

Landmark proposals to strengthen free speech at universities

Tougher legal measures to strengthen free speech and academic freedom at universities in England have been announced by the Education Secretary today (16 February), to stamp out unlawful 'silencing' on campuses.

Following an increasing number of cases of individuals being silenced, the Education Secretary has warned of a 'chilling effect' where students and staff feel they cannot express themselves freely.

The [proposed measures](#) deliver on a manifesto commitment, and include a new free speech condition placed on higher education providers in order to be registered in England and access public funding. The regulator, the Office for Students, would have the power to impose sanctions, including financial penalties, for breaches of the condition.

The strengthened legal duties would also extend to Students Unions, which for the first time would have to take steps to ensure that lawful free speech is secured for their members and others, including visiting speakers.

In addition, a new legal measure would enable individuals to seek compensation through the courts if they suffer loss as a result of breach of the free speech duties – such as being expelled, dismissed or demoted.

Education Secretary Gavin Williamson said:

Free speech underpins our democratic society and our universities have a long and proud history of being places where students and academics can express themselves freely, challenge views and cultivate an open mind.

But I am deeply worried about the chilling effect on campuses of unacceptable silencing and censoring. That is why we must strengthen free speech in higher education, by bolstering the existing legal duties and ensuring strong, robust action is taken if these are breached.

Under the plans, the Education Secretary would also appoint a new Free Speech and Academic Freedom Champion to investigate potential infringements, such as no-platforming speakers or dismissal of academics, and higher education providers would be legally required to actively promote free speech.

The new Champion would be appointed to the board of the Office for Students and would be able to investigate potential infringements of the new registration condition on freedom of speech and academic freedom in higher education. The registration condition would work alongside strengthened legal duties on free speech and academic freedom and the Champion would also be

able to recommend that the Office for Students imposes fines.

The [policy paper](#) also includes Government expectations that go beyond the minimum legal duties, setting out what universities should aspire to.

The Government will continue to work alongside the sector on guidance and further research, and the next steps for legislation will be set out in due course.

Tom Simpson, Associate Fellow at Policy Exchange, and an Associate Professor of Philosophy and Public Policy, at the Blavatnik School of Government, University of Oxford, said:

This policy paper by the Department of Education is a very welcome step towards ensuring that viewpoint diversity is protected in British universities.

As Cambridge University's recent Senate House vote shows, there is a substantial majority of academics who favour academic freedom. The problem, as Policy Exchange's research has explored, is that a very online culture allows the views of a minority to exert disproportionate influence on administrators, and to exert a chilling effect on other academics. Promoting a norm of political non-discrimination, and incentivising administrators to do what they are already legally obliged to do, is a crucial step towards ensuring a culture of free discourse in our universities.