



UNIVERSITY EDI SUPPORT REQUIREMENTS IN RECRUITMENT

2026 REPORT

43 UNIVERSITIES REPORTED TO OFS
FOR FREE SPEECH FAILURES

July 2026

Table of Contents

Summary of this report and our findings	2
Introduction	4
EDI and Free Speech: the problem	6
Defining EDI	6
Why might the implementation of EDI restrict Free Speech?	6
Free speech compliance issues with requiring support for EDI agendas in the recruitment process	8
Legal and regulatory requirements – summary	10
AFFS's research process	14
Reviewing advertisements and identifying failures	14
Writing to universities	15
Notification to the Office for Students	16
Engagement with universities	17
Successful interventions	17
Unsuccessful interventions	18
Rating compliance	19
Our findings	21
Key statistics	21
Key findings	23
Performances of note	30
Conclusions	32
Recommendations and AFFS's continuing work	36
AFFS's continuing work	38
Appendix 1: Detailed information on universities' compliance	39
Appendix 2: Legal and regulatory requirements in detail	44
All English, Welsh and Scottish Universities	44
English universities	45
Welsh universities	47
Scottish universities	47
Reindorf Opinion	48
Dandridge review: EDI as a source of free speech problems, institutional neutrality	48
Universities' own free speech codes	49
Implications in practice	49
Implications in respect of EDI Support Duties	51
Unlawfulness in advertising EDI Support Duties	52

Summary of this report and our findings

162		Institutions reviewed by AFFS
70	43.2%	Failures found at first review
33	20.4%	Failures found at final review
	52.9%	Reduction in the failure rate

Of those 70 initial failures:

36	51.4%	Fully remediated
45	64.3%	Fully or partially remediated
43	61.4%	Were reported to the OfS
33	47.1%	Remain in breach of their obligations and a threat to free speech
40	57.1%	Engaged with AFFS's correspondence
12	17.1%	Continue to publish both types of EDI requirements
70	100%	Must stop breaching their obligations towards free speech

- UK universities and other higher education institutions regularly impose requirements on applicants for jobs to provide evidence of support for equality, diversity and inclusion agendas, and apply criteria based on such support in the selection of candidates. They also often impose duties on their employees to 'promote and support' equality, diversity, and inclusion (or similar terminology).
- Both of these actions are often unlawful and may indicate a breach of a university's regulatory requirements on ensuring free speech. Such failures also carry real financial and reputational risk for universities and damage the sector's reputation for open academic enquiry and its attractiveness to international students.
- This report is a successor to AFFS's first report, published in 2025. We believe that this is the most comprehensive review of such issues ever undertaken, with 162 institutions reviewed over a 9 month period.
- After initial reviews of 162 institutions, 70 (43.2%) were found to have published advertisement(s) containing what appeared to be non-compliant requirements. Despite significant strengthening of the relevant legal and regulatory requirements over the past year, the proportion of failures uncovered by AFFS at the start of this project remained similar to our previous Report (45.4%).
- By the end of this project:
 - The OfS had been notified of 43 apparently non-compliant universities, of which the 9 most serious cases were recommended for investigation.

- 36 universities (51.4% of the 70 likely non-compliers) had fully remediated their issues, with substantial improvements made by a further 9 (12.9%); and
- the overall failure rate fell from 43.2% to 20.4%, a very significant reduction of 52.9%.
- AFFS was thus able to secure compliance at more than half of the universities which were found to be imposing EDI requirements. This is concrete evidence that sustained pressure on non-compliant universities does produce results.
- The changes in the legal landscape, and our ability to escalate directly to a more empowered and active regulator, appear to have been major drivers of the improvement seen since 2025. This Report demonstrates that accountability and an active regulator are every bit as important as free speech campaigners have long been urging.
- Some universities are a particularly serious concern. 33 universities remained in apparent breach of their obligations. 17 universities found to be failing in 2025 were still failing in 2026, despite several warnings and strengthened legal and regulatory requirements.
- Some universities appear to have EDI requirements heavily entrenched within their policies and practices. This is most obvious at those universities which published both types of EDI requirement, mentioned above, and were also much more likely to ignore our warnings and continue to publish these sorts of requirements, be reported to the OfS for their failings, and received a lower compliance rating from AFFS. It appears to us that this entrenchment at some institutions is so deep, and internal pressures to promote it so strong, that the promotion of EDI takes precedence over their legal and regulatory obligations. This is both wrong and very risky.
- Continuing non-compliance can less credibly be ascribed to ignorance. Universities have been warned so often about the risks of legal and regulatory failures that, in the absence of some very good explanation, it is increasingly reasonable to assume that the worst offenders must either be indifferent to whether they are acting non-compliantly or not, or have chosen to continue to take the risks of acting illegally despite being well informed about the issues. This is very serious and should be causing profound management concern.
- We are keen to know what the processes and reasoning (if any) were at those universities which did not remediate their failures, given that 45 of them recognised that they were in the wrong and remediated in full or in part. We hope that a report of a full investigation by the OfS will reveal what went wrong and why, and who was responsible.

AFFS will share this Report with the OfS and with all 162 universities reviewed. AFFS will also continue to monitor universities' recruitment requirements and to notify the regulator of failures which are not put right.

Introduction

Alumni For Free Speech ("**AFFS**") is a non-partisan organisation which aims to encourage high standards of compliance at universities and other education providers with their duties to protect freedom of speech.¹

This Report is a successor to AFFS's first report of May 2025 examining equality, diversity and inclusion ("**EDI**") related requirements in university recruitment and their compliance with legal and regulatory requirements for the protection of free speech and academic freedom (the "**2025 AFFS Report**").²

The 2025 AFFS Report included detailed reporting on the 21 English and Welsh universities in the Russell Group, as well as an overview of failures found at 87 other UK Universities. It revealed a dire situation: the majority of Russell Group universities, and more than 45% of all universities reviewed, appeared to be non-compliant in this respect. The 2025 AFFS Report identified two distinct categories of failures — EDI Support Evidence requirements and EDI Support Duties, both defined later in this Report – which appeared to show the embedding in the recruitment process of agendas and viewpoints which go beyond those that are legally justified, so that requiring support for them in that process is likely to result in free speech protection failures regarding the applicants for these roles.

This Report follows a long period of research, which commenced in September 2025, into a much broader range of universities and other higher education providers across the UK. A total of 162 such institutions (we refer to them collectively as "universities" for simplicity) have had their recruitment application requirements reviewed, many of those multiple times over many months, to give the best-yet understanding of how widespread the problems with EDI requirements in university recruitment are. This Report sets out our methodology for assessing failures and our processes for encouraging universities to rectify them, including notifications to the Office for Students (the "**OfS**").

The coming into force of the Higher Education (Freedom of Speech) Act 2023 ("**HEFSA**") on 1 August 2025 has extended and added force to the requirements for securing free speech protection at these educationally and societally important institutions. Alongside these legal changes, the publication by the OfS of Regulatory Advice 24 (the "**OfS Guidance**") marked a dramatic shift in the guidance available to universities on their obligations. It specifically states that requiring applicants to demonstrate commitment to EDI "may be restricting the lawful expression of certain viewpoints" and that such requirements should be removed from universities' job application and promotion processes (see detail of this below). These developments have significantly strengthened the legal framework for ensuring free speech and academic freedom at universities from the time of the 2025 AFFS Report, and ensured that what universities are required to do in practice is clearly and publicly set out.

The results of this Report demonstrate what can be achieved when that stronger framework is put to active use. Upon our first review for this Report, nearly 43% of universities were

¹ Our sole focus is the protection of free speech and academic freedom. For further information, see www.affs.uk.

² <https://affs.uk/edi-requirements-university-recruitment>

found to include either EDI Support Evidence or EDI Support Duties in at least one job application – a figure broadly consistent with the findings of the 2025 AFFS Report, and one which should be of serious concern to those who care about free speech and academic freedom in the UK. Following interventions from AFFS, however, consisting mainly of detailed letters to universities explaining how they were non-compliant, follow-up pressure and notifying the OfS of continuing compliance failures, the proportion of universities which are non-compliant has declined to just 20.4%. This is a reduction of more than half, a much higher rate of remediation than in 2025 and the clearest evidence yet that sustained, targeted pressure on non-compliant universities works.

The risk for English universities of being held accountable by the OfS has been central to this success. Where a significant failure was not rectified by the relevant university following warnings from AFFS, we submitted a formal notification to the OfS detailing those failures. 25 universities remedied the issues we raised before we made our notifications, and AFFS sent 43 notifications to the OfS, of which more than half (22 out of 43) removed or changed their requirements.³ It is more than reasonable to conclude that the ability to escalate directly to the regulator has been a significant driver of the improvement we have seen, and also that a substantial number of universities are now acting on their own initiative to bring themselves into compliance, albeit in response to this increased accountability.

Universities should be places where ideas are tested, challenged, and refined. Recent events have illustrated how this ideal and these practices are under threat, while case law has reinforced the right of academics and students lawfully to raise and debate ideas, even where these may be considered by some or even many to be wrong, offensive, or shocking. That so many universities continue to impose requirements which penalise applicants who may lawfully dissent from aspects of the ideas and agendas associated with EDI is both deeply worrying and suggests deeper political, cultural and institutional pressures which can conflict with their specific obligations to protect those freedoms.

Our Alumni love their universities, and we want to ensure that they continue to remain world class and attractive places to study. This Report and our persuasion and pressure work do, however, appear to be the only way to make universities focus on the issues we raise. We hope that this work may serve both as a resource for those who care about free speech and for universities seeking to avoid compliance failures, and as a signal to the OfS and other bodies that sustained focus on this area remains necessary – and, as this Report shows, that this focus works.

³ As described below, the two remaining non-compliant universities do not fall within the regulatory remit of the OfS.

EDI and Free Speech: the problem

Free speech and agendas around EDI need not conflict. Recent years have, however, seen a rise in friction between them. Aspects of EDI agendas have come under increasing scrutiny in recent years, and related initiatives in public bodies have become politically sensitive around the world.

It is important to emphasise in this context that AFFS is specifically focused on free speech. We have no institutional positions relating to EDI beyond that.

Defining EDI

The original core of EDI is the prevention of discrimination against and harassment of people with the nine “protected characteristics” enshrined by the Equality Act 2010 (the “**Equality Act**”). This, and related requirements in that Act, are generally uncontroversial, indeed widely accepted. For example, in the recruitment context, our focus in this project, ensuring that applicants are not discriminated against because of their race, sex or beliefs is, rightly, a conventional part of recruitment processes.

However, recent years have seen a broadening of the concepts promoted under the “EDI” banner, so that it has now become a catch-all term for a wide range of contested agendas, values, ideologies, viewpoints, and campaigns (the “**Contested Agendas**”) which are promoted and enforced by EDI functions at UK universities.

There is no single agreed definition of what EDI covers: indeed, there are even other formulations used such as “DEI”. We use the term “EDI” to refer to all concepts and agendas promoted under the EDI banner. Different universities, organisations, and even individuals use different conceptions in practice. Universities use the term when describing their expectations of current or prospective staff. Due to the ambiguousness of the term, it appears not to be made clear to applicants what, exactly, it is they are expected to commit to or support.

This lack of clarity over what, exactly, is meant by EDI, and the suppression of dissent from the Contested Agendas, are primary causes of the free speech problems highlighted by this Report.

Why might the implementation of EDI restrict Free Speech?

The promotion, implementation or enforcement of viewpoints, beliefs or ideologies in ways which go beyond what is required under the Equality Act (as almost all EDI programmes are at risk of doing), are rarely required or justifiable by reference to legal obligations, and so are in legal terms effectively voluntary.

Various widely contested beliefs and agendas are promoted (and indeed effectively enforced) under the EDI umbrella, sometimes in conjunction with activist organisations which encourage universities to require support for their agendas from staff and students. Examples of such beliefs are those associated with aspects of trans and “critical race theory” ideologies.

Opposition to aspects of both of the above sets of beliefs and agendas has been held itself to be a form of “philosophical belief” which is itself a “protected characteristic” for the purposes of the Equality Act (as discussed further below). It is highly likely that some other views which are opposed to the Contested Agendas (e.g. the so-called “decolonisation” of university curricula) are protected under the Equality Act. It is also likely that opposition to EDI itself, as a banner under which the Contested Agendas are promoted and enforced, is protected under the Equality Act, and will in time be confirmed to be so.

The Contested Agendas which are included under the EDI banner are often promoted, implemented and enforced in ways which deny or suppress views which are opposed to those Contested Agendas. To the extent that requiring support for EDI requires support for, or suppresses dissent from, ideologies such as those referred to above, and indeed for other agendas or programmes which are not required to be promoted or enforced by law or otherwise legally justified, this creates severe compliance risks under the applicable legal and regulatory requirements for free speech protection (“**Relevant FS Requirements**”). These are specific and demanding requirements (explained below and in Appendix 2 to this Report) on universities to protect free speech, but in recent years they have been widely under-appreciated (we like to think not knowingly ignored, although this Report produces evidence that this is indeed the case).

Disadvantaging or allowing harassment of people for, and otherwise effectively suppressing, dissent from such agendas and programmes, except those which are in that narrow range of being legally justified (and “proportionate” as discussed below), is an obvious potential failure under the Equality Act and the other Relevant FS Requirements.

The consequences of these legal failures are not theoretical, as evidenced by serious financial and reputational damage in a number of cases, such as the *Stock/Sussex* and *Phoenix/Open University* cases.

The University of Sussex and Professor Kathleen Stock

The University of Sussex’s failures to protect Kathleen Stock from harassment for her gender-critical views led to a reputedly huge settlement under the Equality Act and caused untold reputational damage to the University. The continued media attention on this matter during the OfS’s investigation into related governance matters and its subsequent appeal of the fine the OfS imposed will have extended that damage.

