



UNIVERSITY RECRUITMENT

*EDI requirements causing free
speech compliance failures*

May 2025

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Key points

- UK universities regularly impose requirements on job applicants to provide evidence of support for equality, diversity and inclusion (“**EDI**”) agendas, and apply criteria based on such support in the selection of candidates.
- This gives rise to compliance failures under applicable legal and regulatory requirements to protect free speech and academic freedom (the “**Relevant FS Requirements**”).
- Working with the Committee for Academic Freedom (“**CAF**”) and other free speech campaigners, Alumni For Free Speech (“**AFFS**”) has conducted detailed research into how many of the **21** English and Welsh universities which are members of the Russell Group are complying with the Relevant FS Requirements in this regard. Our findings:
 - **Eight** of these universities appeared highly likely not to be compliant with the Relevant FS Requirements in this recruitment context.
 - Where we found failures, we wrote to these universities outlining our concerns and setting out their legal responsibilities. **Three** of them appear to have changed their policies or processes after our intervention and are now compliant. They are to be applauded.
 - **Five** of them appear to have ignored our concerns and to remain non-compliant.
- As a parallel issue, it appeared that **11** universities imposed duties to support and promote EDI on their employees (this includes five of the eight universities mentioned above). This raises a further serious likelihood of non-compliance.
- If we had to name the most egregious offenders, it would have to be King’s College London (because AFFS has previously warned it about such failures and it appears to have done nothing) and Leeds University, which achieved a trio of requiring EDI Support Evidence, appearing to have discrimination against candidates with the “wrong” views baked into its system, and also imposing potentially unlawful “support” duties on its employees. Oxford deserves a not-very-honourable mention for its response to the issues AFFS raised. We have recommended an independent review.
- Just **seven** of the Russell Group universities reviewed appeared to be compliant with the Relevant FS Requirements in connection with their recruitment processes.
- Further research indicates that these problems are also widespread beyond the Russell Group: over **45%** of the total of 108 English and Welsh universities reviewed by AFFS appeared to be non-compliant in one or both these regards, as explained below.
- This level of non-compliance is shocking to anyone who cares about free speech. All UK universities urgently need to review their relevant policies and processes to ensure compliance, and to take the other actions we recommend below.
- AFFS will be sharing this report with the Office for Students (“**OfS**”), its strong suspicion of non-compliant actions on the part of certain universities.

Introduction

AFFS is a non-partisan organisation which aims to encourage high standards of compliance with universities and other organisations to protect freedom of speech.¹

AFFS has, in recent years, encountered numerous examples of universities requiring job applicants to provide statements demonstrating their support for EDI generally, or for specific organisations such as Stonewall, which operate under the EDI banner. This is wrong in principle from the perspective of protecting free speech and academic freedom, and also highly likely to be unlawful and/or regulatorily non-compliant for reasons that we will explain.

We have therefore conducted a project to review universities' requirements, working with our friends at CAF and other free speech campaigners. Our initial focus was on the 21 English and Welsh members of the Russell Group. Our report reveals that the majority of these fail in some aspect of their legal and regulatory compliance in this regard, and we have written to them explaining the problem and urging them to bring themselves into compliance. We have conducted research beyond the Russell Group, which produces similar results; we will be follow up with these universities as well.

We believe that these failures have serious and harmful implications for university staff, as well as for freedom of speech and academic freedom at these institutions. We hope that this report will help to inform universities about the risks they face, and to ensure that all universities review and (if necessary) revise their policies and practices relating to recruitment and promotions.

EDI as a free speech problem in university recruitment

It is important to understand what, exactly, are the issues with which we are concerned.

What is “EDI” and why might it be a problem for free speech?

EDI agendas have come under increasing scrutiny in recent years, and related initiatives in public bodies have become politically sensitive around the world. It is important to emphasise in this context that AFFS is a non-partisan group with a specific focus on ensuring that UK universities improve their free speech protections.

Much that is promoted under the EDI banner is uncontroversial, indeed widely accepted, and some initiatives and requirements exist to ensure that institutions are complying with their obligations in law. For example, in the recruitment context (our focus in this project), ensuring that applicants are not discriminated against because of their race, sex, beliefs or any other “protected characteristics” under the Equality Act 2010 (the “**Equality Act**”) is, rightly, a conventional part of recruitment processes.

¹ For further information see <https://affs.uk>

EDI has, however, also come to include the wide range of agendas, values and views which are promoted and enforced by EDI functions at UK universities (and we refer to “EDI” in this report so as to include them). In particular, various widely contested beliefs and agendas are promoted (and indeed effectively enforced) under the EDI umbrella, sometimes in conjunction with activist organisations which encourage universities to require support for their agendas from staff and students. Examples of such beliefs are those associated with aspects of trans and “critical race theory” ideologies. This wide range of agendas, values and views is not required to be promoted or enforced by law, so doing so is in legal terms effectively voluntary. Further, opposition to aspects of both of the above sets of beliefs and agendas has been held itself to be form of a “philosophical belief” which is itself a “protected characteristic” for the purposes of the Equality Act (as discussed further below). It must be highly likely that some other views which are opposed to views and agendas promoted under the EDI banner (e.g. the so-called “decolonisation” of university curricula), or indeed opposition to EDI as this banner under which a wide range of contested views are promoted and enforced, will themselves be ruled to be protected under the Equality Act.

The Dandridge Review² has cited numerous ways in which EDI requirements and agendas caused problems for free speech at the Open University and were underlying causes of the legal and reputational disaster at that institution following its failure to protect a senior employee, Professor Jo Phoenix, when attacked for her gender-critical views. Many people have already expressed serious concerns about the influence of EDI at our universities. AFFS has previously examined the imbalance between the resources which top universities provide for EDI and free speech, respectively.³

To the extent that requiring support for EDI therefore requires support for ideologies such as those referred to above, and indeed for other agendas or programmes which are not required to be promoted by law or otherwise legally justified, this creates severe compliance risks under the Relevant FS Requirements because:

- there may well be reasoned and principled objections to aspects of EDI agendas and programmes (or indeed to EDI as a generic concept) which will turn out to meet the test for protection under the Equality Act; and
- more widely, disadvantaging or allowing harassment of people for, and otherwise effectively suppressing, dissent from such agendas and programmes, except those which are in that narrow range of being legally justified (and “proportionate” as discussed below), is an obvious potential failure under other legal protections discussed below.

