

The Office for Students free speech complaints scheme

These rules implement the requirements of Schedule 6A to the Higher Education and Research Act 2017 (HERA).

Effective from 1 September 2026

The Office for Students (OfS) operates a free speech complaints scheme. We review complaints about free speech from staff, applicants for academic posts, (actual or invited) **visiting speakers** and non-**student members**.

In these rules, references to ‘we’, ‘us’ and ‘our’ are to the Office for Students.

References to ‘you’ are to the person making the **free speech complaint** (the **complainant**) or to their appointed representative where the context requires.

‘Registered higher education providers’ are the universities and colleges that are registered with the OfS.¹

Terms in **bold** are explained in the Glossary at the end of these rules.

Section A: What is a free speech complaint?

1. The OfS reviews **free speech complaints** about the **governing bodies** of **registered higher education providers** or of **constituent institutions** of those providers. In these rules, we refer to the body that is being complained about as a **respondent**.
2. A **free speech complaint** is a complaint made by an **eligible person** that:
 - a. claims that the person making the complaint has suffered adverse consequences (which need not be financial) as a result of action or inaction of a **respondent**; and
 - b. claims that, or gives rise to a question as to whether, the action or inaction was a breach of the **respondent’s free speech duty**.
3. The **free speech duty** for **governing bodies of registered higher education providers** and their **constituent institutions** is set out in section A1 (Duty to take steps to secure freedom of speech) of Part A1 of **HERA**.

¹ See OfS, [The OfS Register](#).

4. In these rules, we refer to the claims described in rule 2 as **free speech claims**.
5. A **free speech complaint** may be about more than one **respondent**. References in these rules to a '**respondent**' are to each **respondent** unless the context requires otherwise.
6. A **free speech complaint** may include claims other than **free speech claims**.

Section B: Who can complain?

7. You can make a **free speech complaint** about a **governing body of a registered higher education provider**, or of a **constituent institution**, if you are an **eligible person** as follows:
 - a. a person who is or was a **member** or **member of staff** of the **registered higher education provider** or **constituent institution** (as the case may be);
 - b. a person who has applied to become a **member of academic staff** of the registered higher education provider or constituent institution (as the case may be); or
 - c. a person who was, or was at any time invited to be, a **visiting speaker** at the **registered higher education provider** or **constituent institution**.
8. If a **complainant** dies after submitting their **free speech complaint**, we will review the **free speech complaint** that they submitted to us before they died. We will not review a **free speech complaint** made by personal representatives of the estate of a person who has died.

Section C: Complaints that we will not review

9. We will not review a complaint unless it is a **free speech complaint**.
10. A **free speech complaint** may include claims other than **free speech claims**. However, we will only review those other claims if they include information that is relevant to the **free speech claims**, and we will only determine the other claims to the extent necessary for determining whether the **free speech claim** is justified.
11. This scheme is not retrospective. This means that we will not review a **free speech complaint** to the extent that its **free speech claims** concern actions or inactions that took place before 1 September 2026. Where a free speech claim has a relationship to actions or inactions from before 1 September 2026, we will review the complaint only in relation to those actions or inactions that took place on or after 1 September 2026. Our website contains illustrative examples of how we may apply this rule in practice.²
12. We will not review a **free speech complaint** about a **respondent** if it was not a **registered higher education provider** or **constituent institution** when the action or inaction being complained about took place.
13. We will not review a **free speech complaint** if it appears to the OfS that proceedings relating to the same subject matter as the **free speech claims** in that complaint, to which you are or were party, are being, or have been, dealt with by a court or tribunal. 'Court or tribunal' does

² See OfS, [What the free speech complaints scheme covers](#).

not include a panel established by the **respondent**, in connection with its own internal disciplinary, complaints or appeals processes. Nor does it include a panel established by a **Professional, Statutory and Regulatory Body** where this was not at your request. We will consider that proceedings have begun once the application or claim has been accepted by a court or tribunal, including where that application or claim is seeking permission to bring proceedings. We may decide to review a **free speech complaint** where permission to bring any such proceedings was refused or where any such proceedings have been formally stayed or adjourned.