The Open University and Professor Jo Phoenix

In 2024, Professor Jo Phoenix was found by an employment tribunal to have been the subject of unlawful harassment and discrimination because of her views, without appropriate protection from her employer, the Open University. As well as a substantial financial settlement, the Open University also commissioned a review into its practices (see below).

Concerns about the effect of the promotion, implementation and enforcement of Contested Agendas are widely held, indeed mainstream.

The Dandridge Review, published in September 2024 and commissioned by the Open University following its catastrophic mishandling of harassment directed at Professor Jo Phoenix, provides perhaps the most authoritative external account of how overzealous EDI implementation can come to suppress free speech in practice.⁴ Dame Nicola Dandridge – a former Chief Executive of the OfS, Universities UK and the Equality Challenge Unit (a predecessor to Advance HE) – found that there were understood to be "right" ways of viewing contested issues, leading to dissenting views being suppressed and individuals self-censoring out of fear of professional consequences. She cited numerous specific ways in which EDI requirements and agendas had caused problems for free speech, and recommended institutional neutrality on contentious issues as a necessary corrective. She also recommended separation of the protection of beliefs under the Equality Act from other EDI functions because of this conflict. The Dandridge Review is significant not merely as an account of one institution's failures, but as confirmation that the tension between overbroad EDI enforcement and free speech is real, structural, and requires active management.⁵

Advance HE, the sector charity and organisation which campaigns for EDI, has recognised that:

“Many of the challenges that HEIs have faced in relation to free speech or academic freedom arise in the operationalisation of policies and initiatives related to equality, diversity and inclusion.”⁶

The OfS, as the universities’ regulator, has recognised this problem, specifically stating in its guidance discussed below that requiring applicants to jobs and staff to be committed to EDI – or other values, beliefs, and ideas where this restricts academic freedom – is likely to be unlawful and should not be done.

Free speech compliance issues with requiring support for EDI agendas in the recruitment process

AFFS’s previous work has uncovered two distinct types of failures. First, where universities require applicants for roles to demonstrate their commitment to EDI and/or agendas and viewpoints falling under the banner of EDI and with which the applicant may have legally protected disagreements. Second, where universities require successful applicants, or state that it is expected of them, and indeed employees more generally, to undertake duties towards supporting or promoting these agendas and viewpoints. AFFS has previously found evidence

⁴ <https://www.open.ac.uk/blogs/news/wp-content/uploads/2024/10/Independent-Review-N-Dandridge-09.09.24.pdf>.

For BFSP’s detailed analysis of the review, see: <https://bfsp.uk/wp-content/uploads/2025/02/The-Dandridge-Review-re-the-Open-University-Jo-Phoenix.pdf>

⁵ We have published a detailed report, setting out the practical compliance need for institutional neutrality and documenting the formal adoption of institutional neutrality at UK universities, which appears to be rapidly increasing. The report is available here: <https://affs.uk/wp-content/uploads/2026/05/AFFS-Report-on-Institutional-Neutrality-5.5.26-FINAL-A-2.pdf>

⁶ Advance HE publication, paragraph 3.1.1: *Embedding Freedom of Speech and Academic Freedom in Equality, Diversity and Inclusion*

of discrimination, or structures that require, contemplate or enable discrimination, against applicants who hold views which dissent from, or do not evidence acceptable forms and levels of adherence to, EDI as promoted by the relevant universities.

AFFS researchers have, therefore, been looking for cases where applicants are:

- required to submit or present evidence (at any stage of the application process) of their commitment or support for EDI, including evidence of previous work done to support/promote EDI. We refer to this evidence as “**EDI Support Evidence**”; and/or
- stated as expected to undertake duties towards supporting or promoting EDI (or any other action of a similar nature). We refer to these as “**EDI Support Duties**”.

For the reasons set out below, both cases (“**EDI Requirements**”) are highly likely to breach the Relevant FS Requirements.

Many people would, reasonably, view the former (requirements for EDI Support Evidence) as being more damaging than the latter (EDI Support Duties) because it appears to form – at least in part – the basis for discriminating between candidates because of their beliefs or lack of them. A requirement on candidates to evidence their commitment to EDI indicates that the university intends to discriminate against those candidates who do not do so – or, even, who evidence their legally-protected disagreement with aspects of EDI. Indeed, the vast majority of universities with these requirements openly acknowledge that their intention is to discriminate, by stating that evidence of such a commitment is “essential” to obtain the position in question.

Regardless, EDI Support Duties still represent deeply concerning institution-wide regimes dictating the value commitments which staff are expected to hold. In some ways these may be viewed as more concerning, given their often apparent application to all members of staff. We have therefore given the two heads equal weightings in our rating system.

The problems we have identified in this Report all concern the imposition of EDI requirements in recruitment. It is obvious that these would not have arisen but for the involvement of the universities’ EDI functions and the pushing of their agendas so as to override other concerns, even requirements, such as free speech protection. This is the key source of risk for free speech in this area. We discuss this in detail in our conclusions and recommendations below.

Legal and regulatory requirements – summary

Universities in England, Wales, and Scotland are subject to various and demanding legal and regulatory requirements relating to the freedom of speech and academic freedom of staff, members and students (“**Participants**”) of, and visiting speakers at, the university. Some requirements apply to all such universities.⁷ There are also requirements which are specific to and which differ across England, Wales, and Scotland.

For fuller details, see Appendix 2 to this Report. Further detailed information on these requirements is set out in the following detailed statements issued by BFSP.

- [*Free speech protection at English universities: The law and requirements in practice*](#) (the “**Principal Statement**”).
- [*Protected viewpoints under the Equality Act*](#) (the “**Equality Act Compliance Statement**”).
- [*EDI considerations and inquiries in the recruitment and research approval process at English universities: Free speech compliance issues*](#) (the “**England EDI Information in Recruitment Statement**”).
- [*EDI considerations and inquiries in the recruitment and research approval process at Welsh universities: Free speech compliance issues*](#) (the “**Wales EDI Information in Recruitment Statement**”).
- [*EDI considerations and inquiries in the recruitment and research approval process at Scottish universities: Free speech compliance issues*](#) (the “**Scotland EDI Information in Recruitment Statement**”).

In brief, universities are subject to the following requirements.

All English, Welsh, and Scottish universities

- **Equality Act.** Under the Equality Act, universities are required not to discriminate against or to harass, in specified contexts such as employment and the provision of education, individuals who have the “protected characteristic” of holding (or not holding) particular religious or philosophical beliefs. They must take all reasonable steps to prevent their employees, in the course of their employment, from discriminating against or harassing individuals for their protected beliefs and also comply with their Public Sector Equality Duty (“**PSED**”) in respect of individuals with protected beliefs.

⁷ In this report, we do not address the legality of hiring procedures in universities in Northern Ireland, which has substantially different legislation to England, Wales and Scotland. However, we have included details of hiring practices at Northern Irish universities for information.

- **Human Rights Act 1998** (the “HRA”). The free thought and speech rights of academics and students are very strongly protected under the European Convention on Human Rights (the “Convention”), as enacted in the UK by the HRA.

A very relevant requirement is that universities should "create a favourable environment for participation in public debates for all concerned, allowing them to express their opinions and ideas without fear, even if these opinions and ideas are contrary to those defended by the official authorities or by a large part of public opinion, or even if those opinions and ideas are irritating or offensive to the public".⁸ This must necessarily extend to ensuring that their own policies and requirements are not such as restrict Participants' rights of such nature.⁹

English universities

- **Higher Education and Research Act 2017** (“HERA”). HERA requires the governing body of an English university and other providers of higher education to take all “reasonably practicable” steps to secure freedom of speech (within the law) for the Participants of and visiting speakers to the university. This is often referred to as the “Secure Duty”. This is a demanding requirement, requires active, positive steps to be taken, and extends to securing academic freedom.
- The OfS, as regulator of English higher education providers (including universities) under HERA, has issued the OfS Guidance pursuant to HERA, published as [Regulatory Advice 24 - Guidance relating to freedom of speech](#). The OfS Guidance is clear that requiring applicants to jobs, and staff more generally, to be committed to EDI – or indeed other values, beliefs, and ideas – is likely to be unlawful.¹⁰ The OfS’ Director of Freedom of Speech, Dr Arif Ahmed, has repeatedly stated that EDI Support Evidence requirements and Support Duties are highly likely to be non-compliant, and has made clear that securing compliance in this respect is a priority for the OfS.
- **Conditions of registration.** English universities are required by their conditions of registration with the OfS, in particular conditions E1 and E2, to have governing documents which uphold academic freedom and freedom of speech, and to have in place adequate and effective management and governance arrangements to operate in accordance with their governing documents, and to deliver in practice academic freedom and freedom of speech.

Welsh universities

- **Education (No.2) Act 1986** (the “Education Act”). Section 43 of the Education Act (“S.43”) requires universities to take all reasonably practicable steps to ensure that freedom of

⁸ *Dink V Turkey*, Judgment of 14 September 2010 in French only, at 137.

⁹ For more information, see the Appendix to the Principal Statement.

¹⁰ OfS Guidance, paragraphs 139, 147 and 151. Examples 27, 32, and 34. Example 32 explicitly describes how requiring candidates to provide evidence of commitment to EDI is likely to be unlawful.

speech (within the law) is secured for Participants of, and visiting speakers to, the university. The requirements imposed by S.43 are very similar to those imposed by HERA.¹¹ The close similarity between S.43 and HERA ensures that, while the OfS has no regulatory functions in respect of Welsh universities, the OfS Guidance is highly applicable to Welsh universities as an indication of their likely duties under S.43.

Scottish universities

- **Further and Higher Education (Scotland) Act 2005** (the “2005 Act”). Under Section 26(1) of the 2005 Act, Scottish Universities must “aim to: (a) uphold (so far as the body considers reasonable) the academic freedom of all relevant persons; and (b) ensure (so far as the body considers reasonable) that [appointments held or sought], are not adversely affected by the exercise of academic freedom by any relevant persons”. Any requirements for applicants to share and endorse particular ideological agendas will be at risk of constituting a breach of the statutory duties imposed on Scottish universities by this requirement.¹²

Reindorf Opinion

A very relevant opinion by Akua Reindorf KC in respect of King’s College London’s requiring that applicants for promotion demonstrate their support of that university’s “equality, diversity and inclusion ambitions” found that this requirement was likely to amount to indirect philosophical belief discrimination in violation of the Equality Act and also to violate S.43.

Universities’ own free speech codes

Universities in England and Wales are required by law to have a free speech code of practice.¹³ Such universities will be at high risk of violating their own free speech codes (if those are compliantly written) if they do not protect the expression of all lawful viewpoints about publicly debated issues. Requiring EDI Support Evidence, discriminating between candidates on the basis of their levels of support for EDI, and imposing EDI Support Duties all appear to be obvious failures to do just that.

Implications in practice

Requiring EDI Support Evidence and imposing EDI Support Duties creates severe risks of unlawfulness and compliance failures for a university. The following actions will be likely to be unlawful in the case of all English, Welsh and Scottish universities, and indicate likely regulatory non-compliance in the case of English universities – though there is some variation in the legal requirements. See Appendix 2 to this Report for full details.

¹¹ For more information, see the [Wales EDI Information in Recruitment Statement](#)

¹² For more information, see the [Scotland EDI Information in Recruitment Statement](#).

¹³ See HERA Part A1, s. A2 (5) and s. A4, and the Education Act S.43(3). See also paragraphs 167-180 of the OfS Guidance.

- Discrimination in the selection process: treating an applicant negatively in a job application/assessment process because that person holds particular viewpoints, or lawfully dissents from or does not demonstrate support for aspects of the EDI agendas or programmes being promoted by the relevant university.
- Seeking EDI Support Evidence likely prohibited and is likely preparation to discriminate: the only purpose of seeking EDI Support Evidence would be to provide information for an assessment process in order to put the university or its relevant staff in a position to discriminate – whether deliberately or unconsciously – against applicants with the “wrong” views. Further, the practical effect of requiring the EDI Support Evidence will, in many cases, be either to compel applicants to profess their agreement with the relevant agendas and values or face being treated less favourably than other candidates.
- Compelled thinking and chilling effect: more widely, these and other actions can create a situation where people who seek (or are likely to seek) jobs/promotion at a university think that, in order not to impair their career prospects, they need to visibly not dissent from, or even demonstrate adherence to and be seen to actively promote, an agenda, or values, beliefs or ideas, regardless of their own actual views about such agendas, values etc. Such a situation both pressurises people into publicly aligning with agendas, values, beliefs and ideas (often referred to as “compelled” thinking or speech), and reduces people’s willingness (or perceived ability without having their career prospects impaired) to hold or express certain viewpoints and thus creates a “chilling effect” on people’s freedom of thought and speech.

There is also a high risk that a university which imposes EDI Support Duties will be non-compliant, and that publicising them in job advertisements will also be non-compliant. The reasons for this to an extent duplicate the reasons set out above regarding requiring EDI Support Evidence. We set out detail in Appendix 2 to this Report.

Special situations: occupational requirements, positive action and others

There are an extremely limited number of exceptions which may permit imposing and advertising EDI Support Evidence requirements and Support Duties. These are very unlikely to apply so as to prevent liability arising in any of the cases dealt with in this Report, and are discussed in more detail in Appendix 2 to this Report, and Part 3 in the English, Welsh and Scottish EDI Information in Recruitment Statements.

AFFS's research process

AFFS selected 162 institutions for this project, an increase by nearly half on the 2025 AFFS Report. This includes all universities in England, Wales, and Scotland, together with a number of other prominent institutions. The vast majority are members of either of Universities UK or the Russell Group of universities.