The lack of clarity over what, exactly, is included under the EDI umbrella is a primary cause of the free speech problems which have arisen. The actual requirements of the Equality Act for promoting and/or enforcing things which would be classed as “EDI” are very specifically

² Discussed in detail in Appendix 2.

³ See AFFS’ research: <https://affs.uk/edi-and-free-speech>. The ratio was 214:1 reflecting in part the fact that very few employed a dedicated free speech officer or other person with responsibility for free speech promotion and compliance.

stated in that law. A much wider range of agendas, values and viewpoints, many of them contested, is, however, now included within commonly used but amorphous concepts of EDI, and gets promoted and enforced as if this is required under the Equality Act. Because there is no legal justification for doing this, it quickly leads to non-compliance with the Relevant FS Requirements.

Why universities?

As already noted, AFFS and its related organisation, Best Free Speech Practice (“**BFSP**”), are primarily focused on protecting free speech and academic freedom within UK universities. AFFS strongly believes in the principle of academic freedom, as a fundamental component of freedom of speech, which is defined in law as “that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges”⁴; and that students and staff at universities should expect to have even their strongest-held beliefs challenged, and to be able to challenge others, without academic or vocational reprisal – excepting, of course, unlawful or otherwise justifiably restricted speech.

UK universities have an international reputation for standards of teaching and debate, which is often a source of pride for alumni, academics and students. This reputation is, though, under severe threat: UK universities are now ranked only 64th in the world for academic freedom, having steadily declined since 2012.⁵ Failure to continue to ensure freedom of speech – of which academic freedom is a vital component – has the potential to harm the standing and financial viability of our universities profoundly.

Although the Relevant FS Requirements exist and (as explained below and in Appendix 2) include specific and demanding requirements that universities protect free speech, in recent years they have been widely ignored (or, to be generous, under-appreciated). Recent and ongoing compliance failures (including those referred to in the table below) have led to serious financial and reputational damage.

⁴ See Section 202(2)(a), Education Reform Act 1998. This is shortly to be replicated in revised legal protections coming into effect on 1 August 2025.

⁵ https://academic-freedom-index.net/research/Academic_Freedom_Index_Update_2025.pdf p.10. For further analysis, see the analysis of the UK’s score by CAF: <https://afcomm.org.uk/2025/04/01/the-uk-ranks-sixty-fourth-in-global-academic-freedom-ranking-marking-steady-decline/>

Two examples of the high financial and reputational cost of compliance failures

The Open University and Professor Jo Phoenix

Professor Jo Phoenix was, in 2024, found by an employment tribunal to have been the subject of unlawful harassment and discrimination without appropriate protection from her employer, the Open University: the associated settlement is said to have been very large.⁶

The subsequent Dandridge Review (discussed in Appendix 2), commissioned by the University, found that there was a culture at the University that there were “right” ways of viewing things, which can lead to dissenting views being suppressed and individuals self-censoring (fear was referred to by several witnesses) and an imbalance between EDI and free speech requirements. The Dandridge Review cited numerous ways in which EDI requirements and agendas cause problems for free speech.

The University of Sussex and Professor Kathleen Stock

In March 2025, the University of Sussex received a fine from the OfS (£585,000, the highest fine it has ever imposed) for failing to comply with its conditions of registration – part of its regulatory framework. The fine followed Professor Kathleen Stock’s resignation from the University following a long and aggressive campaign of vilification and harassment over her views. The OfS found that the University “failed to uphold freedom of speech and academic freedom” and created a “chilling effect” at the university, leading to the restriction of lawful speech.⁷

Sussex was found to have failed to “uphold the OfS’s freedom of speech and academic freedom public interest governance principles”.⁸ Further, its governance procedures were inadequate to ensure that the university operated with its governing documents, again breaching another of their conditions of registration.

Free speech compliance issues with requiring support for EDI agendas in the recruitment process

AFFS’ primary concern in this area is that many universities appear to be requiring applicants for jobs to demonstrate their commitment to EDI, and/or agendas and viewpoints falling under the EDI banner which include agendas, ideas, viewpoints or campaigns which are

⁶ <https://www.judiciary.uk/wp-content/uploads/2024/01/Joanna-Phoenix-v-The-Open-University-Employment-Tribunal-Reserved-Judgment.pdf> Paragraph 448.

⁷ https://www.officeforstudents.org.uk/media/hcllxwx/university_sussex_free_speech_case_report.pdf p.2

⁸ *Ibid*, p.2

widely contested and with which applicants may not necessarily agree.⁹ It appears that this kind of information is being sought as the basis for discriminating between candidates based on their support for EDI agendas being promoted by the universities – why else is it being sought?

The key focuses of this project have therefore been on identifying any:

- requirements that applicants for a role submit – along with their CVs and other relevant documents – information evidencing their support for EDI (we refer to such information as “**EDI Support Evidence**”); and
- evidence of discrimination, or structures that require, contemplate or enable discrimination, against applicants who hold views which dissent from, or do not evidence acceptable forms and levels of adherence to, EDI as promoted by the relevant universities.

We explain below why such requirements and any resulting discrimination are contrary to the Relevant FS Requirements.

Given that not all of the Relevant FS Requirements apply in Scotland or Northern Ireland, this project focuses on English and Welsh universities only.

During the course of AFFS’ research, a further issue was encountered which, while not originally our primary focus, nonetheless itself potentially represents a further serious free speech failure. This issue arises either where there is evidence of some form of requirement that employees (including any successful applicant) would promote or support EDI, and/or when the job advisement states this would be such a duty. We refer to these as “**EDI Support Duties**”. These are also likely to be contrary to the Relevant FS Requirements for the reasons explained below.

Legal and regulatory problems with requiring support for EDI agendas

There are several sources of clear and demanding legal and regulatory obligations on English and Welsh universities to protect free speech (i.e. the Relevant FS Requirements). These are as follows.