14. Where the **respondent** has a disciplinary, complaints, appeals, grievance or similar internal review process (whether initiated by you or by the **respondent**) under which the issues in your **free speech complaint** could be or are being considered, we will normally only accept a **free speech complaint**:
 - a. once you have received confirmation from the **respondent** that you have completed that process or, if earlier;
 - b. once 90 days have elapsed since that process began.
15. We will dismiss a **free speech complaint** at any time if, in our judgement, it is frivolous or vexatious. The following non-exhaustive list illustrates when we may determine that a **free speech complaint** is frivolous or vexatious:
 - a. The **free speech complaint** provides no new information to that set out in a **free speech complaint** previously submitted by you and considered under this scheme.
 - b. You continually change the substance of a **free speech complaint**.
 - c. You have acted aggressively or abusively towards us or have made unreasonable demands on us, in your dealings with us in relation to the **free speech complaint**.
 - d. Your **free speech complaint** does not clearly identify issues or matters that are the subject of the complaint.
 - e. You have not complied with our information requirements (Section L) on several occasions.
 - f. You have not responded to us by any deadline that we gave you when we suspended your **free speech complaint**.
 - g. Your **free speech complaint** concerns matters which in the OfS's judgement are trivial.

Section D: Time limits

16. Unless there are good reasons why it was not, a **free speech complaint** must be submitted to the OfS by 12 months after the date on which it appears to the OfS that the action or inaction being complained about last occurred.

Section E: Submitting a free speech complaint to us

17. A **free speech complaint** must be made in writing, by submitting a complaint form to us. You will also be able to submit any documents that are relevant to your complaint. The complaint form is available on our website. The complaint form and any supporting documents may be submitted online or by post. Instructions on how to do this are on our website. If you have a disability, we can adjust this process to enable you to access this scheme. Guidance on how to request adjustments is set out on our website.³
18. When you submit a **free speech complaint** to us, we will ask you for personal information including your name and contact details.
19. We cannot review anonymous complaints. If you make a compelling case for us to protect your identity from the **respondent** or other persons (for example on grounds of a credible threat to your safety), we will make reasonable attempts to do so. However, we cannot guarantee that we will be able to protect your identity. The OfS does not have formal powers to protect whistleblowers.
20. You may appoint a representative to correspond with us about your **free speech complaint** on your behalf. We will then normally correspond with your representative, rather than directly with you. This means that you should make sure that your representative understands your **free speech complaint**, will act in your best interests and can keep you informed throughout our review process. Where you have appointed a representative, 'you' will refer to your representative where the context requires. If you tell us that you no longer wish your representative to act for you, we will tell your representative and will then correspond directly with you. You are not required to appoint a representative.

Section F: Reviewing a free speech complaint

21. When we receive a complaint, we will decide whether we can review it in whole or in part. This means that we will consider whether:
 - a. it is a **free speech complaint** under Section A;
 - b. you are an **eligible person**;
 - c. it is about a **registered higher education provider** or **constituent institution**; and
 - d. we cannot review some or all of the complaint under Section C (Complaints that we will not review) or Section D (Time limits) above.
22. We may share information with the **respondent** and/or with other parties, to help us decide whether we can review some or all of the **free speech complaint**.
23. We will tell you in writing whether, and to what extent, we can review your **free speech complaint**. We will also say why we have reached this decision. Where we consider it appropriate, we will also tell the **respondent**.

³ See OfS, How to complain.

24. Where we decide that we cannot review some or all of a **free speech complaint**, you will have the opportunity to request a reconsideration of our decision (see rule 49) if you believe we have made an error.
25. Where we decide that we can review a **free speech complaint**, we will decide what activities to undertake to conduct that review. We expect **complainants** to demonstrate how their complaint is justified.
26. We will normally:
 - a. Seek the **respondent's** comment on the complaint form and any accompanying documents. We will specify a deadline for receipt of this comment. This will normally be a minimum of 14 days. We may extend the deadline upon a reasonable request of the **respondent** or on our own initiative if we consider it appropriate to do so.
 - b. Seek your comment on the **respondent's** comments on the **free speech complaint**. We will specify a deadline for receipt of this comment. This will normally be a minimum of 14 days. We may extend the deadline upon your reasonable request or on our own initiative if we consider it appropriate to do so.
27. Where we consider it appropriate, we may also ask you and/or the **respondent** to answer specific questions and/or provide additional information as set out in a notice in accordance with Section L. For example, we may ask questions or require information about the **respondent's** policies or procedures, or its decision-making processes where these are relevant to the **free speech complaint**.
28. Our starting point will usually be to conduct a paper-based review of a **free speech complaint**. However, where we consider it to be appropriate, we may have one or more face-to-face meetings with you and/or the **respondent** and/or other persons that we consider may have information or expertise that is relevant to your **free speech complaint**. We may ask you, the **respondent**, or those other persons, questions at such a meeting. We may allow you, the **respondent** and/or those other persons to ask each other questions at such a meeting.
29. Where we consider that a **free speech complaint** concerns academic judgement, we may seek expert academic judgement to inform our review. We will do this only if we consider it appropriate. We may seek expert advice from persons with other forms of expertise, where we consider it appropriate.
30. We may decide to dismiss, or that we cannot review, your **free speech complaint**, in whole or in part, at any point during our review and without making a decision about the extent to which it is justified. We may do this if we decide, during that review process, that your complaint is not a **free speech complaint**, you are not an **eligible person** or we cannot review some or all of your complaint under Section C or Section D above. For example, we may do this on the basis of information that comes to our attention during our review.