Review procedure

Initial Review	AFFS researchers conducted an initial review of the relevant university's recruitment advertisements, recording any non-compliant EDI related requirements found.
Correspondence	AFFS wrote to the relevant university to inform them of our findings, and that the requirements we found were highly likely to mean they were in breach of their legal and regulatory obligations towards free speech. We warned English universities that continuing failures would be reported to the OfS.
OfS Notification or other action	Where the university had not removed the relevant contents from their advertisements, or undertaken to do so, AFFS filed a formal notification to the OfS, for English universities. Before doing so, AFFS reconfirmed whether likely non-compliant requirements were still present in current job advertisements. Some universities which are not regulated by the OfS were reported to local media instead.
Final Review	The relevant university was re-reviewed by AFFS researchers. Where relevant, this review was conducted no less than two weeks after the date of the OfS notification.

Reviewing advertisements and identifying failures

Our primary source of information was universities' publicly listed jobs portals. While this does have some limitations, notably that AFFS is unable to view internal-only job advertisements which may contain similarly unlawful or non-compliant requirements, it has two main benefits.

- AFFS's researchers sought the roles and advertisements in the same way as those who are impacted by their non-compliance: the applicants. By using the same publicly accessible routes, we found the same requirements that the jobseekers would find.
- Using the university's own jobs portals allows for relatively quick research to be done. Previous reviews by AFFS have included freedom of information requests, which place an administrative burden on both the universities and AFFS' own researchers, and also have long lead-times and may not immediately uncover relevant issues.

Researchers were thus able to view all relevant job advertisements efficiently and record any issues found. This also allowed for a uniform research method across all universities reviewed

even where they may – as with Scottish, Welsh, or Northern Irish universities – have different legal and regulatory requirements.

This project has taken many months to complete, which has enabled us to observe improvements in some universities' compliance with their duties over time, and it appears that our work has been the cause of some of this.

We should make some limitations clear

- Our review represents merely a collection of snapshots within almost a full academic year of job advertisements being posted by 162 different universities.
 - It is highly likely that some of the universities we have found to be compliant did, at some point, publish job advertisements which included EDI Support Evidence or EDI Support Duty requirements.
 - Likewise, where such requirements were uncovered, it is highly likely that these do not represent the total number of advertisements published containing the relevant requirements. We therefore assume that many more non-compliant advertisements were published than were found by AFFS's researchers.
- It may be that, even where universities have committed to ensuring compliance in these processes, some defaults may have recurred, despite the best efforts of those involved, and even after a final review has indicated they have come into compliance.

It thus appears to be very likely that university compliance is worse than our research has found.

It is also important to highlight that comparisons between this Report and the 2025 AFFS Report are not truly like-for-like, given the following.

- AFFS's processes for reviewing universities are continually improving. This means that we are now better at finding and recording instances of EDI requirements advertised online than at the time of the previous review.
- The 2025 AFFS Report was focused on Russell Group universities, and figures in it about them are a more reliable comparator than the research in respect of non-Russell Group universities, which was intended to be more illustrative and was explicitly acknowledged not to have been as detailed.

Finally, as was found at one university, no further job advertisements were published after AFFS notified the OfS of the failures uncovered. We assume this smaller institution may not advertise regularly, so this limits our research process in respect of it.

Writing to universities

Where failures were identified, AFFS wrote formally to relevant officers at the university concerned, setting out our concerns and requesting immediate remedial action. Where no

substantive response was received, follow-up correspondence was sent at planned intervals, escalating where necessary to a formal warning of notification of their failures to the OfS.

Where a university undertook to rectify the issues – regardless of whether it admitted fault – AFFS generally confirmed that no further action would be taken at that stage, while making clear that advertisements would continue to be monitored. Subsequent performance was monitored by a further check of live advertisements, carried out no less than two months after the university had indicated that changes were being made. No university which made such undertakings failed to then come into compliance – with the exception of Durham University which gave this kind of undertaking during our research for the 2025 AFFS Report, but has been found to have continued to include failing requirements in this research.

The University of Durham

The University of Durham was found to have published an advertisement containing an EDI Support Evidence requirement in the 2025 AFFS Report. AFFS sent a formal letter to Durham and was subsequently informed that it would “no longer have the requirement for applicants to complete a statement on values or beliefs as part of their application”.

Despite this commitment, in September 2025, Durham published at least four advertisements which included EDI Support Evidence or EDI Support Duties requirements. For example, these included a requirement for a “demonstrable commitment to equality, diversity, and inclusion”, or to show “commitment to equality, diversity and inclusion” as well as stating that it is “important to us that all colleagues undertake activities that are aligned to both our values and commitment to EDI”.

AFFS wrote to the University highlighting our concerns with these requirements in October 2025, but received no response. AFFS sent a draft OfS Notification on the 12th of December, after finding two further examples of such failures, but again did not receive a response. AFFS sent that formal notification to the OfS, recommending a formal investigation, on the 1st of January 2026.

A review in May 2026 found that the University continued to publish advertisements containing similar requirements to those previously uncovered.

Durham therefore received a rating of 0.

Notification to the Office for Students

We re-reviewed for then-current advertisements immediately before the time for notifying the OfS of a university’s failures. Where failures were no longer present, no notification was submitted as the university appeared to have corrected its processes.

Where universities continued to impose requirements that were likely to be unlawful or non-compliant, and had not given credible assurances that they were working to rectify the

failings, AFFS submitted formal notifications to the OfS about the failures via their notification channel.¹⁴ In total, AFFS made 43 notifications to the OfS.

In the majority of cases, these notifications were intended only to inform the OfS of the failures AFFS researchers had uncovered. The OfS will be able to use the information we have provided to actively intervene where it considers this appropriate and, we hope, to develop future guidance on this matter and track the rate at which universities are complying, or coming into compliance, with their obligations.

In around a fifth of cases (all but one of them failures on both limbs), however, we considered that the failures were so serious or the university apparently so uninterested in engaging with AFFS or with the issues we raised, that a recommendation to investigate was appropriate. AFFS is conscious of the OfS's budget and staffing, and focused such recommendations on egregious cases where it was felt there was no alternative and that free speech was being seriously impacted.

We will send this Report to the OfS.

Engagement with universities

While most universities which were in default responded to AFFS's letters to some degree, some appeared to show little to no interest in engaging about this important issue. 30 of the 70 (42.9%) with which AFFS engaged did not respond substantively to our correspondence. While we recognise that concerns may exist around acknowledging compliance failures, a failure to respond meaningfully raised concerns about a lack of seriousness about these important issues and, in various cases, failure to respond formed part of the reason that a university was reported to the OfS and/or a recommendation of investigation made.

Our notifications to the OfS made clear that universities which have been informed of the issues we uncovered must be significantly less able, in subsequent such cases, to claim (in some cases well-meaning) ignorance, or that they took the matters raised seriously. They will in future be failing knowingly and, thus, likely to be deliberately non-compliant. This will be a factor in our future rounds of investigations.

In some cases, universities quietly rectified the issues AFFS highlighted, without acknowledging that this was being done. Reviews completed after OfS notifications were submitted found that 9 (20.9%) of the 43 universities reported to the OfS did eventually come into compliance without ever engaging substantively with us. It is reasonable to assume, given the timescales, that these changes were prompted by AFFS's correspondence, though AFFS does not have conclusive evidence in this regard. They had engaged with what we were saying, whether overtly or not.

Successful interventions

In total, 70 universities (43.2%) were found to require EDI Support Evidence or impose EDI Support Duties at the start of this project. Despite the larger sample size and the legal changes

¹⁴ The OfS's website states that "members of the public can raise a notification with us if they think that a university or college is not meeting our conditions of registration, including those relating to free speech and academic freedom": <https://www.officeforstudents.org.uk/for-students/understanding-students/notifications/>

and new, detailed regulatory advice, this only represented a small reduction in percentage terms as compared to the 2025 AFFS Report which found an equivalent failure rate of 45.4%.

Where this report marks a material improvement on our previous project, however, is in the number of successful interventions AFFS was able to make. In AFFS's final review of the non-compliant universities, the failure rate had decreased to just 33, or 20.4%, of all universities reviewed.¹⁵ This decrease in failures of 52.9% is a huge success, and provides clear evidence that direct engagement with universities on this subject does produce results.

We should note that AFFS treated as credible clear undertakings by universities that they would no longer include non-compliant requirements of the sorts we identified in future job applications. Universities which made this sort of undertaking were re-reviewed after AFFS received the undertaking, but not again at the end of this project. They will all be re-checked carefully in next year's review and, if subsequent reviews find this undertaking not to have been honoured, those universities should expect a swift move to report this to the OfS.

Unsuccessful interventions

By the end of this project, 33 universities have continued to ignore our warnings, 31 of them despite having been reported to the OfS. We discuss this further below.

Those universities will need to move quickly to secure future compliance, or risk the sort of financial and reputational damage we outline above. Relevant questions they will need to clarify, and remedial action, are discussed below.

¹⁵ This does not include the Northern School of Contemporary Dance, as AFFS has been unable to verify if it continues to publish such requirements.

Rating compliance

A method for classification was necessary for understanding the data that was found during this review. Individually, universities will be able to see how they compare to their fellow institutions. These ratings also create a valuable indication of the state of free speech compliance at each of them, and indeed at all UK universities.¹⁶

The structure we have adopted is useful now, for readers, universities, free speech campaigners and the OfS. It also forms a solid reference point for future research into this area.

The maximum rating is 10, calculated by adding together a score out of 5 for each failure type: EDI Support Evidence and EDI Support Duties. This approach is broadly consistent with our previous report, but allows for a more nuanced understanding of levels of compliance or failure. The system reflects both the university's initial position and its position at the end of our research process. Our researchers used the following rubric when allocating ratings.

Rating	Basis
5	Compliance at initial review.
4	Likely compliance at initial review, but with “at risk” requirements.
3	Compliance failure(s), fully remediated after engagement by AFFS.
2	Compliance failures, substantially remediated with the exception of apparently isolated incidents. ¹⁷
1	AFFS’s researchers discovered, at our final review, either: a. remediation, but with a small number of failures, but all with the same wording (so we assume again that this may have been an implementation issue); or b. a single failure arising on a limb which had previously shown no failures.
0	Material compliance failure(s) at initial review continuing through the final review. No remediation.

There are various general points which are worth making on this rubric.

- Any university found to be clear of EDI Support Evidence or EDI Support Duties requirements automatically receives a rating of 5 on that aspect, and any university clear

¹⁶ These ratings are a focused measure of performance in this specific area, and are not a comprehensive indication of a university's overall free speech record: a university which scores highly here may still have serious free speech problems in other areas, and vice versa.

¹⁷ We assume such incidents are the result of implementation in a complex environment, rather than a policy choice.

of both scores 10. This rating is unachievable by any university found to contain a requirement which is at risk of not being compliant.

- A rating of 0 – achieved by only 12 institutions – denotes a university with significant failures on both heads and which has remained in breach of its obligations. These universities appear to be unserious about free speech protection and AFFS has prioritised bringing them to the OfS's attention.
- AFFS recognises that remediation can be difficult, or at the least complex given the size and the nature of universities' structures and staffing, and universities may struggle to fully remediate in the timeframe we set. While compliance is the key factor, it needs to be seen in this context. Therefore, AFFS gives credit for remediation where it appears that good work has been done to remedy the issues we highlighted, even if it has not been implemented perfectly at this point.¹⁸
- AFFS has not included engagement with us as a metric within this rating scheme. While, as we show below, we found engagement to be a strong positive indicator of eventual remediation, ultimately compliance is paramount. A university does not have materially better free speech protection if it spends time corresponding with concerned third parties but does not actually improve its performance. In roughly a third of remediation cases, it appears that universities which came to appreciate that they had been acting unlawfully quietly set their house in order without admitting non-compliance, and this is understandable.

¹⁸ The University of Hertfordshire was found to have published two advertisements which contained identical requirements for applicants to “identify achievable equality goals” despite widespread compliance within all other advertisements reviewed.

Swansea University was found to have published one advertisement at our final review with a requirement for applicants to demonstrate their commitment to “promoting equality, diversity, and inclusivity”, despite never having previously had any requirements of this type.

In both cases, given widespread compliance in other advertisements, AFFS takes these as being a failure of implementation rather than a specific institutional policy towards including (or allowing) these types of requirements.

Our findings

Key statistics

- At our initial review, 70 (43.2%) of the 162 institutions we reviewed were found to have published advertisement(s) containing EDI Support Evidence and/or EDI Support Duties requirements which constituted compliance failures.
- AFFS wrote to all 70 such universities informing them, with detailed evidence, that these requirements were highly likely to be contrary to their legal and regulatory obligations towards free speech. Of those 70 universities:
 - 25 universities (35.7%) fully remediated the issues and brought themselves into compliance with relative haste, before AFFS felt it necessary to escalate our concerns;
 - 43 English universities (61.4% of those found with failures, and 26.5% of all the universities reviewed) were reported to the OfS after failing to remediate the issues found. Of these, 9 particularly egregious offenders were recommended to the OfS for investigation; and
 - two more universities would have been reported to the OfS had they been situated in England, but were based in Scotland and Wales and therefore not subject to regulation by the OfS.¹⁹ This accountability deficit is indicative of free speech protection being weaker in those regions.
- Upon our final review, of the 43 English universities which had been reported to the OfS:
 - 11 had fully remediated the issues we highlighted;
 - 8 had partially remediated the issues, for instance by removing requirements for evidence *or* duties, but not both;
 - 3 had made changes to their requirements, but failed to make any material improvement or remedy the issue(s);
 - 20 had still made no apparent changes to their practices, and remain at particular risk; and
 - One other institution (the Northern School of Contemporary Dance) had not published any further job advertisements, as far as AFFS is aware, so we were unable to check it. We have rated the compliance of the Northern School of Contemporary Dance the same

¹⁹ These were the University of Edinburgh and Swansea University. The only other non-English university which was found to impose problematic requirements was Cardiff Metropolitan University, which promptly remedied the issue after our correspondence, and would not have been reported to the OfS even if it were subject to regulation by the OfS.

as for those universities which had compliance failures at our initial review and which failed to remediate. However, due to this lack of data, we have not included the Northern School of Contemporary Dance in our statistics for those universities which remained non-compliant after our final review.

