

Research Briefing

11 June 2026

By Joe Lewis

Freedom of speech in universities



Summary

- 1 What are the issues?
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- 3 Work of the Office for Students in protecting free speech

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Summary

Freedom of speech in universities in England is a contentious topic, and has become especially so in light of recent debate surrounding the [Higher Education \(Freedom of Speech\) Act 2023](#) and its commencement. This briefing explores the issues around freedom of speech, explains recent changes to legislation, and sets out the role of the Office for Students in upholding free speech and academic freedom in universities.

What are the issues?

Concerns have been raised about universities allegedly curtailing freedom of speech through ‘no-platform’ policies, ‘safe spaces’, and perpetuating a general atmosphere of intolerance towards differing opinions. There is also increasing concern about foreign states attempting to influence universities’ research and teaching around sensitive subjects.

There is evidence to suggest that [some academics feel limited in discussing certain topics in their teaching](#). However, research has found [most students would prioritise protection from discrimination](#) over the allowance of unlimited free speech.

[Official figures from the Office for Students](#) show that only a tiny proportion of events or speakers on university campuses have been cancelled in recent years.

Legal framework

The legal framework underpinning free speech and academic freedom in higher education is complicated and has evolved over a number of decades, including most recently through the [Higher Education \(Freedom of Speech\) Act 2023](#).

The [Education \(No. 2\) Act 1986](#) requires higher education establishments to take reasonably practicable steps to ensure that freedom of speech is protected. The [Education Reform Act 1988](#) protects academic inquiry. The framework has since been shaped by employment, human rights, and charity law, and especially the [Higher Education and Research Act 2017](#), which established the Office for Students (OfS) as the regulator of higher education in England. The OfS has powers to take action when a higher education provider is in breach of its free speech obligations.

Higher Education (Freedom of Speech) Act 2023

In 2021, the [former Conservative government published a policy paper](#) that argued freedom of speech in higher education is not adequately protected by the current legal framework. Following this, it introduced the Higher Education (Freedom of Speech) Bill 2021, which intended to strengthen and extend the existing legislation.

The bill received Royal Assent on 11 May 2023 and became the [Higher Education \(Freedom of Speech\) Act 2023](#). However, on 26 July 2024, following that month's general election, the new Labour government decided to pause the implementation of the act due to concerns over student welfare. Following a review, [the government brought into force a number of the act's provisions in their original form from 1 August 2025](#), including:

- strengthening the core free speech duties on providers, including a ban on [non-disclosure agreements](#) in cases of bullying, harassment, and sexual abuse or misconduct
- requiring higher education providers to put in place codes of practice setting out how they will discharge their free speech duties
- requiring the OfS to promote the importance of freedom of speech

The government also said it would retain the new director for freedom of speech and academic freedom role on the OfS board, [to which Professor Arif Ahmed had been appointed in 2023](#). However, it said some of the act's provisions would no longer be going ahead, including:

- the statutory tort, which would have allowed staff, students and external speakers to bring civil claims against higher education providers if they feel their freedom of speech was not protected
- the free speech duties placed directly on students' unions and the requirement for the OfS to regulate compliance with these duties

Repealing these provisions will require new legislation, which [the government has said it will introduce "at the earliest opportunity"](#).

In April 2026, the government said commencement regulations would be made by mid-June to bring two more elements of the act into force:

- the OfS complaints scheme, which will offer a direct route of redress for university staff, external speakers, and non-student members and is set to launch on 1 September 2026
- mandatory OfS conditions of registration, which will require higher education providers and their governance documents to align with the act's statutory duties from 1 April 2027

Work of the Office for Students in protecting free speech

The [Office for Students](#) (OfS) is the higher education regulator in England and a non-departmental public body of the Department for Education (DfE). It has a number of regulatory duties relating to freedom of speech and academic freedom in higher education. These duties are overseen by the director for freedom of speech and academic freedom, who sits on the OfS board. The role was established by the Higher Education (Freedom of Speech) Act 2023.

To be included on the [OfS register](#), higher education providers must meet initial and ongoing conditions of registration. There are two conditions that relate to freedom of speech and academic freedom.

In March 2025, the OfS found that the [University of Sussex's Trans and Non-Binary Equality Policy Statement constituted a breach](#) (PDF) of these conditions, and fined it £585,000. [This fine was later found to be unlawful by the High Court](#), which ruled the OfS had interpreted the meaning of 'governing documents' too widely, misinterpreted the legal definitions of freedom of speech within the law and academic freedom, and was biased in its investigation of the University of Sussex.

The 2023 act also established a new complaints scheme, managed by the OfS, to consider free speech complaints made against universities and colleges by staff, external speakers, and university members. Complaints from students will instead be directed to the [Office of the Independent Adjudicator for Higher Education](#).

On 19 June 2025, the OfS published [guidance related to freedom of speech](#).

1

What are the issues?

In February 2021, the previous Conservative government published a policy paper titled [Higher education: free speech and academic freedom](#). This argued that freedom of speech in higher education was not adequately protected by the existing legal framework and pointed to instances of “cancel culture”, speakers being “no platformed”, and a general atmosphere of intolerance towards differing opinions.¹ It drew heavily on two reports published by [Policy Exchange](#), a think tank founded by Conservative MPs.²

In his foreword to the policy paper, Gavin Williamson, the then Secretary of State for Education, said university campuses were witnessing a “rise of intolerance and ‘cancel culture’” and this has been shown in a number of ways:

- codes or statements introduced by universities limiting free speech
- students’ unions having inappropriate levels of control over which speakers can visit
- prohibitive security costs being imposed on student societies when inviting speakers
- schemes in which students are paid to report others for perceived offences
- academics pressured to keep silent about their views for fear of discrimination in appointment or promotion
- the abuse and personal harassment of those with heterodox views³

The government argued a “chilling effect” of “increasing intolerance” was leading some students and staff to feel unable to express themselves on campus. It was particularly concerned “no platforming and similar campaigns” may lead staff and students to ‘self-censor’ on campus or online, because they fear discrimination for expressing their views.⁴

The paper also suggested some academics believed their ability to research and teach freely without facing disadvantage due to their political views was

¹ Department for Education (DfE), [Higher Education: free speech and academic freedom](#), February 2021, pp4-6, 17-20

² Policy Exchange, [Academic freedom in the UK](#), November 2019; Policy Exchange, [Academic freedom in the UK](#), August 2020

³ DfE, [Higher education: free speech and academic freedom](#), CP 394, 17 February 2021, pp4-6

⁴ As above, pp7, 17-21

not being adequately protected, and that some felt constrained in their ability to express themselves for fear of losing their jobs or privileges.⁵

Some of the concerns raised in the previous government’s policy paper are explored in this section.

1.1

No platforming

The National Union of Students (NUS) introduced a [No Platform policy](#) in 1974 in response to the rise of the National Front, a far-right political party.⁶ It prevents individuals known to hold “racist or fascist views” from speaking at NUS events and, since 2015, has covered six organisations.⁷ Not all students’ unions have adopted the policy. Nevertheless, the term ‘no platforming’ is often used in the media to describe any occasion when a speaker has been prevented from appearing at an event.

In March 2018, the House of Commons and House of Lords Joint Committee on Human Rights published a report following its inquiry on freedom of speech in universities.⁸ It highlighted examples of disruptive protests and “complicated processes and bureaucratic procedures”, which had unduly interfered with external speaker events. However, the report said it ultimately “did not find the wholesale censorship of debate in universities which media coverage has suggested”.⁹

In 2022, the Higher Education Policy Institute (HEPI), an independent think tank focused on higher education, published a study looking into ‘quiet’ no platforming.¹⁰ This is when events are cancelled pre-emptively, or speakers are intentionally not invited to avoid controversy. The HEPI report argued that cases of ‘quiet’ no platforming were more common than reports of no platforming.

Data on external speakers

The below table shows the number of external speakers and events that higher education providers approved, approved with conditions or mitigations, or rejected in each academic year from 2020/21 to 2024/25.¹¹

⁵ As above, pp20-21

⁶ Smith E, “[A Policy Widely Abused: The Origins of the “No Platform” Policy of the National Union of Students](#)”, History and Policy, March 2016

⁷ National Union of Students (NUS), [No platform policy](#) (PDF); [No platform list](#) (PDF), May 2015

⁸ House of Commons and House of Lords Joint Committee on Human Rights, [Freedom of Speech in Universities](#), 27 March 2018

⁹ House of Commons and House of Lords Joint Committee on Human Rights, [Freedom of Speech in Universities](#), 27 March 2018, Conclusions and recommendations, para 1

¹⁰ Higher Education Policy Institute (HEPI), [New study finds ‘quiet’ no-platforming to be a bigger problem than actual no-platforming](#), 13 October 2022

¹¹ It is important to recognise the 2020/21 data in the context of the covid-19 pandemic, when planned events were likely to be affected by changing restrictions on gatherings of people.

Conditions and mitigations may include, among other measures, events going ahead with increased security or ticketing requirements.

External speakers and events at higher education providers

England, numbers rounded to the nearest five

	Approved		Approved with conditions/mitigations		Rejected	
	Number	%	Number	%	Number	%
2020/21	19,405	95.9	630	3.1	195	1.0
2021/22	31,545	97.7	475	1.5	260	0.8
2022/23	39,475	96.0	1,285	3.1	340	0.9
2023/24	42,440	96.3	1,410	3.2	220	0.5
2024/25	42,475	95.9	1,400	3.2	380	0.9

Source: Office for Students, [Prevent monitoring: Summary of 2024-25 accountability and data returns](#)

In 2024/25, as the table above shows, 95.9% of external speakers and events at higher education providers were approved, with a further 3.2% approved with conditions or mitigations. Of the 380 (0.9%) external speakers or events that were rejected:

- 35 of these were due to health and safety
- 320 were for procedural reasons, for example the failure to meet timescales set out in provider policies leaving them with insufficient time to make a decision about a speaker or event
- 2 or fewer related to the Prevent Duty (for further information see section 1.4)
- 25 related to “other matters”.¹²

1.2

Self-censorship

Concerns have been raised about how universities balance their roles to both protect free speech and academic freedom and to safeguard wellbeing. Students and staff may also be sensitive to these tensions, fearing the potential social and/or professional consequences of being perceived to have miscalculated this balance and said something deemed offensive.

