC FREEDOM AND FREEDOM OF SPEECH BY DEFINITION:

3.1 Academic freedom should be the freedom of teachers and students to pursue knowledge and research without unreasonable interference or restriction, whether political, regulatory, or public opinion. Its basic elements include:

- The freedom to inquire into any subject that evokes their intellectual concern.
- To present their findings to others
- To publish their data and conclusions with limited control or censorship.
- To work/study in the manner they consider professionally appropriate.

3.3 NCCA students, staff and visiting artists should have the freedom to explore subjects that concern them and as a result to form objective conclusions for themselves and to be able to express these opinions.

3.4 The practice of Academic Freedom at NCCA comprises the freedom to:

- Undertake research, and propose and teach courses in which the content, the supporting materials and teaching methods may include materials and viewpoints that may be controversial or unpopular.
- Question and test all previous opinion, research results and interpretations of knowledge in the broadest sense.
- Disseminate knowledge, through teaching, the awarding of degrees, academic lectures and seminars, consultancy, contributions to policy formation and public events.
- Have views that may be controversial or different to others and for those not to impact upon chances of recruitment, existing employment status, opportunities for promotion or personal development.

3.5 NCCA encourages staff, students, and other parties to act with this academic freedom within the context of its values and within its legal obligations.

3.6 Academic freedom and freedom of speech offer opportunities for freedom of expression within artistic work. This may cover both the spoken and written word, as well as the physical process of the creation and presentation of circus and its associated art forms.

3.7 The right to freedom of expression is a qualified rather than an absolute right which means that the rights of the individual must be balanced against the interests of society. Staff, students, and the external organisers of events have a responsibility to be sensitive to the NCCA's values, to the diversity of its community and to show respect to all sections of that community but these factors alone will not be used to prohibit free speech. NCCA also has a duty to:

- Protect others from violence, hatred, and discrimination.
- Protect national security and public safety.
- Prevent disorder or crime.
- Protect the reputation or rights of others.

3.8 Freedom of expression does not protect statements that constitute unlawful harassment, or incite violence or hatred against other persons and groups, particularly by reference to

their:

- Race (including language, national origin, or immigration status)
- Religion or belief,
- Sex or sexual orientation
- Age
- Disability
- Gender reassignment

Nothing in this policy shall be deemed to affect the rights of any person taking any steps pursuant to lawful industrial action or peaceful protest. Equally, any protest taking place in response to a controversial opinion, speaker, or event, will not curb the ability for those opinions or speakers to be heard or affect the possibility of the event taking place.

4 EVENTS AND PERFORMANCES

4.1 An event is defined as any gathering, public or private, on NCCA premises. The event may be organised by the NCCA or by an external individual or organisation using the premises. It also includes any performances or similar public and private activities organised by NCCA at external venues and online events.

4.2 Any refusal of an event or performance would be exceptional and undesirable.

4.3 All events and performances must be inclusive and not exclude individuals based on any protected characteristics. In determining whether an event that is aimed at individuals with protected characteristics may go ahead, NCCA will follow the guidance from the Equality and Human Rights Commission.

4.4 The Chief Executive Officer has ultimate responsibility for the safety of students, staff, visitors and other stakeholders, as well as the reputational concerns of the institution, and reserves the right to refuse any event using NCCA facilities at any time, including after the commencement of the event, if it is felt that those parties or considerations are at risk.

4.5 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.

5 PLANNING AN EVENT OR PERFORMANCE

5.1 The Chief Executive Officer and the Degree Team will assess whether individual events fall within the scope of this policy. Where a decision is made to refuse an event or performance, existing NCCA complaints processes can be used to challenge the decision.

5.2 Anybody wishing to hold an event on NCCA premises or online must complete the relevant booking form **(Appendix C)** and provide further details of the event if required. The booking form must be submitted to the Designated Officers detailed there at least two weeks in advance. It will be a mandatory requirement that the organisers of any event indicate they accept the terms of this Code.

5.3 All event organisers shall ensure that proper organisation is in place for the event including stewarding and security required for the safe operation of the building.

5.4 The point of contact for any questions relating to these processes shall be the Chief Executive Officer.

6 DECIDING WHETHER AN EVENT OR PERFORMANCE CAN GO AHEAD

6.1 In considering whether to permit its premises are to be used for an event or performance, or an event planned it its name, NCCA will uphold free speech within the law.