- At the conclusion of this project, of the 70 universities found initially to include non-compliant requirements in their job advertisements:
 - 36 universities (including non-English ones) had fully remediated their failures and no longer imposed such requirements;
 - 33 universities had been re-reviewed and at least one remaining relevant requirement been found; and
 - The Northern School of Contemporary Dance has not been included in these final statistics as discussed above.
- At the end of this project, as a direct result of AFFS's intervention:
 - 36 of the 70 (51.4%) universities contacted had fully remediated their failures; and 9 had partially remediated the issues, for instance by removing requirements for evidence *or* duties, but not both, meaning that 45 (64.3%) had wholly or partially remediated their failures; and
 - the number of universities which appeared to include unlawful requirements had more than halved, from 70 to 33 (47.1%).²⁰
- The Russell Group of universities was, [as in our previous report](#), found to be less compliant than the rest of the university sector:
 - 29.2% of Russell Group universities AFFS contacted were reported to the OfS, compared to 26.1% of other universities;
 - the average rating for the Russell Group universities reviewed was 6.6, while other universities scored an average of 8.0 – noticeably higher; and
 - Russell Group universities were also more likely to commit both types of failure: 5 out of the 7 (71.4%) Russell Group universities reported to the OfS had both types of failure on our final review, compared to just 6 out of 36 (16.7%) of non-Russell Group universities reported to the OfS.

²⁰ The Northern School of Contemporary Dance has not been included in this calculation due to a lack of reviewable advertisements, as discussed above.

Key findings

We identify the following key findings.

The level of initial failures found was no better than in the 2025 AFFS Report – but the rate of remediation was much higher: increasing traction

The percentage of institutions found to include non-compliant requirements on our initial review (43.2%) was only marginally better than the non-compliance level of 45.4% found in the research for the 2025 AFFS Report. This consistency is significant and demonstrates that despite the intervening legal and regulatory changes — including the coming into force of HEFSA and the publication of the OfS Guidance — the rate of compliance had not yet materially improved across the sector as a whole. It will be interesting to see what our next review reveals.

Indeed, on examining the underlying figures, the initial findings for this report are actually more troubling than those of the 2025 AFFS Report. While less than one in 10 universities imposed EDI Support Evidence requirements in the 2025 AFFS Report, our initial review indicated that this figure had grown to more than three in 10. Even when factoring in changes in AFFS's research processes, as discussed above, this appears to point to an actual deterioration of universities' behaviour and a large increase in the number of universities requiring applicants to submit evidence of their commitment to EDI.

However, we are hugely encouraged by the greatly increased rate of remediation following our intervention this time round.

- Whereas just three (21.4%) of the universities contacted after being found to be non-compliant in the 2025 AFFS Report were known to have remediated by the end of that study, 51.4% have done so fully this time.²¹ When including the 9 further universities which substantially improved, this year's figure increases to nearly two in three (64.3%), making the extent of our increased traction even clearer.
- Why were universities more swayed by pressure from us this time? Our methods may have improved, but we believe that universities have far greater sensitivity to their risk, even if their base approach has been the same level of non-compliance, be it from carelessness, genuine difficulties in complying, or deliberate prioritising of their own agendas over their legal and regulatory obligations. We discuss this further below.
- We assume that work by AFFS and other free speech campaigners over the last few years, on this and other subjects, contributed to this improvement, but we believe that increased accountability and regulatory focus are the primary reasons for the dramatic increase in remediation of compliance failures. Increased clarity must also be a significant contributing factor: the OfS Guidance is now explicit that requiring applicants to jobs and

²¹ The three remediators from 2025 were Cambridge University, Durham University and Queen Mary University London. It should be noted that AFFS wrote to 14 universities which had published EDI requirements.

staff to be committed to EDI – or other values, beliefs, and ideas where this restricts academic freedom – is likely to be unlawful.²² See more on this below.

Remediation information: high remediation rate appears attributable to sustained and justified pressure

Of the 70 apparently non-compliant institutions to which AFFS wrote, 25 (35.7%) remediated their failures relatively promptly, in the case of English universities before we would otherwise have reported them to the OfS. In many cases, they engaged substantively with us about the concerns we raised, but others simply brought themselves into compliance without any discussion. This prompt remediation is commendable behaviour from these universities, which clearly considered the correspondence with care, came to appreciate their non-compliance, and acted quickly to ensure that they remedied their failures. This is perhaps most clearly illustrated by the case of the University of Manchester.

The University of Manchester

In the 2025 AFFS Report, advertisements at Manchester were found to contain both types of requirements, and the University also confirmed – in response to a Freedom of Information request made by AFFS – that there was an institutional policy to include such requirements in job advertisements.

AFFS wrote to Manchester with our findings, setting out our concerns about these requirements. We understood from the University's response that it was working to review and update its policies in light of the recent regulatory and legal changes.

However, reviews conducted in September 2025 and January 2026 found further EDI Support Evidence and EDI Support Duty requirements. These included requirements to demonstrate “Strong personal commitment to equality and diversity in education and employment”, “Strong and demonstrable commitment to equality, diversity and inclusion”, or to agree to “Actively contribute to EDIA priorities”.²³

AFFS wrote again to the University in January 2026 setting out these further concerns. Manchester responded promptly to that letter and a follow up letter from AFFS: informing AFFS, in a letter of the 16th of February, that it had “developed some revised wording, and an updated structure”.

Again, however, a review in March 2026 found further failures in Manchester's job advertisements. This led to the University receiving a draft OfS notification. Finally, on the

²² OfS Guidance, paragraphs 139 and 151. See also Examples 27, 32, and 34.

²³ Aside from requirements on occasion for staff to be committed to comparatively apolitical values, such as “innovation” or “collegiality”, requirements for value commitments were near exclusively for staff to be committed to EDI and variations thereof. There were approaching zero requirements for staff to be committed to any other sets of values. This is very striking: within universities it is exclusively the proponents of EDI who have enforced their values and ideas through requirements for commitment in the recruitment process.

17th of April, Manchester confirmed to AFFS that a new, revised job description had been approved and was now in use.

A final review of the University was conducted in June 2026 and found no further EDI Support Evidence or EDI Support Duties requirements.

The University of Manchester therefore received a rating of 6.

In addition to those 25 prompt remediators, 11 English universities were found to have fully remedied the issues we highlighted after AFFS reported them to the OfS (where relevant) but before our final review, bringing the total number of universities which remediated fully to 36 (51.4%) out of the 70 non-compliant universities. Interestingly, of those 11 universities which fully remediated after we notified the OfS of their failings, 9 did not engage with us at any point.

8 further English universities materially improved their performance after the OfS was notified of our concerns, even if they did not fully remedy the issues we had highlighted.²⁴

It seems highly unlikely that the remediation of the failings we raised was coincidental and unrelated to our interventions and the risk of repercussions from the OfS.

Three further universities did appear to make some changes to their requirements after warnings from AFFS, but did not make material improvements. As we have had little correspondence from these universities, it is not clear if this is due to a misunderstanding of their obligations, a decentralised recruitment process that has little to no central oversight, or some other reason. An example of this is the University of Nottingham.

The University of Nottingham

The University of Nottingham was found to be compliant in the 2025 AFFS Report.

As part of the research for this Report, AFFS researchers found both EDI Support Evidence and EDI Support Duties requirements in September 2025, and informed Nottingham of these serious potential failures in October. Nottingham did not reply to AFFS at any point, despite three subsequent communications from AFFS.

Given these failures and the continued lack of communication, AFFS notified the OfS and recommended an investigation into Nottingham in March 2026. A subsequent review of Nottingham's advertisements in May 2026 found different, but still failing, requirements listed on job advertisements. For example, an advertisement found in September 2025 outlines that the successful candidate will 'be keen on championing and promoting Equality, Diversity, and Inclusion initiatives' whereas in May 2026 this had been changed to "Contribute to and champion Equality, Diversity, and Inclusion initiatives".

²⁴ In addition, the University of Edinburgh also appeared to make some improvements late on but was not relevant for reporting to the OfS.

That these new requirements were so different from previously indicates that Nottingham attempted but failed to bring its policies into compliance, in order to avoid repercussions from AFFS's interventions and eventual OfS notification.

Nottingham University therefore received a rating of 0.

21 (30.0%) of the 70 universities AFFS contacted made no changes to their requirements whatsoever. The majority of these universities (12/21, or 57.1%) also did not engage with AFFS about this matter. This may be because some universities' practice may be not to engage with third party campaign groups: this is risky without some system for review of whether serious issues are being raised, for instance in this case where they are raised by effective whistleblowers. We are not in a position to know whether they had and applied such a system.

While we may never know why some universities chose to act quickly, and others took their time, we would of course be fascinated to know what the processes and reasoning (if any) were at those which did not remediate when faced with evidence pointing pretty clearly towards wrongdoing. Given that 45 universities recognised that they were in the wrong and remediated in full or in part, what was different about the approach of these institutions? We hope that a report of a full investigation by the OfS will reveal what went wrong, and who was responsible.

Engagement with AFFS is an indicator of remediation

It is clear from the above discussion that universities which did not engage with us were more likely to remain non-compliant. The behaviour of 69²⁵ of the 70 universities which AFFS contacted after finding EDI requirements in their application processes can be categorised as follows.

	Engaged	No Engagement
Remediation (full or in material part)	31	14
No material improvements	9	15

There are two interesting aspects to this.

- More universities chose to engage with AFFS than to ignore our correspondence. AFFS sees it as positive that these universities were open to taking serious issues raised by external organisations (acting as effective whistleblowers) seriously. While, as above, AFFS understands that universities may believe that there are legal – and, perhaps, reputational – reasons to not engage with us directly, we consider that such an approach is inappropriate as it gives a strong impression of lack of attention or care. We respect

²⁵ We have excluded the Northern School of Contemporary Dance, for reasons outlined previously, which did not engage with AFFS.

universities which engage openly, and treat it as a positive indication of seriousness about free speech protection.

- It is clear that engagement is a strong indicator that a university is likely to remediate. Where universities did engage, they were far more likely (77.5%) to remediate (in full or in part) than continue with the same level of non-compliance.

More widely, AFFS urges universities to publicly disavow any non-compliant requirements they have imposed, so as to reassure people who have felt under pressure as a result of holding non-orthodox views (i.e., to reduce any continuing chilling effect of the university's past failures); and to ensure that all members of their community understand the importance their institution places on free speech.

Increased risk of OfS intervention is a powerful tool in encouraging remediation by English universities

It is likely that the main cause of increased remediation this year was a better appreciation of universities' compliance obligations and the credible threat from AFFS of notifying the OfS of the failures that had been uncovered and concern about the consequences.

24 English universities remediated after being warned that a report to the OfS was approaching, but before it was made. 11 English universities remediated after our notification to the OfS had been sent.²⁶ While it is possible that some of these latter universities had begun working to remediate before, but had slow processes, it would appear that the more likely explanation is that they had not taken the prospect of such a notification seriously and woke up to the extent of their risk once they understood that this had happened (or even because of intervention from the OfS).²⁷

As of our final review, 31 English universities continued to publish advertisements which required candidates to demonstrate their commitment to EDI, or which showed they required, or stated that they expected employees to undertake duties towards EDI. AFFS will be sharing this Report with the OfS, and we will urge that it takes action to investigate and sanction these universities for these serious, knowing failures. Such recommendations have already been made in respect of 9 of them.

We believe that the clear improvement in remediation between this year's project and the 2025 AFFS Report – outlined above – were because the intervening legal and regulatory changes and the credible prospect of escalation to an empowered and more active OfS has focused minds. This has enabled AFFS to escalate unresolved failures, creating much more serious

²⁶ As mentioned above, AFFS conducted a further review of each university before submitting the relevant OfS notification. This means that they were found to still have published the requirements shortly before the OfS was notified, so any subsequent remediation is only after the notification was sent and the universities informed thereof.

²⁷ To state the obvious, the OfS does not share information about its internal operations, but intervention must be likely to be happening in respect of such obvious failures, given its public guidance and statements on this subject.

consequences (beyond criticism in free speech-related reports) than in 2025 for universities which did not bring themselves into compliance.

As free speech campaigners have long been urging, this Report makes it clear that accountability and an active regulator are important to ensuring free speech.

Failures on both limbs linked to high levels of non-remediation: indicative of systemic entrenchment? The EDI functions

Where universities required both EDI Support Evidence and EDI Support Duties, they were much less likely to remediate. Among the 38 universities which failed on a single limb at first review — be it evidence or duties requirements — 25 (65.8%) achieved full remediation following AFFS's intervention. Among those universities which were found to impose both forms of requirements at first review, however, the equivalent figure was 11 out of 32 (34.4%).

The fact that universities which only imposed one type of requirement were not only more likely to remediate but also more likely to remediate before AFFS reported them to the OfS (44.7% for those with just one type of failure, as opposed to 25.0% with double failures) appears to indicate systemic entrenchment at universities which were found to have both types of requirement, rather than failures being explicable by a lack of understanding, supervision and consistency, or the influence of a small number of activists.