Section G: Our decision and Notice of complaint outcome

31. When we have reviewed a **free speech complaint** and consider that we have all the information and evidence that we need to make a decision about the extent to which it is justified, we will make a decision. We will do this as soon as reasonably practicable after we have received a **free speech complaint**.
32. We will issue a **Notice of complaint outcome** in writing to you and to the **respondent** setting out our decision. Where you have appointed a representative, we will issue the **Notice of complaint outcome** to both of you.
33. The **Notice of complaint outcome** will state whether the **free speech complaint** is justified, partly justified or not justified, and the reasons for this.
34. If it appears to the OfS that:
 - a. It is more likely than not that the **respondent** has breached, or is breaching, its **free speech duty**; and
 - b. It is more likely than not that you have suffered adverse consequences, that are more than minor or trivial, as a result of the breach referred to in 34.a,then we will determine that your **free speech complaint** is justified.
35. If it appears to the OfS that:
 - a. It is more likely than not that the **respondent** has breached, or is breaching, its **free speech duty**; and
 - b. It is more likely than not that:
 - i. you have not suffered adverse consequences or
 - ii. you have suffered only minor or trivial adverse consequences as a result of the breach referred to in 35.a,then we will determine that your **free speech complaint** is partly justified.
36. If it appears to the OfS that it is more likely than not that the **respondent** is not breaching and has not breached its **free speech duty**, we will conclude that your complaint is not justified.
37. We will not make a decision about the extent to which a **free speech complaint** is justified where both parties (the **complainant** and **respondent**) have agreed to settle and the **complainant** has consequently withdrawn their complaint. We will not issue a **Notice of complaint outcome** in those circumstances, but we will issue correspondence to the parties to the complaint to confirm that the **free speech complaint** has been resolved through a settlement. We may request more information about the settlement.
38. We will not make a decision about the extent to which a **free speech complaint** is justified, where that complaint has already been withdrawn or dismissed, under these rules.

39. If a **free speech complaint** is against more than one **respondent**, then we will determine the complaint separately against each **respondent**.

Section H: Recommendations

40. If we decide that your **free speech complaint** is justified or partly justified, we may make a recommendation to the **respondent**. The recommendation will be set out in the **Notice of complaint outcome**.
41. A recommendation may be a recommendation that the **respondent**:
- a. does anything that is specified in the recommendation, which may include the payment of sums specified in the recommendation; or
 - b. refrains from doing anything specified in the recommendation.
42. We will not make a recommendation arising from claims included in your **free speech complaint** that are not **free speech claims**.
43. We expect the **respondent** to comply with any recommendation we make in full and within the time limits we set, and to report to us when it has done so.
44. The operation of this scheme does not in any way affect the ability of the OfS to investigate and/or take any form of regulatory or enforcement action in respect of any non-compliance with any of the OfS's conditions of registration or other regulatory requirements.

Section I: Suspension and withdrawal

45. We may suspend our initial consideration or review of a **free speech complaint** if:
- a. you do not comply with an information requirement under [Section L](#); or
 - b. you can no longer be contacted through the contact details that you have provided to us; or
 - c. matters relating to the complaint are being investigated by the police or another body.
46. You may withdraw your **free speech complaint** at any stage before we issue a **Notice of complaint outcome** or dismiss the complaint.

