



2019-00xxxxxPOSoS

Rt Hon Gavin Williamson CBE MP
Secretary of State

Sanctuary Buildings Great Smith Street Westminster London SW1P 3BT
tel: 0370 000 2288 www.education.gov.uk/contactus/df

15 February 2021

Dear Accountable Officer,

Strengthening academic freedom and free speech in higher education in England

I am writing to bring to your attention the paper published today by my department which sets out tougher legal measures to strengthen free speech and academic freedom in English higher education.

Our universities have a long and proud history of being a space where views may be freely expressed and debated. Historically, they have been a crucible where ideas, tested and explored, have fuelled the progress of freedom and emancipation. I strongly believe that all staff and students should feel safe to challenge conventional wisdom by putting forward and discussing ideas that may be controversial, unpalatable, or even deeply offensive.

I am clear that any activities at higher education providers that seek to limit lawful free speech and academic expression are unacceptable in all but a limited number of circumstances. Without action to counter attempts to discourage or even silence unpopular views, intellectual life on campus for both staff and students may be unfairly narrowed and diminished.

The proposed measures deliver on our manifesto commitment to strengthen academic freedom and free speech in universities. The paper sets out the limitations of the existing legal framework in regard to freedom of speech and academic freedom within higher education, identifying where protections might be strengthened and proposing enhanced enforcement mechanisms.

The current legal framework imposes on those concerned in the governance of providers a legal duty to take reasonably practicable steps to ensure free speech within the law is secured for their members, students, staff and visiting speakers. A growing number of reports of concerns in relation to freedom of speech on campus, however, suggest that this duty is not being fully complied with and that there is insufficient enforcement of the duty; and the existing legal framework has been criticised as being overly complex. The proposals in this paper aim to strengthen and reinforce these aspects of the legislation.

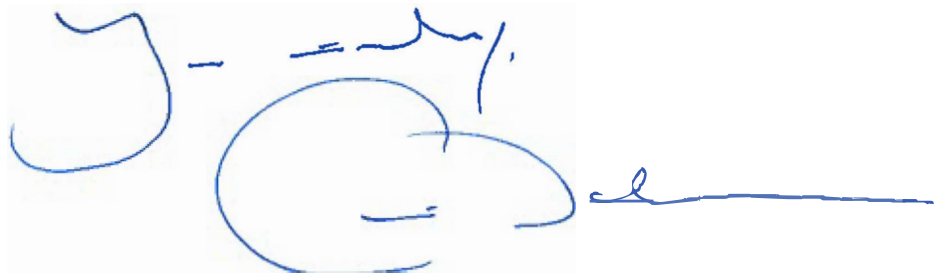
In particular, we are proposing to legislate to require the Office for Students to introduce a new registration condition regarding free speech and academic freedom. We will also strengthen and clarify the existing legal duties on free speech and academic freedom.

These strengthened legal duties will extend to students' unions, which for the first time will have to take steps to ensure that lawful free speech is secured for their members and others, including visiting speakers.

In addition, legislation will enable individuals to seek compensation through the courts if they suffer loss as a result of breach of the free speech duties – for example, if they are expelled, dismissed or demoted.

I recognise that the majority of the sector shares the values of free speech and academic freedom that are set out in this paper and the proposals aim to strengthen and further enable the efforts of those who are working to ensure that these values are protected. As leaders, I would like you to be at the forefront of ensuring a culture that values free speech is embedded and actively challenging those who would curtail it. To aid this, our document also includes a set of Government expectations, which set out best practices which I believe all registered higher education providers should ideally be ensuring they are in accordance with. In advance of legislation, I would urge you to review your existing internal practices against these expectations and make changes where necessary.

I look forward to working with you to ensure that our universities and colleges remain bastions of free thought and intellectual debate for which they have long been celebrated.

A handwritten signature in blue ink, consisting of a large, stylized 'G' followed by a horizontal line and a small flourish.

Rt Hon Gavin Williamson CBE MP
Secretary of State for Education