

New powers to protect vital free speech at universities

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New complaints scheme introduced by the Education Secretary for the next academic year to raise concerns about suppression of freedom of speech.

Robust new measures are being introduced by the Education Secretary to protect freedom of speech and academic freedom across universities.

Regulations will be made in June to introduce a first-of-its kind complaints scheme, run by the Office for Students (OfS), at the start of the new academic year for university staff, external speakers and non-student members to raise concerns about providers who fail to protect freedom of speech.

The higher education regulator will then investigate claims and recommend that universities review decisions, pay compensation or alter their processes, helping to restore the integrity of universities as rigorous centres of intellectual debate.

From next April, new conditions of registration for providers will also mean the OfS will be able to fine universities for breaches of their duties under the Freedom of Speech Act. This could be fines of £500,000 or 2% of their income, whichever is higher, or in the most serious cases, could be deregistration which involves losing access to student support funding or public grant funding.

The OfS has received reports of speakers and lecturers being harassed and blocked for holding gender-critical or religious views, of foreign interference suppressing academic freedoms, and of ideological belief requirements featuring in job advertisements.

Currently, university staff can use providers' internal complaints process but may then only have recourse to a costly judicial review or employment tribunal action, while the new complaints system will be free.

This streamlined process will empower more people to raise concerns confidently, marking a significant step forward in protecting freedom of speech in higher education.

Education Secretary Bridget Phillipson said:

Freedom of speech is the foundation of every university's success, enabling them to foster robust debate and exchange challenging ideas respectfully.

But there are far too many cases where academics and speakers are being silenced, inciting an unacceptable culture of fear and stifling the pursuit of knowledge.

The urgency is clear which is why we are strengthening protections and empowering the regulator to restore our world-class universities as engines of opportunity, aspiration, and growth.

In August, the government strengthened rules to ensure universities must actively promote academic freedom, and placed a requirement on the OfS to promote free speech. The OfS has

published extensive guidance to the higher education sector on how to meet the duty to take steps to secure free speech.

Universities are also banned from using non-disclosure agreements to silence victims of campus misconduct, protecting vulnerable individuals who may have faced harassment, abuse or sexual assault. There will now be a route of redress to the complaints scheme for any member of staff pressured to sign such an NDA.

Director for Free Speech and Academic Freedom Arif Ahmed said:

All staff and students are entitled to teach, learn and research in a culture that values vigorous debate.

Today's announcement should give staff and visiting speakers confidence that they will have new routes to seek redress, and that we will have powers to act in defence of their free speech and academic freedom where institutions are failing to uphold these principles.

We will continue to engage with students and the sector on this important issue as we prepare for the new aspects of our role.

President of Universities UK Professor Malcolm Press CBE DL said:

Free speech and academic freedom are critical to our universities, to the education of students, and to the generation of new ideas. Universities are bound by law to protect both.

We will support our members to comply with the new regulations and are committed to working with the Government, the Office for Students and the Office of the Independent Adjudicator for Higher Education as these new duties are implemented.

Protecting free speech while preventing harassment, hate speech, and radicalisation are complex tasks involving finely balanced decisions. It is important that the OFS discharges its new responsibilities fairly, transparently, and proportionately.

Last month, the Education Secretary Bridget Phillipson met with the academics with experience of foreign states intimidating or coercing them to suppress research or teaching that negatively portrays them.

The government is investing £3 million in a package of measures to tackle foreign interference, including a new Academic Interference Reporting Route, enabling senior university leaders to raise concerns directly with government and security services.

It follows on from a briefing from MI5 and the National Cyber Security Centre for Vice Chancellors and senior leaders at over 70 UK universities on the risks in February, and workshops with over 250 higher education staff for both.

Students can raise concerns about freedom of speech via the Office of the Independent Adjudicator, whose service is free at the point of use.

<https://www.gov.uk/government/news/new-powers-to-protect-vital-free-speech-at-universities>