

*Alumni for Free Speech
London Universities' Council for Academic Freedom
Academics for Academic Freedom
Committee for Academic Freedom
Best Free Speech Practice
And individual campaigners*

2 January, 2025

By email to:

The Secretary of State for Education

The Minister for Higher Education

Dear Secretary of State and Minister

UUK study demonstrates the importance of the free speech protections in HEFSA

We are writing, as campaigners for free speech, to present incontrovertible evidence of the importance of bringing the Higher Education (Freedom of Speech) Act 2023 (**HEFSA**) into full effect as soon as practicable.

Universities UK (**UUK**) has just published a study into universities' recent performance in respect of free speech and academic freedom protections following the passage of HEFSA in May 2023. You can find it here: <https://www.universitiesuk.ac.uk/latest/insights-and-analysis/how-are-universities-protecting-freedom>.

Some highlights:

- As UUK says, "Over the last few years, there has been increased attention on freedom of speech and academic freedom, particularly with the passing of the Higher Education (Freedom of Speech) Act 2023."
- 81% of universities "have reviewed their free speech code of practice since May 2023, with a further 16% either currently reviewing or planning to do so".
- This includes "facilitating closer working with the students' union, providing clearer definitions of freedom of speech and increasing staff understanding of freedom of speech".
- Three-quarters (74%) of universities are now "confident their institution has effective mechanisms for dealing with complaints relating to free speech. The remaining 26% are planning to update these systems".
- "Since May 2023, 74% of universities have reviewed other relevant policies and procedures through a freedom of speech and academic freedom lens".

It is no coincidence that this significant improvement has taken place in the period since May 2023, when HEFSA became law. It is impossible to conceive that this improvement would have happened if the universities had not had looming ahead, with effect on 1 August 2024, the provisions of HEFSA which improve protections and add crucial accountability. The very existence of future enforcement

mechanisms focussed the minds of university senior administrators and incentivised universities to prioritise values around free speech. In other words, HEFSA has forced free speech improvements before its main provisions even came into effect. This is clear evidence of its major benefits and thus extreme importance.

It is vital to note, however, that these improvements focus on policies and systems. It is excellent if these are happening, but a great deal of vital free speech protection work remains unimproved: in particular, universities must promptly, proactively and effectively intervene when free speech problems arise, whether it be to stop attacks on its staff and students for their viewpoints or to ensure that scheduled meetings and events are not prevented from happening. We have seen little improvement in this regard, and we are confident that this will only happen if universities are staring down the barrel of accountability.

The announcement by the Secretary of State on 26 July that she was stopping further commencement of HEFSA has not only stalled such improvements that have happened, but has subsequently led to a significant deterioration in the free speech climate in ways that were foreseeable. Following the announcement, many universities have stopped ongoing work on freedom of speech and postponed the formation of internal complaints processes. For example, the Imperial College working group on free speech was in the process of developing initiatives for the Promote Duty, but following the decision to stop commencement of further provisions of HEFSA the working group was immediately suspended, which has changed the free speech atmosphere at Imperial for the worse. Similarly, the UCL working group on free speech was in the process of developing an updated code of practice for free speech to make it HEFSA-compliant and produce related complaints processes, but it stopped all work on free speech and academic freedom on the same morning as the Secretary of State's announcement.

At the same time, the pause of the Act has made universities and student unions less likely to stand up to those on campus who seek to shout down, rather than debate, views of which they do not approve. Recent high-profile cases include that of the student union at Durham University blocking the 182-year-old Durham debating society from taking part in the freshers' fair, and the incident at Cambridge University in which a speech by Suella Braverman's was postponed following protests and the imposition of last-minute security costs on the organisers. In our view, these incidents are less likely to have happened if HEFSA had been commenced, or indeed if people had expected it to be commenced imminently. Provisions in HEFSA would have imposed new duties on student unions (relevant for the Durham case) and new obligations restricting the ability to pass on security costs (relevant for the Cambridge case).

The UUK study and the recent developments at universities are incontrovertible and direct evidence of the value of HEFSA. The UUK study further shows that universities have, by and large, already started the process of updating Codes of Practice and reviewing policies and systems; arguments regarding lack of preparedness or unexpected red tape from the implementation of HEFSA are therefore specious. The Government has voluntarily assumed ownership of the problems with free speech in the eyes of the public, and will be blamed for every failure between now and the next election. This is reversible by bringing HEFSA into effect.

We urge the Government to bring HEFSA into full effect, as soon as possible.

Yours faithfully

William Mackesy and Andrew Neish KC, Founders, [Alumni for Free Speech](#)

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