- Section 43 (“**Section 43**”) of the Education (No.2) Act 1986 (the “**Education Act**”) requires a university to take “such steps as are reasonably practicable” to ensure that freedom of speech (within the law) is secured for the members, students and employees of, and visiting speakers to, the university. This is a demanding requirement, objectively worded.
- As confirmed in recent case law, viewpoints on many areas of current controversy are protected as religious or philosophical beliefs under the Equality Act, including so-called gender-critical views, views which challenge aspects of critical race theory and anti-Zionist beliefs. The law in this area is still evolving, and it must be highly likely that opposition to aspects of EDI (as a wide-ranging concept which includes contested values

⁹ <https://affs.uk/kcl>

and views on a number of topics) is itself highly likely to be “protected” for the purposes of the Equality Act.

- Freedom of speech and academic freedom are also given a high level of protection under the Human Rights Act 1998 (the “HRA”).
- English universities are required by their conditions of registration with the OfS to have governing documents that uphold, and to have in place adequate and effective management and governance arrangements to deliver in practice, principles relating to freedom of speech and academic freedom.¹⁰ “Governing documents” are defined widely for these purposes and are likely to include policies which inform or relate to recruitment and selection of candidates. What counts as adequate management and governance arrangements is discussed in Appendix 2, and failures can have severe consequences. The Sussex case highlights the stringency of the conditions of registration with respect to freedom of speech, and the seriousness of the OfS in enforcing these conditions.¹¹

We explain these requirements in detail in Appendix 2. BFSP’s Statement *EDI considerations and inquiries in the recruitment and research approval process at English universities: Free speech compliance issues* (the “**EDI Information in Recruitment Statement**”) provides further detailed guidance on this complex subject.¹²

Appendix 2 also contains details of various other sources of requirements and guidance.

- The OfS’s draft guidance “*Regulatory advice 24: Guidance related to freedom of speech*” of March 2024 (“**OfS Guidance**”) issued in connection with the Higher Education (Freedom of Speech) Act 2023 (“**HEFSA**”). (See the explanation of its relevance in the current pre-HEFSA environment at Appendix 2.) The OfS Guidance explicitly states (inter alia) that universities “*should not require applicants to any academic position to commit (or give evidence of commitment) to values, beliefs or ideas*” and “*should not require holders of any academic position to commit (or give evidence of commitment) to values, beliefs or ideas, if that may disadvantage them from exercising their academic freedom within the law.*”¹³
- A very relevant opinion by Akua Reindorf KC in respect of King’s College London’s requiring that applicants for promotion demonstrate their support of that university’s “equality, diversity and inclusion ambitions”. She found that this requirement was likely

¹⁰ Welsh universities will be subject to separate regulatory requirements. They will need to consider carefully whether their current policies and processes are compliant.

¹¹ As discussed above or, for further analysis, please see BFSP’s statement *Governance requirements re: free speech at English universities; Severe consequences of failure: the Sussex Case*.

¹² To be found at: <https://bfsp.uk/universities-and-free-speech>. See other relevant information produced by BFSP referred to in Appendix 2.

¹³ Paragraphs 45, 46 and 54. See also paragraph 57 in respect of promotions. The law appears to extent more widely, to all job applications, and not just to academic ones. Indeed, the OfS Guidance illustrates this exact scenario in Example 5 (see detail in Appendix 2). Note that the OfS Guidance has limited application in respect of Welsh universities.

to amount to indirect philosophical belief discrimination in violation of the Equality Act and also to violate Section 43.

- The Dandridge Review, published in September 2024, was commissioned by the Open University following its failure to manage disputes and prevent unlawful harassment of Professor Jo Phoenix because of her gender critical views.¹⁴ The Review found (among other things) that EDI agendas can be inconsistent with free speech requirements and cited numerous ways in which EDI requirements and agendas cause problems for free speech. This is, in AFFS' experience, a widespread problem.

Universities will also be at high risk of violating their own free speech codes (if they are written compliantly) if they do not protect the expression of all lawful viewpoints about publicly debated issues. Requiring EDI Support Evidence, discriminating between candidates on the basis of their levels of support for EDI, and imposing EDI Support Duties all appear to be obvious failures to do just that. The following actions will be contrary to some or all of the Relevant FS Requirements.

- Discrimination in the selection process: treating an applicant negatively in a job application/assessment process because that person holds particular viewpoints or lawfully dissents from, or does not demonstrate sufficient support for, aspects of the EDI agendas or programmes or values, beliefs or ideas being promoted by the relevant university.
- Seeking EDI Support Evidence: the only purpose of this would be to provide information in order to put the relevant university in a position to discriminate – whether deliberately or unconsciously – against applicants with the “wrong” views. Further, the practical effect of this will be to create the circumstances for compelled thinking and the chilling effect described below.
- Compelled thinking and chilling effect: more widely, these and other actions can create a situation where people who seek (or are likely to seek) jobs or promotions at a university believe they need to demonstrate their agreement with (or, at the least, visibly not to dissent from), or even be seen to promote actively, agendas, causes or values regardless of their own actual views about such things. Such a situation both pressurises people into publicly aligning with particular agendas, values, beliefs and ideas (often referred to as “compelled” thinking or speech), and reduces people’s willingness to hold or express certain viewpoints and thus creates a “chilling effect” on freedom of thought and speech.
- Requiring employees to comply with EDI Support Duties, or advertising those duties: this is obviously contrary to principles of free speech, as well as very likely in breach of the Relevant FS Requirements, except in the narrow range of EDI Support Duties which are legally justified. If the relevant EDI Support Duties would themselves be non-compliant, for the reasons given above, there is an obvious and high risk that publicising them in job advertisements would also be non-compliant.

¹⁴ <https://www.open.ac.uk/blogs/news/wp-content/uploads/2024/10/Independent-Review-N-Dandridge-09.09.24.pdf>

Legally justified exceptions: there is a narrow range of cases in which seeking information on EDI matters, and/or applying criteria in respect of compliance with EDI requirements and/or imposing EDI Support Duties can be legally justified. In practice, this category is likely to be small and confined to anti-harassment and anti-bullying policies which are drafted so as to be “proportionate” and otherwise compliant with the HRA (as explained in detail in Appendix 2).

Our research process

We initially focused on English and Welsh members of the Russell Group: a total of 21 universities. While we did not include Scottish or Northern Irish universities because they are not subject to sufficiently similar requirements, it is clear (including from well-publicised cases at, for example, Edinburgh University) that there are extensive freedom of speech problems at universities in those parts of the country as well.