	One failure	Double failure
Remediated before notification to the OfS	44.7%	25.0%
Remediated after notification to the OfS	21.1%	9.4%
Reported to the OfS	52.6%	71.9%
Average compliance rating at final review	6.8	3.0

Where such entrenchment is present, it may perhaps explain how these universities appear to have continued to ignore repeated warnings – from AFFS and, we assume, from others – and continue to be in breach of their obligations.

All members of the Russell Group and Universities UK received a copy of the 2025 AFFS Report and have compliance or legal officers who will have been monitoring the changing legal and regulatory landscape. If those universities remain in breach of their obligations, it is increasingly likely that they are doing this knowingly.

That 17 universities were found to be non-compliant in 2025 and remain non-compliant as of now (10.5% of the 162 universities reviewed this year), is particularly troubling; even more so are those four Russell Group universities which received their own focused letters from AFFS detailing their failures both this year and last year and have continued to ignore them.²⁸ These institutions cannot credibly claim to be unaware of this problem: it was raised with them more than a year ago, and they have since had the requirements reiterated, not least by the express

²⁸ These are Birmingham University, Durham University, Newcastle University, and University College London.

terms of the OfS Guidance, which addresses the subject-matter of this report and makes clear that requiring applicants to evidence a commitment to EDI is likely to be unlawful. These universities' continued failure, in the face of repeated warnings and of guidance directed squarely at the practices in question, is increasingly hard to characterise as anything other than a knowing and thus deliberate failure to comply, with all the compliance and governance issues that this in turn raises.

The problems we have identified all concern the imposition of EDI requirements in recruitment. When viewing these requirements in the context of the findings of the Dandridge Review, it is obvious that such requirements would not have arisen but for the involvement of the universities' EDI functions and the pushing of their agendas so as to override other concerns, even requirements, such as free speech protection. This is the key source of risk for free speech in this area. We discuss this, and other causes of compliance problems, including those identified in the Dandridge Review, and what relevant universities need to do to secure future compliance, in our conclusions and recommendations below.

Russell Group universities continue to perform worse than the sector as a whole

Just as was found in the 2025 AFFS Review, Russell Group universities had consistently more failures than other universities under review. By the end of our research, just five (38.5%) of the 13 Russell Group universities AFFS wrote to fully remediated, compared to 54.4% across other universities. Similarly, 20.8% of Russell Group universities scored 0, while just 5.1% of other universities received a nil-mark.

	Russell Group (24)	Others (138)
Percentage with any failures at initial review	54.2%	41.3%
Percentage with any failures at final review	33.3%	18.1%
Percentage of double failures	20.8%	5.1%
Reported to the OfS	29.2%	26.1%
Average compliance rating	6.6	8.0
Percentage rated 0	20.8%	5.1%

That the universities with (generally) the greatest resources and the largest legal and compliance functions should perform so significantly worse than the other universities in this study is a finding that demands explanation – as well as being deeply embarrassing for them. It is hard to believe that this reflects ignorance of the requirements. The more plausible explanation is institutional culture, indeed possibly greater activist capture: the same EDI infrastructure that produces non-compliant recruitment processes at these universities also, it seems, produces resistance to compliance. See AFFS's report of December 2025, which demonstrated a correlation between levels of EDI spending and free speech failures; the Russell Group performed worse than the other universities in that study as well.²⁹

²⁹ <https://affs.uk/wp-content/uploads/2025/11/AFFS-report-EDI-spending-v-FS-compliance.pdf>

Performances of note

Dishonourable mentions

AFFS will be informing the OfS of the 33 universities found in our final review to be publishing advertisements with EDI Support Evidence or Duties requirements.³⁰

However, a special mention should go to the following 12 universities which were found to have both types of failures at the final review.

Birmingham University	Leeds Arts University	Nottingham University
Durham University	Liverpool Institute for Performing Arts	University of Salford
University of Greater Manchester	Liverpool John Moores University	Swansea University
Keele University		University College London
		Newcastle University

This list should be of particular interest to the Russell Group, given that five out of 12 of the universities on this list are Russell Group members.

Another badge of shame should be awarded to the 17 universities found to have failed significantly in 2025, and which should therefore be even more aware of the issues, and which yet still chose not to comply this time round. They are the following and will be identified as such to the OfS.

University of the Arts London	Keele University	University of Northampton
Aston University	University of Kent	University of Salford
Birmingham University	Leeds University	Swansea University
Durham University	Liverpool Hope University	University College London
University of Greater Manchester	Middlesex University	University of Worcester
	Newcastle University	University of Huddersfield

Commendations

AFFS commends those universities which have never imposed requirements of the types discussed in this Report. Appendix 1 lists all of these institutions, which receive little attention in this Report, yet deserve the most commendation.

We would also applaud those universities which quickly remedied the issues we raised. Notably, this list includes five Russell Group universities.

³⁰ This figure does not include the Northern School of Contemporary Dance which, as mentioned above, we have been unable to re-review.

Cambridge University
Liverpool University

Manchester University
Southampton University

Warwick University

Of the non-Russell Group remediators, the most interesting inclusion is perhaps the Open University which – as above – was found to be in breach of its duties towards Professor Jo Phoenix. The others are as follows.

Arts University
Bournemouth

Arts University Plymouth

Birmingham City University

Birmingham Newman
University

Cardiff Metropolitan
University

City St George, University
of London

University of Cumbria

University of East London

University of Essex

Falmouth University

University of Greenwich

Harper Adams University

Health Sciences University

Lancaster University

Leeds Conservatoire

Leeds Trinity University

London Metropolitan
University

University of London

Northumbria University

Norwich University of the
Arts

The Open University

Plymouth Marjon
University

Portsmouth University

Regent's University London

Royal College of Music

Royal Northern College of
Music

Teesside University

Trinity Laban Conservatoire
of Music and Dance

University College
Birmingham

University for the Creative
Arts

York St John University

Conclusions

At our initial review, compliance was no better than in 2025, and perhaps even marginally worse. *Approaching half of the universities reviewed by AFFS have been found to be in breach on at least one of the two heads*, having published advertisements requiring EDI Support Evidence, imposing EDI Support Duties, or both, which appeared to be directly contrary to their legal obligations and to indicate likely breaches of their regulatory obligations.

While this proportion is similar to the results of the 2025 AFFS Report – 43.2% in this Report, and 45.4% in the 2025 AFFS Report – it comes after:

- all universities named in that Report received warnings, either about their own compliance failures or the 2025 AFFS Report, highlighting the issues and risks; and
- a significant strengthening of the applicable legal and regulatory framework had occurred, in particular the coming into force of HEFSA on 1 August 2025 and the publication of the OfS Guidance,

so one would have expected improvements. Yet we initially found that roughly the same proportion had continued to fail. It is unclear whether the non-compliant universities at the start of this project:

- remained unaware of their obligations and failures – and if so, how, and was this through wilful ignorance, for instance by dismissing earlier communications and/or not taking proper advice on them; or
- knowingly did not comply, presumably expecting little downside. We believe that this is highly likely to have been the case in at least some instances, especially where universities still remained non-compliant at the end of this project, after having been told of their failures and that they had been reported to the OfS.³¹

Both of the above cases are deeply troubling, but the second raises some particularly serious questions/issues.

- How could these failures conceivably have happened?
- Does any knowledge of non-compliance extend to the universities' senior leaders?
- If not, are individuals suppressing information, misleading colleagues, or otherwise failing to inform those above them of the issues?

³¹ We have multiple email addresses for all the institutions with which we communicated, so we believe that our communications not having reached them is highly unlikely. We cannot rule out problems with internal communications, for instance the sharing-on of emails, but this again seems unlikely given that we communicated several times.

- Either way, these point to profound governance and management failures: what are these universities going to do about this?

It may be that some management, indeed possibly very senior people, would not be suitable for the positions they hold were it to turn out that they have knowingly caused or allowed their institution to commit serious compliance failures.

We will be pointing these matters out to the OfS.

These failures are just one aspect of a wider problem, which should concern both those who care about free speech and also those who care about the financial and reputational health of our universities, and the UK's global reputation in this area. The central conclusion of this Report must be that **free speech remains alarmingly at risk on a sector-wide basis and that much more must be done to protect it.**

Despite this gloom, there are some strongly positive points to be taken from this Report.

- AFFS has seen far more improvement from universities under pressure than in 2025. 45 (64.3%) of the 70 failing universities made complete or material improvements to their position by the time of our final checks, and the number of institutions found to include non-compliant requirements had more than halved over the course of this project. In 2025, the proportion which brought themselves into compliance after being contacted by AFFS was 21.4%.³²
- As we discuss above and below, the recent legal and regulatory changes, and a credible prospect of escalation to an empowered and more active OfS, appear to be major factors in this success as regards English institutions. The results of this campaign demonstrate that accountability and an active regulator are every bit as important as free speech campaigners have long been urging.
- This success is also irrefutable evidence that sustained and targeted engagement with non-compliant universities is effective; and that a significant proportion of universities will give proper consideration to this issue, once the relevant requirements and their failures are made clear, with the possibility of escalation to the OfS.
- Compliance in this area is readily achievable. The principal obstacles appear to have been a lack of understanding, attention, will and/or external scrutiny by an empowered supervisory body, as well as entrenchment of non-compliant approaches and quite possibly aggressive internal resistance. These need to be overcome. That is what effective management looks like.

The OfS's increased focus and powers, and its notification system, were undeniably central to the progress reflected in this Report. By the conclusion of this project, AFFS had notified the

³² These were the University of Cambridge, the University of Durham, and Queen Mary University of London. The only three remediators from the 14 universities contacted by AFFS as part of the 2025 AFFS Report. In total, there were 49 universities found to include EDI requirements as part of the 2025 AFFS Report, but only Russell Group members were contacted.

OfS of 43 compliance failures by English institutions, of which 9 were the subject of a recommendation for investigation, as opposed to being for the OfS's information. Of those 43, 11 (25.6%) fully remediated after having been the subject of a notification to the OfS, and 8 (18.6%) made a material improvement following AFFS's notification even if they did not fully remediate. AFFS believes that, given these universities' apparent reluctance to comply with their legal and regulatory duties before that point, the only realistic explanation is the escalation to the OfS and relevant universities' concerns about regulatory intervention.³³

While the OfS's increased powers and focus are very welcome, the OfS can only take action where it is aware of free speech problems. This is why its notification system is so vital: academics and independent third parties (including, but not limited to, AFFS) can help force universities to comply with their clear obligations through sharing information on failures with the OfS. Those who are aware of free speech problems should **continue to refer free speech failures to the OfS, as it has requested, to secure that free speech is protected at our universities.**

The evidence of this Report suggests that the **more active involvement of the regulator, and its increased ability to impose appropriate consequences for compliance failures, will continue to encourage universities to exercise greater care when they devise their structures and systems.** AFFS's work in identifying, raising and notifying failures across these 162 institutions is intended to impel universities towards this.

EDI as the heart of the problem: urgent changes still needed

As AFFS outlined in its previous report, it is obvious that the problems we have identified would not have arisen but for the involvement of universities' EDI functions and the pushing of their agendas so as to override other concerns, even requirements, such as free speech protection. This is the key source of risk in this area, both for free speech, and for the universities' financial and reputational health. There are many causes of this problem, including those identified in the Dandridge Review as discussed above. These include:

- mission creep from the primary focuses of the Equality Act regime to the enforcement of deeply controversial agendas and ideas which have no statutory underpinning;
- consequent overreach into territory that cannot be justified when it comes into conflict with competing legal and regulatory requirements, such as to secure free speech; and
- over-zealous enforcement of these agendas which give no space for, in fact actively suppresses, dissent from their agendas and ideas.

We discuss above the fact that, at some universities, people are involved in the information gathering, review and selection process in relation to recruitment who have primary responsibilities relating to EDI or are from the relevant academic department but are involved wearing an EDI "hat" (and would not be there were academic requirements the sole criterion for participation). We ask: what, save as contemplated in the footnote below³⁴, can the purpose

³³ The OfS does not share information about its internal operations, but intervention must be likely to be happening in respect of such obvious failures, given its public guidance on this subject.

³⁴ Note that the involvement of personnel from the HR or EDI functions to ensure that the recruitment and promotion process is compliant with legal requirements (for instance, not discriminatory on

of the involvement of such people be, except to enable or ensure discrimination between candidates depending on their conformity and/or demonstrated support (or otherwise) with or for whatever agendas or viewpoints are being promoted under that university's EDI banner? The involvement of such people is therefore wholly inappropriate and universities where this happens need to act urgently to address the compliance risks this creates.

As well as addressing the issues specifically related to recruitment, universities need to work urgently to ensure that EDI agendas and their implementation do not operate to restrict free speech more widely, if they are to get their compliance right and avoid costly embarrassments such as the *Stock/Sussex* and *Phoenix/Open University* cases. We make recommendations below, including for institutional neutrality as essential to reducing their risks.

grounds of race or sex) and fulfils other statutory objectives does not in itself create free speech problems. Universities will, however, need to ensure that their focus remains strictly on such concerns.

Recommendations and AFFS's continuing work

In respect of the failures identified in this Report

AFFS urges universities to publicly disavow any non-compliant requirements they have imposed, so as to reassure people who have felt under pressure as a result of holding non-orthodox views (i.e., to reduce any continuing chilling effect of the university's past failures); and to ensure that all members of their community understand the importance their institution places on free speech.

Relevant questions which institutions that have failed in their compliance will need to clarify and address include the following.