On one side of this debate lie the “Chicago principles” (or Chicago Statement), which grew out of a report published by the Committee on

¹² Office for Students (OfS), [Prevent monitoring: Summary of 2024-25 annual accountability and data return](#), 4 June 2026

Freedom of Expression at the University of Chicago in 2015.¹³ These principles establish universities as places to challenge individuals rather than shield them from unwelcome ideas. The report states:

[I]t is not the proper role of the University to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Although the University greatly values civility, and although all members of the University community share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community.¹⁴

At the same time, while arguing that compromising principles of free speech on campus would be “an enormous mistake”, the human rights advocate Corey Stoughton has said there should be greater acknowledgement that speech can cause harm, with “traditional victims of discrimination” likely to be those most affected and the least able to feel free to express themselves.¹⁵ Writing for the Higher Education Policy Institute in 2019, Stoughton said:

[F]ree speech advocates are wrong to deny that speech can cause harm. They are wrong to suggest the ‘marketplace of ideas’ is a level playing field where everyone participates freely and good ideas will always triumph over bad.

‘The answer to bad speech is more speech’ is simply not a satisfactory response. It is a shallow excuse that fails to acknowledge that not everyone has equal access to speech, and not everyone will be heard.¹⁶

In October 2022, ahead of the Higher Education (Freedom of Speech) Bill’s committee stage in the House of Lords, representatives from the higher education sector published a statement saying they take their responsibility to protect and promote free speech and academic freedom seriously. The statement said:

Students and staff should not feel the need to self-censor and universities work hard to create a culture of intellectual enquiry. This means that students and staff will sometimes be exposed to views they find disagreeable, or even offensive, but it is crucial that a broad range of different voices can be heard, challenged, and debated, including the right to peaceful protest.¹⁷

In February 2024, Advance HE and HEPI organised a seminar on the state of academic freedom and freedom of speech in UK universities.¹⁸ During the event, Professor Tom Lawson, deputy vice-chancellor at Northumbria

¹³ Committee on Freedom of Expression at the University of Chicago, [Report of the Committee on Freedom of Expression](#), January 2015

¹⁴ As above.

¹⁵ HEPI, [Free Speech and Censorship on Campus](#), June 2019, p10

¹⁶ As above.

¹⁷ Universities UK, [Higher education sector statement on promoting academic freedom and free speech](#), 31 October 2022

¹⁸ Advance HE, [Advance HE/Higher Education Policy Institute \(HEPI\) House of Commons Breakfast Seminar: Has the higher education sector got it right on freedom of speech? How can governors and managers best support difficult-and-lawful speech in practice?](#), February 2024

University, said that the repetition of challenging views may undermine universities' obligations to protect staff and student wellbeing.¹⁹

At the same event, however, Professor Robert Van de Noort, Vice-Chancellor of the University of Reading, argued that more needed to be done to protect academic freedom. He said that academics might self-censor because "being a divergent voice in an echo chamber can feel like a career limiting move". He said:

Universities have worked by providing space for the rebels and the renegades, who have been willing to challenge accepted wisdom. Our job as university leaders is to give our colleagues and our students the space and the skills to come up with new ideas and challenge conventions. And they can't do that well if they are constantly looking over their shoulder for approval.²⁰

It is hard to quantify how much the way that a university's approach to balancing free speech and safeguarding may influence levels of self-censorship among students and staff, but there is evidence to suggest that some individuals of all political persuasions self-censor their views on campus and beyond.

Students and self-censorship

The 2021 policy paper published by the previous Conservative government cited a 2019 report by King's College London's (KCL) Policy Institute, which showed some students (25%) choose to self-censor their views because they are "scared of disagreeing with peers".²¹ However, the same report found most students do not think that free speech nor academic freedom is under threat in their university, and students are more concerned about freedom of expression in wider society.²²

KCL's Policy Institute published an update to this research in September 2022, which showed the figure had risen to 43%.²³ However, it is unclear to what extent any free speech issues are unique to universities, because the 2022 report also revealed a similar proportion of the UK public at large have felt constrained from voicing their opinions for the same reason.²⁴

Where students seemingly do differ from the UK public, according to the KCL Policy Institute research, is a greater willingness to accept restrictions on an absolute right to free speech in order to ensure safety and freedom from discrimination.²⁵ This finding was also reflected in a 2022 poll for HEPI, which found nearly two-thirds of polled students believe, "when in doubt", their own

¹⁹ As above.

²⁰ As above; University of Reading, [Vice-Chancellor: 'Be bold to protect academic freedom'](#), 27 February 2024

²¹ King's College London Policy Institute, [Freedom of expression in universities](#), December 2019, p16

²² As above.

²³ King's College London Policy Institute, [The state of free speech in UK universities: What students and the public think](#), September 2022, p27

²⁴ As above.

²⁵ King's College London Policy Institute, [Freedom of expression in universities](#), December 2019, p21

university “should ensure all students are protected from discrimination rather than allow unlimited free speech”.²⁶ This may explain why over a third of polled students (38%) said they believed “universities are becoming less tolerant of a wide range of viewpoints”.²⁷

In May 2026, the Office for Students published research by YouGov on students’ perceptions of free speech in England.²⁸ It was based on a representative survey of 1,039 students and more in-depth discussions with 42 students. Most students (76%) believed free speech was well protected on campus, but some (14%) did not believe it was.

Generally, students felt most able to raise controversial or challenging ideas in smaller, in-person settings, compared to lecture or online settings. Immigration, race and racism, and sex/gender were among the issues that students felt most uncomfortable discussing. Fear of social consequences, such as being judged, socially ostracised, or drawing unwanted attention, were the most widely reported barrier to free expression in both academic and social settings. The three most popular interventions to encourage free speech and open discussion in universities were:

- staff explicitly stating that their class is a safe space to discuss various ideas (43%)
- clear guidelines and boundaries discussed at the beginning of classes or lectures (42%)
- strong safeguarding against online harassment and bullying (38%)

Academic staff and self-censorship

The Conservative government’s 2021 policy paper cited a 2020 Policy Exchange report that suggested some academics self-censor their opinions due to perceived hostility from colleagues and a fear of reputational and career harm.²⁹ According to the report, this was especially the case for academics who identify as ‘fairly right’ or ‘right’ on the political spectrum, with 32% saying they had stopped airing their views in teaching and research, compared with around 15% of academics who identified as being ‘in the centre’ or on the ‘left’ of political debate.³⁰

Writing in the Guardian, Jonathan Portes, Professor of Economics and Public Policy at King’s College London, questioned the methodology and recommendations of the 2020 Policy Exchange report, arguing it relied on the

²⁶ HEPI, ‘[You can’t say that! What students really think of free speech on campus](#)’, June 2022, p4

²⁷ As above.

²⁸ OfS, [Students’ perceptions of freedom of speech: Student insight report](#), 28 May 2026

²⁹ Policy Exchange, [Academic freedom in the UK](#), August 2020, p8

³⁰ As above, pp54-55

views of a large number of retired academics and was “littered with basic statistical errors”.³¹

More recently, the Office for Students (OfS) commissioned YouGov to conduct a survey on the perspectives of research and teaching staff on freedom of speech in universities. The survey was carried out from March to April 2024 and had 1,234 respondents. YouGov weighted the sample to align it with the broader demography of higher education teaching staff.³²

The survey found that 50% of respondents thought academics are free to express their views on some, but not all, controversial topics, while a further 9% thought they are not free to express their views on any controversial topics.³³ It also found that 21% of respondents felt “not very” or “not at all” free to discuss challenging or controversial topics in their teaching. The survey asked this group why they felt unable to discuss certain topics in their teaching:

- 82% cited fear of professional consequences
- 60% cited fear of social consequences
- 53% cited a desire to avoid offence
- 52% cited pressure from senior staff
- 24% cited fear of being physically attacked³⁴

According to the survey, fewer academics (16%) feel unable to discuss challenging or controversial topics in their research. However, 34% of those surveyed do not feel able to speak freely in other contexts, including when at speaking engagements or using social media.³⁵

It is possible that some academics working in contentious subject areas may feel more compelled to self-censor than others. In February 2024, the government commissioned an independent review of data, statistics, and research on sex and gender.³⁶ Led by Professor Alice Sullivan, the review published a report that examined barriers to research on sex and gender identity.³⁷ Many submissions to the review recounted pressure to self-censor by researchers working on these subjects due to the anticipation of being discriminated against. According to the report, this affected “all aspects of

³¹ The Guardian, “[The rightwing defence of 'academic freedom' masks a McCarthyite agenda](#)”, 4 August 2020 (accessed 28 July 2022)

³² OfS, [Independent research: Freedom of speech in higher education: survey outcomes](#), 19 June 2025

³³ As above.

³⁴ As above.

³⁵ As above.

³⁶ Department for Science, Innovation, and Technology, [Review of data, statistics and research on sex and gender: terms of reference](#), February 2024

³⁷ Review of data, statistics and research on sex and gender, [Report 2: Barriers to research on sex and gender](#), July 2025

academic life, including teaching and learning, research, and the ability to have open discussions”.³⁸

Do universities have a left-wing bias?