This project has taken many months to complete because of the time required for relevant research, correspondence and freedom of information (“FOI”) processes. This has, though, enabled us to observe improvements in some universities’ processes over time, and it has been satisfactory where it appears that our work has been the cause of this.

AFFS’s research included two distinct aspects: open-source research and information obtained via FOI requests. Each aspect was designed to gather useful information on university recruitment practices, enabling review of both information available online and internal documents.

We should make some limitations clear. Our research is a snapshot based on those employment advertisements we were able to find at the time of our research, and the quality and completeness of information provided in responses to our FOI requests. If anything, it is likely that relevant universities’ compliance is worse than our research indicates. It may also be the case that some universities have (or may have) changed their practices for the better since we conducted our research.

Our primary source of information was the universities’ websites, and in particular their job vacancies portals, which revealed relevant information such as criteria for assessment of candidates, expectations about what was required of candidates in the application process and universities’ relevant recruitment policies. In many cases, websites displayed a short version of the advertisement, with more information available through a downloadable file – sometimes called ‘Job Descriptions’ or ‘Further Particulars’ – containing the detailed requirements.

A common theme was that likely non-compliant requirements appeared only in advertisements for ‘academic’ or ‘teaching’ roles; they appeared rarely in respect of ‘research’ or ‘support’ roles. For this reason, much of this report focuses on such academic roles. Most of the Relevant FS Requirements also apply, however, in respect of other roles at universities.

With the FOI requests, our intention was to gather relevant internal documents, policies and procedures which were not publicly accessible. This allowed us to check whether university policies included, for instance, candidate assessment criteria that might lead to discrimination against those holding views which were potentially controversial and/or which might contest

and/or not align with the university's stated values, policies and the like; or included details of other aspects of universities' relevant practices.

While most of the universities responded within the 20-working day statutory deadline, eight did not respond within that timeframe.

Findings: widespread likely legal and governance failures

AFFS's research revealed a requirement for EDI Support Evidence in the recruitment process (and other possible associated failures) at eight of the 21 English and Welsh Russell Group universities.¹⁵ Recruitment advertisements at 11 of these universities referred to EDI Support Duties, of which 5 are 'double fails' by also requiring EDI Support Evidence. The remaining six appeared to be compliant.

Compliance failures re EDI Support Evidence: continuing problems

Each of the following universities required EDI Support Evidence as part of at least one advertised application or promotion process, and have failed to correct these failures even after AFFS brought them to their attention:

- Imperial College London
- Leeds University, which achieved a trio of requiring EDI Support Evidence, appearing to have discrimination against candidates with the "wrong" views baked into its system, and also imposing potentially unlawful "support" duties on its employees as discussed below.
- Oxford University, which gave a particularly unsatisfactory response to the issues AFFS raised. We have recommended an independent review of its decisions and processes.
- Southampton University, which also imposed "support" duties as discussed below.
- Kings College London, which AFFS has previously warned about such failures and appears to have done nothing

Previously non-compliant universities re EDI Support Evidence

Following letters from AFFS explaining our concerns, three of the universities appear to have changed their policies or processes to make them compliant (this fact throws the spotlight on those who have not done so). They are to be applauded: with the evolving legal and regulatory environment and developing understanding, mistakes are widespread and an evident desire to get compliance right is crucial, and what AFFS is focused on supporting. They are:

- Cambridge University
- Durham University

¹⁵ We state for clarity that AFFS does not suggest that the Russell Group is itself acting inconsistently good free speech protection; our concern is with the universities which are its members.

- Queen Mary University of London.

Evidence of discrimination baked into recruitment processes

Some of the responses to our FOI requests revealed policies or practices relating to universities' shortlisting and/or assessment processes which, when seen in the broader context, effectively entrench into the recruitment process structures for discrimination against candidates who do not provide "sufficient" EDI Support Evidence or are otherwise deemed to be insufficiently supportive of EDI.

Specifically, some universities' FOI responses (notably those from Cambridge and Leeds) revealed a policy that only candidates who meet all of the specified "essential criteria" may be shortlisted for interview. Such requirements are not in themselves a problem and, indeed, allow candidates who do not hold, for example, the right academic credentials to be efficiently screened out. However, where the "essential criteria" include evidencing sufficient support for certain EDI-related agendas, with candidates who do not do so being rejected or marked down, such criteria render the policy clearly discriminatory and highly likely to be unlawful.

For example, a Cambridge University job advertisement includes, as part of its "essential criteria", "Demonstrable commitment ... to the University's wider commitment to equality, diversity and inclusion". Thus, an applicant who may otherwise be well suited to a role is less likely to be shortlisted if they have not provided acceptable evidence of that "demonstrable commitment" in their application. The same is true at Leeds, where candidates can only be shortlisted if they demonstrate "Evidence of working to promote equality, diversity and inclusion". In both cases, probable breaches of the Relevant FS Requirements were made even clearer by advertised requirements for EDI Support Evidence.

The existence of "essential criteria" of such a nature is clear evidence of structures for discrimination against such applicants being baked into the relevant university's recruitment system. Our research in this regard is currently incomplete as a result of the nature of the FOI process, but AFFS will continue with its work in this area and pursue universities where it finds such structural discrimination. We will be writing to the universities concerned, urging them to change their policies, and reporting them to the OfS if they do not.

A parallel problem: duties to promote and support EDI

While the majority of the universities did not appear to seek EDI Support Evidence, eleven of the universities had one or more job advertisements which referred to a duty on employees (i.e. including successful applicants) to (inter alia) "promote", "support", "contribute to", or "commit to" EDI. Imposing such EDI Support Duties, both on current staff and successful applicants, creates a serious risk of a failure under the Relevant FS Requirements, as doing so is highly likely to be non-compliant for similar reasons to why EDI Support Evidence is unlawful. We explain this in detail in Appendix 2. The same is likely to be true of referring to EDI Support Duties in job advertisements. Such breaches would have obvious and potentially serious legal, regulatory and financial repercussions, as discussed above and in Appendix 2.

