

## **NFTS Code of Practice on Freedom of Speech**

### **1. Purpose**

- 1.1 This Code of Practice sets out the NFTS' approach to freedom of speech on campus ('we'/'the School'). The Code includes our values and expectations in relation to freedom of speech, explains the legislation that the School must operate under in this area, and outlines responsibilities. It sets out how the School's approach to freedom of speech operates in practice across the School's activities, including events with visiting speakers, and in teaching settings. This includes, for example, teaching in classroom and online settings (including seminars, workshops and reviews), the curriculum, teaching materials, field trips and recces.
- 1.2 This Code of Practice applies to:
- all staff and students (which includes apprentices) of the School; and
  - visiting tutors and speakers and all other persons invited to speak by the School or by its staff and students.

### **2. Our values and expectations**

- 2.1 The NFTS is a vibrant community of staff and students, dedicated to open and critical thinking, innovation, and experimentation in storytelling and filmmaking techniques. We believe that valuing diverse perspectives and creating a safe space for everyone, regardless of background, is essential. This environment empowers students to share their unique stories through their creative practice, whether that be film, games, or other media.

We encourage all members of our community to challenge societal norms and prevailing orthodoxies, engage with the views of others, and present ideas that may be radical or dissenting as part of their practice. We are committed to supporting students who tackle difficult or controversial subjects in their work, ensuring their freedom of speech within the bounds of the law.

Additionally, we are dedicated to upholding academic freedom for all teaching staff and visiting speakers invited by the School, its staff, or students. At NFTS, the expression of diverse ideas through creative practice is not just welcomed but celebrated, as we strive to push the boundaries of storytelling and filmmaking.

- 2.2 The NFTS's Articles of Association provide protection for academic freedom:

"The Board of Governors shall 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 the School."

- 2.3 We recognise that, at times, the ideas and views of different members of our community, or those visiting the School, will differ and may come into conflict with one another. It may be that some, or most, of the School community consider some of these opinions to be disagreeable, or even offensive. It is not the role of the School to protect or shield people from ideas or opinions with which they disagree, or which make them feel uncomfortable.

However, freedom of speech is not an unqualified right, and section 3 below sets out the wider legislation that the School must consider in the context of freedom of speech. The challenge is to provide an environment which promotes and protects freedom of speech, whilst also identifying when the purported exercise of freedom of speech crosses a threshold and becomes unlawful. In practice, it is important to recognise that these are often complex matters requiring difficult judgements and that there may be a perception of conflicting rights which need to be balanced.

- 2.4 In supporting freedom of speech, the School will take reasonably practicable steps to promote and protect the lawful speech rights of staff, students, and visiting speakers of the School independently of the viewpoint being expressed. The School will not normally adopt an official institutional position on sensitive or politically contentious matters, and will not normally affiliate with organisations that would require the School to commit to a particular perspective on such matters. This does not prevent members of our community from taking stances on such issues: we recognise that staff and students will often have very strong views and are free to express them lawfully.
- 2.5 In developing this Code of Practice, the School has been mindful of the full treatment of the issues in this area provided by the [Equality and Human Rights Commission](#). The Office for Students has also published a [briefing](#).

### **3. Legislative and regulatory context**

- 3.1 Whilst often used interchangeably, freedom of speech and academic freedom are different terms that relate to each other.

**Freedom of speech** means everyone has the right to express lawful views and opinions freely, in speech or in writing, without interference.

**Academic freedom** means protecting the intellectual independence of academics to question and test received views and wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in danger of losing their jobs or privileges or experiencing a reduction in the likelihood that they would secure a promotion or a different job at the School.

- 3.2 Freedom of speech and academic freedom within the law are protected. This means that freedom of speech and academic freedom will not be protected if they contravene some other law.
- 3.3 Higher education institutions in England have a range of legislative and regulatory duties in relation to free speech, including:
  - The **Higher Education (Freedom of Speech) Act 2023** requires that higher education institutions protect and promote the importance of freedom of speech within the law for staff, students, and visiting speakers, and academic freedom. This includes in teaching and research settings. It requires that institutions have a Code of Practice setting out their approach to freedom of speech.
  - The **Education (No. 2) Act 1986 Section 43** places universities under a statutory duty to take reasonably practicable steps to ensure that freedom of speech within the law is secured for staff, students and visiting speakers.

