Factory of creativity CIO
Hope Mill Theatre
113 Pollard Street
Manchester
M4 7JA
1183251

Academic Freedom of Speech Policy and Code of Practice

Hope Mill Theatre

Factory of Creativity CIO

Factory of creativity CIO
Hope Mill Theatre
113 Pollard Street
Manchester
M4 7JA
1183251

Policy owner:	HMTA Head of Programme
Lead contact:	HMTA Head of Programme
Audience:	HMT Staff, HMTA Staff, Visiting Speakers and Students,
Approving body:	Board of Trustees
Date approved:	August 2026
Policy implementation date:	August 2026
Supersedes:	N/A
Previous approved version	N/A
Review cycle:	Annually
Next review due date:	August 2027
Related Statutes, Ordinances, General Regulations	Higher Education (Freedom of Speech) Act 2023
Related Polies, Procedures and Guidance:	Safeguarding & Prevent policy Equality, Equity, Diversity & Inclusion Policy & EEDI Commitments
UK Quality Code Reference:	Quality Code Expectations for Quality; Advice and Guidance: Concerns, Complaints and Appeals Universities UK Statement 'Promoting Academic Freedom'
OfS Conditions Reference	E Conditions: Governance Ofs Freedom of Speech Guidance
Equality & Diversity Considerations:	Policy should be available in accessible format for all students
Further Information:	

Factory of creativity CIO
Hope Mill Theatre
113 Pollard Street
Manchester
M4 7JA
1183251

Table of Contents

1. Introduction - 4
2. Scope & Principles - 4
3. Definitions - 6
4 Responsibilities - 7
5 Legal Framework - 8
    5.1 Education Act 1986
    5.2 European Convention on Human Rights
    5.3 Equality law considerations
    5.4 Counterterrorism and Security Act 2015
    5.5 Higher Education (Freedom of Speech) Act 2023
6. Organised Event - 9
    6.1 Procedure
    6.2 Supporting an event to be inclusive
7. Social & Electronic Media - 10
8. Breach Of the Policy - 10
9. Complaints - 10
10. Key Contacts - 11

Factory of creativity CIO
Hope Mill Theatre
113 Pollard Street
Manchester
M4 7JA
1183251

Academic Freedom & Freedom of Speech Policy and Code of Practice

1. Introduction

"The right to express views and ideas freely, without fear of interference or persecution, is an essential part of democracy. Respectful debate and conversation help us challenge discrimination, get rid of intolerance and harmful attitudes, and build strong, positive communities." *(The Equality and Human Rights Commission (2017))*

1.1 In operating this policy, HMTA 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 and to protect the school's reputation both in the UK and abroad.

1.2 The Higher Education (Freedom of Speech) Act 2023 sets out the future direction for the legislation and the main duties of universities.

1.3 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.

1.4 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

2.1 This Policy applies to:

- All persons (whether academic staff or otherwise) whose normal place of work is on premises of the FoC/HMTA
- All registered students at the school (whether full-time or part-time)
- The HMTA Students' Union Council and any of its constituent societies, clubs, and associations
- All bodies or persons not associated with the school who hire or otherwise use the FoC's facilities
- External visiting parties including individuals and organisations

2.2 This Policy applies for the following meetings and events:

- Meetings and events within the school which are arranged by staff or students but on a 'private' basis (where the member of staff is hiring School premises on the same basis as a member of the public)
- Meetings and events within the school which are arranged as part of the school's higher education provision
- Meetings and events within the school or other uses of School facilities which are arranged by persons not associated with the school, whether by hire or any other arrangement
- Meetings and events arranged by a HMTA Student society, club or association which involve an external speaker not associated with the School or HMTA Students

2.3 HMTA/FoC 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 Articles, Mission, and Values of the School or FoC
- Be conducted in such a way as to infringe this policy or other relevant School regulation
- Adversely affect the reputation and interests of the school
- Endanger the security and/or safety of the school premises and people using the premises
- Contravene health and safety or other relevant regulations

2.4 The School/FoC may ask for some review of some events promotion or delivery in relation to the event being mindful and respectful of the school's and FoC vision and mission before signing off agreement to the holding of any event on the FoC premises. The school must also reserve the right to cancel any event if it considers it reasonably necessary to meet health and safety requirements.

2.5 HMTA 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.

- HMTA 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.
- HMTA will always aim to encourage balanced and respectful debate

3. Definitions

3.1 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.

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. (Higher education sector statement on promoting freedom and free speech)

3.2 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 HMTA students, staff and visiting artists they would have the freedom to 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.

3.3 HMTA encourages staff, students, and other parties to do this within the context of the school's/FoC values and within the legal objects of the school which includes the advancement of education in such manner as befits an inclusive and diverse arts higher education institution and cultural space.

3.4 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.'