6.2 NCCA will not unreasonably refuse consent to anybody who wishes to hold an event for the lawful expression of any views or beliefs held. Expression of opinions which could be considered shocking, taboo, annoying, offensive, in bad taste, or ill-mannered are not automatically unlawful and should not be the sole ground for refusal. NCCA may refuse consent if it has reasonable grounds for believing that an event is likely to:

- Lead to incitement to commit a criminal act.
- Lead to the expression of views in a manner which is contrary to civil or criminal law.
- Lead knowingly to a breach of the peace.
- Be in direct support of an organisation whose aims, and objectives are illegal.
- Be conducted in such a way as to infringe this policy or other relevant regulation.
- Adversely affect the reputation and interests of NCCA.
- Endanger the security and/or safety of NCCA's premises and people using the premises.
- Contravene health and safety or other relevant regulations.
- Adversely affect the ability of other users and participants to enjoy NCCA premises and facilities

6.3 Where NCCA consents to an event taking place but believes that the otherwise lawful expression of views at that event may give rise to disorder, NCCA shall consider what steps it is necessary to take to ensure:

- The safety of all persons attending.
- The maintenance of order; and
- The security of premises controlled by the NCCA.

6.4 In these circumstances NCCA may impose such conditions and requirements upon the organisers as are reasonably necessary. These may include, but are not limited to:

- Provision of stewards and security
- Variation of location and time
- Ticketing
- Whether the event shall be open to the public at large.

6.5 NCCA may pass on costs for external events but only when additional resources (security, duty manager, or programme coordinators) are required for the normal safe operation of the premises and its users, or for outside of its usual hours of operation.

6.6 Where NCCA concludes that imposing conditions would not be sufficient to prevent serious disorder within premises it may cancel the permission for the event or performances to be held.

6.7 Protests against an event must be conducted peacefully without infringing the rights of others, including the right to Freedom of Speech. No protest should prevent an event or performance from going ahead as scheduled.

7 APPEALS AGAINST DECISIONS TO REFUSE PERMISSION

7.1 Where a staff or student, or body has made a request to 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.

7.2 In considering appeals, the Chief Executive Officer may seek the advice of a convened freedom of speech panel which will normally comprise:

- Another member of the Senior Management Team.
- Two members of teaching or administrative degree staff.
- A student member drawn from the student representatives.

7.3 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.

8 BREACH OF THE POLICY

8.1 Any breach of the provisions of this policy may render those responsible liable to disciplinary action under the relevant disciplinary procedure or other appropriate sanction. Where breaches of the criminal law occur, NCCA shall, where appropriate, assist the relevant authorities in their investigation of such breach.

9 GENERAL CONDITIONS

9.1 Infringements of or departures from this Code of Practice by any member of the organisation will render those responsible subject to disciplinary proceedings in accordance with regulations and policies. Additionally, if any such actions involve breaches of the law, NCCA will be ready to assist the prosecuting authorities to implement the processes of law.

9.2 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.

9.3 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.

9.4 Nothing in this Code of Practice shall prevent a senior officer of NCCA from taking such steps as may be necessary at any time to ensure the safety of members or other persons, or to safeguard its premises and property.

9.5 In order to comply with Section 43(3) of the Education (No.2) Act 1986 (see Appendix A) the Board of Trustees shall review, formally, the operation of the policy not less than once every three years.

APPENDIX A: LEGAL FRAMEWORK

A summary of the legal framework underpinning this policy.

The Education (No. 2) Act 1986 (section 43(1)) requires the school to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for its employees, students and visiting speakers. This also includes the duty to ensure, as is reasonably practicable, that the use of any of the school's premises is not denied to any individual or body of persons on the grounds of their beliefs, views, policies, or objectives. Under section 43(3), the school is also required to issue, and keep up to date, a policy of practice on freedom of speech, setting out the procedures to be followed by students and staff in connection with the organisation of meetings and activities which fall within any class specified within this policy, together with the conduct required of staff and students in connection with such meetings and activities.

The Higher Education and Research Act 2017 (HERA) makes it clear that all universities and colleges which register with the Office for Students (OfS) must uphold the existing laws around freedom of speech and follow the OfS's regulatory framework. Under the framework the governing bodies of registered universities and colleges should take 'such steps as are reasonably practicable to ensure that freedom of speech within the law is secured within the provider.' HERA also includes a general duty for the OfS to protect institutional autonomy including academic freedom.

The Education Reform Act 1988 (section 202) (reinforced by the Higher Education and Research Act 2017) makes clear 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 privileges they may have at their institutions.