In 2017, a report by the right-wing think tank the Adam Smith Institute argued individuals with left-wing and liberal views are overrepresented in British academia, and this may have had a number of adverse consequences, including “curtailments of free speech on university campuses”.³⁹

A 2020 article in the British Journal of Sociology demonstrated that while professors in European universities may be more liberal and left leaning than other professionals, there is little evidence there exists an exceptional ideological monoculture on university campuses. The article said:

there is no greater homogeneity of political orientations among the professoriate relative to other specific professions, suggesting that there is a diversity of opinions which is similar to what professionals would find in other occupations.⁴⁰

The article also noted “there is no evidence that professors bring their political orientation into the classroom”.⁴¹

There is also mixed evidence on what effect going to university has on students’ future political attitudes. In 2022, another article in the British Journal of Sociology argued higher education had no more than a “small direct casual effect” on attitudes in adulthood, and that this effect is not always liberalising.⁴² The article analysed the attitudes of individuals before and after attending university. By comparing this to the attitudinal development of individuals, notably including the siblings of university graduates, over the same timeframe, it argued other factors had a greater impact on political viewpoints, such as parental socialisation or individual income.

Conversely, articles in the journals Electoral Studies and Political Studies suggest achieving a degree makes individuals become less authoritarian, less racially prejudiced, and more economically right-wing, with graduates of

³⁸ Review of data, statistics and research on sex and gender, [Report 2: Barriers to research on sex and gender](#), July 2025, p118

³⁹ Adam Smith Institute, [Lackademia: Why do academics lean left?](#), 2 March 2017

⁴⁰ HG van de Werfhorst, ‘[Are universities left-wing bastions? The political orientation of professors, professionals, and managers in Europe](#)’, The British Journal of Sociology 71.1 (2020), pp47-73

⁴¹ As above, p62

⁴² Elizabeth Simon, “[Demystifying the link between higher education and liberal values: A within-sibship analysis of British individuals’ attitudes from 1994–2020](#)”, The British Journal of Sociology 73.5 (2022), p967. See also Wonkhe, “[Universities as “left-wing madrassas” are a myth](#)”, 28 September 2022

arts, humanities, and social science degrees becoming more socially liberal than those who studied other subjects.⁴³

1.3

Safe spaces

Some students' unions (SUs) have adopted 'safe space' policies. In 2021, several SU presidents published [Taking the Debate Forward](#), a report looking at free speech in universities. With regards to these policies, the report said:

Students' unions centrally operate a number of democratic meetings and forums that allow students to obtain experience of debate and discussion with others. In some cases, they will adopt so-called "safe space" policies for the operation of these events, which generally set out the standards of conduct that the SU might expect during those meetings.⁴⁴

Any policies are generally concerned with incidents and acts of discrimination, harassment, and bullying, with a particular focus on racist, sexist, homophobic, threatening, or violent behaviour. Not all universities have adopted 'safe space' policies, and while the report asserted they exist to uphold principles of freedom of speech and ensure everyone can feel comfortable engaging in debate, it did acknowledge that their titling and framing can cause confusion. The report said:

We accept that there is a significant danger that policies that stress "safety" may end up perceived as trying to create an environment where robust debate, challenge and difficult ideas are not welcome.⁴⁵

This issue was highlighted in the [2018 JCHR report](#), which noted the concept of safe spaces has proved problematic at times, and universities and SUs needed to do more to ensure that such policies co-exist with and respect free speech. The Joint Committee on Human Rights said:

While the intention behind safe spaces is understandable and whilst there must be opportunities for genuinely sensitive and confidential discussions in university settings, we received evidence which showed that safe space policies, when extended too far, can restrict the expression of groups with unpopular but legal views, or can restrict their related rights to freedom of association.⁴⁶

Polling published in a 2022 HEPI report looking at what students think of free speech on campus found that an increasing proportion of students support

⁴³ Ralph Scott, "[Does university make you more liberal? Estimating the within-individual effects of higher education on political values](#)", Electoral Studies 77 (2022); Ralph Scott, "[Why Are Graduates More Socially Liberal? Estimating the Effect of Higher Education on Political Values Through Variation in University Experience](#)", Political Studies 73.2 (2025) pp885-903

⁴⁴ Wonkhe, [Taking the debate forward: A new code to secure and champion freedom of speech and political diversity on campus](#), February 2021, p34

⁴⁵ As above.

⁴⁶ House of Commons House of Lords Joint Committee on Human Rights, [Freedom of Speech in Universities](#), 27 March 2018, HC 589, pp27-29, para 56

the adoption of safe space policies by universities. In 2016, 48% of students supported safe space policies, but this figure rose to 62% in 2022.⁴⁷

1.4

Prevent Duty

The Prevent Duty aims “to stop people from becoming terrorists or supporting terrorism” by addressing the ideological causes of terrorism, intervening to support those susceptible to terrorism and disengage and rehabilitate those who have already engaged in terrorism.⁴⁸ In the 2018 JCHR report, the committee said that “fear and confusion over what the Prevent duty entails” was “limiting free speech”.⁴⁹

However, the OfS has said in the past that it has not found any evidence that the Prevent Duty has had a negative impact on freedom of speech:

We have not found evidence of providers systematically not allowing events to proceed because of Prevent. We do not comment on individual events, but we have not seen any evidence that has caused us concern that providers are not appropriately balancing their free speech obligations with the Prevent duty. We remain mindful of the need to monitor this carefully, however, as we do not want providers overinterpreting their requirements under the duty and harming other legal responsibilities like free speech.⁵⁰

[DfE guidance on Prevent for staff and students in higher education](#) says that the duty is part of the safeguarding and welfare responsibilities of universities and other higher education providers. It explains that:

The duty is not about restricting debate or free speech. The Prevent duty legally requires higher education providers to have particular regard to the duty to secure freedom of speech and academic freedom.

Higher education providers should be safe spaces in which learners can understand and debate sensitive topics.

However, the right to free speech is not an absolute right. It does not include the right to harass others, or incite others to violence or terrorism. Higher education providers should not provide a platform for these offences to be permitted.⁵¹

The latest Prevent monitoring data, summarising higher education providers’ Prevent-related activities in 2024/25, was published by the OfS in June 2026.

⁴⁷ HEPI, [‘You can’t say that!’ What students really think of free speech on campus](#), 23 June 2022, p12

⁴⁸ Home Office, [Prevent duty guidance: England and Wales \(2023\)](#), 6 March 2024

⁴⁹ House of Commons and House of Lords Joint Committee on Human Rights, Freedom of Speech in Universities, 27 March 2018, [Summary](#); see also [Factors inhibiting freedom of speech](#), para 61-86. See also HEPI, [Free Speech and Censorship on Campus](#), June 2019, pp21-25

⁵⁰ OfS, [Prevent monitoring accountability and data returns 2017-18 FAQs](#) (PDF)

⁵¹ DfE, [Explaining Prevent to staff and students in higher education](#), 16 February 2024

The regulator reported that the total number of external speakers rejected for reasons related to Prevent risks was two or fewer in 2024/25.⁵²

1.5

Foreign interference

Concerns have been raised that foreign states may be attempting to influence universities' research and teaching around sensitive subjects. There are also concerns that overseas funding from research/investment partnerships and international tuition fees may have consequences for freedom of speech and academic freedom on university campuses.⁵³

Chinese influence

There has been particular criticism of China,⁵⁴ and especially its Confucius Institutes, which are Chinese language and culture centres that offer classes, sponsor educational exchanges, and hold public events and lectures. The first Confucius Institute was established in 2004 in South Korea, and there are reported to be 20 currently in England.⁵⁵ They operate as joint ventures between a host university, a partner university in China, and the Chinese International Education Foundation (CIEF). This contrasts with other cultural outreach organisations, like the UK's British Council, Germany's Goethe-Institut, or France's Alliance Francaise, which function outside formal higher education structures.

Some Confucius Institutes have been accused of exerting undue influence on their host institutions.⁵⁶ In a 2019 report on China's threat to freedom of expression in universities, Human Rights Watch, a human rights research and advocacy organisation, said hosting Confucius Institutes on campuses was "fundamentally incompatible with a robust commitment to academic freedom".⁵⁷

China has also threatened academic freedom in other ways. In November 2025, it was reported that Sheffield Hallam University had stopped the publication of research on Uyghur forced labour in China by a member of its academic staff, Professor Laura Murphy. Professor Murphy launched legal action against the university, and through a 'subject access request' was able to see documents relating to the university's decision and communications

⁵² OfS, [Prevent monitoring: Summary of 2024-25 accountability and data returns](#), 4 June 2026, p4, p6

⁵³ Foreign Affairs Committee, [A cautious embrace: Defending democracy in an age of autocracies](#), 4 November 2019, HC 109 2019, para 4-16

⁵⁴ UK-China Transparency, [Cold Crisis. Academic freedom and interference in China studies in the UK](#) (PDF) August 2025

⁵⁵ The Guardian, ["China-backed centres at UK universities under threat from new free speech laws"](#), 1 August 2025

⁵⁶ Nottingham Trent University Expert Blog, [CRG's campaign on Confucius Institutes in the UK](#), 19 July 2022; ["German universities warned Xi is 'beyond discussion'"](#), The Times, 31 October 2021

⁵⁷ Human Rights Watch, [China: Government Threats to Academic Freedom Abroad](#), 21 March 2019

with the Chinese state.⁵⁸ BBC News said the documents showed “a campaign of harassment and intimidation” by China, and it reported that “access to the university’s websites from China was blocked, impeding its ability to recruit Chinese students”.⁵⁹

The Financial Times, which also looked at the documents accessed by Professor Murphy, reported that Sheffield Hallam’s office in China was visited by “three officers of the National Security Service” who questioned a member of staff for two hours. “The tone was threatening with a clear message [...] to stop the research” the emails noted.⁶⁰

The university later apologised to Professor Murphy and allowed her to resume her research. A spokesperson for Sheffield Hallam said its decision to not continue with her research “was taken based on our understanding of a complex set of circumstances at the time, including being unable to secure the necessary professional indemnity insurance”.⁶¹

In 2024, an associate professor at University College London (UCL), Michelle Shipworth, was removed from teaching a postgraduate module that included a discussion about modern slavery in China following complaints from students.⁶² Associate Professor Shipworth was told in an email by her manager that “in order to be commercially viable, our MSc courses need to retain a good reputation amongst future Chinese applicants”.