The universities in question (with the key language of their respective EDI Support Duties shown in brackets), are:

- Birmingham University ("promote")

- Cambridge University (demonstratable commitment")
- Leeds University ("evidence of working to promote")
- Liverpool University (proactively promote")
- Manchester University ("promote")
- Newcastle University ("commitment to")
- Oxford University ("commitment to the promotion" and "firm commitment to deepening")
- Queen Mary University London ("commitment to" and "engage in the wider QMUL agenda (e.g. Equality & Diversity)")
- Sheffield University ("furthering" and "proactively supporting")
- Southampton University ("proactive in promoting" and "understanding of the importance and application")
- University College London ("contribute to")

AFFS wrote to these universities to explain its concerns and point out their potential compliance failures. We will be following up.

Compliant universities

The remaining seven universities (just one third of the total) were, as far as our research could identify, compliant with the Relevant FS Requirements in their recruitment processes. These were:

- Bristol University
- Cardiff University
- Exeter University
- Nottingham University
- London School of Economics
- Warwick University
- York University

AFFS commends these universities on operating within the Relevant FS Requirements (at least in this regard). It is ironic that such compliance should be a cause for congratulation.

The bigger picture: widespread compliance failures by other universities

In anticipation that such failures are likely to be widespread within universities beyond the Russell Group, AFFS extended its research to include the 123 members of Universities UK in England and Wales. Of these, 22 are also members of the Russell Group so have already been reviewed by AFFS, and 14 did not have any vacancies for academic positions at the time of our research or had so few current advertisements that they could not present a reliable picture. **Out of the remaining 87** which AFFS reviewed, we found that:

- **One** appeared to require EDI Support Evidence.
- **34** appeared to impose EDI Support Duties.
- **15** were at risk of non-compliantly imposing EDI Support Duties, depending on the content of their University EDI Policies (which AFFS has not been in a position to check). (See more on this at Appendix 3.)
- **37** appeared to be definitely compliant (to the extent of the information available to us).

Combining these numbers with our findings in respect of the Russell Group, we find that, **out of the total of 108 universities reviewed, 45.4%** of them required EDI Support Evidence (or otherwise appeared to require EDI support in recruitment), imposed EDI Support duties, or (in 5 cases) both, so are highly likely to be acting non-compliantly in this regard. Non-compliance would rise to **59.3%** if it were the case that the at-risk universities above were indeed acting unlawfully.

This is a highly concerning figure, illustrating (but, we assume, if anything understating) how widespread this issue is and, more widely, providing depressing evidence of the current state of academic freedom and freedom of speech in the UK.

These results are examined in further detail, with a list of the universities we reviewed, in Appendix 3. It is worth noting the limitations described in Appendix 3 on our research in respect of these further universities, which affects the findings above.

Possible governance, process and oversight failings

The recent record fines imposed on Sussex University were a direct result of governance failures resulting from an EDI policy (in its case its “Trans and Non-Binary Equality Policy Statement”) restricting freedom of speech.

Universities are required by their conditions of registration to have governing documents that uphold principles relating to freedom of speech and academic freedom. This will extend to relevant policies, as discussed in Appendix 2. They must also have in place adequate and effective management and governance arrangements to deliver those principles. This will include:

- having systems of oversight and reporting to prevent, identify, and change non-compliant advertisements and processes;
- ensuring that policies and processes related to recruitment are reviewed and approved by appropriate bodies, as determined by a university’s governing documents: these should be appropriately senior and empowered, have access to sufficient free speech expertise, and express responsibilities to take free speech protection into account; and
- delivering adequate training about the Relevant FS Requirements for all relevant staff.

See Appendix 2 for further details.

Where universities’ recruitment policies and processes, and EDI Support Duties, are non-compliant in ways indicated in this report, serious questions arise about the compliance of universities’ governing documents and governance arrangements. The fines on Sussex

highlight how important it is going to be for universities to ensure that their policies and governance arrangements ensure that applicants' freedom of speech and academic freedom are properly protected in accordance with their conditions of registration, as will having the right oversight, approval and implementation processes.

It is worth sharing a specific issue we have encountered which illustrates the complicated task universities have in ensuring compliance. Some of the universities reviewed had policies which appeared to be free speech compliant, but had non-compliant job advertisements. This discrepancy might mean that the universities' senior management and compliance teams were not aware that their recruitment teams were publishing advertisements containing unlawful requirements, which were inconsistent with their policies. This could well indicate a failure of governance by that university, perhaps in training or in supervision of their recruitment teams.

Reporting university non-compliance to the OfS

We will be sharing this report with the OfS, as we believe it needs to be aware of quite how extensive the apparent legal and regulatory failures are in this area.

AFFS remains very mindful of the fact that the Relevant FS Requirements have evolved significantly in recent years and that perfectly well-intentioned universities might simply not have caught up. We will therefore not be formally reporting non-compliant universities which subsequently put themselves into compliance or indicated a serious intention to review their policies, processes and requirements to ensure that they are compliant.

On the other hand, AFFS will be formally reporting to the OfS its strong suspicion of non-compliant actions on the part of certain universities, particularly those which, following our writing to explain our concerns, did not (or in future will not) put themselves into compliance.

Conclusion: action needed to avoid unlawfulness in future

Many will find the extent of apparent contraventions revealed in this report shocking. There are important questions about how so many universities appear to have adopted processes which are highly likely to be contrary to the Relevant FS Requirements.

We hope that this report will come to be seen to be valuable in helping universities to avoid future compliance failures in this area.

While correcting current failures is an urgent matter, securing freedom of speech will be a continuing process which will to be shaped by the evolving legal and regulatory landscape. Universities will need to assess regularly all their policies, practices and requirements in order to avoid potential freedom of speech failures, and to make all appropriate adjustments.

While this process will not be identical across all institutions, AFFS recommends that universities do the following.