- The **Human Rights Act 1998** incorporated the European Convention on Human Rights (ECHR) in domestic legislation and includes the right to freedom of expression, which includes freedom of speech.
- The **Office for Students** (OfS), through its Regulatory Framework<sup>1</sup> requires the School to comply with a set of public interest governance principles, two of which are freedom of speech and academic freedom. The Framework also regulates free speech and academic freedom by means of Conditions E1 (public-interest governance) and E2 (management and governance).

3.4 As a higher education institution, the NFTS is also subject to a number of other duties that must be considered in addition to freedom of speech, including:

- The protection of freedom of speech does not extend to speakers committing a criminal offence in the course of speaking;
- Compliance with the Public Sector Equality Duty (PSED) as set out in the Equality Act 2010, which requires the School to have due regard to the need to eliminate discrimination, harassment, victimisation, and to advance equality of opportunity and foster good relations between people who share 'protected characteristics' (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation) and those who do not;
- Compliance with the 'Prevent' duty which requires higher education institutions 'to have due regard to the need to prevent people from being drawn into terrorism';
- Other legal responsibilities, such as those relating to preventing discrimination, harassment and victimisation, maintaining public order, and health and safety of employees, students, visiting speakers and visitors.

3.5 It is important to note that the requirements in relation to the above issues differ. Specifically, for freedom of speech, the School 'must promote the importance of freedom of speech and academic freedom', and must 'take such steps as are reasonably practicable' to secure freedom of speech within the law. For other duties, including PSED and the Prevent duty, the NFTS is required to 'have due regard' to the need to achieve the aims of these pieces of legislation. Therefore, in balancing these obligations and making decisions, the School will be mindful that it has a particular responsibility to promote and protect freedom of speech. The Equality and Human Rights Commission provides a [range of examples](#) of how this works in practice.

#### **4. Promoting and securing freedom of speech at the School**

4.1 To deliver its responsibility to promote freedom of speech, the School has a range of actions in place. These include:

- Procedures for considering requests for visiting speakers, as set out in Appendix B;
- Drawing attention to this Code of Practice on an annual basis to staff and students;
- Providing appropriate training to staff and the Students' Union, especially those with direct responsibility for managing and upholding freedom of speech and academic freedom;
- Ensuring that related policies and training reflect our freedom of speech commitments and do not curtail lawful free speech.

<sup>1</sup> <https://www.officeforstudents.org.uk/advice-and-guidance/regulation/the-regulatory-framework-for-higher-education-in-england/>

4.2 The School will ensure that its teaching, curriculum development and review, and policies and procedures reflect its duties to promote and ensure, so far as is reasonably practicable, freedom of speech and academic freedom within the law. In particular:

- its processes for course development and approval, quality assurance and academic assessment will respect the rights of freedom of speech and academic freedom; and
- no individual will be subjected to disciplinary action or other less favourable treatment by or on behalf of the School because of the lawful exercise of freedom of speech or academic freedom.

## **5. Freedom of speech in teaching settings**

This section applies to activities taking place in teaching and learning settings, as well as other teaching-related activities that take place within the School such as masterclasses, whether organised by staff or students. All such activities should have an identified Organiser, for example the Head of Department.

5.1 When teaching potentially sensitive or controversial views, or organising activities such as masterclasses and screenings, the Organiser should consider what steps they can take to ensure that freedom of speech and academic freedom is protected. This includes creating an inclusive environment that ensures that all students or participants are given the opportunity to present and argue in favour of alternative viewpoints, and teaching students principles that enable them to ‘disagree well’, for example ways to provide evidence and rational argument for their views.