MI5 security briefing

In February 2026, MI5 delivered a briefing to senior representatives from more than 70 UK universities to raise awareness of what “hostile foreign state interference” can look like, including attempts to shape and censor research or teaching, particularly in areas that are politically sensitive.⁶³ Those who attended the briefing were reportedly told these are topics that can make authoritarian governments “feel uncomfortable”, such as for China the Tiananmen Square massacre, Uyghur oppression, Tibet, and Taiwan.⁶⁴

It was reported interference might include intimidating communications, such as phone calls urging academics to discontinue particular lines of research, and attempts to build relationships with academics by posing as partners or collaborators, which could later be used to apply pressure. In some cases,

⁵⁸ The Information Commissioner’s Office has more on [subject access requests](#), which are a way to ask an organisation if they’re using or storing your personal information, and to ask them for copies of your personal information.

⁵⁹ BBC News, “[China intimidated UK university to ditch human rights research, documents show](#)”, 3 November 2025

⁶⁰ Financial Times, “[Chinese intimidation stopped UK university from publishing human rights report](#)”, 3 November 2025

⁶¹ BBC News, “[China intimidated UK university to ditch human rights research, documents show](#)”, 3 November 2025

⁶² The Telegraph, “[UCL bans lecturer from China course to save ‘commercial interests’](#)”, March 2024

⁶³ UK Government, [Intelligence agencies provide briefings on foreign interference](#), 9 February 2026

⁶⁴ The Times, “[MI5 warns universities over interference from ‘hostile states’](#)”, 9 February 2026

these approaches were said to involve financial incentives or threats, including the possibility of legal action, to influence academic behaviour.

In response, the government announced measures intended to support universities in identifying and reporting interference. These included new guidance and the introduction of a new “Academic Interference Reporting Route”, allowing institutions to report concerns directly to government and security agencies.⁶⁵

⁶⁵ DfE, [Protecting UK higher education from foreign interference](#), 9 February 2026

2

Higher Education (Freedom of Speech) Act 2023

The legal framework underpinning free speech and academic freedom in higher education is complicated and has evolved over a number of decades.

Two pieces of legislation, the [Education \(No. 2\) Act 1986](#) and the [Education Reform Act 1988](#), first enshrined free speech and academic freedom for staff, students, and visiting speakers in the late 1980s. The framework has since been shaped by employment, human rights, and charity law, and especially the [Higher Education and Research Act 2017](#), which established the Office for Students (OfS) as the regulator of higher education in England. The OfS has powers to take action when a higher education provider is in breach of its free speech obligations.

Most recently, the legal framework was developed further by the passage of the [Higher Education \(Freedom of Speech\) Act 2023](#), which, among other things, introduced strengthened free speech duties for providers. However, some provisions in the act will be amended before their introduction, while others will be repealed and not come into effect at all. This follows decisions made by the current Labour government not to go ahead with specific free speech duties for students' unions (SUs) or the 'statutory tort', which would have allowed individuals to bring civil proceedings against universities or SUs. Further legislation will be required to make these changes.

2.1

Previous legal framework

In 1986, [section 43 of the Education \(No. 2\) Act](#) required further and higher education providers to take "reasonably practicable" steps to secure freedom of speech for their members, students, staff, and visiting speakers.⁶⁶ Providers could not deny the use of premises to an individual because of their beliefs, and they had to keep a code of conduct to ensure all activities complied with this legal duty.

There was no direct means of enforcing the section 43 duties, but there were other means of redress available. These included:

- individuals could complain directly to their university

⁶⁶ [Education \(No. 2\) Act 1986 s43.](#)

- students could bring unresolved free speech complaints to the higher education ombuds service
- university staff could bring claims before an employment tribunal, including under the Equality Act 2010
- the OfS could act, including by imposing monetary penalties and suspending access to public funding, when universities were in breach of registration conditions relating to free speech and academic freedom
- universities could be subject to judicial review, particularly if they are in breach of Article 10 of the European Convention on Human Rights; the right to freedom of expression

In 1988, the [Education Reform Act 1988](#) came into effect, enshrining academic freedom in law.⁶⁷ [Section 202 of the act](#) gave academic staff the right “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 the privileges they may have at their institutions”.⁶⁸

[The Higher Education Research Act 2017](#) established the OfS as the higher education regulator in England.⁶⁹ The OfS has powers to act when a registered higher education provider is in breach of its registration conditions, including those related to free speech and academic freedom, which are both [public interest governance principles](#). All higher education providers registered with the OfS (the higher education regulator in England) must comply with these principles.⁷⁰

What is a ‘registered higher education provider’?

Under the [Higher Education and Research Act 2017](#), higher education providers in England must register with the OfS to access public funding, award degrees, and recruit international students.⁷¹

To be included on the [OfS register](#), higher education providers must meet initial and ongoing conditions of registration demonstrating their ability to provide quality higher education. Registration conditions relate to financial sustainability, good governance, and student access, participation, and outcomes.⁷²

⁶⁷ [Education Reform Act 1988 s202\(2\)\(a\)](#)

⁶⁸ As above.

⁶⁹ [Higher Education Research Act 2017 Part 1](#)

⁷⁰ OfS, [Public interest governance principles](#), February 2022

⁷¹ OfS, [Benefits of registration](#), February 2022

⁷² OfS, [Conditions of registration](#), February 2022

The legal duties of providers to secure freedom of speech and academic freedom have always only ever extended to speech that is lawful. Higher education providers have always had to consider their other legal duties, such as those arising from the [Equality Act 2010](#) and the public sector equality duty.⁷³ Unlawful speech might include speech that incites hatred or violence, amounts to discrimination or harassment, or supports a [proscribed organisation](#).

Under the [Higher Education Act 2004](#), students became able to bring unresolved freedom of speech complaints against providers to the Office of the Independent Adjudicator for Higher Education (OIA), which administers a scheme for reviewing student complaints.⁷⁴

2.2 2021 policy paper

In a 2021 policy paper, the Conservative government argued the legal and regulatory framework for upholding freedom of speech and academic freedom was “overly complex”.⁷⁵

The paper cited the Joint Committee on Human Rights report, which identified several “regulatory barriers” that serve to inhibit freedom of expression in higher education, including the [Prevent duty](#), the regulation of students’ unions by the Charity Commission, and bureaucracy arising from a university’s statutory duties.⁷⁶

The policy paper also argued there remained “gaps” within the current framework, and that compliance with, and enforcement of, existing duties was insufficient.⁷⁷ The government was particularly concerned there was no direct means for enforcing a breach of a university’s section 43 free speech duties ([as set out in the Education \(No. 2\) Act 1986](#)) and that students’ unions were not regulated to secure freedom of speech.

Later that same year, the Conservative government introduced the Higher Education (Freedom of Speech) Bill. The purpose of the bill was to strengthen and extend existing legislation on freedom of speech and academic freedom in higher education, in order to address the issues it set out in the 2021 policy paper.

⁷³ [Equality Act 2010 s149](#). The public sector equality duty requires universities not to discriminate against people who are disadvantaged or suffer inequality. For more information, see the Citizens Advice article, [What’s the public sector equality duty?](#)

⁷⁴ [Higher Education Act 2004 Part 2](#).

⁷⁵ DfE, [Higher Education: free speech and academic freedom](#), February 2021, p7

⁷⁶ House of Commons and House of Lords Joint Committee on Human Rights, [Freedom of Speech in Universities](#), 27 March 2018, Factors inhibiting freedom of speech, para 61-86

⁷⁷ DfE, [Higher Education: free speech and academic freedom](#), February 2021, p7

The bill passed the House of Commons on 13 June 2022 and the Lords on 13 December 2022. It received Royal Assent on 11 May 2023, and became the [Higher Education \(Freedom of Speech\) Act 2023](#).

2.3

Content of the 2023 act

The bill was amended by the Conservative government following its introduction in Parliament, and, as an act, currently has 10 substantive sections:

- Sections 1 to 3 relate to the legal duties of registered higher education providers (HEPs), their constituent institutions, and students' unions (SUs) to protect freedom of speech and academic freedom.
- Section 4 introduced a new statutory tort to allow individuals to bring legal proceedings against a HEP or SU if they were not complying with their duties to protect freedom of speech and academic freedom.
- Sections 5 to 10 concern the functions of the OfS, which regulates higher education in England. They relate to:
 - a new complaints scheme
 - new registration conditions for HEPs
 - new monitoring of overseas funding
 - a new director for freedom of speech and academic freedom.

The House of Lords voted to remove the clause to introduce a statutory tort at report stage, against the wishes of the government, but it was subsequently restored by the Commons.

The act extends to England and Wales but its main provisions apply to England because higher education is devolved. This means any practical effect will occur in England only.