- Ensure that recruitment/promotion policies and processes are reviewed and revised to make it absolutely clear that applicants' views on political and societal matters, and especially matters of current controversy such as some of those which fall under the broad EDI umbrella, are not to be asked about or taken into account in the recruitment process,

and in particular in assessing candidates' merits or suitability for a job. Relevant policies and other documents need to include information specifically required by the OfS.¹⁶

- Ensure that no requirements are imposed for applicants to give EDI Support Evidence in the application process, save to the extent legally justified.
- Take all reasonably practicable steps to avoid a situation in which people who seek (or are likely to seek) jobs or promotion at the university think that they need to demonstrate adherence to and/or actively to promote (or, at the least, not visibly dissent from) any political, social or other agendas or programmes whether or not they actually agree with them.
- Ensure that their relevant policies and management and governance arrangements comply with conditions of registration E1 and E2.
- Consult specialist external lawyers where necessary to ensure compliance in this regard.
- Where required, work to change their cultures as regards the importance of free speech and so as to inculcate an understanding of its prevailing effect when it comes into conflict with agendas such as those under the EDI banner which are not actually legally justified; and to ensure that their EDI functions and staff, policies, values, programmes and other related actions do not give rise to free speech problems in the ways described in the Dandridge Review.
- Ensure that they have a suitably experienced, knowledgeable and senior advocate for free speech, to work to ensure good free speech compliance, who will be involved in relevant activities at a high level; and ensure that person does not have conflicts of interest, for instance because they also have material EDI responsibilities. It is worth considering: how can free speech failures be avoided if an appropriate person is not looking at a university's policies and practices from the point of view of free speech compliance?
- Make it clear to relevant staff that they are required to ensure that the Relevant FS Requirements are complied with and train them appropriately.

Those universities which are currently in apparent breach of their obligations should also ask themselves the following further questions and take the following actions.

- What went wrong, how and why? Have there been any compliance failures, or any likely failures? Are any disciplinary actions appropriate?
- What is required to set relevant failures right and to ensure they, and situations which are at risk of constituting failures, do not recur? This includes ensuring that they will in future be compliant with conditions of registration E1 and E2, including through having compliant approval and supervision processes in respect of their policies and practices.

¹⁶ All relevant policies are required by the draft OfS Guidance (paragraph 75) to include a clear statement about the university's free speech code, summarising its content, *"along with a statement that nothing in that [policy] should be read as undermining (or conflicting with)"* the free speech code.

- Where relevant, what are they doing to ensure that recruitment panels are focused on a candidate's academic record, potential and personal suitability for a role, and that questions asked of and decisions about candidates' views on political and societal matters, and especially matters of current controversy such as those which fall under the broad EDI umbrella, are avoided? Do panels include members of staff with HR or EDI functions? If so, consider whether that is appropriate in accordance with the discussion below.
- In respect of those universities which imposed EDI Support Duties, what review of their EDI related policies and practices do they need to make to ensure that, in the light of the Sussex case, Open University case (as examined in the Dandridge Review) and other recent free speech failures:
 - those policies and practices are compliant with the Relevant FS Requirements, and
 - all future EDI Support Duties in respect of those policies will be compliant?

What consequent actions need to be taken, including review and approval which is compliant with condition of registration E2?

- What work did they do to assess the correctness (or otherwise) of the issues raised in AFFS' correspondence? Did they consult specialist lawyers about these issues? What advice was received? Was it implemented?
- Did they comply with condition of registration E2 as regards the supervision and approval of the process of review of the potential failures raised by AFFS and decisions as to what to do about them? Did they comply with their public sector equality duty in respect of the free speech of those with protected viewpoints under the Equality Act?
- Who within the university's management was involved in any such assessment? Did they include the appropriate people, including a suitably experienced, knowledgeable and senior advocate for free speech? Are free speech functions managed by people who have conflicts of interest, for instance because they also have EDI responsibilities? Was this a cause of the blindness to the free speech risks?
- Where they responded to AFFS to the effect that they did not consider that there was a problem, who was responsible for this response? Did they actually do the things (such as take legal advice) that they said they had done?
- Do they need to self-report any compliance failures, including any in considering and addressing the issues raised by AFFS, to the OfS, as the OfS has made clear it expects?¹⁷ Not doing so will itself be a compliance failure, and one knowingly taken by the officers concerned.

Free speech failures can occur if people are involved in the recruitment information gathering, review and selection process who are there to represent, or have primary responsibility towards, EDI (including as part of the human resources function). (This does not apply in

¹⁷ https://www.officeforstudents.org.uk/media/hcllxwx/university_sussex_free_speech_case_report.pdf p.14

respect of people who are involved solely to ensure that the recruitment process is regulatorily compliant (for instance, non-discriminatory).) What can the purpose of the involvement of such people be, except to ensure or enable discrimination between candidates depending on their conformity with and/or demonstrated support for whatever agendas or viewpoints are being promoted under that university's EDI banner? The involvement of such people needs to be avoided (or, at the least, carefully monitored and appropriately restricted).

Finally, universities should avoid taking sides on contested issues, in order to minimize the risks of compliance failures. AFFS therefore strongly recommends that universities formally introduce institutional neutrality as recommended by the Dandridge Review. It is worth asking: had a university which has been found to be acting contrary to the Relevant FS Requirements (such as Sussex and the Open University) embraced institutional neutrality at the relevant time, would it have incurred the legal and regulatory failures they did? The need to reduce the risk of failures of this kind is one of the reasons why institutional neutrality is essential.

AFFS' next steps

Many of the responses AFFS received from universities indicated that they are aware of recent developments, and the approaching increases in protections for free speech. AFFS was disappointed by the Government's decision in July 2024 to halt the Higher Education (Freedom of Speech) Act 2023, so was delighted when opposition to this – particularly from free speech campaigners, including AFFS –convinced it to reverse much of that decision. We hope that this report, along with the incoming legal changes, will be the impetus those universities that are not already compliant with their obligations need.

AFFS will be reviewing all universities' recruitment processes from this Autumn, once they have had time to digest the legal and regulatory changes that have happened or are about to come into effect – and this report – and to implement the changes necessary for compliance. This will be a long process, so we will begin with those which are known to be, or be likely to be, in default as of now, to check that they have brought themselves into compliance.

More broadly, AFFS will continue to advocate for better protection of freedom of speech and academic freedom by UK universities. We hope to continue constructive work with all universities, including those which have a poor track record, and hope to see UK universities return to being bastions of freedom of speech.

Alumni For Free Speech

23rd May 2025

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Alumni For Free Speech is part of DAFSC Ltd, company number 14189200. Registered office: 27 Old Gloucester St, London W1N 3AX.

Important: This document contains a short summary of a complex area of law and its implications and does not purport to be complete or definitive. It is not (and may not be relied on as) legal or other advice: universities and others should consult their legal and other advisers in respect of all matters relating to free speech in connection with their institution, including those referred to in this document.

