

Office for
Students

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Future regulatory approach to free speech

Consultation on new conditions of
registration

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Introduction

- Statutory requirement to introduce mandatory free speech conditions of registration on 1 April 2027
- We published the consultation with our proposal and draft guidance on Thursday 17 September: [Consultations - Office for Students](#)
- We are happy to discuss any comments you have on the proposals today, but **please note that feedback provided here is not considered a formal consultation response**. We encourage you to submit a formal response to the consultation via our website, linked here: [Consultation on new conditions of registration for free speech](#)

20 April 2026, government announced new powers to protect free speech in higher education:

- [New powers to protect vital free speech at universities](#) - GOV.UK
- [Written statements - Written questions, answers and statements](#) - UK Parliament

This included announcements that:

- Complaint scheme commences on 1 September 2026
- Mandatory OfS conditions of registration to apply to providers from 1 April 2027

OfS free speech timeline



HEFSA* imposed duties on providers and constituent institutions relating to freedom of speech and academic freedom from 1 August 2025. Regulatory advice 24 (updated in August 2026) provides guidance on this.



Updated Regulatory advice 24 in August 2026.



Complaints scheme opened on 1 September 2026.



We will also be putting into place initial and ongoing conditions of registration relating to free speech from 1 April 2027. We are consulting on our proposals from Thursday 17 September to 23 November 2026.



Statement of expectations related to foreign interference to be published in late autumn.

*Higher Education (Freedom of Speech) Act 2023

Overview

- We are introducing two new conditions of registration and proposing further amendments to Regulatory advice 24

Condition E11 (initial and ongoing)

E11.1 A provider's governing documents must be consistent with compliance by the governing body of the institution with its duties under sections A1, A2 and A3 of Higher Education and Research Act 2017.

E11.2 The provider must have in place adequate and effective management and governance arrangements to secure compliance by the governing body of the institution with those duties.

Condition E12 (ongoing only)

E12 The governing body of a registered provider must comply with its duties under sections A1, A2 and A3 of the Higher Education and Research Act 2017.

*We are not seeking comments on the wording of the condition requirement (yellow box text) because it is a matter of statute

Overview of proposals

Proposal 1: Guidance on Condition E11

- **Covers:**
 - Provider governing documents being consistent with compliance with the free speech duties
 - Provider management and governance arrangements for securing compliance with the duties
- **Explains:**
 - The requirements of both the initial and ongoing condition
 - How providers can comply with the condition requirements
 - How the OfS will assess provider compliance with E11 at registration and on an ongoing basis

Proposal 2: Guidance on Condition E12

- **Covers** provider compliance with the free speech duties
- **Explains:**
 - The requirements of the condition
 - How the OfS will assess provider compliance with E12
 - How the free speech complaint scheme may inform our regulatory work

Proposal 3: Amendments to Regulatory advice 24

- **Adds to and updates our guidance on:**
 - Free speech code of practice
 - Governance
 - Non-disclosure agreements
 - The A3 'promote' duty

Proposal 1: Condition E11

- We propose guidance for condition E11 that explains:
 - the requirements of the condition
 - compliant and non-compliant behaviours
 - how we will monitor and assess provider compliance with the condition both at registration and on an ongoing basis
 - what it means for governing documents to be ‘consistent with compliance’
 - what it means for a provider’s management and governance arrangements to be ‘adequate and effective’.
- We propose amendments to the applications requirement notice (Regulatory notice 7), including for further education colleges not seeking degree awarding powers

Proposal 2: Condition E12

- We propose to use the three-step framework in Regulatory advice 24 (to become annex D) in assessing providers against E12 in relation to the A1 'secure' duty
- We propose that information from the OfS free speech complaints scheme may inform our assessment against the A1 'secure' duty but will not by itself determine regulatory action
- We propose that the descriptions and illustrations in Regulatory advice 24 (to become annex D) are non-exhaustive examples of behaviour suggesting compliance or non-compliance with E12

Proposal 2: the complaints scheme and our regulatory work

- One intersection of our complaints scheme and regulatory functions sits under condition E12 and the potential for A1 'secure' duty breach within the complaints scheme.
- We propose that if we find a complaint justified or partly justified, it does not mean we will necessarily take regulatory action although this is indicative of an E12 breach.
- We will issue recommendations that seek to remedy the cause of the A1 breach.
- If the recommendations are not followed, we will engage with the provider.
- We propose that information will be considered as part of our risk based approach to monitoring.

Proposal 3: Regulatory advice 24 / annex D

- We propose to add guidance to Regulatory advice 24 (annex D) to help providers comply with the A1-A3 duties and hence with E12.
- This includes:
 - proposed further guidance on code of practice requirements
 - proposed further guidance on governance
 - proposed new guidance on non-disclosure agreements
 - proposed new guidance on the A3 'promote' duty
 - minor amendments as a consequence of these changes

What do we want your views on?

We are seeking comments on:

- Proposed guidance for condition E11
- Proposed amendments to Regulatory notice 7
- Proposed amendments to Regulatory notice 7 for further education colleges not seeking degree awarding powers
- Proposed guidance for condition E12
- The amendments to Regulatory advice 24

What are we not consulting on

- We are **not** consulting on:
 - whether we introduce the new conditions, because we will be required to do this by law
 - the wording of the conditions, as we have aligned this with the wording of the legislation
 - the underlying free speech duties themselves
 - the definition of ‘governing documents’ for the purposes of E11.1 as this is a statutory term (the definition of which is aligned with caselaw)
 - moving Regulatory advice 24: Guidance related to freedom of speech into the regulatory framework as new Annex D: Free speech guidance
 - the three-step framework set out in Regulatory advice 24 (as we have already consulted on this). However, we are consulting on our proposal to use this to assess providers against E12 in relation to the A1 ‘secure’ duty (as set out in our proposed E12 guidance)
 - the content of our existing published Regulatory advice 24. However, we are consulting on our guidance that its examples and description are non-exhaustive examples of behaviour suggesting compliance or suggesting non-compliance with E12

How to respond to the consultation

- We are particularly (but not only) interested in hearing from students, staff, students' union representatives and leaders at providers. We welcome views from all types and size of provider and students' unions. We welcome responses from:
 - anyone with an interest in English higher education
 - students, staff, academics and leaders at higher education providers
 - schools and further education colleges
 - employers, third sector organisations
 - policy bodies.
- You can respond via the [online survey](#) and you can find out more about our proposals and ask questions at one of our briefing events.

Thank you for listening

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