

- 1) Potential to influence the outcome of the ongoing ONS review into universities status in the national accounts, and whether they should be reclassified as
- 2) Clause 4 of the Bill contradicts duties placed on universities via the <u>Higher Education (Freedom of Speech) Act 2023</u> to uphold freedom of speech and academic freedom.
- 3) It contradicts existing government policy, guidance, legislation, and good practice in relation to establishing international partnerships and collaborations.
- 4) The Bill has a potentially damaging effect on due diligence, inhibiting open discussion and debate and limiting transparency in decision making.
- 5) It would give significant new powers and functions to the Office for Students (OfS). The core provisions of the Bill extend and apply across England and Wales, Scotland and Northern Ireland, but there are contrasting mechanisms as to how this is enforced.

## **Key areas of concern**

1)			

households The ONS first announced their review of universities in the UK in January 2017, and were originally meant to report within 12 months. However, this process was paused due to the review of post-18 education and funding, led by Philip Augar. As of December 2023, the expected timetable for the classification review of universities is:

Name of case:	Expected date of completion:
Universities (Scotland)	Quarter 2 (Apr to Jun) 2024
Universities (Northern Ireland)	Quarter 3 (Jul to Sep) 2024
Universities (Wales)	Quarter 3 (Jul to Sep) 2024
Universities (England)	Quarter 1 (Jan to Mar) 2025

In their statements in 2017 and 2018, the ONS confirmed that the outcome of the review would be that an individual university would either be deemed to be in the private non-financial corporations (S11002) sector, or will remain classified in the non-profit institutions serving





- In addition to this guidance, universities comply with regulation aimed at improving national security, including the <u>National Security and Investment Act 2021</u>. The <u>National Security Act 2023</u> has also recently received Royal Assent, which includes a Foreign Influence Registration Scheme.

In making decisions relating to international investments and procurements, universities take moral, political and reputational considerations into account. As outlined above, this is actively encouraged and backed up by several pieces of government regulation and guidance.



This power would normally be protected by legal privilege and according to Richard Hermer

enjoyed by anti-

significant bureaucratic burden on the regulator and would be a significant overreach into

There are already existing concerns within the sector about the costs and time resource associated with regulation. UUK understands that the OfSis planning to increase its fees for

increased remit of the organisation to oversee its new free speech responsibilities.

Although the OfSis named on the face of the Bill, as the enforcer / authority for universities in England, we understand that for universities in Scotland, Wales or Northern Ireland, this would be the Secretary of State and Treasury. It is unclear why it is the Secretary of State and Treasury in the rest of the UK, but the OfSin England. It is also unclear how this enforcement