3.5 HMTA 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 School's Articles, Mission, and Values
- And in accordance with this Policy and any other relevant HMTA/FoC regulation

3.6 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 school'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.

3.7 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').

3.8 This policy does not remove the obligation on employees to act at all relevant times in accordance with the FoC employer policies.

3.9 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

4.1 The Board of Trustees and the Chief Executive have a responsibility, whether the FoC's premises are being used in the normal course of FoC business or by the external organisers of an event, to ensure that:

- The law is upheld
- The FoC Policies are upheld
- The FoC property is not damaged, or people (whether staff, students, or visitors) put at any risk

4.2 HMTA/FoC prides itself on its aspirations to be inclusive, equal, and diverse. The culture of its staff, student body and all other stake holders buy readily into its culture and values. As a result, the institution 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.

4.3 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.

4.4 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 School, by the academic concerned, in a space representing the school.

4.5 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 School.

4.6 Everyone connected to the school and its business have a responsibility not to abuse this right to bring the name of the school into disrepute, nor as an alternative to agreed complaints and grievance channels.

5 Legal Framework

5.1 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.

5.2 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).

5.3 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.

5.4 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.

5.5 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. Organised Event

6.1 Where any person or organisation subject to this policy (or, in the case of the students' union, any constituent society, club or association) wishes to hold a meeting or like event for the expression of views as set out in this policy on premises which FoC control, the FoC shall not unreasonably refuse consent. However, the FoC reserves the right to refuse consent to any meeting or like event which involves or is reasonably expected to involve the expression of views that are in breach of this policy or there are other reasonable grounds for refusal.

6.2 To note for ease of reference, guest artists coming into school to work with participants, students or staff should be the same as academic staff.

6.5 Procedure

6.5.1 It is the organiser's responsibility to give FoC/HMTA a full description of the event and to identify any elements which may need consideration around the protection of freedom of speech. At this stage, a full assessment of risk will be carried out.

6.5.2 Where the event is considered to be part of the Higher education provision it is the responsibility of the Module Leaders, Curriculum Leads and Heads of Faculty to identify any elements which may need consideration around the protection of freedom of speech and an assessment of risk should be undertaken as part of the planning process.

6.5.3 Granting permission to an individual or body to hold an event on School premises does not imply that the school endorses any policy, views, or objectives of the individual or body.

6.6 Supporting an event to be inclusive

6.6.1 It may be deemed important to HMTA to provide an event organiser, member of staff or student with additional support in the realm of considerations or in extreme circumstances a set of conditions. An Event Organiser may be required, after due consultation, to apply a number of measures if it is considered that difficulties may be encountered or where its inability to be inclusive is questioned.

6.6.2 Those support measures may demonstrate but are not limited to the following:

- Approved arrangements for the chairing or other general management of the event are in place
- The event is ticketed and/or that attendance is monitored and labelled as a 'private event'
- That an event promoting a particular view includes an opportunity to debate or challenge that view i.e., that the view is considered from an inclusive perspective
- A copy of any speeches to be delivered be submitted for approval
- Approved stewards or security arrangements are in place
- Alcohol is not permitted at the event

- Special conditions for the admission of representatives of the press, radio or television are in place, or for the 'broadcast' of the event for example through social media
- Clearly stating in any publicity that the school does not endorse any policy, views, or objectives of the individual or body

6.6.3 The terms and conditions of bookings must make it clear that:

- Any failure to disclose full event and/or speaker details may result in an event/booking being cancelled
- The school reserves the right to cancel any event for which permission may have been given if the potential risk increases and this causes a threat to the schools' values or integrity
- The school must be informed of any changes to an event for which permission has been given, and that these will need to be considered by the process outlined above

6.6.4 An Event Organiser may be required to pay any costs necessarily incurred by the school to ensure compliance with this Policy or to make good any loss or damage caused as the direct result of the event being held.

6.6.5 If permission is granted subject to certain measures being in place, the Event Organiser is responsible for ensuring that all of these are implemented.

6.6.6 Should permission be withheld the Event Organiser will be informed of the reasons for the decision with reference to the principles set out in this policy and to relevant legislation if necessary.

6.6.7 On the very rare occasions were permission to hold an event is refused, the Event Organiser may make an appeal to the Chief Executive within 14 days of permission being refused. Any appeal will be considered by the Chief Executive (or their nominee) as soon as reasonably practicable. The Chief Executive's ruling will be final.

7. Social & Electronic Media

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

8. 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 FoC/HMTA shall assist relevant authorities to investigate within the law.

9. 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.

- Student Complaints Policy & Procedures
- Staff Complaints Policy & Procedures
- Public Complaints Procedure

On completion of the HMTA/NSCD internal complaints processes staff members and visiting speakers can complain to the Office for Students Complaints Scheme.

10. Key Contact

Head of Programme – Naomi Albans enquiries@hopemilltheatrearts.co.uk

1