Background to the act, published on 18 May 2021 in advance of its second reading in the Commons, can be found in the Library briefing: [Higher Education \(Freedom of Speech\) Bill 2021](#). Further information about how the act progressed through Parliament, amendments that were made, and the perspectives of opposition parties during debate can be found in the Library briefing: [Higher Education \(Freedom of Speech\) Bill: Progress of the Bill](#).

2.4

Implementation of the act

When the act received royal assent in May 2023, the DfE published information on how its implementation would affect university students, stating the act would “bring about a change of culture on our campuses”.⁷⁸ The DfE expected measures in the act would be implemented by the 2024/25 academic year, highlighting the following provisions in particular:

- requiring universities, colleges and students’ unions “to ensure lawful freedom of speech on campus”
- creating a freedom of speech code of practice by HEPs and SUs
- appointing of an OfS director for freedom of speech and academic freedom to “champion free speech on campuses and ensure that the OfS takes action where needed”. On 1 June 2023, the [DfE announced that Professor Arif Ahmed had been appointed](#) to this role.⁷⁹
- removing universities’ ability to use non-disclosure agreements (NDAs) where complaints are made over sexual misconduct, abuse, harassment, or bullying
- creating an OfS-managed free-to-use complaints scheme
- allowing students, staff and visiting speakers to bring legal proceedings against a HEP or SU if they feel it has unlawfully restricted their rights to freedom of speech (the statutory tort)

However, on 26 July 2024, after winning that month’s general election, the new Labour government decided to stop the implementation of the act due to concerns over student welfare.

2.5

Pausing of the act’s implementation

On 26 July 2024, the Labour government announced that it was stopping the implementation of the 2023 act by preventing its commencement regulations going ahead (see the box below).⁸⁰ At the time, the government said it would review options for the act, including whether to repeal it, in the longer term.

The Labour Party did not include plans to pause the 2023 act in its [2024 general election manifesto](#). However, while in opposition during the act’s

⁷⁸ DfE, [Freedom of Speech Act: How it will affect university students](#), 30 May 2023

⁷⁹ DfE, [University Freedom of Speech Bill becomes law](#), 1 June 2023

⁸⁰ DfE, [Free Speech Act: what you need to know](#), 26 July 2024

passage through Parliament, Labour did table an unsuccessful amendment to deny the bill a second reading.⁸¹

Explaining the decision to stop the act's implementation, the DfE cited "concerns from vulnerable groups about how the rules might harm student welfare" and the potential legal and financial burden on universities.⁸² It said:

[T]here are fears that the legislation could protect those using hate speech on campuses, and that it could also push providers to overlook the safety and well-being of minority groups, including Jewish students.

There are also fears the Act could expose higher education providers, like universities, to costly legal action that would impact teaching and learning.

The DfE also said the OfS would be "refocus[ed]" on university financial security, student outcomes, and protecting against harassment and sexual misconduct on campuses, but that the government remained "committed to protecting freedom of speech on campus". On 31 July 2024, the OfS announced that, from 1 September 2024, higher education providers would be banned from using non-disclosure agreements in cases of harassment and misconduct.⁸³

What are commencement regulations?

Commencement regulations are statutory instruments. They are used to bring a piece of legislation into force at a later date than when it became law.⁸⁴ Erskine May explains that commencement regulations may be different for various parts of the same bill.⁸⁵

In the case of the Higher Education (Freedom of Speech) Act 2023, the government used a commencement revocation to pause Commencement No.2 of the act.⁸⁶ This meant that the following provisions in the act were not brought into force as planned for the 2024/25 academic year:

- duties on higher education providers, constituent institutions, and students' unions to secure lawful freedom of speech and academic freedom on campus
- the statutory tort for breaches of freedom of speech duties
- the OfS-managed complaints scheme

⁸¹ Commons business papers, [Votes and Proceedings, 12 July 2021](#), No. 32

⁸² DfE, [Free Speech Act: what you need to know](#), 26 July 2024

⁸³ OfS, [Non-disclosure agreements](#), 31 July 2024

⁸⁴ UK Parliament, [Commencement regulations](#) (accessed 8 April 2025)

⁸⁵ Erskine May, [Commencement](#) (accessed 8 April 2025)

⁸⁶ Legislation.gov.uk, [The Higher Education \(Freedom of Speech\) Act 2023 \(Commencement No. 2\) \(Revocation\) Regulations 2024](#), 25 July 2024

- the inclusion of the recruitment and promotion of academics in the protection of academic freedom
- the removal of the ability for universities to use non-disclosure agreements where complaints are made over sexual misconduct, abuse, harassment, or bullying
- new OfS registration conditions for higher education providers
- new OfS monitoring of overseas funding⁸⁷

Reaction to the government's decision

Political parties

On 10 October 2024, there was a debate in the House of Commons on [freedom of speech in universities](#), which largely focused on the government's decision to stop the commencement of the 2023 act.

In the debate, the then Shadow Education Secretary Damian Hinds (Conservative) argued the consequences of the government's decision were "direct, indirect and chilling". He criticised the stopping of the act without parliamentary debate, and said "600 academics, including seven Nobel prize laureates, have written to the Secretary of State in support of the legislation".⁸⁸

The Liberal Democrat Universities and Skills Spokesperson, Ian Sollom, welcomed the government's decision to pause the commencement of the 2023 act, saying that "the lack of facts and data, and even of much of an idea [had] failed to convince the Liberal Democrats of the need for the Higher Education (Freedom of Speech) Act".⁸⁹

Press and stakeholder comment

Over 650 academics signed an [open letter to the Education Secretary calling for the 2023 act to be resumed](#). The letter called the 2023 act "vitally important" due to its enforcement mechanisms for free speech duties, in particular noting the role of the OfS complaints scheme and statutory tort.⁹⁰

Writing in Times Higher Education, Abhishek Saha, a mathematics professor at Queen Mary University of London and former member of the London Universities' Council for Academic Freedom, called the pause a "tragedy". Professor Saha said that the 2023 act was "the most inspiring, vital, and significant legislation on higher education in living memory", and said that

⁸⁷ For more information, see Wonkhe, [What does today's announcement on free speech mean for SUS?](#), 26 July 2024

⁸⁸ HC Deb [[Universities: Freedom of Speech](#)], 10 October 2024, vol 754 c456

⁸⁹ As above, c457

⁹⁰ Academics for Academic Freedom, [Sign this open letter to Bridget Phillipson](#), 2 August 2024

without its implementation, academic freedom was not being adequately protected.⁹¹

However, several stakeholder groups, including the representative body Russell Group Students' Unions, welcomed the government's decision to pause the commencement of the 2023 act. It said freedom of speech is "vital" in higher education but also noted "concerns about the practicalities of the new legislation and the potential impact on marginalised students".⁹²

GuildHE, which represents higher education providers that focus on vocational courses, said the "balance between protecting free speech and securing the safety of their students and staff is paramount", but also welcomed the government's decision. GuildHE argued the 2023 act "would have introduced an unnecessary level of regulatory burden without achieving that aim".⁹³

The Free Speech Union, a membership organisation that campaigns for freedom of speech, appealed the government's decision to stop the commencement of the 2023 act.⁹⁴ A judicial review hearing was scheduled for 23 January 2025, but the legislation was ultimately resumed prior to this date.⁹⁵

2.6

Current position

On 15 January 2025, the Secretary of State for Education, Bridget Phillipson, announced that the government would resume implementing the 2023 act, but that it would repeal "burdensome provisions" in the act.⁹⁶ Speaking in the House of Commons, the Education Secretary said:

In July 2024 I paused further commencement of the Act in response to concerns raised by a cross-section of voices. I took that decision because it is vital that we get this right. Our universities are one of this country's greatest strengths, and I know Members across the House share my pride in a truly world-leading sector. At the centre of that excellence sit academic freedom and freedom of speech. The ability of our academics to explore and express new ideas through teaching and research is precious and we must protect it.

These fundamental freedoms are more important—much more important—than the wishes of some students not to be offended. University is a place for ideas to be exposed and debated, to be tried and tested. For young people, it

⁹¹ Times Higher Education, [The likely repeal of England's free speech act is a tragedy](#), 30 July 2024

⁹² Russell Group Students' Unions, [Our response to the Higher Education \(Freedom of Speech\) Act pause](#), 31 July 2024

⁹³ GuildHE, [GuildHE responds to DfE pause on HE \(Freedom of Speech Act\) and Independent Review of the OfS](#), 29 July 2024

⁹⁴ Free Speech Union, [Education Secretary faces court over shelving free speech laws](#), 3 November 2024

⁹⁵ Free Speech Union, [The Higher Education \(Freedom of Speech\) Act](#), 6 May 2025

⁹⁶ Department for Education, [Government reaffirms commitment to Free Speech in universities](#), 15 January 2025

is a space for horizons to be broadened, perspectives to be challenged and ideas to be examined. It is not a place for students to shut down any view with which they disagree.⁹⁷

New commencement regulations, the [Higher Education \(Freedom of Speech\) Act 2023 \(Commencement No. 3\) Regulations 2025](#), were signed on 28 April 2025. The provisions included in the new commencement regulations came into force on 1 August 2025.

In April 2026, Bridget Phillipson told Parliament that she would make commencement regulations by mid-June to bring the complaints scheme for staff, external speakers, and non-student members in to force on 1 September 2026, and the new conditions of registration set out in section 6 of the 2023 act from 1 April 2027.⁹⁸

2025 policy paper

On 26 June 2025, the DfE published a policy paper on [the future of the Higher Education \(Freedom of Speech\) Act 2023](#), which expanded on the government's decisions regarding the affected provisions in the act. These decisions are summarised below.

