


Government seeks to ease the burden on universities regarding free speech obligations

07 February 2025  Matthew Alderton

On 15 January 2025 the government confirmed plans to scrap key provisions of the Higher Education (Freedom of Speech) Act 2023 that were of particular concern to the higher education sector, given the costs that could have forced them to divert cash away education budgets.

The most notable of these is the scrapping of the statutory tort – which had the potential to expose universities to particularly costly and time-consuming legal disputes. The government has also decided to remove some of the duties placed directly on students' unions, which were considered to be unnecessarily burdensome and costly.

Other key provisions will remain in force. These include:

- Universities will still need to have robust codes of practice in place that aim to protect of free speech.
- There will continue to be a complete ban on the use of non-disclosure agreements to silence victims of bullying, harassment or sexual misconduct on campus
- The Office for Students (OfS) will retain the power to investigate complaints over breaches of free speech from academics, external speakers and members of universities, as well as issuing fines.
- The OfS will continue to have a Director for Freedom of Speech and Academic Freedom.

The government also remains working on the implementation of the Foreign Influence Registration Scheme, which will apply to universities across the UK, and will encourage transparency and deter harmful covert activity from foreign states.

The above changes will no doubt be welcomed by universities following the review of the legislation that was announced soon after the Government was elected in July 2024.

Whilst these changes are unlikely to substantially affect freedom of speech on campuses per se, the removal of the risk of costly and unnecessary litigation in particular is a positive change for the sector particularly during the current climate of severe budgetary strain.

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