5.2 Further steps could include, for example:

- Identifying in advance any topics that may cause upset to particular students or participants, making it difficult for them to participate in the activities in question, how this might manifest during the activity, and how this will be addressed if it does arise;
- Speaking to participants at the start of a session that contains potentially sensitive or contentious topics and outlining how challenging issues will be discussed in a way that allows all points of view to be expressed and discussed rigorously and respectfully;
- Providing information in advance about any sensitive or contentious content, to enable participants to prepare and to be able to articulate their point of view rigorously and respectfully during discussions;
- Reminding all participants of their obligations under this Code of Practice. It may also be appropriate to remind students of the School’s [Code of Conduct](#).

5.3 Occasionally, situations may arise where the views expressed cause particular distress to some staff or students. Where possible, this risk should have been identified in advance and actions taken to mitigate the risk, such as those listed above. Should a particularly challenging situation arise, it will be up to the academic member of staff responsible to determine the most appropriate response. This could include providing those who are upset with an opportunity to articulate their point of view, and to explore this with the rest of the group. It may also be helpful to take a temporary break in the session to provide time for reflection and to discuss the issue with the staff or students concerned. The School would not expect an activity to be cancelled in these circumstances as this would be depriving other students of the opportunity to express their freedom of speech and to explore

challenging issues.

- 5.4 Where a staff member or a student's behaviour does not comply with this Code (for example, the expression of their purported free speech extends to harassment or incitement to hatred), this will become a matter to be addressed under the School's [Bullying and Harassment, Racism and Sexual Misconduct Policy](#).
- 5.5 The Organiser of an activity is responsible for the activity's compliance with this Code of Practice. Where an activity is likely to fall under this Code, it is the responsibility of the
- 5.6 Organiser to discuss the activity with the Director of Curriculum before proceeding.
- 5.7 Where the Director of Curriculum's assessment is that there are particular risks raised by the event that require a fuller risk assessment and mitigations to be put in place, this should be discussed with the Registrar and with the Director of the School. Examples of where this might be the case are: teaching seminars that involve speech which may fall within paragraph 5.2 of Appendix B; a high-profile speaker; or where other risks are raised by the event (for example due to the prevailing political context, or the timing or physical location of the event, or to ensure due regard has been given to the need to prevent people being drawn into terrorism under the Prevent duty). On these occasions, relevant aspects of the procedure in **Appendix B** of this Code should be followed. Examples include the completion of a risk assessment, and identification and implementation of mitigations that are relevant to the teaching activity.
- 5.8 Staff and students who use social media should be aware of their obligations under the School's student [Social Media Policy](#) and staff [Social Media Policy](#).

## **6. Application to meetings, events and demonstrations**

- 6.1 The responsibility to promote and protect free speech covers all events, demonstrations, protests and other events organised by a member of staff or student of the School, including events organised by individuals or groups using the School or the Students' Union name, funding, branding or facilities. It is particularly relevant to the following activities (although this list is not exhaustive):
  - Meetings and masterclasses, arranged internally or externally, and held physically or virtually;
  - demonstrations or protests on campus;
  - other forms of freedom of speech.
- 6.2 The procedures that must be followed by the organisers of these events are set out at **Appendix B**. This includes the process for requesting permission for such events and the potential mitigations that may be required to protect lawful free speech. The School shall not unreasonably refuse consent to those who are subject to the obligations of this Code (as per paragraph 1.2, above) who wish to hold an event, meeting or other activity for the expression of any views or beliefs held and lawfully expressed. Any conditions imposed on the holding of the meeting shall be kept to the minimum considered necessary in light of any risks identified in holding the meeting. Further details of how this will work in practice is set out in Appendix B.

## **7. Responsibilities for implementing this Code**

- 7.1 Advice and guidance on freedom of speech matters for students and staff can be sought from the Director of Curriculum and from the Registrar. This includes discussing potential

affiliations with external bodies that may have implications for the School's freedom of speech obligations, or other matters relating to how these duties interact with other aspects of the Office for Students' Regulatory Framework.

- 7.2 The Director of Curriculum has responsibility for approving visiting speakers, demonstrations, protests and events taking place using the School's facilities.

## **8. Non-disclosure agreements**

- 8.1 As part of our commitment to freedom of speech, the School confirms that it does not enter into non-disclosure agreements as a result of complaints made to the School in relation to sexual misconduct, bullying or harassment.