Appendix 1 – Detailed information on Russell Group compliance

The following table summarises the position as regards the compliance (or otherwise) of the relevant Russell Group universities.

University	Requires EDI Support Evidence	Imposes EDI Support Duties	Notes
Birmingham University	No	Yes	
Bristol, University of	No	No	
Cambridge University	Yes	Yes	High risk of discriminatory recruitment criteria
Cardiff University	No	No	
Durham University	Yes	No	University has now changed policies to comply
Exeter University	No	No	
Imperial College London	Yes	No	Indications of inappropriate recruitment criteria
King's College London	Yes	No	Also requires EDI Support Evidence for internal promotions
Leeds University	Yes	Yes	Potentially discriminatory recruitment policies
Liverpool University	No	Yes	
Manchester University	No ?	Yes	Serious indications of inappropriate recruitment criteria
Newcastle University	No ?	Yes	Serious indications of inappropriate recruitment criteria
Nottingham University	No	No	
Oxford University	Yes	Yes	
Queen Mary University of London	Yes	Yes	University has now changed policies
Sheffield University	No	Yes	
Southampton University	Yes	Yes	Indications of inappropriate recruitment criteria
London School of Economics and Political Science	No	No	
University College London	No	Yes	
Warwick University	No	No	
York University	No	No	

Detailed information on non-compliant universities

Birmingham University

Requires EDI Support Evidence	Imposes EDI Support Duties
N	Y

AFFS found two advertisements which included as a ‘main’ duty that a successful applicant must ‘promote equality and diversity’. AFFS wrote to Birmingham to highlight its concerns about these likely unlawful EDI Support Duties and was disappointed to receive a bland response with no specific actions or changes outlined to mitigate against this potential failure.

AFFS received a refusal citing relevant legislation to answer any of the questions in its FOI request (we may pursue this further).

These responses could indicate a lack of sufficient care for freedom of speech at the university. We will be taking further action to push for compliance.

Cambridge University

Requires EDI Support Evidence	Imposes EDI Support Duties
Y	Y

One advertisement for an Assistant Professorship included a requirement for applicants to include EDI Support Evidence in their applications “describing efforts to encourage diversity, inclusion, and belonging, including past, current, and anticipated future contributions in these areas”. AFFS wrote to the University to highlight this failure. While Cambridge did not inform us of any changes to its recruitment policies or practices, subsequent research has found no job advertisements containing a likely unlawful requirement for EDI Support Evidence. Cambridge should be complimented for demonstrating desire to comply, but needs to be careful to ensure that these unlawful processes and requirements are avoided in the future.

However, another Cambridge job advertisement included, as part of its “essential criteria” for the job, “Demonstrable commitment ... to the University’s wider commitment to equality, diversity and inclusion”. Cambridge’s response to our FOI request indicated that its recruitment policies sometimes require those reviewing applications to actively discriminate against candidates who do not provide sufficient evidence of their support for EDI. As part of the recruitment process, applicants are “longlisted” by the “Members of the Appointing Body” who “review applications and check them against the essential selection criteria”. Importantly, the members are directed that “Any candidates who fail to meet one or more of the criteria should be rejected”. While generally justifiable – to ensure that only candidates with, for example, the correct academic credentials make progress – this is very likely to cause a major failure in free speech protection where the “essential criteria” include demonstrating “commitment” to EDI or other contentious agendas or values. Given that (as mentioned above) at least one job advertisement included “essential criteria” to show commitment to EDI, it is clear that the selection panel is required, in cases such as this one, to discriminate against any candidate who does not demonstrate this commitment. This is very likely to be unlawful, and AFFS will be pursuing this issue with the University.

As an aside, we assume that these issues may have been caused by the diffuse nature of the power structures at Cambridge, so it is likely to suffer a compliance failure and face reputational damage sooner or later, unless the centre gets a grip on its outer realms. We suspect that this issue is by no means confined to Cambridge.

Durham University

Requires EDI Support Evidence	Imposes EDI Support Duties
Y	N

Our research uncovered at least one advertisement which included a requirement for EDI Support Evidence as part of the application. AFFS wrote to Durham, highlighting its concerns and pointing out the relevant requirements. Durham's response claimed: "We regularly review all of our policies and procedures to ensure that they are compliant with relevant legal and regulatory requirements, we are confident that our recruitment processes meet this threshold."

AFFS then sent a formal letter to the University, sharing it with other free speech organisations. AFFS was subsequently informed that Durham would "no longer have the requirement for applicants to complete a statement on values or beliefs as part their application for academic roles at Durham University".

Durham should be complimented for demonstrating desire to comply, but needs be careful to ensure that these unlawful processes and requirements are avoided in the future.

Durham's response to our FOI request included examples of how applicants might evidence that they have the qualities required to meet the criteria for the job. These examples included how applicants might use their work in EDI to demonstrate their "Citizenship and Values". This is a future potential risk area.

Imperial College London

Requires EDI Support Evidence	Imposes EDI Support Duties
Y	N

EDI Support Evidence was required by a small number of job advertisements. AFFS wrote to Imperial highlighting its concerns. AFFS was disappointed to receive a response just two days later denying that this is an issue and claiming that Imperial does "not agree that asking applicants about how they approach EDI contravenes any legal obligations with regard to free speech (or any other legal obligation)".

This is a failure, both in their job application requirements, and in their response to legitimate concerns about the lawfulness of their recruitment policies. AFFS subsequently [wrote](#) to them more formally. We will continue to follow up.

King's College London

Requires EDI Support Evidence	Imposes EDI Support Duties
Y	N

We initially had the impression that KCL's external processes were compliant.¹⁸ In its response to our FOI request, KCL provided a link to its *Planning Recruitment* policy, although it did not ensure that this document was accessible to our researchers. AFFS has also separately identified an *Inclusive Recruitment Toolkit*, which mandates that interviewers "include at least one EDI question"; and examples of EDI interview questions, which include "What does it mean to you to have a commitment to diversity? How have you demonstrated that commitment, and how would you see yourself demonstrating it here?". These questions are stated as "designed to explore candidates' [...] commitments to diversity and inclusivity within a professional setting". They ensure that "candidates [...] align well with Kings' values

¹⁸ <https://affs.uk/kcl>

and culture”. These are “crucial tools in selecting the most capable and culturally fit candidate for King’s”. (“Culturally fit” is a somewhat chilling expression we have not previously encountered.) These documents, when taken together, constitute strong evidence that KCL’s external recruitment process – like its internal promotions process – requires candidates to show EDI Support Evidence and that discriminating between candidates based on their relevant commitments is integral to those processes.