- How did this happen, who drove it and what motivated them, and whether the cause is systemic or individual error? Either way, the cause needs to be removed.
- Why were failures that were raised not set right?
- Why their staff did not spot that they were creating compliance problems – were they inadequately trained, or did they know (e.g. from the 2025 AFFS Report) about the risks but not care (were they so committed to EDI enforcement that it overrode everything else)?
- Is resistance to free speech protection as a result of adherence to EDI agendas entrenched, as discussed above?
- Has there been misinformation in internal reporting of these issues? Are their governance and management systems appropriate and sufficient? The Secure Duty is imposed on relevant universities' governing bodies. Was the university's governing body sufficiently involved and attentive to satisfy this requirement, with delegation done carefully and compliantly? These sorts of questions go straight to their compliance, and condition of registration E2 in particular.
- Does the university have a free speech officer who is able to review practices in this regard and intervene to stop free speech failures? If not, why not, as this might have helped avoid these problems? See more below.

All institutions

Universities which wish to avoid the legal, regulatory and reputational problems described in this Report should do the following, as a matter of priority.

- Ensure that their recruitment and promotion policies and processes are reviewed and revised to make it absolutely clear that applicants' views on political and societal matters and matters that may be subject to EDI agendas, and especially matters of current controversy, are not to be taken into account in the recruitment process, and in assessing candidates' merits or in interviews, and thus that no requirements are imposed for applicants to provide EDI Support Evidence in the application process, save in the rare cases where this is legally justified.
- Ensure that no requirements are imposed on applicants, or current employees of the university, to undertake duties (such as to promote or support it) towards EDI or any other

ideological viewpoint or agenda which may breach their rights to free speech and academic freedom or infringe their protected beliefs under the Equality Act.

- Take all reasonably practicable steps to avoid a situation where people who seek (or are likely to seek) jobs or promotion at the University think that they need visibly not to dissent from, or even to demonstrate adherence to and actively promote, any particular agendas, ideas and values which contain aspects they do not necessarily agree with.
- Ensure that their governing documents and their management and governance arrangements are adequate to secure and to deliver compliance in practice (which, in the case of English universities, is required by conditions of registration E1 and E2).
- Ensure that their EDI functions and staff, and their related policies, values and programmes, do not give rise to free speech problems of the kind described in the Dandridge Review and in this Report, and work where necessary to change institutional cultures so as to inculcate a proper understanding of the importance of free speech where it comes into conflict with agendas which are not legally justified. This is likely to require the involvement of the university's free speech officer (see below) in all review and revisions processes so as to identify issues and secure compliance.
- Identify whether resistance to free speech protection as a result of adherence to EDI agendas is entrenched as discussed above. If it is, secure that this is eliminated and is prevented in the future, or compliance problems will not go away.
- Ensure they have a suitably experienced, knowledgeable and senior advocate for free speech, to work to ensure good free speech compliance, who will be involved in relevant activities at a high level. We ask: given the internal politics and pressures, and the likely entrenchment we discuss above, how can free speech failures be avoided if an appropriate person is not looking at a university's policies and practices from the point of view of free speech compliance? Ensure that person does not have conflicts of interest, for instance because they also have material EDI responsibilities (see the related recommendation in the Dandridge Review). This does not need to be a full-time post, as long as the person has sufficient time available.
- Make it clear to relevant staff that they are required to ensure that the above requirements are complied with. Have appropriate free speech training for all staff, especially those in EDI and with involvement in the recruitment and promotion processes.
- Ensure that free speech and academic freedom failures are on its risk register and given regular focus, especially the areas the subject this Report in the case of universities which failed this time round.
- Avoid taking sides on contested issues, in order to minimize the risks of compliance failures. AFFS therefore strongly recommends that universities formally introduce institutional neutrality as recommended by the Dandridge Review and as an increasing

number of institutions are doing.³⁵ It is worth asking: had a university which acted contrary to the Relevant FS Requirements (such as Sussex and the Open University) embraced institutional neutrality at the relevant time, would it have incurred the legal and regulatory failures they did? The need to reduce the risk of failures of this kind is one of the reasons why institutional neutrality is essential.

- Ensure, as a matter of good practice, that all policies relating to admission, appointment, reappointment, promotion and employment contracts include a clear and simple summary of the university's free speech code, stating that in cases of uncertainty, the definitive and up-to-date statement of the institution's approach to freedom of speech is set out in the university's free speech code.³⁶
- Consult specialist external lawyers where necessary to ensure compliance.

AFFS's continuing work

AFFS will continue to work on many fronts to protect and uphold free speech, including through engaging with universities (and applying strong pressure where compliance failures are found and not remedied), and keeping the regulator informed of developments.

We will be continuing this focus on EDI requirements in relation to recruitment. From September, we will:

- review those universities found to be non-compliant this time round, with immediate reporting to the OfS and, we assume, severe consequences in the event of continuing (and, following this project, evidently knowing and thus deliberate) failures;
- conduct further reviews on those universities which were in compliance this time round; and
- extend this project to all HEPs, beyond the institutions investigated this time round.

AFFS remains willing to help any institution seeking to bring its recruitment processes into compliance (our preference is to engage and support, not cause problems), and hopes that this Report will be of value to universities, other HEPs, and to the OfS, in securing the protection of free speech and academic freedom within UK higher education.

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Alumni For Free Speech www.affs.uk / info@affs.uk

Alumni For Free Speech is part of DAFSC Ltd, company number 14189200. Registered office: 27 Old Gloucester St, London W1N 3AX.

³⁵ See AFFS's 2026 Report into institutional neutrality, why it is needed and who has adopted it: <https://affs.uk/wp-content/uploads/2026/05/AFFS-Report-on-Institutional-Neutrality-5.5.26-FINAL-A-2.pdf>.

³⁶ See OfS Guidance, paragraph 169.

Appendix 1: Detailed information on universities' compliance

University Name	Requires Evidence	Imposes Duties	Failed to remedy	Reported to OfS	Requires Evidence	Imposes Duties	Evidence Rating	Duties Rating	TOTAL RATING
Abertay University	No	No	n/a	No	n/a	n/a	5	5	10
Bath Spa University	No	No	n/a	No	n/a	n/a	5	5	10
Birkbeck College, University of London	No	No	n/a	No	n/a	n/a	5	5	10
Bournemouth University	No	No	n/a	No	n/a	n/a	5	5	10
BPP University	No	No	n/a	No	n/a	n/a	5	5	10
Bristol, University of	No	No	n/a	No	n/a	n/a	5	5	10
Canterbury Christ Church University	No	No	n/a	No	n/a	n/a	5	5	10
Cardiff University	No	No	n/a	No	n/a	n/a	5	5	10
Coventry University	No	No	n/a	No	n/a	n/a	5	5	10
Cranfield University	No	No	n/a	No	n/a	n/a	5	5	10
De Montfort University	No	No	n/a	No	n/a	n/a	5	5	10
Dundee, University of	No	No	n/a	No	n/a	n/a	5	5	10
Edge Hill University	No	No	n/a	No	n/a	n/a	5	5	10
Edinburgh Napier University	No	No	n/a	No	n/a	n/a	5	5	10
Glasgow Caledonian University	No	No	n/a	No	n/a	n/a	5	5	10
Hartpury University and Hartpury College	No	No	n/a	No	n/a	n/a	5	5	10
Heriot-Watt University	No	No	n/a	No	n/a	n/a	5	5	10
Imperial College London	No	No	n/a	No	n/a	n/a	5	5	10
King's College London	No	No	n/a	No	n/a	n/a	5	5	10
Leeds Beckett University	No	No	n/a	No	n/a	n/a	5	5	10
Lincoln Bishop University	No	No	n/a	No	n/a	n/a	5	5	10
London Business School	No	No	n/a	No	n/a	n/a	5	5	10
London School of Economics and Political Science	No	No	n/a	No	n/a	n/a	5	5	10
London South Bank University	No	No	n/a	No	n/a	n/a	5	5	10
Loughborough University	No	No	n/a	No	n/a	n/a	5	5	10
Nottingham Trent University	No	No	n/a	No	n/a	n/a	5	5	10
Oxford Brookes University	No	No	n/a	No	n/a	n/a	5	5	10
Oxford University	No	No	n/a	No	n/a	n/a	5	5	10
Queen Margaret University	No	No	n/a	No	n/a	n/a	5	5	10
Queen Mary University of London	No	No	n/a	No	n/a	n/a	5	5	10
Queen's University Belfast	No	No	n/a	No	n/a	n/a	5	5	10
Ravensbourne University London	No	No	n/a	No	n/a	n/a	5	5	10
Robert Gordon University	No	No	n/a	No	n/a	n/a	5	5	10
Rose Bruford College	No	No	n/a	No	n/a	n/a	5	5	10

Royal Central School of Speech and Drama	No	No	n/a	No	n/a	n/a	5	5	10
Royal College of Art	No	No	n/a	No	n/a	n/a	5	5	10
Royal Conservatoire of Scotland	No	No	n/a	No	n/a	n/a	5	5	10
Royal Holloway, University of London	No	No	n/a	No	n/a	n/a	5	5	10
Scotland's Rural College	No	No	n/a	No	n/a	n/a	5	5	10
Sheffield Hallam University	No	No	n/a	No	n/a	n/a	5	5	10
Sheffield University	No	No	n/a	No	n/a	n/a	5	5	10
SOAS University of London	No	No	n/a	No	n/a	n/a	5	5	10
Solent University	No	No	n/a	No	n/a	n/a	5	5	10
St Mary's University, Twickenham	No	No	n/a	No	n/a	n/a	5	5	10
Staffordshire University	No	No	n/a	No	n/a	n/a	5	5	10
The Glasgow School of Art	No	No	n/a	No	n/a	n/a	5	5	10
The London Institute of Banking and Finance	No	No	n/a	No	n/a	n/a	5	5	10
The Royal Agricultural University	No	No	n/a	No	n/a	n/a	5	5	10
The Royal Veterinary College	No	No	n/a	No	n/a	n/a	5	5	10
University of Law, The	No	No	n/a	No	n/a	n/a	5	5	10
Ulster University	No	No	n/a	No	n/a	n/a	5	5	10
Aberdeen, University of	No	No	n/a	No	n/a	n/a	5	5	10
Bath, University of	No	No	n/a	No	n/a	n/a	5	5	10
Buckingham, University of	No	No	n/a	No	n/a	n/a	5	5	10
Central Lancashire, University of	No	No	n/a	No	n/a	n/a	5	5	10
Chichester, University of	No	No	n/a	No	n/a	n/a	5	5	10
Derby, University of	No	No	n/a	No	n/a	n/a	5	5	10
East Anglia, University of	No	No	n/a	No	n/a	n/a	5	5	10
Glasgow, University of	No	No	n/a	No	n/a	n/a	5	5	10
Gloucestershire, University of	No	No	n/a	No	n/a	n/a	5	5	10
Hull, University of	No	No	n/a	No	n/a	n/a	5	5	10
Leicester, University of	No	No	n/a	No	n/a	n/a	5	5	10
Lincoln, University of	No	No	n/a	No	n/a	n/a	5	5	10
Reading, University of	No	No	n/a	No	n/a	n/a	5	5	10
Roehampton, University of	No	No	n/a	No	n/a	n/a	5	5	10
South Wales, University of	No	No	n/a	No	n/a	n/a	5	5	10
St Andrews, University of	No	No	n/a	No	n/a	n/a	5	5	10
Stirling, University of	No	No	n/a	No	n/a	n/a	5	5	10
Strathclyde, University of	No	No	n/a	No	n/a	n/a	5	5	10
Suffolk, University of	No	No	n/a	No	n/a	n/a	5	5	10
Sunderland, University of	No	No	n/a	No	n/a	n/a	5	5	10
Sussex, University of	No	No	n/a	No	n/a	n/a	5	5	10
Highlands and Islands, University of	No	No	n/a	No	n/a	n/a	5	5	10

West of England Bristol, University of	No	No	n/a	No	n/a	n/a	5	5	10
West of Scotland, University of	No	No	n/a	No	n/a	n/a	5	5	10
Wales Trinity Saint David, University of	No	No	n/a	No	n/a	n/a	5	5	10
West London, University of	No	No	n/a	No	n/a	n/a	5	5	10
Westminster, University of	No	No	n/a	No	n/a	n/a	5	5	10
Winchester, University of	No	No	n/a	No	n/a	n/a	5	5	10
York University	No	No	n/a	No	n/a	n/a	5	5	10
Aberystwyth University	No	At risk	n/a	No	n/a	n/a	5	4	9
Bangor University	No	At risk	n/a	No	n/a	n/a	5	4	9
Buckinghamshire New University	No	At risk	n/a	No	n/a	n/a	5	4	9
Courtauld Institute of Art	No	At risk	n/a	No	n/a	n/a	5	4	9
Goldsmiths, University of London	No	At risk	n/a	No	n/a	n/a	5	4	9
Kingston University	No	At risk	n/a	No	n/a	n/a	5	4	9
Manchester Metropolitan University	No	At risk	n/a	No	n/a	n/a	5	4	9
Plymouth, University of	No	At risk	n/a	No	n/a	n/a	5	4	9
Bradford, University of	No	At risk	n/a	No	n/a	n/a	5	4	9
Chester, University of	No	At risk	n/a	No	n/a	n/a	5	4	9
Surrey, University of	No	At risk	n/a	No	n/a	n/a	5	4	9
Wrexham University	No	At risk	n/a	No	n/a	n/a	5	4	9
Arts University Bournemouth	No	Yes	No	No	n/a	n/a	5	3	8
Arts University Plymouth	Yes	No	No	No	n/a	n/a	3	5	8
Birmingham Newman University	Yes	No	Yes	Yes	No	No	3	5	8
Cambridge University	Yes	No	No	No	n/a	n/a	3	5	8
Cardiff Metropolitan University	Yes	No	No	No	n/a	n/a	3	5	8
Health Sciences University	No	Yes	No	No	n/a	n/a	5	3	8
Leeds Conservatoire	Yes	No	No	No	n/a	n/a	3	5	8
Liverpool University	Yes	No	No	No	n/a	n/a	3	5	8
Northumbria University	Yes	No	Yes	Yes	No	No	3	5	8
Plymouth Marjon University	No	Yes	Yes	Yes	No	No	5	3	8
Portsmouth University	No	Yes	No	No	n/a	n/a	5	3	8
Regent's University London	No	Yes	Yes	Yes	No	No	5	3	8
Royal Northern College of Music	Yes	No	No	No	n/a	n/a	3	5	8
Southampton University	No	Yes	No	No	n/a	n/a	5	3	8
Teesside University	No	Yes	Yes	Yes	No	No	5	3	8
Open University, The	Yes	No	No	No	n/a	n/a	3	5	8
Trinity Laban Conservatoire of Music and Dance	Yes	No	No	No	n/a	n/a	3	5	8
University College Birmingham	No	Yes	Yes	Yes	No	No	5	3	8