## **9. Complaints**

- 9.1 The School has established a Complaints and Appeals process for students, staff, or invited visitors who wish to raise a complaint regarding freedom of speech within the School under this Code. This is included at Appendix A of this Code.

## **10. Monitoring and review**

- 10.1 The School will review periodically and, where necessary, update this Code of Practice.

**This Code of Practice was approved in July 2024**



## **Appendix A - Freedom of Speech Complaints and Appeals Process**

This procedure is for use by students, staff, or visiting speakers who have a complaint about the School's implementation of this Code of Practice on Freedom of Speech only.

1. In the first instance, any complaint should be made in writing to the Registrar. Any supporting evidence or documentation should also be submitted along with the complaint. The complaint and any supporting evidence should be submitted within 30 calendar days of the event or incident about which the complaint refers.
2. Upon receipt of a complaint, the Registrar can appoint a nominee to consider the case. The Registrar or their nominee will determine whether the complaint falls within the scope of this process:
  - If so, they will identify an Investigating Officer, who will be a senior member of the School, to consider the case.
  - If not, the complainant will be notified, and directed to the appropriate alternative route. For example, an alternative School procedure may be more appropriate.
3. If the complaint falls within the scope of this process, the complaint and any supporting documentation/evidence, will be considered by the Investigating Officer. They may seek advice from any other relevant part of the School in relation to the complaint. They may arrange to discuss the issue with the complainant directly if they wish to clarify any points.
4. Once the Investigating Officer has reviewed the complaint, a decision relating to the complaint will be made by the Registrar or their nominee. This decision will include whether the complaint is upheld, partially upheld, or not upheld. The decision may be to refer the matter for consideration under some other School policy such as the Bullying, Harassment, racism and sexual Misconduct Policy or under the School's staff policies. This will be communicated to the complainant in writing, along with the reason(s) for the decision.
5. If the complainant is unhappy with the decision, they may ask for the decision to be reviewed. The review will be undertaken by the School's Director, or a senior member of the School nominated by the Director who has not already been involved in the case.
6. The Director or their nominee will consider the decision regarding complaint, and evidence/documentation submitted at the time of the complaint. New evidence/documentation which could have been submitted at the first stage of the complaint will not normally be considered as part of the review.
7. The Director or their nominee may seek advice from any other relevant persons or part of the School in relation to the review of the decision. Their decision will be communicated to the complainant in writing. This decision is final.
8. If the complainant remains unhappy and they are a student, they may contact the Office of the Independent Adjudicator. In this circumstance, the student should contact Quality Assurance Manager so that an appropriate Completion of Procedures letter may be issued. The Office for Students is currently consulting on the development of its complaints scheme for freedom of speech. The School's Freedom of Speech Complaints and Appeals Process will be

updated in line with this when further information is available.



## **Appendix B – Procedures for events involving a visiting speaker, demonstrations and protests, and teaching or research activities with particular sensitivities or risks identified**

### **1. Purpose**

- 1.1 This Appendix sets out the procedure for events involving a visiting speaker, as well as demonstrations, protests and similar events. For these purposes, 'Visiting Speakers' means persons who are not staff, students, or other members of the School, who are to be invited to speak by the School, or its staff or students on School premises or at School events, or who request to use the School's facilities as set out below.
- 1.2 If the event is organised by an external organisation, there should be a Principal Organiser within the School (i.e. School staff or student), and who will liaise with the Visiting Speaker as appropriate. The Principal Organiser should discuss it with the Facilities Manager or their nominee.
- 1.3 The Director shall conduct a weekly review of the Curriculum Schedules, including Visiting Tutors and guest speakers speaking as part of normal teaching activity. If they identify that an event or activity may not comply with the School's Code of Practice, they will refer it for review by the Management team.
- 1.4 The procedures in this Appendix must be observed by staff, students, Visiting Speakers and event organisers in respect of:
  - any event involving a Visiting Speaker, as well as demonstrations, protests and similar events, to be held on School premises;
  - any event involving a Visiting Speaker, as well as demonstrations, protests and similar events, held away from the School campus or premises which is School organised, funded or branded, including events organised by individuals, groups or societies using the School name or resources;
  - the conduct required of all persons in connection with any such event.

