

Higher Education (Freedom of Speech) Bill

<u>Universities UK (UUK) parliamentary briefing October 2022–Lords</u> Committee Stage

This briefing presents of dey concerns and there clarification and assurances as dill required on the <u>Higher Education</u> (Freedom of Speech) a Bits Lords Committee Stage also encourages



We encourage peers support amendments the Billthat specifyadditional legislation that universities should have regard to when judging decisions related to freedom of speech This will helpuniversities to traversend balance complex legal and regulatory framework that already exists around freedom of speech.

(b) new proposals put forward in the Bill of Rights Bill Online Safety Bill

There are currentlywo pieces of legislation making their way through Parliament that could conflict with the HE FOBSII—the <u>British Bill of Rights Bill</u> the <u>Online Safety Bill</u> eare aware that the timing and prioritisation to the seBills has changed in the context of the new governmentandsince the HEFOSBIII was introduced. If the two the two remains or return, albeit in different forms, our concerns would be to the property of the series of the

Followingconsultation on proposals to reform the Human Rights Act (HRA)Ministry of Justice(MoJ)brought forwarda new British Bill of Rights Billat seels to strengthen free speech to become a legal "trump carb"UK members have raised concerns about potential unintended consequences relating to reforming the HIRA articular, the MoJ consultation made reference when he will be a TpTw 23(ph)-4.7 (I)0.6 ti)0.6 (e)187 (s)-7.3 (")]TJ/TT3 00 f -0.004 Tc -0.002 To lause of thTw 23(e)1838 (e)1838 (e)18



Two: Removethe provision in the Bill which would create a statutory tort to avoid universities having to defend themselves against vexatious or frivolous claims.

The Bill contains provision to create a statutory tort for individuals who suffer loss resulting from a breach of the strengthen Section 43 dutye Turrent Section 43 duty (contained within the Education Act 1986) requires universities to take "such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishmend for visiting speakers." Strengthening this duty involves shifting the emphasis from 'protecting' to 'actively promoting' free speech and provides a legal route through which an individual may sue a universitrothrh st2de8(a)5.6 (s14.5 ('5.6 (



UUK would welcomement at the Bill that would require the new Of Director.

- Hasthe necessary experience and understanding of higher education and the complex legal framework in place aroufnee speech.
- Has not been a member of onated to a political party for at least years.

This will be critical to ensure they are able to manage complaints **betti** ively and fairly. Adding information on R&D partnerships and commercial arrangements to the list of issues to be considered by the Director also underlines the importance of securing an appropriate appointment.

UUK would also welcome a statement of intent from the government outlining how they intend the Complains Scheme to work in practise and what the role of the OfS Director for Freedom of Speech and Academic Freedom will be in relation to the OIA.

Four: Ensure that duties on overseas fundingre targeted with risk-based exemptions and proportionate reporting that will protect UK values and our national interest as universities continue to pursue new knowledge and commercial partnerships.

In developing new relationships with overseas higher education institutions, businesses and states, UK universities comply fully within all security regulations to help protect national



overseas and therefore, impact on wider government objectives relating to economic development and building a Globartain

In addition, is wen the broad nature of financial activity that institutions will be required to report to the OfS, including research income, it will be vital that a proportionate and reasonable reporting threshold is set in regulations following the Bill. For example, equivalent legislation in thell(s)-7.v6 (te)-9 (d)6..5 (Si)0.6 (i)11v6 (te).1 (s)-7.7 ()10 (th)-4.7 (a)0.1 (s)-7.6 (i)11-9 (



The OfS has Isoalready been directed to monitor over reliance from a single source of funding In a February 202 guidance tter to the Of\$ the then Sectory of StateRt Hon Gavin Williamson CB id "Universities UK produced important guidelines and recommendations to help providers manage risks in internationalisation. I would like the Of\$ to monitor the adoption of these recommendations by providers and continue to support the sector to manage these risks to the reputation, integrity and sustainability of individual institutions, as well as to the sector as a whole"

UUK'ssecurity guideline (pg 20) recommends that due diligence to mitigate security lated risks should be undertaken regularly, with regular reviews in relation to international partnerships and projectexplicitly mentioning tuition fee incomes part of this longside other sources of income such as investments, donations, philanthropy, commercialisation, capital investment and staff honorary and consultancy appointments.