The Public Order Act 1986 creates criminal offences relating to public order; to control public processions and assemblies; to control the inciting of racial hatred or on the grounds of religion or sexual orientation.

The Protection from Harassment Act 1997 creates both civil and criminal offences for 12 harassment and makes provision for protecting persons from harassment and similar conduct.

The Human Rights Act 1998 *in particular Article 9 (freedom of thought, conscience, and religion); Article 10 (freedom of expression); and Article 11 (freedom of assembly and association)*.

The Equality Act 2010 requires the school, in the exercise of its functions, to have due regard to the need to eliminate discrimination, harassment and victimisation; advance equality of

opportunity; and foster good relations between different groups.

The Terrorism Act 2006 creates offences relating to the encouragement of terrorism and dissemination of terrorist publications, including publishing, or causing another to publish, a statement likely to be understood as a direct or indirect encouragement or other inducement to the commission, preparation or instigation of acts of terrorism with the intent that members of the public will be directly or indirectly encouraged or otherwise induced by the statement to commit, prepare or instigate acts of terrorism, or being reckless as to whether that effect will be caused.

The Counterterrorism and Security Act 2015 creates a general duty on the school when exercising its functions to have due regard to the need to prevent people from being drawn into terrorism having particular regard to the duty to secure freedom of speech imposed by section 43(1) of the Education (No. 2) Act 1986 when carrying out that duty.

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.

APPENDIX B: Laws that place limitations on freedom of expression in England and Wales include:

Crime and Disorder Act 1998

- Racially or religiously aggravated offences (sections 29-32)

Offences Against the Person Act 1861:

- Threat to kill (section 16)

Public Meeting Act 1908:

- Endeavour to break up a public meeting (section 1)

Public Order Act 1986:

- Fear or provocation of violence (section 4)
- Intentional harassment, alarm, or distress (section 4A)
- Harassment, alarm, or distress (without intent) (section 5)
- Acts intended or likely to stir up hatred on the grounds of race (sections 18-23); religion (sections 29B-29F); or sexual orientation (sections 29B-29F)

Serious Crime Act 2007:

- Encouraging or assisting the commission of an offence (sections 44-46)

Terrorism Act 2000:

- Incitement to commit acts of terrorism overseas (section 59)
- Inviting or encouraging support for a proscribed organisation (section 12)

Terrorism Act 2006:

- Encouragement of terrorism (section 1) including the glorification of the commission or preparation of terrorism (sub-section 1(3))
- Dissemination of terrorist publications (section 2)
- Encouragement of terrorism and dissemination of terrorist publications via the internet (section 3)

APPENDIX C: EXTERNAL SPEAKER/EVENT REQUEST FORM

Where an external speaker or function outside of the normal artistic, academic, and administrative business 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:	Academic Administration Manager and Student Support Manager
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. A draft copy of any proposed notice, leaflet, or other advertising material.

v. Name, address, email address and telephone number of the person organising the meeting or function and their status within the organising group.

vi. Whether the audience may include persons who are not students or staff of NCCA 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 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 D).

APPENDIX D: RISK LEVELS FOR EXTERNAL SPEAKERS AND EVENTS

Risk Level	Rating Description
Low	• The speaker or guest is a known expert in their field and is not known to be controversial or to hold controversial views. • Their presence on the 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 students and staff only.
Acceptable	• The speaker or guest may hold a strong position on their topic but this and the lecture would not be regarded as controversial. • It is very unlikely to attract adverse media attention or require staff vigilance. • Access to the event is limited to students and staff only.
Moderate	• The speaker and/or topic may be uncontroversial, but the event is open to students, staff, and the public, and high numbers are likely to attend. • The event is being held on site, at an external venue or online. • 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 additional staff vigilance.
Substantial	• The speaker /guest/topic is controversial and there may be adverse media attention. • The speaker has been refused permission to speak at another institution before. • The event is being held on site, at an external venue or online and attendance at the event will be high, open to students, staff and the public. • Additional staff vigilance or security arrangements may need to be considered and made by NCCA.
High	• The speaker /guest/topic is highly controversial and there will definitely be adverse media attention. • The speaker has been refused permission to speak at another institution before. • The event is being held on site, at an external venue or online and attendance at the event will be high, open to students, staff and the public. • The speaker/guest and or topic may attract protest from staff, students, or members of the public. • Staff vigilance and NCCA-organised security presence would be essential.