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Students

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Briefing on the new free speech complaints scheme

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Context



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



Regulatory advice 24 provides guidance on those free speech duties. Published June 2025 and updated August 2026.



We will also be putting into place initial and ongoing conditions of registration relating to free speech from 1 April 2027.

*Higher Education (Freedom of Speech) Act 2023

Key documents

- [Free speech complaints scheme rules](#)
- [Consultation outcomes document](#)
- [Web guidance for complaints scheme](#)
- [Regulatory advice 24](#)

Web guidance

Sections in this guide

1. Overview

2. What the scheme covers

3. Who can make a free speech complaint

4. How to make a free speech complaint

5. Deciding whether a complaint is justified

6. Recommendations

7. What institutions can expect

Who is eligible to complain?

A member or member of staff of the provider or constituent institution

A person who has applied to become a member of academic staff

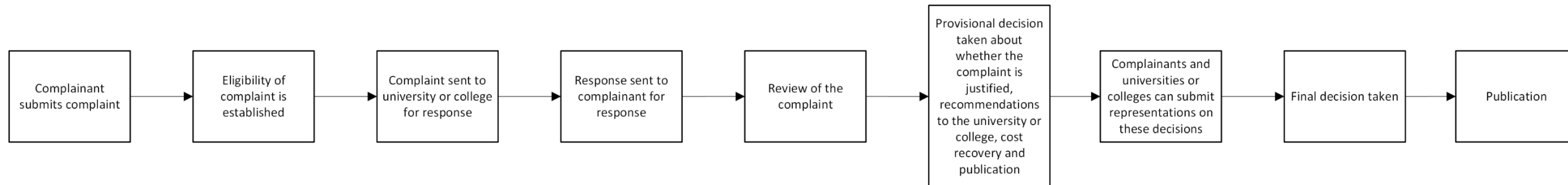
A visiting speaker (actual or invited)

What is an eligible complaint?

- + Claiming that a breach of the 'secure' duty by a registered provider has led to adverse consequences
- + Regarding something that happened on or after 1 September 2026
- + About something that happened in the last 12 months
- + Not dealt with already by a court or tribunal
- + Completed the institution's complaints process already or begun it more than 90 days ago

What happens when we review a complaint?

- We expect complainants to demonstrate how their complaint is justified
- We will ask both parties to respond to the information submitted by the other (the complainant and the respondent)
- We will make a provisional decision on:
 - Whether the complaint is justified, partly justified or not justified
 - Whether we make any recommendations
 - Whether to publish the outcome (including the name of the institution)
 - Whether to recover costs
- Both parties will have an opportunity to submit representations
- We will take a final decision (to a standard of 'more likely than not')



How do we decide whether a complaint is justified?

We will consider whether it is ‘more likely than not’ that:

- the institution has breached, or is breaching, its free speech (‘secure’) duty; and
- the person submitting the complaint has suffered adverse consequences as a result of the breach.

If we decide that the institution has breached, or is breaching, its free speech duty, we will determine that the complaint is **partly justified** (if resulting in no adverse consequences or only minor or trivial adverse consequences) or **justified** (if resulting in more than minor or trivial adverse consequences).

If we decide that there was no breach by the institution, we will determine that the complaint is **not justified**.

What will recommendations look like?

If a complaint is found to be justified or partly justified, we may recommend that the institution being complained about does, or refrains from doing, something.

We may make individual recommendations. In some cases, we may also recommend monetary compensation or recommend changes at an institutional level.

Individual-level recommendations

- Making an apology
- Correcting a record
- Reconsidering a previous decision

Compensation

- Inconvenience and distress
- Costs incurred pursuing your complaint
- Financial loss

Institution-level recommendations

- Changing a policy
- Providing training for staff

What recommendations are intended to achieve

Our aim is to:

- a. put you back in the position you would have been in before the circumstances of your complaint occurred, if this is appropriate and possible;

and in addition to a, or as an alternative where a is not appropriate and possible:

- b. ensure that the issues that led to the breach of the free speech duty or any adverse consequences you may have suffered as a result of it are addressed, and therefore decrease the likelihood of a similar situation reoccurring.

Any monetary compensation for inconvenience and distress is not intended to determine a monetary value for what you have suffered. This aspect of potential recommended compensation is intended to strengthen the institution's acknowledgement of the adverse consequences that you have suffered.

Publication

- We would normally expect to publish the outcome of a complaint. This would include:
 - The name of the institution
 - The reasons for our decision
 - Any recommendations
- We would not normally expect to publish the name of any individual, though these may be inferred.
- Our publication plans will be subject to the representations of both parties.

What will this look like for users and institutions?

- Complainants to complete form and submit via freespeechcomplaints@officeforstudents.org.uk
- Webpage guidance for complainants and institutions to explain the process
- Institutions to be contacted as usual through regulation@officeforstudents.org.uk
- Institutions usually only involved once eligibility of complainant is established
- No anonymous complaints. Complaint material from any party shared mutually for transparency and fairness
- We estimate we will complete most complaint reviews **within six months**
- Duty on the OfS to review 'as soon as reasonably practicable', but flexibility on deadlines possible upon reasonable request