

Academic Freedom of Speech Policy and Code of Practice

Policy owner:	The Academy of Northern Ballet
Lead contact:	Head of MA Programme
Audience:	Students, Staff, and Visiting Speakers
Approving body:	Academy Board of Trustees
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Related Statutes, Ordinances, General Regulations:	Higher Education (Freedom of Speech) Act 2023
Related Policies, Procedures and Guidance:	Safeguarding Policy EDI policy
UK Quality Code reference:	Quality Code of Expectations for Quality; Concerns, Complaints and Appeals Universities UK Statement 'Promoting Academic Freedom'
OfS Conditions reference:	E Conditions: Governance OfS Freedom of Speech Guidance
Equality and Diversity Considerations:	Policy should be available in accessible format for all students.
Further information:	

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1. Introduction

- In operating this policy, Academy of Northern Ballet seeks to ensure that the principles of freedom of expression are upheld and balanced with the need to protect the welfare of both staff and students, as well as visiting organisations, artists, and the public, to protect the organisation's reputation both in the UK, and abroad.
- The [Higher Education \(Freedom of Speech\) Act 2023](#) sets out the future direction for the legislation and the main duties of universities.
- In April 2025 the Secretary of State for Education signed Commencement Regulations to bring into force, from 1 August 2025, the following provisions of the Freedom of Speech Act:

Section 1:

- The duty on Higher Education providers to take reasonably practicable steps to secure freedom of speech within the law, having particular regard to the importance of freedom of speech.
- The ban on non-disclosure agreements for staff and students at Higher Education providers in cases of bullying, harassment and sexual misconduct.
- The duty on Higher Education providers to put in place a code of practice on freedom of speech and academic freedom.
- The duty on Higher Education providers to promote freedom of speech.

Section 2:

- The corresponding duties on constituent institutions.

Section 5:

- The duties on the Office for Students to promote freedom of speech and the power to give advice and share best practice.
- To meet the Freedom of Speech Act this policy is underpinned by the core principles and ideas as outlined in the [Equality and Human Rights Commission: Freedom of expression: a guide for higher education providers and students' unions in England and Wales](#)

2. Scope & Principles

- This Policy applies to:
 - All staff (including guest teachers) who work on the MA Classical Ballet Performance
 - All registered MA students at the Academy
- The Academy will usually allow most meetings and activities to proceed unless 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
 - Lead to the expression of subjective and biased views incompatible with the Mission, and Values of Northern Ballet
 - Be conducted in such a way as to infringe this policy
 - Adversely affect the reputation and interests of Northern Ballet

- Endanger the security and/or safety of the Northern Ballet premises and people using the premises
- Contravene health and safety or other relevant regulations
- Northern Ballet may ask for some review of some events promotion or delivery in relation to the event being mindful and respectful of Northern Ballet's [vision and mission](#) before signing off agreement to the holding of any event on the premises. Northern Ballet also reserves the right to cancel any event if it considers it reasonably necessary to meet health and safety requirements.
- Northern Ballet engages in arts practice which has the ability to challenge perception, open discourse and connect to the thoughts and feelings of all human beings. We recognise that on occasions this may cause offence, challenge our way of thinking, and sometimes make us feel uncomfortable. We do wherever possible attempt to pre-empt this and find strategies to encourage an openness to the possibilities of working through this together.
 - Northern Ballet believes that everyone has the right to free speech within the law.
 - As a Higher Education provider, we will work to widen debate and challenge, never to narrow it.
 - Any decision about speakers and events should seek to promote and protect the right to freedom of expression.
 - Peaceful protest is a protected form of expression; however, protest should not be allowed to shut down debate or infringe the rights of others.
 - Freedom of expression should not be abused for the purpose of unchallenged hatred or bigotry.
 - Northern Ballet will always aim to encourage balanced and respectful debate

3. Definitions

- While they are 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. The OfS stands for the widest possible definition of freedom of speech: anything within the law. Freedom of speech 'within the law' is protected. Unlawful speech is not protected.¹
 - Free 'speech' includes written materials and other forms of expression. It is not limited to the spoken word.
 - **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.²
- Academic freedom should be the freedom of teachers and students to pursue knowledge and research without unreasonable interference or restriction from political stances, institutional regulations, or public pressure. 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; and to work/study in the manner they consider professionally appropriate. We would hope that for Academy of Northern Ballet Students, staff and visiting artists they would have the freedom to

¹ [OfS Guidance on Freedom of Speech](#)

² [Higher education sector statement on promoting academic freedom and free speech](#)

explore subjects that concern them and as a result to form open and objective conclusions for themselves and to be able to express these opinions.