### **2. Preparation for Events**

- 2.1 The organisers of any event or activity as set out in section 1 of this Appendix shall appoint a Principal Organiser. For student societies this will be the Student Union's President or their nominee.
- 2.2 The Principal Organiser is responsible for compliance with the Code, including the guidance and requirements of this Appendix. Organisers of events have a duty to ensure that the law is not infringed in the preparations for or conduct of an event, for example ensuring compliance with the Prevent duty, which requires that due regard has been given to the need to prevent people being drawn into terrorism.
- 2.3 Where an event is being proposed where there may be particular sensitivities or risks the Principal Organiser should discuss this at an early stage, ahead of the invitation being issued, with the Registrar.

2.4 When preparing the agenda for an event, organisers should be aware that, in general, promoting balanced debate and challenge is one of the most effective ways to ensure the promotion and protection of free speech. Consideration should therefore be given at an early stage as to whether the programme for an event allows debate, whether all the speakers or views and perspectives to be expressed are similar, and how opposing sides of a debate may be facilitated.

2.5 The chair of an event has an important role in ensuring that freedom of speech is upheld. It is the responsibility of the Principal Organiser to ensure that the chair of an event is fully aware of the requirements of the Code.

### **3. Application for permission to invite a Visiting Speaker or to hold a demonstration, protest or other similar event**

3.1 The Principal Organiser of an event shall ensure that, at least 14 days before the date proposed for the event, an Event Authorisation Form (“the Form”) is completed and submitted to the Director of Curriculum. The Form will require details of the event, such as the name of the Visiting Speaker(s), the proposed venue, and the time of arrival and departure of the Visiting Speaker together with the proposed topic or title and a brief synopsis of the address.

3.2 The Director of Curriculum may require further information from the Principal Organiser such as intended attendees or a copy of any publicity material for distribution prior to the event.

### **4. Event risk assessment and authorisation**

4.1 The Director of Curriculum will consider the application, and may require the Principal Organiser to conduct a risk assessment, which includes the identification of any risks relating to staff, students, visitors or the School, including in relation to freedom of speech, academic freedom, and/or the safety and security of attendees. Mitigating actions should be proposed for consideration. **Recognising the School’s duty to promote and protect freedom of speech, the starting point for any event will be that it is able to go ahead.** In some cases, the Director of Curriculum may need to use their judgement to balance the promotion and protection of lawful free speech with other legal duties such as those set out in section 3 of the Code of Practice. The Director of Curriculum will assess any risks and consider whether the Principal Organiser has proposed measures which would adequately

address those risks. If adequate notice (14 days) has not been provided by the Organisers, there may not be sufficient time to consider the risks and mitigations and the Director of Curriculum may decide that the event cannot go ahead on the date requested and should be rearranged to a subsequent date by which the risks can be considered.

4.2 The Director of Curriculum may consult others, including other members of the School, the police or any other relevant third parties or organisations as is appropriate in the circumstances to determine whether such risk can be mitigated and the event appropriately managed without the cancellation of the event.

4.3 As part of the risk assessment, the Director of Curriculum may identify reasonably

practicable steps that can be taken to ensure lawful speech is protected and require these steps to be put in place as part of the authorisation of the event, including any mitigations

that may be necessary to ensure the safety of all persons and the security of the premises controlled by the School. These might include:

- Putting in place measures to ensure that opposing views can be put forward lawfully, (e.g. by considering the balance of the speakers, or requiring an independent chairperson to facilitate an event);
- Requesting to see promotional materials ahead of an event;
- Requiring specific levels of stewarding or putting additional security in place. This may include requiring that School security staff be responsible for all security arrangements connected with the event, or that a member of security staff be appointed as "Controlling Officer" for the event, to whose authority the leader of the event shall defer;
- Determining an appropriate location where the event may go ahead (for example, demonstrations);
- Ticketing an event that is open to the public, or putting in place provisions to check the identity of persons attending the event;
- Determining the venue for the meeting, including that it be held in public, or by invitation;
- Measures for the management of the meeting, such as directing comments or questions to a chairperson, or placing constraints on the use of public address systems during an event.

