



Rt. Hon. Michelle Donelan MP

Minister of State for Higher and Further Education

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27 June 2022

Dear Colleague,

On 13 June, the Higher Education (Freedom of Speech) Bill was approved by the House of Commons, a significant step in fulfilling our 2019 manifesto commitment to strengthen academic freedom and free speech in universities. There is growing concern that a ‘chilling effect’ on university campuses leaves students, staff and academics unable to freely express their lawful views without fear of repercussion. Two hundred academics wrote to The Times in October 2021, reporting that they had received abuse, including some reporting death threats, simply for expressing their views.

The government is clear that higher education (HE) providers in England must have a duty to take steps that are reasonably practicable to ensure freedom of speech within the law is secured for members, students, staff and visiting speakers and that they must comply with it. We want to ensure that providers create environments in which students and staff have the confidence to discuss and debate issues freely. That is how future generations will develop the ability to think critically, to challenge extremist narratives, and put forward (lawful) new and controversial ideas. These are essential skills in a modern, forward-facing society.

One of the areas which has come to my attention as potentially being in tension with creating an environment that promotes and protects free speech is university membership and participation in external assurance and benchmarking diversity schemes. The Race Equality Charter, operated by Advance HE, has recently been the subject of attention from MPs and the media, but there are of course a number of other, similar, schemes, and this letter invites careful consideration in respect of all these.

Universities and other HE providers are autonomous institutions, and the decision over whether or not to join external assurance and benchmarking diversity schemes, is up to each individual provider. As we set out in a policy statement in September 2020, *“Where a university believes that membership of such schemes are genuinely the best way of addressing a matter, it is of course free to do so, but in general universities should feel confident in their ability to address such matters themselves and not feel pressured to take part in such initiatives to demonstrate their support for the cause the scheme addresses.”* Given the importance of creating an HE environment in which free speech and academic freedom can flourish, I would like to ask you to reflect carefully as to whether your continued membership of such schemes is conducive to establishing such an environment. On that note, I would draw to your attention that, in May 2022, the interim CEO of the Office for Students, warned that universities, should *“be thinking carefully and independently about their free speech duty when signing up*

to these sort of schemes.”

As you know, this government has consistently invested in our universities, most recently announcing, in March of this year, funding of £750m to support high quality teaching and facilities including in science and engineering, subjects that support the NHS, and degree apprenticeships. It is, however, vital that this investment by the taxpayer is matched by providers taking their own steps to improve efficiency. Bearing in mind the substantial sums invested by the taxpayer into Higher Education, I would ask you to consider whether membership of these schemes; the initiatives that flow from them; and the creation of new, highly paid, management roles in these areas truly represent good value for money for taxpayers or students.

I hope that by bringing this matter to your attention now you will have the opportunity to consider it appropriately as you work to create positive, inclusive environments which promote and protect free speech and academic freedom.

Yours sincerely,

A handwritten signature in black ink, reading "Michelle Donelan". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

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