

OFS Consultation on freedom of speech guidance

24 April 2024  Matthew Alderton

On 26 March 2024 the Office for Students (OfS) opened its consultation on proposals relating to new guidance relating to freedom of speech in higher education institutions.

The proposals include:

- Guidance on the new free speech duties imposed on registered higher education providers, on their constituent institutions and on relevant students' unions.
- Amendments to the OfS regulatory framework to make reference to the OfS's new general functions and general duties.
- The OfS's recovery of costs in connection with the new free speech complaints scheme and regulation of students' unions.

The draft guidance relating to the new freedom of speech duties ('Regulatory Guidance 24') will be of particular interest to universities when considering whether to respond to the consultation.

This is because Regulatory Guidance 24 sets out 30 concrete examples of the approach the OfS proposes to take to freedom of speech issues.

These examples cover:

1. The factors that will be taken into account when determining whether a provider has taken "reasonably practicable" steps to secure free speech.
2. Admissions, appointments, employment and promotion.
3. Codes of conduct.
4. Complaints and investigation processes.
5. Free speech code of practice.
6. Free speech complaints scheme.
7. Governance.
8. Research.
9. Speaker events.
10. Teaching.
11. Training and induction.

Universities should consider responding to the consultation if they disagree with the approach being proposed by the OfS in relation to any of the above issues, or if there is some particular omission that they consider could be helpfully addressed by the OfS in the final guidance.

The deadline for responding is **26 May 2024**. If you have any questions about this consultation or would like our assistance in formulating a response, then please don't hesitate to contact our experts in this area.

Key contact



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