This is not an exhaustive list, and the Director of Curriculum may impose such conditions as are considered reasonably necessary and appropriate.

4.4 If the Director of Curriculum is satisfied that:

- there are no risks associated with the event; or
- risks associated with the Visiting Speaker, or event, can be adequately or fully mitigated they shall, normally within 5 working days of receipt of the completed Form, provide the Principal Organiser with permission for the event.

## **5. Reasons why an event may not be authorised**

5.1 If the Director of Curriculum is not satisfied that adequate arrangements can be or are being made to manage any risks associated with the Visiting Speaker, or the event, they can decide to refuse or withdraw permission for the event. This includes where they conclude that imposing conditions would not be sufficient to prevent disorder within the School's premises.

5.2 It will be reasonable to refuse consent where the School reasonably believes (from evidence about the nature of the event or relating to similar activities in the past whether held at the School 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 to intend breaches of the peace to occur;
- the meeting will include or is likely to include the denial of the right to hold or to express an opposing opinion;

- the speaker and/or the organisation they represent advocates or engages in violence or non-violent extremism in the furtherance of their political, religious, philosophical or other beliefs;
- in line with the School's responsibilities under the Prevent duty, the views likely to be expressed by any speaker are for the promotion of any illegal organisation or purpose, including organisations listed on the government's list of proscribed terrorist groups or organisations;
- it is in the interest of public safety, the prevention of disorder or crime or the protection of those persons lawfully on premises under the control of the School, that the meeting does not take place.

## **6. Conduct of the Meeting**

- 6.1 The chair and Principal Organiser of an event have a duty to ensure as far as possible that both the audience and the speaker act in accordance with the law during the course of the event. They have a particular responsibility to uphold the School's obligation to promote and protect lawful freedom of speech.
- 6.2 Attendees must normally have the freedom to choose where they may sit (except where specific seating is designated for speakers, or space is designated for other legitimate reasons, for example to meet disability access requirements, or where the activity is within the exemptions specified in the Equality Act 2010, such as a meeting held for the purposes of religious observance undertaken by the adherents of a particular faith). Organisers or Visiting Speakers must not place pressure on any woman to sit separately from men or vice versa as involuntary segregation will constitute unlawful discrimination. Genuinely voluntary segregation is permissible, but the organiser and the Authorising Officer would need evidence to satisfy themselves that any gender segregation was wholly and demonstrably voluntary, both at the booking stage and during the event.
- 6.3 In case of unlawful or unreasonably disruptive conduct by members of the audience at an event, the chair or Principal Organiser is required to give appropriate warnings and, in case of continuing unlawfulness or disruption, including stopping speakers from exercising their right to free speech, to require the withdrawal or removal of persons concerned by stewards or security staff. Such persons, if students, staff or other members of the School, may be liable to disciplinary proceedings under School regulations.
- 6.4 If a speaker infringes the law (such as, for example, sexually harasses an attendee, or uses racial abuse, or does not have due regard to the need to prevent people being drawn into terrorism, or threatens physical violence) the chair or Principal Organiser shall be at liberty to curtail or end the event, and refer the matter to the police.
- 6.5 The chair or Principal Organiser is also responsible for calling for police assistance to prevent serious disorder and to inform School Security.

## **7. Other terms**

- 7.1 The School confirms that, apart from in exceptional circumstances, use of our premises by an individual or body will not be on terms that require the individual or body to bear some or all of the costs of security relating to their use of the premises. Exceptional circumstances may include very high-profile visits (for example, very senior politicians) or events with a speaker likely to attract very significant protest. The decision on this will be made by the Management team as part of the application process set out above, and the costs made clear to the organisers.
- 7.2 So far as is reasonably practicable, the School will not deny use of School premises to any individual or group on any grounds solely connected with the beliefs or views, or the policy or objectives, of that individual or group.
- 7.3 Infringements of the procedures set out in this Code and Appendix may result in disciplinary action being taken. If any such actions involve breaches of the law, the School will refer the matter to the police.