Section J: Group complaints

47. Where we receive a series of **free speech complaints** from more than one person about the same **respondent** and the same subject matter, we may decide to treat these complaints as a group complaint. Individual **complainants** will also have the opportunity to express a preference to be grouped during the submission of a complaint.
48. We may decide to consider the **free speech complaints** within a group complaint together where we consider it appropriate to do so, for example where we receive multiple complaints involving the same subject matter or we are requesting the same information from the

respondent across a number of complaints. We will review and determine each of the complaints in a group complaint separately, considering the specific facts of each complaint.

Section K: Reconsiderations and representations

49. When we have decided that a complaint is not one that we can review in full or in part, we will offer the **complainant** an opportunity to request a reconsideration of our decision, on the basis that they believe we have made an error. Reconsideration can also be requested in any circumstance where we have dismissed a complaint. This request must be made within 28 days of our decision being issued.
50. When we are deciding:
- a. the extent to which a **free speech complaint** is justified;
 - b. whether to make, and the form and content of, any recommendations about a **free speech complaint**;
 - c. whether or what to publish in relation to the **free speech complaint**; or,
 - d. whether to require the **respondent** to pay any costs in relation to making the decision, and the calculation of those costs

we will normally seek representations from you and from the **respondent** before making a final decision in the case of 50.a, 50.b and 50.c. In the case of 50.d we will normally seek representations from the **respondent** before making a final decision. We will specify a deadline for the receipt of these representations. This will normally be a minimum of 14 days for both **complainant** and **respondent**. We may extend this deadline upon the reasonable request of either **complainant** or **respondent**, or on our own initiative.

Section L: Information requirement

51. We may require you and/or the **respondent** to provide us with information about a **free speech complaint**. For example, we may require this to help us to determine the extent to which we can review the complaint, or the extent to which it is justified. A requirement to provide information will be set out in writing in a notice.
52. You and the **respondent** must provide us with such information as we specify in the notice referred to in rule 51 at the time and in the manner and form specified in that notice.

Section M: Respondent's duty to comply

53. The **respondent** to a **free speech complaint** must comply with any requirements that are imposed on it by, or under, these rules.
54. If a **respondent** fails to comply with a requirement imposed by or under these rules and does not satisfy us that it is unable to comply, we may enforce the requirement in civil proceedings for an injunction. This is in accordance with paragraph 11 of Schedule 6A to **HERA**.

Section N: Advertising the scheme

55. A **registered higher education provider** or **constituent institution** should:
- a. As soon as reasonably practicable after 1 September 2026 and, in any event, no later than 1 January 2027, include information advertising the **free speech complaints** scheme in a prominent place in the following documents or information sources:
 - i. staff induction materials.
 - ii. free speech code of practice and any process or procedure for managing speaking events, for internal or external speakers.
 - iii. any disciplinary, complaints, appeals, grievance or similar internal review process.
 - iv. in the case of a **registered higher education provider** or **constituent institution**, application materials for applicants to become a **member of academic staff** of that **registered higher education provider** or **constituent institution**.
 - b. at least once a year, bring this scheme to the attention of non-**student members** and **members of staff** of that **registered higher education provider** or **constituent institution** (as the case may be).
56. The following is suggested text for a **registered higher education provider** and **constituent institution** to include in the documents or information sources referred to in rule 55.a above:
- ‘The Office for Students (OfS) operates a free speech complaints scheme. Under that scheme, the OfS can review complaints about free speech from non-student members, staff, applicants for academic posts and (actual or invited) visiting speakers. The scheme is free to use. Information about the complaints that the OfS can review is available on its website [\[www.officeforstudents.org.uk/for-providers/freedom-of-speech/free-speech-complaints/\]](http://www.officeforstudents.org.uk/for-providers/freedom-of-speech/free-speech-complaints/).’

Section O: Charges, costs and fees

57. We will not charge any fee to you for reviewing your **free speech complaint**.
58. Where we have made a decision that a **free speech complaint** is justified or partly justified, we may, by notice, require the **respondent** to pay our costs in relation to making the decision up to the date of notification. Where we do so, we will act in accordance with our published guidance on cost recovery contained within [Regulatory advice 19](#).