Provisions coming into force as planned

The following sections of the act were included in the commencement regulations made on 28 April 2025 and came into force on 1 August 2025:

- Section 1: Duties of registered HE providers. Much of this section came into force without amendment (except for the provisions relating to students' unions – see below for more information). The section replaces and extends the duties in section 43 of the 1986 act, which relate to securing freedom of speech and maintaining a code of practice. It also introduces duties that require higher education providers (HEPs) to promote the importance of freedom of speech and academic freedom and prevents them from entering into non-disclosure agreements in cases of harassment, bullying, and sexual misconduct.
- Section 2: Duties of constituent institutions. This section places duties on constituent institutions of HEPs, such as colleges, to take steps to secure freedom of speech, follow the code of practice, and promote the importance of freedom of speech and academic freedom, similarly to the application of these duties to the governing body of the HEP.⁹⁹
- Section 5: Functions of the Office for Students. The government has commenced section 5, which requires the OfS to have regard to the need to promote and protect freedom of speech within the law and academic freedom. It also gives the OfS new powers and duties in relation to these

⁹⁷ HC Deb [[Universities: Freedom of Speech](#)], 10 October 2024, vol 754 c456

⁹⁸ [HCWS 1525 \[Higher Education Freedom of Speech Statement\] 20 April 2026](#)

⁹⁹ DfE, [The future of the Higher Education \(Freedom of Speech\) Act 2023](#), 26 June 2025, p11

issues, such as identifying good practice and giving advice to providers about such practice.¹⁰⁰

The policy paper also noted that section 10 of the act, which was to establish the role of director for freedom of speech and academic freedom on the OfS board, had been in force since August 2023.¹⁰¹ The government said:

We believe that maintaining the role of the Director is crucial not only to signal the importance of this policy area in higher education, but also to ensure that there is a dedicated champion for free speech and academic freedom, with the profile and powers to bring about change.¹⁰²

Provisions that have been removed

The government has announced that it will remove, through legislation, the statutory tort and duties placed on SUs from the 2023 act. The DfE argued the statutory tort might place “disproportionate” legal costs on universities, while duties placed on SUs could leave them “overwhelmed with additional costs and administrative burdens”:¹⁰³

- Sections 3 and 7: Duties of students’ unions and regulation of duties on students’ unions. These sections are not in force, and the government has said it will legislate to repeal them.
 - The definition of “students union” in these sections was commenced on 1 August 2025, due to the use of the term elsewhere in the act.
 - The DfE has said SUs are “not equipped” to manage the duties that the act would impose around “funding, resources or expertise”. Further, the DfE argues that SUs will be “better and more appropriately incentivised and supported to protect freedom of speech through duties on HE providers”, and that most SUs in England and Wales are also regulated by the Charity Commission.¹⁰⁴
- Section 4: Civil claims. The government is seeking to repeal section 4, which would introduce a statutory tort allowing staff, students and external speakers to bring civil claims against HEPs, constituent institutions, or SUs for breaching their free speech duties.
 - The DfE states that the implementation of the tort could have a “chilling effect on freedom of speech on campus”, with HEPs potentially becoming “risk-averse” and not inviting external speakers who might cause controversy. It also said the risk of legal and financial redress could cause HEPs to “unduly” prioritise the

¹⁰⁰ As above, p17

¹⁰¹ As above, p27

¹⁰² As above, p27

¹⁰³ DfE, [Government reaffirms commitment to Free Speech in universities](#), 15 January 2025

¹⁰⁴ DfE, [The future of the Higher Education \(Freedom of Speech\) Act 2023](#), 26 June 2025, pp12-13

protection of free speech over the interests of people who might “feel harassed or intimidated”.

- The government says there are other avenues for redress, and the OfS complaints scheme will expand this.¹⁰⁵

Provisions that will be amended or kept under review

The Education Secretary also announced that the government plans to amend certain provisions in the act before it implements them:

- Section 1: Duties of registered higher education providers. The government plans to amend this section of the act to require HEPs to take reasonably practicable steps to ensure SUs follow the provider’s freedom of speech code of practice. This would apply to SU activities on the HEP’s premises as well as in other locations.
 - The code of practice should state that SUs cannot deny affiliation to student societies on the basis of their “lawful policy or objectives, or the lawful ideas or opinions of its members”.¹⁰⁶
- Section 6: Regulation of duties of registered higher education providers. The government is seeking to amend section 6 to give the OfS the power, rather than the duty, to impose a new initial or ongoing condition of registration relating to freedom of speech and academic freedom.
 - It said this will allow the OfS greater flexibility, and “leaves scope for proportionate application to a diverse sector”.¹⁰⁷ The government has also said it expects the OfS to implement a condition of registration despite this not being a requirement.
 - Following Bridget Phillipson’s April 2026 update, these conditions of registration are expected to be in place from 1 April 2027 (see below for more information).¹⁰⁸
- Section 8: Complaints scheme. The government plans to amend section 8, related to the OfS complaints scheme, so the OfS has the power rather than the duty to consider complaints.
 - The government said it wanted to retain the scheme, but that it could be “overly burdensome and time-consuming for the OfS” if it were required to consider every complaint.¹⁰⁹
 - The new OfS complaints scheme will focus on complaints from staff, external speakers, and university members, including complaints

¹⁰⁵ As above, p15

¹⁰⁶ As above, p7

¹⁰⁷ As above, p18

¹⁰⁸ [HCWS 1525 \[Higher Education Freedom of Speech Statement\] 20 April 2026](#)

¹⁰⁹ DfE, [The future of the Higher Education \(Freedom of Speech\) Act 2023](#), 26 June 2025, pp19-20

where people from these groups feel they have suffered adverse consequences because a HEP hasn't fulfilled its duty to secure compliance with its code of practice.

- It will not consider complaints from students or about SUs. To avoid the duplication of complaints schemes for students, student complaints will be directed to the Office for the Independent Adjudicator.
- Following Bridget Phillipson's April 2026 update, the complaints scheme is expected to be in place from September 2026 (see below for more information).¹¹⁰
- Section 9: Overseas funding. The government is keeping section 9 of the act under review, but it will remove duties placed on SUs in relation to overseas funding, and on the OfS in relation to regulating them.
 - Speaking in Parliament, the Education Secretary said she is "fully committed to tackling cases of interference by overseas Governments" but wants to "ensure that any new reporting requirements for providers add value without being overly burdensome".¹¹¹
 - In the meantime, the DfE has said it will introduce "alternative mitigations" to help HEPs improve their "international due diligence". As part of its review, the DfE will assess the implementation of the [Foreign Influence Registration Scheme](#) (FIRS) in the higher education sector. FIRS is a public register of arrangements with foreign powers and foreign power-controlled entities which aims to increase the transparency of foreign influence.¹¹²

April 2026 update

In April 2026, Bridget Phillipson updated the House of Commons on the implementation of the Higher Education (Freedom of Speech) Act.¹¹³ The Education Secretary said she would make commencement regulations by mid-June to bring two key elements of the act into force:

- Office for Students Complaints Scheme. This is now set to launch on 1 September 2026 and will offer a direct route of redress for university staff, external speakers, and non-student members. It will not extend to students, who can make use of the existing Office of the Independent Adjudicator scheme, nor will it apply to SUs.

¹¹⁰ [HCWS 1525 \[Higher Education Freedom of Speech Statement\] 20 April 2026](#)

¹¹¹ HC Deb [[Universities: Freedom of Speech](#)], 10 October 2024, vol 754 cc379-381

¹¹² DfE, [The future of the Higher Education \(Freedom of Speech\) Act 2023](#), 26 June 2025, pp22-23

¹¹³ [HCWS 1525 \[Higher Education Freedom of Speech Statement\] 20 April 2026](#)

- **Mandatory OfS Conditions of Registration.** These will be effective from 1 April 2027 and require HEPs and their governance documents to align with the act's statutory duties. The OfS will consult on and publish detailed rules and guidance ahead of this deadline.

The Education Secretary also confirmed that she remained committed to repealing the statutory tort and duties on SUs, and that she would keep the commencement of the overseas funding measures under review. On the latter, she said:

The OfS already has extensive powers to require information from providers, to investigate any breach, and to impose sanctions where breaches have occurred. The OfS has made it explicitly clear in its regulatory guidance that universities should not tolerate attempts by foreign states to suppress academic freedom. If we are to introduce new reporting requirements, we must ensure that they add value without being overly burdensome.¹¹⁴

Commentary

Political parties

Political parties showed mixed responses to the Labour government's amendments.

When [the Education Secretary announced the commencement of the 2023 act in the House of Commons](#), Laura Trott, the Shadow Secretary of State for Education, reiterated the Conservative Party's position that pausing the act had been a "mistake". She said "confusion" remained, and called for the Education Secretary to "perform the U-turn in full" by commencing the act in its entirety, including the statutory tort and the measure on overseas funding.¹¹⁵

The Liberal Democrat Universities and Skills Spokesperson, Ian Sollom, said he "welcome[s] now the acknowledgement of its flaws and the Secretary of State's move to repeal the provisions on the tort and on student unions in particular".¹¹⁶ However, the Liberal Democrat spokesperson questioned the need for the act at all, pointing to existing legislation and guidance which seeks to protect freedom of speech in universities. Mr Sollom stated concerns about the protection of minority groups in universities and called for HEPs to be given a statutory duty of care for their students.