University for the Creative Arts	No	Yes	No	No	n/a	n/a	5	3	8
Cumbria, University of	Yes	No	No	No	n/a	n/a	3	5	8
Essex, University of	Yes	No	No	No	n/a	n/a	3	5	8
Greenwich, University of	No	Yes	No	No	n/a	n/a	5	3	8
London, University of	No	Yes	No	No	n/a	n/a	5	3	8
Birmingham City University	Yes	At risk	Yes	Yes	No	No	3	4	7
City St George, University of London	Yes	At risk	Yes	Yes	No	No	3	4	7
Falmouth University	Yes	Yes	Yes	Yes	No	No	3	3	6
Harper Adams University	Yes	Yes	Yes	Yes	No	No	3	3	6
Lancaster University	Yes	Yes	No	No	n/a	n/a	3	3	6
Leeds Trinity University	Yes	Yes	No	No	n/a	n/a	3	3	6
London Metropolitan University	Yes	Yes	No	No	n/a	n/a	3	3	6
Manchester University	Yes	Yes	No	No	n/a	n/a	3	3	6
Norwich University of the Arts	Yes	Yes	No	No	n/a	n/a	3	3	6
Royal College of Music	Yes	Yes	No	No	n/a	n/a	3	3	6
East London, University of	Yes	Yes	No	No	n/a	n/a	3	3	6
Warwick, University of	Yes	Yes	No	No	n/a	n/a	3	3	6
York St John University	Yes	Yes	Yes	Yes	No	No	3	3	6
Aston University	No	Yes	Yes	Yes	No	Yes	5	0	5
Brunel University London	Yes	No	Yes	Yes	Yes	No	0	5	5
Liverpool Hope University	Yes	No	Yes	Yes	Yes	No	0	5	5
London School of Hygiene and Tropical Medicine	No	Yes	Yes	Yes	No	Yes	5	0	5
Middlesex University	Yes	No	Yes	Yes	Yes	No	0	5	5
Richmond, The American International University in London	No	Yes	Yes	Yes	No	Yes	5	0	5
Exeter, University of	Yes	No	Yes	Yes	Yes	No	0	5	5
Bedfordshire, University of	Yes	No	Yes	Yes	Yes	No	0	5	5
Brighton, University of	Yes	No	Yes	Yes	Yes	No	0	5	5
Edinburgh, University of	Yes	Yes	Yes	No†	No	Yes	3	2	5
Huddersfield, University of	Yes	No	Yes	Yes	Yes	No	0	5	5
Northampton, University of	Yes	No	Yes	Yes	Yes	No	0	5	5
Wolverhampton, University of	Yes	No	Yes	Yes	Yes	No	0	5	5
Hertfordshire, University of	Yes	Yes	Yes	Yes	No	Yes	3	1	4
Anglia Ruskin University	Yes	Yes	Yes	Yes	Yes	No	0	3	3
Guildhall School of Music and Drama	Yes	Yes	Yes	Yes	No	Yes	3	0	3
Liverpool School of Tropical Medicine	Yes	Yes	Yes	Yes	Yes	No	0	3	3
Kent, University of	Yes	Yes	Yes	Yes	Yes	No	0	3	3
Arts London, University of	Yes	Yes	Yes	Yes	No	Yes	3	0	3
Worcester, University of	Yes	Yes	Yes	Yes	No	Yes	3	0	3
Leeds University	Yes	Yes	Yes	Yes	Yes	No	0	2	2

Swansea University	No	Yes	Yes	No†	Yes	Yes	1	0	1
Birmingham University	Yes	Yes	Yes	Yes	Yes	Yes	0	0	0
Durham University	Yes	Yes	Yes	Yes	Yes	Yes	0	0	0
Keele University	Yes	Yes	Yes	Yes	Yes	Yes	0	0	0
Leeds Arts University	Yes	Yes	Yes	Yes	Yes	Yes	0	0	0
Liverpool Institute for Performing Arts	Yes	Yes	Yes	Yes	Yes	Yes	0	0	0
Liverpool John Moores University	Yes	Yes	Yes	Yes	Yes	Yes	0	0	0
Newcastle University	Yes	Yes	Yes	Yes	Yes	Yes	0	0	0
Northern School of Contemporary Dance	Yes	Yes	Yes	Yes	Unable*	Unable*	0	0	0
Nottingham University	Yes	Yes	Yes	Yes	Yes	Yes	0	0	0
University College London	Yes	Yes	Yes	Yes	Yes	Yes	0	0	0
Greater Manchester, University of (FKA University of Bolton)	Yes	Yes	Yes	Yes	Yes	Yes	0	0	0
Salford, University of	Yes	Yes	Yes	Yes	Yes	Yes	0	0	0

* AFFS was unable to verify the compliance as no job advertisements have been posted since our notification to the OfS

† Not reported to OfS as outside jurisdiction.

Appendix 2: Legal and regulatory requirements in detail

Universities in England, Wales, and Scotland are subject to various and demanding legal and regulatory requirements relating to freedom of speech and academic freedom. Some requirements apply to all universities in England, Wales and Scotland.³⁷ There are also requirements which are specific to and which differ across England, Wales, and Scotland.

Further detailed information on these requirements is set out in the following detailed statements (as described and defined above) provided by BFSP:

- [Principal Statement.](#)
- [Equality Act Compliance Statement.](#)
- [England EDI Information in Recruitment Statement.](#)
- [Wales EDI Information in Recruitment Statement.](#)
- [Scotland EDI Information in Recruitment Statement.](#)

All English, Welsh and Scottish Universities

- **Equality Act.** Under the Equality Act universities are required not to discriminate against or to harass individuals who have the “protected characteristic” of holding (or not holding) particular religious or philosophical beliefs. Further, under Section 109 they must take all reasonable steps to prevent their employees, in the course of their employment, from discriminating against or harassing individuals for their protected beliefs, or be liable for any discrimination or harassment so committed.

Universities are also, in the exercise of their functions, obliged under their PSED to have due regard to the need to eliminate unlawful discrimination and harassment (and other unlawful acts) under the Equality Act, including against people who hold or express a protected viewpoint, to advance equality of opportunity between persons who share a relevant protected characteristic (e.g. a protected viewpoint) and persons who do not share it, and to foster good relations between persons who share a relevant protected characteristic (e.g. a protected viewpoint) and persons who do not share it. The PSED is a duty to give “due regard to” (i.e. to consider or take account of) the need to achieve specified aims, and give those aims appropriate weight in context. Positive duties to take action (such as those imposed under HERA and the need to avoid discriminating against or harassing people with protected viewpoints under the Equality Act) are, therefore, likely to override the PSED.

As confirmed in recent case law, viewpoints on many areas of current controversy are protected as religious or philosophical beliefs under the Equality Act, including so-called

³⁷ In this report, we do not address the legality of hiring procedures in universities in Northern Ireland, which has substantially different legislation to England, Wales and Scotland. However, we have included details of hiring practices at Northern Irish universities for information.

gender-critical beliefs, views which challenge aspects of critical race theory, anti-Zionist beliefs, views critical of Islam, and anti-woke and hereditarian beliefs (as defined in the relevant Judgments).

It is clear that opposition to (and non-belief in) various component agendas and ideas which are commonly advanced under the EDI umbrella are already protected under the Equality Act. It is moreover likely that opposition to and non-belief in EDI itself as an umbrella under which many controversial viewpoints (opposition to which is protected under the Equality Act) are promoted and enforced, is a protected belief under the Equality Act.³⁸

- **HRA.** The free thought and speech rights of academics and students are protected under the Convention, as enacted in the UK by the HRA. These freedoms include the freedom to offend, shock and disturb. Compelled thought and speech are unlawful. Political expression (in a wide sense rather than a narrow party-political one) attracts the highest degree of protection, as does academic free expression. These rights may be restricted in certain limited circumstances, and where certain conditions are met, including, inter alia that any restriction is “proportionate”.

Universities are also under positive obligations, the scope of which is unclear but which include in particular to “create a favourable environment for participation in public debates for all concerned, allowing them to express their opinions and ideas without fear, even if these opinions and ideas are contrary to those defended by the official authorities or by a large part of public opinion, or even if those opinions and ideas are irritating or offensive to the public”.³⁹ This must necessarily extend to ensuring that their own policies and requirements are not such as restrict Participants' free speech rights.⁴⁰

English universities

- **HERA.** Sub-sections A1(1)-(2) of HERA require the governing body of an English university to take “the steps that, having particular regard to the importance of freedom of speech, are reasonably practicable for it to take” to secure freedom of speech (within the law) for the staff, members and students (i.e. “Participants”) of and visiting speakers to the university. This is a demanding requirement and requires active, positive steps to be taken. The obligations are stated in objective terms, giving no material discretion to a university as to what steps it needs to take. This is extended under sub-sections A1(5)-(7) to include the academic freedom of academic staff, defined as their freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves at risk of the loss of their jobs or privileges at the relevant university, or the likelihood of their securing promotion or different jobs at the university being reduced. Sub-sections A1(8)-(9) provide that

³⁸ For more information, see the Equality Act Compliance Statement and BFSP's statement [*The Cofnas case: opposition to aspects of EDI as protected viewpoints under the Equality Act*](#) (the “Cofnas Case Statement”).

³⁹ *Dink V Turkey*, Judgment of 14 September 2010 in French only, at 137.

⁴⁰ For more information, see the Appendix to the Principal Statement.

applicants (whether internal or external, i.e. including people who are not Participants at the relevant time) for academic positions must not be adversely affected because they have previously exercised their rights to academic freedom, i.e. questioned received wisdom etc. as described above.

- **OfS Guidance.** The OfS, as regulator of English higher education providers (including universities) under HERA, has issued guidance pursuant to HERA, which is published as *Regulatory Advice 24 - Guidance relating to freedom of speech*. Parts of the OfS Guidance are directly relevant and describe steps necessary to secure compliance with HERA:
 - Universities should not require applicants to any academic position to commit (or give evidence of commitment) to a particular viewpoint: this includes to equality, diversity and inclusion.⁴¹ (We consider that this statement is too narrow, and this requirement applies in respect of all applicants for employment or promotion.) Universities should not require applicants for promotions⁴² to commit (or give evidence of commitment) to values, beliefs or ideas, if that may disadvantage any candidate who holds, or has expressed, particular viewpoints, or an academic for having expressed or exercising, their academic freedom within the law.
 - Universities should not require Participants (through, for instance, a contract of employment) to commit (or give evidence of commitment) to a particular viewpoint, which should be taken to include values, beliefs or ideas.⁴³
- **Conditions of registration.** English universities must comply with various “conditions of registration” which are imposed pursuant to HERA. Two conditions of registration are particularly relevant to free speech and academic freedom.

Condition E1 requires that an English university’s governing documents uphold the “public interest governance principles” of:

- Academic freedom: Academic staff at an English university have freedom within the law to question and test received wisdom; and to put forward new ideas and controversial and unpopular opinions; and
- Freedom of speech: The governing body takes such steps as are reasonably practicable to ensure that freedom of speech within the law is secured within the provider.

⁴¹ OfS Guidance, paragraph 139, Examples 27, 32, and 34. Example 32 explicitly describes how requiring candidates to provide evidence of commitment to EDI is likely to be unlawful.

⁴² OfS Guidance, paragraph 151 and Examples 32 and 34: while this is stated there to apply in respect of applicants for academic positions only, the obligations under HERA apply more widely.

⁴³ OfS Guidance, paragraph 147. For a clear illustration of how this applies in practice, see Example 34. Employment contracts requiring Participants to commit to political or social ideals, e.g. “social justice” are likely to be unlawful. In this context, the OfS appears to use the phrases “particular viewpoint” and “values, beliefs and ideas” interchangeably. Requiring commitment to vague or loosely defined ideas or values on the grounds that they are not “particular viewpoints” will be equally likely to be unlawful.

Condition E2 requires that an English university has “in place adequate and effective management and governance arrangements to:

- operate in accordance with its governing documents;
- deliver, in practice, the public interest governance principles that are applicable to it.”

If a university fails in practice to uphold academic freedom or free speech, with respect to recruitment and selection, then it is unlikely that it has “adequate... governance arrangements to... deliver in practice the public interest governance principles” and that university would therefore be at high risk of having violated condition E2.