Section P: Collecting and sharing data

59. Through the operation of this scheme, we will collect and process personal data. This may include sensitive personal data. The privacy notice published on our website sets out why and how we will do this.
60. We will normally share information provided by one party to a complaint with other parties to the complaint where this is necessary for the fair and effective operation of the complaints scheme. We may, however, withhold or redact information where we consider it appropriate. We may need to share information that we receive under this scheme with other persons who

are not parties to the complaint (for example, other public bodies and/or any expert we engage to inform our review of the complaint). When sharing information, we will do so in accordance with our statutory powers and duties as set out in **HERA** and other legislation. You can find out more about how we share and use personal information in connection with the **free speech complaints scheme** in our privacy notice.⁴

Section Q: Publication of information

61. We would normally expect to publish information about the **free speech complaints** that we receive, in accordance with our published guidance on publication matters ('Regulatory advice 21: Publication of information').⁵
62. The information that we would normally expect to publish in relation to this scheme is set out in Table 1 in 'Regulatory advice 21: Publication of information'.
63. In publishing information about a **free speech complaint**, we would not normally expect to publish the name of any individual. However, it may be possible to infer individuals' identities from the information that we publish.
64. In making publication decisions, we will consider the factors set out in 'Regulatory advice 21: Publication of information'.

Section R: Amendments to the rules

65. These rules may be amended from time to time.

Section S: Law

66. These rules shall be governed by and interpreted according to the law of England and Wales.

Section T: Glossary

Complainant: an **eligible person** who has made a complaint under these rules.

Constituent institution is defined at Part A1 Section A4 of **HERA**: 'Any constituent college, school, hall or other institution of a **registered higher education provider**.'

Eligible person: a person referred to in rule 7.

Free speech claims: the claims described in rule 2.

Free speech complaint: a complaint made by an **eligible person** that:

- a. Claims that the person making the complaint has suffered adverse consequences (which need not be financial) as a result of action or inaction of a **respondent**; and

⁴ See OfS, [Privacy notice](#).

⁵ See OfS, [Regulatory advice 21: Publication of information](#).

- b. Claims that, or gives rise to a question as to whether, the action or inaction was a breach of the **respondent's free speech duty**.

A **free speech complaint** may include claims other than **free speech claims** (see above).

The **free speech duty** for **governing bodies of registered higher education providers** and **constituent institutions** of such providers is set out in section A1 of Part A1 of **HERA** (Duty to take steps to secure freedom of speech).

Governing body of a registered higher education provider: see **registered higher education provider**.

HERA: the Higher Education and Research Act 2017.

Member: whether a person is a '**member**', in relation to a **registered higher education provider** or **constituent institution**, is a product of the legal constitutional arrangements of the provider (for example, the membership provisions in a Royal Charter or legislation for a higher education corporation) and/or any relevant contractual arrangement.

A **member** does not include a person who is a member of the **registered higher education provider** or **constituent institution** solely because of being or having been a **student** of the institution.

Member of academic staff: a **member of staff** who is employed, or otherwise engaged, for the purpose of teaching or conducting research.

Member of staff (of an organisation): Someone who is either:

- a. an employee of that organisation or other person working for that organisation under a contract of employment, including, without limitation, a fixed-term contract, a zero-hours contract, an hourly-paid contract or other type of casual or atypical contract of employment; or
- b. an individual who has entered into or works under any other contract, whether express or implied and (if it is express) whether oral or in writing, whereby the individual undertakes to do or perform personally any work or services for another party to the contract whose status is not by virtue of the contract that of a client or customer of any profession or business undertaking carried on by the individual.

Notice of complaint outcome: a written document setting out the outcome of our review of a **free speech complaint**.

Professional, Statutory and Regulatory Bodies form a group of professional bodies, bodies with statutory authority over a profession and professional regulators.

Registered higher education provider and **governing body** in relation to such a provider: these terms have the same meanings as in Part 1 of **HERA** (see section 85 of that Act). The OfS publishes a Register of **registered higher education providers** on its website.⁶

⁶ See OfS, [The OfS Register](#).

Respondent: a **registered higher education provider** or **constituent institution** that is the subject of a **free speech complaint**.

Student: a person undertaking, or with a binding offer to undertake, a course of study or a programme of research (i) at the institution in question or (ii) that leads to an award granted by the institution in question, and in either case this may include a trainee or apprentice.

Students' union: has the same meaning as it has in Part 2 of the Education Act 1994 in relation to establishments to which that Part applies (see section 20 of that Act).

Visiting speaker: a person who was invited to speak at a **registered higher education provider**, **constituent institution** or **students' union**, or who would have been invited but for something that the provider or constituent institution has done. It does not include a person who wanted or requested an invitation to speak but was not invited. It may include a person whose invitation has not been approved through an internal approvals process.