Press and stakeholder comment

The Russell Group welcomed the revisions made by the government, in particular noting the removal of the statutory tort. It said that pausing the

¹¹⁴ [HCWS 1525 \[Higher Education Freedom of Speech Statement\] 20 April 2026](#)

¹¹⁵ HC Deb [[Universities: Freedom of Speech](#)], 10 October 2024, vol 754 cc382-383

¹¹⁶ As above, c385

2023 act was beneficial and had allowed “time to understand its impact and ensure new legislation is fit for purpose and proportionate”.¹¹⁷

Similarly, Universities UK welcomed the changes, also noting the removal of the statutory tort; a change it referred to as “absolutely essential”.¹¹⁸ The University and College Union (UCU), while welcoming the removal of the statutory tort, argued that the government should have gone further by repealing the 2023 act in its entirety.¹¹⁹ The higher education site Wonkhe said changes to the legislation showed “an explicit recognition of the fine lines, complexities and contradictions often in play on the issue”.¹²⁰

In contrast, the Committee for Academic Freedom “urge[ed] the Government to stop stalling the implementation of this vital piece of legislation, and to finally allow the Act to commence in full”. However, the group also said that the announcement of a date of commencement for the provisions that have come into force “is a significant improvement on the situation in last year, when the entire future of the Act was in jeopardy”.¹²¹

There were also concerns that implementing the free speech complaints scheme in September 2026 would not give the OfS time to set up the scheme effectively and that the OfS may not be able to handle complaints efficiently.¹²²

¹¹⁷ Russell Group, [Government update on free speech at universities](#), 15 January 2025

¹¹⁸ Universities UK, [UUUK responds to the Education Secretary's announcement on the Higher Education \(Freedom of Speech\) Act](#), 16 January 2025

¹¹⁹ University and College Union, [Labour should dispense with Tory culture war bill all together, says UCU](#), 15 January 2025

¹²⁰ Wonkhe, [Bridget Phillipson reaffirms commitment to free speech](#), 15 January 2025

¹²¹ Committee for Academic Freedom, [Commencement of key free speech provisions set for 1 August](#), 13 May 2025

¹²² Times Higher Education, [“September launch date ‘could jeopardise free speech scheme’”](#), 21 April 2026

3

Work of the Office for Students in protecting free speech

The [Office for Students](#) (OfS) is the higher education regulator in England. It was established by the [Higher Education and Research Act 2017](#) and came into existence in 2018. It is a non-departmental public body of the Department for Education (DfE).

The OfS has several regulatory duties around freedom of speech and academic freedom in higher education. The activity and requirements of the OfS in protecting free speech are explored below.

3.1

Director for Freedom of Speech and Academic Freedom

The Higher Education (Freedom of Speech) Act 2023 established the role of the director for freedom of speech and academic freedom on the board of the OfS. The director is responsible for overseeing the free speech functions of the OfS.

Appointment

The OfS director of freedom of speech and academic freedom is appointed by the Secretary of State for Education. In response to a parliamentary question, the previous Conservative government said this was in line with the appointment of other OfS board members as determined by the [Higher Education and Research Act 2017](#) (HERA).¹²³

On 1 June 2023, Professor Arif Ahmed was appointed to the role of OfS director for freedom of speech and academic freedom. He started working in the post on 14 August 2023.¹²⁴ In a speech delivered at King's College London on 10 October 2023, Arif Ahmed outlined his perspective on the role. He said that it "is not a partisan role" and that the OfS would "take a broadly viewpoint neutral approach" in carrying out its duty to protect lawful freedom of speech.¹²⁵

¹²³ OfS, Freedom of Expression, [PQ 187493](#), 20 June 2023

¹²⁴ OfS, [Office for Students announces its first Director for Freedom of Speech and Academic Freedom](#), 1 June 2023; Office for Students, [Who we are: Our board](#), 5 August 2025

¹²⁵ OfS, [Transcript of Arif Ahmed's speech at King's College London](#), 10 October 2023

While announcing the resumption of the 2023 act, the Education Secretary Bridget Phillipson, expressed concerns over the status of the director as a political appointee, referring to recommendations around OfS appointments made in the Behan review.¹²⁶ Although she said she had “complete confidence in Dr Ahmed”, she said the independence of the director should not be undermined by “any suspicion of political bias” in their appointment.

What was the Behan review?

In July 2024, Sir David Behan, the former CEO of the Care Quality Commission and chair of the board of Health Education England, published the results of his review [Fit for the Future: Independent Review of the Office for Students](#),¹²⁷ which was carried out as part of the [Public Bodies Review Programme](#).

The review made 32 recommendations for the OfS, the government, and the higher education sector to consider, concluding that higher education must be effectively regulated to address the unprecedented challenges the sector faced. The report found that while the OfS was operationally independent in its judgements and decisions, perceptions of the regulator’s closeness to government were undermining respect, trust, and ultimately the OfS’ credibility in the eyes of stakeholders.

The review recommended that while the Secretary of State should continue to appoint the chair and non-executive directors of the OfS, the DfE should “carefully consider” OfS board appointments by paying particular regard to the skills required for these roles. However, it recommended that the executive team of the OfS, which [includes the Director of Freedom of Speech and Academic Freedom](#), should be appointed by the chief executive (who themselves should be appointed “by the board”).

The review noted that the director’s appointment process was passed in legislation by HERA and the 2023 act, but enacting the review’s recommendations would “provide clear lines of accountability and avoid a dilution of the chief executive’s authority”.¹²⁸ The review recognised new legislation would be required to enact this.

Sir David was made the interim chair of the OfS until July 2025, with the government saying his primary role was “to work with the current executive to implement the recommendations of the independent review”.¹²⁹ Professor Edward Peck became chair of the OfS board in July 2025.

¹²⁶ HC Deb, [[Higher Education Regulatory Approach](#)], 15 January 2025, vol 760 cc379-381

¹²⁷ Department for Education, [Fit for the Future: Independent Review of the Office for Students](#), 26 July 2024, p21

¹²⁸ DfE, [Fit for the Future: Independent Review of the Office for Students](#), 26 July 2024, p21

¹²⁹ HCWS26, [[Higher Education Regulation Update](#)], 26 July 2024

3.2

Conditions of registration

To be included on the [OfS register](#), higher education providers must meet initial and ongoing conditions of registration, which demonstrate their ability to provide quality higher education.¹³⁰ These conditions enable the OfS to exert a degree of control over the quality of higher education provision in England. In return, registered providers are able to access public funding and recruit international students.¹³¹

There are two OfS conditions of registration relating to freedom of speech and academic freedom. A further condition of registration will be implemented under the Freedom of Speech (Higher Education) Act 2023, although this provision in the act will be amended to give the OfS greater flexibility in its implementation.¹³²

Existing conditions of registration

The OfS currently has two conditions of registration which relate to freedom of speech: conditions E1 and E2.¹³³ Condition E1 requires providers' governing documents to reflect all relevant public interest governance principles (some of which relate to freedom of speech). Condition E2 requires providers to maintain "adequate and effective management and governance arrangements" to work within its governing documents and public interest governance principles.¹³⁴

The public interest governance principles are laid out in [Annex B of the OfS regulatory framework](#). Among the principles applicable to all registered higher education providers are the principles of academic freedom and freedom of speech, which state:

I. Academic freedom: Academic staff at an English higher education provider 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 the provider.

[...]

¹³⁰ OfS, [Securing student success: Regulatory framework for higher education in England, Annex A: Initial and general ongoing conditions of registration](#), 24 November 2022

¹³¹ OfS, [Registration with the OfS](#)

¹³² OfS, [Freedom of Speech: Changes to regulation](#), 27 February 2025

¹³³ OfS, [Securing student success: Regulatory framework for higher education in England, Annex A: Initial and general ongoing conditions of registration](#), 24 November 2022

¹³⁴ As above

VII. Freedom of speech: The governing body takes such steps as are reasonably practicable to ensure that freedom of speech within the law is secured within the provider.¹³⁵

OfS investigation into the University of Sussex

In October 2021, the OfS opened an investigation into the University of Sussex's freedom of speech and academic freedom obligations.¹³⁶ This followed student protests calling for the dismissal of Kathleen Stock, who was a professor of philosophy at the university, because of her views regarding gender self-identification. These protests ultimately contributed to Kathleen Stock's decision to resign from the University of Sussex.¹³⁷

The OfS investigation focused on the university's general compliance with its regulatory framework, rather than on Kathleen Stock's departure. In March 2025, the OfS found that the University of Sussex had breached condition E1 in relation to free speech.¹³⁸ This breach concerned the university's Trans and Non-Binary Equality Policy Statement. The OfS deemed this policy statement to contravene the freedom of speech and academic freedom public interest governance principles, and have brought about a "chilling effect" that led students and staff – including Kathleen Stock – to self-censor their views and teaching. The OfS also found a breach of condition E2, which relates to a provider's management and governance arrangements. It said decisions had been taken at the university to adopt and/or revise policies without proper delegated authority.

The OfS' regulatory case report for University of Sussex stated this was the first time the regulator had found an E1 breach regarding freedom of speech and academic freedom.¹³⁹ Because of this, the OfS charged the University of Sussex with a reduced penalty of £585,000 (£360,000 for the E1 breach and £225,000 for the E2 breach). The regulator said that, without adjustments, a fine of up to £3.7 million could have been issued.¹⁴⁰ During a media briefing, Arif Ahmed, the OfS director for freedom of speech and academic freedom, is reported to have said: "Clearly, future cases will not be the first case of their kind, so there will be a potential for higher fines in the future."¹⁴¹

Fine overturned on appeal

The University of Sussex challenged the OfS' findings at the High Court through judicial review. On 29 April 2026, the fine was deemed to be unlawful

¹³⁵ OfS, [Securing student success: Regulatory framework for higher education in England, Annex B: Public interest governance principles](#), 24 November 2022

¹³⁶ OfS, [Investigation into the University of Sussex](#), 16 November 2021

¹³⁷ BBC News, ["Kathleen Stock: University of Sussex free speech row professor quits"](#), 29 October 2021

¹³⁸ OfS, [Regulatory case report for University of Sussex: OfS decisions relating to breaches of conditions E1 and E2 and the imposition of monetary penalties](#) (PDF), 26 March 2025

¹³⁹ As above, p17

¹⁴⁰ As above, p18

¹⁴¹ The Guardian, ["University of Sussex fine sparks fears of bigger penalties for other institutions"](#), 26 March 2025

and overturned.¹⁴² Mrs Justice Lieven found that the OfS had no basis for investigating whether the university's Trans and Non-Binary Equality Policy Statement violated free speech or academic freedom public interest governance principles. This was because under the Higher Education and Research Act 2017, the policy should not have been considered a “governing document”.