- **Comments of OfS.** Dr. Arif Ahmed, Director of Freedom of Speech and Academic Freedom at the OfS, has made multiple public statements emphasising the need for English universities not to require staff to be committed to values, beliefs, and ideas, including EDI, and that addressing compliance failures in this respect is a regulatory priority for the OfS. For example, at a Westminster Education Forum conference in March 2026, Dr. Ahmed gave the following example of a requirement which would be non-compliant and a “source of concern” for the OfS:

“having some kind of ideological test where it says you cannot be, for instance, a lecturer in maths unless you sign up to our equality values, or you cannot be a postdoctoral assistant in biology unless you believe in our sort of values on equality, diversity, and inclusion.”

He emphasised that more generally job descriptions which “place requirements on beliefs” are a “source of concern” for the OfS.⁴⁴

Welsh universities

- **Education Act.** S.43 of the Education Act requires every individual and body of persons concerned in the government of a university to take “such steps as are reasonably practicable” to ensure that freedom of speech (within the law) is secured for Participants of, and visiting speakers to, the university. The requirements imposed by S.43 are extremely similar to those imposed by HERA.⁴⁵
- **OfS Guidance.** While the OfS has no regulatory functions in respect of Welsh universities, the close similarity between S.43 and HERA ensures that the OfS Guidance is highly applicable to Welsh universities as an indication of their likely duties under S.43.

Scottish universities

- **2005 Act.** Under Section 26(1) of the 2005 Act, Scottish Universities, as post-16 education providers, must “aim to: (a) uphold (so far as the body considers reasonable) the academic freedom of all relevant persons; and (b) ensure (so far as the body considers reasonable) that [appointments held or sought], are not adversely affected by the exercise of academic

⁴⁴ Arif Ahmed, keynote address to the Westminster Education Forum conference in March 2026, reported in the Times Higher Education 23rd March 2026.

⁴⁵ For more information, see the [Wales EDI Information in Recruitment Statement](#).

freedom by any relevant persons". While the above gives universities an element of discretion, implementation of this provision must be done so as to comply with administrative law and is challengeable by judicial review. The specific duty under Sub-section 26(1)(b) is particularly relevant to any attempt by Scottish universities to require applicants to positions or staff to be committed to or otherwise supportive of EDI. Any such requirement for applicants to share and endorse particular ideological agendas will thus be at risk of constituting a breach of the statutory duties imposed on Scottish universities by the 2005 Act.⁴⁶

Reindorf Opinion

A very relevant example of the potential legal failures that universities face by imposing requirements of the sort under discussion can be found in the detailed opinion by Akua Reindorf KC, which was commissioned by the Sex Matters campaign in response to King's College London's requirement that applicants for promotion demonstrate their support of that university's "equality, diversity and inclusion ambitions".⁴⁷ She found that this requirement was likely to amount to indirect philosophical belief discrimination in violation of the Equality Act and also to violate S.43, the predecessor provision to the main requirements under HERA in England.⁴⁸ Requirements for EDI Support Evidence, and discriminating between candidates based on their support for EDI agendas espoused by a university, are generally likely to be unlawful for these reasons.

Dandridge review: EDI as a source of free speech problems, institutional neutrality

The Dandridge Review, mentioned elsewhere, is a report, published in September 2024, of an independent review which was commissioned by the Open University following its failure to manage disputes and prevent unlawful harassment of Professor Jo Phoenix because of her gender-critical views.⁴⁹ Dame Nicola Dandridge is a former Chief Executive of the OfS, Universities UK and the Equality Challenge Unit.⁵⁰ The review provides perhaps the most authoritative external account of how overbroad EDI enforcement can come to suppress free speech and thus create unlawfulness, or the conditions for it, in practice. For more information see earlier in this Report under *Why might the implementation of EDI restrict Free Speech*, the [review](#) itself, and BFSP's [detailed analysis of the review](#).

⁴⁶ For more information, see the [Scotland EDI Information in Recruitment Statement](#).

⁴⁷ Ms Reindorf's opinion is available [here](#).

⁴⁸ As Ms Reindorf explained, it is "likely to be unlawful for KCL to place a requirement upon applicants for promotion that they demonstrate their support of the university's "equality, diversity and inclusion ambitions". She also opined that "[...] this requirement, when analysed in its context, amounts to indirect philosophical belief discrimination contrary to ss.10 and 19 of the [Equality Act] against potential applicants who hold gender critical beliefs. [...] the requirement may amount to a breach of [S.43]." (From paragraphs 3.1 and 3.2.)

⁴⁹ The Dandridge Review is available [here](#).

⁵⁰ See BFSP's detailed analysis of the Dandridge Review [here](#).

Universities' own free speech codes

Universities in England and Wales are required by law to have a free speech code of practice.⁵¹ Such universities will be at high risk of violating their own free speech codes (if those are compliantly written) if they do not protect the expression of all lawful viewpoints about publicly debated issues. Requiring EDI Support Evidence, discriminating between candidates on the basis of their levels of support for EDI, and imposing EDI Support Duties all appear to be obvious failures to do just that.

Implications in practice

Requiring EDI Support Evidence creates severe risks of unlawfulness and compliance failures for a university as follows, but subject to the special situations discussed at Part 3 in the English, Welsh and Scottish EDI Information in Recruitment Statements.

Discrimination in the selection process is likely unlawful: treating an applicant negatively in a job application/assessment process because that person holds particular viewpoints, or lawfully dissents from or does not demonstrate support for aspects of the EDI agendas or programmes being promoted by the relevant university, will be:

- highly likely to be contrary to the Secure Duty, including the duties relating to academic freedom, with respect to English universities;
- highly likely to be contrary to the duties under S.43 of the Education Act, with respect to Welsh universities;
- at risk of being unlawful under the obligations to protect academic freedom under Section 26 of the 2005 Act, with respect to Scottish universities;
- highly likely to be contrary to the university's duty or need to comply with the Equality Act, and to indicate a failure to comply with its PSED in respect of applicants with viewpoints which count as "protected" under the Equality Act, depending on the relevant detailed circumstances and unless there are other overriding factors, with respect to English, Scottish and Welsh universities;
- highly likely to be contrary to the HRA, with respect to English, Scottish and Welsh universities;

and, with respect to English universities, will indicate a significant risk of failure to comply with condition of registration E2.

Seeking EDI Support Evidence likely prohibited and is likely preparation to discriminate: the only purpose of seeking EDI Support Evidence would be to provide information for an assessment process in order to put the university or its relevant staff in a position to discriminate – whether deliberately or unconsciously – against applicants with the "wrong" views. Further, the practical effect of requiring EDI Support Evidence will, in many cases, be either to compel applicants to profess their agreement with the relevant agendas and values

⁵¹ Under HERA A2 and the Education Act S.43(3)-(4) respectively, English and Welsh universities are required to maintain a "code of practice" and to take all reasonably practicable steps to secure compliance with it. Similar codes are maintained by some Scottish universities. See also paragraphs 167-180 of the OfS Guidance.

or face being treated less favourably than other candidates. Requiring EDI Support Evidence as part of a job application or promotion process must therefore be:

- highly likely to be contrary to the Secure Duty, including the duties relating to academic freedom, with respect to English universities;
- highly likely to be contrary to the duties under S.43 of the Education Act, with respect to Welsh universities;
- at risk of being unlawful under the obligations to protect academic freedom under Section 26 of the 2005 Act, with respect to Scottish universities;
- highly likely to be contrary to the university's duty or need to comply with the Equality Act and to indicate a failure to comply with its PSED in respect of applicants with viewpoints which count as "protected" under the Equality Act, depending on the relevant detailed circumstances and unless there are other overriding factors, with respect to English, Scottish and Welsh universities;
- highly likely to be contrary to the HRA, with respect to English, Scottish and Welsh universities;

and, with respect to English universities, will indicate a significant risk of failure to comply with condition of registration E2.

Compelled thinking and chilling effect: more widely, these and other actions can create a situation where people who seek (or are likely to seek) jobs/promotion at a university think that, in order not to impair their career prospects, they need to visibly not dissent from, or even demonstrate adherence to and be seen to actively promote, an agenda, or values, beliefs or ideas, regardless of their own actual views about such agendas, values etc. Such a situation both pressurises people into publicly aligning with agendas, values, beliefs and ideas (often referred to as "compelled" thinking or speech), and reduces people's willingness (or perceived ability without having their career prospects impaired) to hold or express certain viewpoints and thus creates a "chilling effect" on people's freedom of thought and speech. This is:

- highly likely to be contrary to the Secure Duty, including the duties relating to academic freedom, with respect to English universities;
- highly likely to be contrary to the duties under S.43 of the Education Act, with respect to Welsh universities;
- at risk of being unlawful under the obligations to protect academic freedom under Section 26 of the 2005 Act, with respect to Scottish universities;
- highly likely to be contrary to the university's duty or need to comply with the Equality Act and to indicate a failure to comply with its PSED in respect of applicants with viewpoints which count as "protected" under the Equality Act, depending on the relevant detailed circumstances and unless there are other overriding factors, with respect to English, Scottish and Welsh universities;
- highly likely to be contrary to the HRA, as a result of this "compelled thinking" or "chilling effect", with respect to English, Scottish and Welsh universities;

and, with respect to English universities, will indicate a significant risk of failure to comply with condition of registration E2.

Implications in respect of EDI Support Duties

It is obvious that, in principle, requiring people to promote and support agendas and values with which they disagree is contrary to principles of free speech and to the Relevant FS Requirements in particular. As discussed above, while much that is promoted under the “EDI” flag may be uncontroversial, various highly controversial beliefs and agendas are also promoted (and indeed effectively enforced) under it. This is highly likely to be unlawful in applicable circumstances.

The exception to this is the narrow range of EDI Support Duties which are legally justified. To the extent that underlying EDI policies are legally justified, then the need to give them effect can override the Relevant FS Requirements. It can be appropriate to require employees to support, promote, implement and enforce legally justified policies (as distinct from beliefs, values and ideas), to the extent that this is related to the specific nature of their responsibilities.

Legally justified policies are those which:

- are required by (or necessary to secure compliance with) applicable laws and satisfy a “proportionality” test for the purposes of the HRA, provided that such laws are themselves compliant with the HRA and applied compliantly (in particular, proportionately) through the relevant policies; and
- while one cannot point to a specific law under which they are justifiable, address legitimate concerns, are “proportionate” for the purposes of, and are otherwise compliant with the HRA. It is, however, likely to be a challenge to show that restrictions which go beyond what is legally required, so are effectively voluntary, are proportionate in the context of interference with people’s rights to free speech. This is because of the very high importance accorded to free speech in the academic context under the HRA and the fact that it is firmly established that protected speech includes the freedom to offend, shock and disturb.

The range of the policies that are legally justified is narrow and mainly relates to things like preventing discrimination and harassment under the Equality Act, and anti-bullying policies which go beyond the strict terms of the Equality Act but are justifiable by reference to Convention rights/duties and are carefully constructed to be “proportionate” and otherwise compliant for the purposes of the HRA. Narrowly drafted anti-harassment/bullying policies are recognised by the OfS as legitimately restricting the obligations of English universities to secure free speech under the Secure Duty, and the position will be similar in Wales and Scotland.

The great majority of what is advanced under the EDI banner goes beyond what is legally justified, so is effectively voluntary, so EDI Support Duties in respect of such material will not justifiably restrict the requirements for free speech protection. See the English, Welsh, and Scottish EDI Information in Recruitment Statements for further information on what will count as legally justified.

Unlawfulness in advertising EDI Support Duties

If it is indeed the case that relevant EDI Support Duties are non-compliant, as contemplated above, then there is a high risk that publicising them in job advertisements will also be non-compliant, not least in that it will be unjustifiably creating a situation which will give rise to compelled speech or thought, or a chilling effect for people who do not necessarily agree with all of the agendas being promoted, as discussed above. This is:

- highly likely to be contrary to the requirements under HERA, with respect to English universities;
- highly likely to be contrary to the requirements under S.43, with respect to Welsh universities;
- at risk of being unlawful under the obligations to protect academic freedom under Section 26 of the 2005 Act, with respect to Scottish universities;
- highly likely to be contrary to the university's duty or need to comply with the Equality Act and to indicate a failure to comply with its PSED in respect of applicants with viewpoints which count as “protected” under the Equality Act, depending on the relevant detailed circumstances and unless there are other overriding factors, with respect to English, Scottish and Welsh universities; and
- highly likely to be contrary to the HRA as a result of it creating compelled thinking or speech or a chilling effect as discussed above, with respect to English, Scottish and Welsh universities.

and, with respect to English universities, will indicate a significant risk of failure to comply with condition of registration E2.

Special situations: occupational requirements, positive action and others

EDI Support Evidence requirements which can be justified (objectively, not in the subjective view of relevant staff) as necessary to identify whether an applicant has attributes which are:

- “occupational requirements” related to the relevant position, or
- necessary to give effect to the right to take positive action pursuant to Section 159 of the Equality Act,

are less likely to be struck down under the Relevant FS Requirements but still require careful assessment of likely compliance in each case.

Although they are an exception to certain aspects of mandatory Equality Act compliance, occupational requirements and the Section 159 Exception do not prevent the Secure Duty, S.43, or the HRA from applying, subject to their limitations, and nor do they prescribe any mandatory obligations on a university.

Under the Secure Duty, provisions which are not mandatory are unlikely to make steps to secure free speech not reasonably practicable, unless the underlying reason for applying them in a particular situation is so compelling as to make contrary steps not reasonably practicable.

Thus, there can in principle be “legally justifiable” EDI Support Evidence requirements i.e. those in that narrow range of considerations and criteria, and questions and information requests, which are effectively required by a university’s legal obligations. It is, however, highly unlikely that there will be any legally justifiable requirements in the contexts addressed in this Report, and if there were, they would be highly likely to be overridden. For detailed information, see Part 3 in the English, Welsh and Scottish EDI Information in Recruitment Statements.