- Academy of Northern Ballet encourages staff, students, and other parties to do this within the context of the academy's values and within the legal objects of the academy which includes the advancement of education in such manner as befits an inclusive and diverse arts higher education institution and cultural space.
- Academic freedom and freedom of speech offer opportunities for freedom of expression where artistic development is supported. When we talk about freedom of expression, we mean both the spoken and written word, as well as physical actions, gestures and the display of images intended to show meaning. In this policy, 'freedom of expression' also includes 'freedom of speech.'
- The Academy seeks to conduct its affairs in an open and responsible manner and believes that everyone should have the right to speak freely:
 - Without fear of disciplinary action or any other sanction, provided they do so within the law
 - Within the broad scope of the Academy's values
 - And in accordance with this Policy and any other relevant Academy regulation
- 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 Academy's values, to the diversity of its community and to show respect to all sections of that community. The right operates in the context of the law and the values of a democratic society.
- It is limited, for example, by laws to protect others from violence, hatred, and discrimination, to protect national security and public safety, for the prevention of disorder or crime, to protect health or morals, for the protection of the reputation or rights of others, and to prevent the disclosure of information received in confidence. In particular, 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, or gender reassignment ('hate speech').
- This policy does not remove the obligation on employees to act at all relevant times in accordance with Northern Ballet's employer policies.
- 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.

4. Responsibilities

- The Board and the Executive Director have a responsibility, whether the premises are being used in the normal course of business or by the external organisers of an event, to ensure that:
 - The law is upheld
 - The regulations of the school are upheld
 - Northern Ballet property is not damaged, or people (whether staff, students, or visitors) put at any risk
- Northern Ballet prides itself on its aspirations to be inclusive, equal, and diverse. The culture of its staff, students and all other stake holders buy readily into its culture and values. As a result, the organisation would encourage complete freedom of expression, encouraging individuals to be mindful and respectful of this inclusive culture. What we mean by this is that individuals should consider who would take offence and offer

all points of view in the discourse including any counter arguments, without intended bias.

- It shall be contrary to the policy to seek, by systematic or organised heckling, disruption or like activity, to prevent the lawful expression of views in accordance with this policy.
- Subject to the definitions in the application of the policy, it shall be contrary to this policy for any person or body to which this policy applies to take any action other than by reasonable and peaceful persuasion or peaceful protest, to prevent the holding of, or continuance of, any lecture, tutorial or other academic activity because of the lawful views held or expressed or which are reasonably likely to be expressed, whether or not within the Academy, by the academic concerned, in a space representing the Academy.
- Subject to the definitions in the application of the policy, it shall be contrary to the policy for any person or body to whom this policy applies to take any action other than by reasonable and peaceful persuasion or peaceful protest, to prevent any student or group of students from attending any lecture, tutorial or other academic activity required by, or properly associated with, the course for which they are duly enrolled because of the lawful views held or expressed or which are reasonably likely to be expressed as part of that academic activity, whether or not it takes place within the Academy.
- Everyone connected to the Academy and its business have a responsibility not to abuse this right to bring the name of the Academy into disrepute, nor as an alternative to agreed complaints and grievance channels.

5. Legal Framework

- Education Act 1986
 - Section 43 of the Education (No 2) Act 1986 requires universities and colleges to ‘take such steps as are reasonably practicable’ to ensure that freedom of speech within the law is secured for their members, students, employees and visiting speakers. Section 43 also requires universities and colleges to issue, enforce and keep up-to-date a free speech code of practice.
- European Convention on Human Rights
 - Most of the higher education providers that are registered with the OfS are ‘public bodies’ for the purposes of the Human Rights Act 1998 and so are bound by the European Convention on Human Rights (ECHR).
- Equality law considerations
 - Universities and colleges must also comply with the requirements of equality law. These are set out in the Equality Act 2010).
 - Universities and colleges should recognise that in upholding lawful free speech and academic freedom, they may have to give some people whose views others find offensive a right to speech.
 - In doing so, universities and colleges must make sure that they operate with an accurate understanding of equality law matters and the extent of their duty to take ‘reasonably

practicable steps' to secure freedom of speech within the law.

- Counterterrorism and Security Act 2015
 - Bodies listed in schedule 6 of the Act must have due regard to the need to prevent people from being drawn into terrorism. However in carrying out this duty, universities subject to the section 43 duty must have particular regard to the duty to ensure freedom of speech, and (where applicable) to the importance of academic freedom.
- Higher Education (Freedom of Speech) Act 2023 (The Act received Royal Assent on 11 May 2023).
 - The Act provided, among other things, for: extended free speech duties on higher education providers, new duties on constituent institutions and students' unions and a free speech complaints scheme, and a new condition of registration to be overseen by the OfS.

6. Social & Electronic Media

The principles of freedom of speech apply to the use of electronic and social media; however, Northern Ballet requires responsible and legal use of the technologies and facilities available to staff and students, including the use of the internet, email, and social media.

7. Breach of The Policy

Any breach of this policy may lead to disciplinary action under the relevant School disciplinary procedure.

Where breaches of the criminal law occur, the school shall assist relevant authorities to investigate within the law

8. Complaints

Staff, students or visitors who wish to make a complaint regarding the Academic Freedom & Freedom of Speech Policy should seek resolution through the complaints procedure if unable to be resolved through informal means.