The High Court found that the OfS had exceeded its regulatory powers and failed to take relevant matters into account as part of its investigation and findings. It also found the OfS had misinterpreted the legal definitions of free speech and academic freedom. Firstly, by incorrectly treating freedom of speech as an absolute right, rather than recognising that it can be legally restricted if, among other things, any qualification is proportionate. Secondly, by conflating academic freedom with broader issues that do not meet the legal threshold for infringing academic freedom, such as reputational harm or any potential “chilling effects”.

Instead, the court clarified the correct legal test should have been whether the policy statement placed staff “in jeopardy of losing their jobs or privileges”, which it concluded it had not. Finally, Mrs Justice Lieven said “there was a real possibility that the decision-maker here was biased in the sense of having a closed mind to the legal and factual merits of the university’s position”.

The OfS said it was “disappointed” by the ruling,¹⁴³ but decided not to appeal the decision.¹⁴⁴ On 19 May 2026, the Chair of the OfS, Edward Peck, said:

We believe that prolonging litigation in this case would not be in the best interests of students or the higher education sector. We want to focus on the future, learn lessons from the judgment, and work constructively with the sector as we continue our important work to protect and promote free speech on campus.¹⁴⁵

Edward Peck also acknowledged some aspects of the guidance would need to be updated, “to make sure there is clarity as preparations continue for the launch of the complaints scheme”.

¹⁴² [The University of Sussex, R \(on the application of\) v The Office for Students \[2026\] EWHC 984 \(Admin\)](#). For information and analysis, see Brodies LLP, [Regulating Free Speech in Higher Education: What the High Court’s decision in the University of Sussex v Office for Students means for universities](#), 8 May 2026; The Times, [“Law report: University gender policy did not breach academic freedom”](#), 3 June 2026

¹⁴³ OfS, [OfS responds to University of Sussex judgment](#), 29 April 2026

¹⁴⁴ OfS, [University of Sussex judicial review](#), 19 May 2026

¹⁴⁵ As above.

3.3

Guidance on free speech duties

On 19 June 2025, the OfS published guidance related to freedom of speech.¹⁴⁶ Alongside the finalised guidance, the OfS published an analysis of responses to the draft guidance, which was consulted on in March 2024.¹⁴⁷ In line with the commencement of section 5 of the Higher Education (Freedom of Speech) Act 2023, relating to functions of the OfS, the guidance was effective from 1 August 2025.

The OfS guidance is aimed at higher education providers and their constituent institutions, looking specifically at their duties under the 2023 act to secure freedom of speech within the law and to establish and maintain a freedom of speech code of practice.

[Section one](#) of the guidance defines ‘freedom of speech’ and ‘academic freedom’.¹⁴⁸ [Section two](#) lays out a “three-step framework” for HEPs and constituent institutions to assess compliance with their duty to secure freedom of speech within the law:

Step 1: Is the speech ‘within the law’? If yes, go to step 2. If no, the duty to ‘secure’ speech does not apply.

Step 2: Are there any ‘reasonably practicable steps’ to secure the speech? If yes, take those steps. Do not restrict the speech. If no, go to step 3.

Step 3: Are any restrictions ‘prescribed by law’ and proportionate under the European Convention on Human Rights?¹⁴⁹

[Section three](#) provides examples of “reasonably practicable” steps that HEPs and constituent institutions can take in a range of circumstances to secure freedom of speech. The OfS notes that the examples given are not exhaustive, and that reasonably practicable steps “may vary” between providers, but says the guidance illustrates steps that HEPs and constituent organisations “should take in the majority of circumstances”.¹⁵⁰ The examples given relate to:

- admissions, appointments, employment, and promotion
- codes of conduct

¹⁴⁶ OfS, [Regulatory advice 24: Guidance related to freedom of speech](#), 19 June 2025

¹⁴⁷ OfS, [Consultation on proposed regulatory advice and other matters related to freedom of speech: Analysis of responses and decisions](#), 19 June 2025

¹⁴⁸ OfS, [Regulatory advice 24: Guidance related to freedom of speech, Section 1: Freedom of Speech](#), 19 June 2025

¹⁴⁹ OfS, [Regulatory advice 24: Guidance related to freedom of speech, Section 2: Framework for assessment](#), 19 June 2025

¹⁵⁰ OfS, [Regulatory advice 24: Guidance related to freedom of speech, Section 3: Steps to secure freedom of speech](#), 19 June 2025

- complaints and investigation processes
- free speech code of practice
- governance
- research
- speaker events
- teaching
- training and induction

3.4 Complaints scheme

The [Higher Education \(Freedom of Speech\) Act 2023](#) established a new complaints scheme managed by the OfS to consider free speech complaints made against universities and colleges.

When implementation of the 2023 act was resumed in January 2025, the Education Secretary Bridget Philipson announced changes would be made to the complaints scheme to give the OfS greater flexibility in managing it. Following future legislative changes, the scheme will only take complaints from staff, external speakers, and university members.¹⁵¹ Complaints from students will be directed to the Office of the Independent Adjudicator for Higher Education.

In April 2026, the government announced commencement regulations would be made in June to allow the scheme to come into force from September 2026.¹⁵²

Functions of the scheme

In December 2023, the OfS published proposals on the free speech complaints scheme for consultation.¹⁵³ The proposals included who could make a free speech complaint, what they could complain about, how complaints would be reviewed, and actions that the OfS would take if a complaint was upheld.¹⁵⁴ The consultation was on the legislative requirements of the complaints scheme under the 2023 act, before the changes announced by the Labour government in 2025. The OfS has not yet published amended proposals to reflect changes in the legislation.

¹⁵¹ DfE, [Government reaffirms commitment to Free Speech in universities](#), 15 January 2025

¹⁵² [HCWS 1525 \[Higher Education Freedom of Speech Statement\] 20 April 2026](#)

¹⁵³ OfS, [Consultation on the OfS's new free speech complaints scheme](#), 14 December 2023

¹⁵⁴ OfS, [OfS to act to secure free speech for students with proposals on new free speech complaints scheme](#), 14 December 2023

Speaking in the House of Lords on 21 January 2025, the Skills Minister Baroness Smith of Malvern expressed “a strong expectation” that complaints will go through internal university processes before being escalated to the OfS.¹⁵⁵ The minister argued it was therefore “appropriate” that the OfS complaints scheme should be a power rather than a duty, and this will allow the OfS to focus on cases with “the strongest thematic and sector-wide implications”.¹⁵⁶

The OfS’ Director for Freedom of Speech and Academic Freedom published a blogpost in April 2026 that encouraged providers to review relevant policies and processes ahead of the scheme’s opening in September of that year.¹⁵⁷ Professor Ahmed particularly highlighted those in the area of recruitment and promotion, noting that the OfS’ free speech guidance says institutions should not require applicants to academic positions to commit to particular viewpoints, including values relating to equality, or to the institution’s own values.

In April 2026, the announcement of a start date of September of that year for the complaints scheme prompted concerns among some in the higher education sector about the short time frame for implementation.¹⁵⁸ They said a number of questions remained, including how the OfS would ensure its process was efficient and timely, and whether the regulator would be willing to act decisively and consistently.

Office of the Independent Adjudicator for Higher Education

As part of the proposed changes to the 2023 act complaints scheme, the DfE announced student complains relating to freedom of speech would be directed to the Office of the Independent Adjudicator (OIA) for Higher Education, rather than the OfS.¹⁵⁹

The OIA is an independent body set up to review student complaints about higher education providers in England and Wales. It reviews unresolved complaints; makes recommendations, suggestions, or observations based on its findings; shares learning from its casework; and works with other organisations in the ombuds sector to develop policy and practice.¹⁶⁰

Speaking in the House of Lords, the Skills Minister said directing student complaints about freedom of speech to the OIA would make it “much clearer

¹⁵⁵ HL Deb, [Higher Education Regulatory Approach](#), 21 January 2025, vol 842 c1660

¹⁵⁶ As above

¹⁵⁷ OfS, [Update on free speech and the new complaints scheme](#), 23 April 2026

¹⁵⁸ Times Higher Education, “[September launch date ‘could jeopardise free speech scheme’](#)”, 21 April 2026

¹⁵⁹ DfE, [Government reaffirms commitment to Free Speech in universities](#), 15 January 2025

¹⁶⁰ Office of the Independent Adjudicator (OIA), [About Us](#) (accessed 3 July 2025)

for students to know where to go” given the body has existing responsibility for student complaints.¹⁶¹

The OIA published a [press release reacting to the proposed amendments](#) to the 2023 act on 15 January 2025. It welcomed the change, saying the OIA had previously raised concerns over what it called “the complexity and lack of clarity of arrangements” for students’ complaints about freedom of speech under the original 2023 act complaints system.¹⁶²

¹⁶¹ HL Deb [[Higher Education Regulatory Approach](#)], 21 January 2025, vol 842 cc1659-1660

¹⁶² OIA, [OIA response to announcement regarding implementation of Higher Education \(Freedom of Speech\) Act 2023](#), 15 January 2025

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