



Department for Education

The Rt Hon Bridget Phillipson MP
Secretary of State for Education

[By email]

1st May 2025

Dear Susan and Arif,

I want to thank you for your important work to protect freedom of speech and academic freedom in the higher education sector. As you are aware, I have this week signed the third commencement regulations made under the Higher Education (Freedom of Speech) Act 2023 (c.16) (the Act).

As set out in my announcement in the House of Commons on 15 January, these regulations will bring into force the following provisions of the Act **from 1 August 2025**, in time for the new academic year. Section numbers refer to the new sections to be inserted in the Higher Education and Research Act 2017 (HERA 2017):

- The duty on Higher Education providers to take reasonably practicable steps to secure freedom of speech within the law, having particular regard to the importance of freedom of speech (section A1).
- The duty on Higher Education providers to put in place a code of practice on freedom of speech and academic freedom (section A2).
- The duty on Higher Education providers to promote freedom of speech (section A3).
- The corresponding duties on constituent institutions (section A4).
- The ban on non-disclosure agreements for staff and students at Higher Education providers in cases of bullying, harassment and sexual misconduct (section A1(11)).
- The duties on the Office for Students to promote freedom of speech and the power to give advice and share best practice (section 69A).

Relevant minor and consequential amendments to other legislation made by the Act will also be commenced.

I have also commenced the provision in the Act which removes the requirement on the OfS to keep academic freedom as one of its public interest governance principles. This is to give you flexibility to adopt the broader and more robust definition of academic freedom set out in the Act. The current structure of the legislation means you are required to maintain the narrower definition of academic freedom set out in section 14(7) of HERA 2017. That definition does not make reference to academic staff being able to test and question received wisdom and put forward new or controversial ideas without the risk of adversely affecting their likelihood of securing promotion or securing a new role at an HE provider, which are important protections for academic staff.

As it is my strong view that maintaining academic freedom as one of your public interest governance principles is very important, I am asking you not to remove or weaken that governance principle, until you are in a position to provide robust and effective protection for academic freedom through a new free speech condition of registration.

This letter constitutes statutory guidance under section 2(3) of HERA 2017.

Thank you again for your hard work on this important issue.

A handwritten signature in dark ink, reading "Bridget Phillipson". The signature is written in a cursive, flowing style.

The Rt Hon Bridget Phillipson MP
Secretary of State for Education