AFFS has long been aware of serious problems at KCL regarding their internal promotions process, as it has specifically required candidates to submit EDI Support Evidence. KCL has been resistant to repeated attempts to persuade it to get its compliance right, even after being confronted with the opinion from Akua Reindorf KC described in Appendix 2. While this project does not focus on promotions, KCL is highly likely to be acting unlawfully in this regard, despite having this pointed out more than once, so this merits a mention in this report.

Given that AFFS has repeatedly warned KCL regarding the apparent non-compliance of its internal promotions process, and with this evidence coming to light as regards external recruitment, we see it as highly likely that KCL is host to serious systemic compliance failure in this regard, including as regards its governance, about which it has been warned and done nothing. AFFS will be reporting these concerns to the OfS, and noting KCL’s failure to self-report its compliance failures, if that is what they indeed were, after having been notified of them.

Leeds University

Requires EDI Support Evidence	Imposes EDI Support Duties
Y	Y

AFFS found one job advertisement which required the applicant to show “evidence of working to promote equality, diversity and inclusion in Student Education” as an “essential” qualification for the role.

Further, Leeds specifically sets out its use of such criteria in its *Equity, Diversity and Inclusion Implementation Plan 2023-2025*, which sets out to raise the profile of EDI work ‘by incorporating recognition and reward within workload models and promotion’.

Leeds’ response to our FOI request provided the *University of Leeds Recruitment Guide*, which makes it clear that “candidates must meet ALL of the essential requirements to be shortlisted and appointed to the role”. As with Cambridge, this means that recruitment panels at Leeds appear to be required to discriminate against those who do not show such evidence in their application. For example, those reviewing applicants for one role which included an “essential” criterion of “evidence of working to promote equality, diversity and inclusion”, are required – by this policy – to reject any candidates who do not provide such evidence.

These related issues highlight the entrenched nature of unlawful freedom of speech restrictions within Leeds’ hiring process, especially given it is so clearly set out in the *Implementation Plan*.

Multiple other advertisements were found to include EDI Support Duties – in this case the “main duties and responsibilities” sections stated that a successful applicant’s duties will include “promoting and delivering continued improvement in equality and inclusion”.

AFFS wrote to Leeds about the EDI Support Evidence failure, setting out these concerns and urging remedial action. We wrote [formally](#) after the University continued to ignore our correspondence.

We will be taking these issues further and will report Leeds to the OfS if it does not indicate that it will be taking the concerns we raise seriously.

Liverpool University

Requires EDI Support Evidence	Imposes EDI Support Duties
N	Y

Across nearly all job advertisements, applicants are advised that they will be expected to “adhere to all University policies and procedures, completing all obligatory training and induction modules, including Equality & Diversity”. Given that so many universities appear to have policies that – as in the Sussex case – are contrary to the Relevant FS Requirements, this is concerning given Liverpool’s close ties to Stonewall and Advance HE (Sussex’s regulatory failures appear to have arisen at least in part from uncritically using a policy template provided by Advance HE or its predecessor). There is a real risk that these EDI Support Duties are unlawful.

AFFS was pleased that Liverpool has stated that it “will review the issues” and review its advertisements in due course.

Manchester University

Requires EDI Support Evidence	Imposes EDI Support Duties
N ?	Y

Advertisements included:

- as part of the “Key Responsibilities, Accountability and Duties”, that a successful applicant will be required to ensure they are “promoting equality, diversity, inclusion and access” (this EDI Support Duty is highly likely to be unlawful); and
- Under “Person specification – essential” a “commitment to equality, diversity, and inclusion (EDI)”.

In Manchester’s response to our FOI request, it informed us that the “commitment to equality, diversity, and inclusion (EDI)” requirement is mandated on all job advertisements. While it is not wholly clear from the advertisements whether this is a selection criterion or a strongly stated EDI Support Duty, it appears likely to be indicative of an institutional policy that candidates’ suitability for a role is assessed in part by reference to whether they can provide evidence (to an apparently uncertain standard) of such a commitment in their applications. This would be discriminatory against a candidate who did not feel able to give this evidence. There also has to be a strong concern that the nature and wording of the advertisements may make applicants feel pressured or required to include EDI Support Evidence in their application, even if it is not explicitly required, which is a form of “compelled thinking/speech” and has a “chilling effect” on people with dissenting views, both of which are likely to be unlawful, as explained in Appendix 2. This is a serious cause for concern, as we have seen with other universities.

After a letter from AFFS, in which we set out our concerns about its EDI Support Duties, Manchester highlighted ongoing work it was taking to ensure that its policies are reviewed and updated in light of upcoming legislation. This is a move we support, and an action AFFS would advise all universities emulate. We will be writing to them further about our concerns, and look forward to seeing Manchester’s policies become clearly lawful as soon as possible.

Newcastle University

Requires EDI Support Evidence	Imposes EDI Support Duties
N ?	Y

Job advertisements for roles included variations on requirements for applicants to have “commitment to the values of equality and diversity” or “commitment to Equality, Diversity, and Inclusion”. While it is not wholly clear from the advertisements whether this is a selection criterion or a strongly stated EDI Support Duty, it appears likely to be indicative of an institutional policy that candidates’ suitability for a role is assessed in part by reference to whether they can provide evidence (to an apparently uncertain standard) of such a commitment in their applications. This would be discriminatory against a candidate who did not feel able to give this evidence.

AFFS’s wrote about this and received an acknowledgement. We are disappointed to have received no further information, or seen any changes evidenced since then. Further follow-ups have been ignored. We will be pursuing this.

Oxford University

Requires EDI Support Evidence	Imposes EDI Support Duties
Y	Y

Numerous advertisements, across a wide range of faculties, required applicants to submit a “supporting statement”, which included “evidence of a commitment to equality, diversity and inclusion”; other academic positions required applicants to provide “evidence of interest and effectiveness in promoting a culture of equality and diversity in the workplace”. These are highly likely to be unlawful.

Many of the advertisements also included a duty on successful candidates to “embed the principles of mutual respect, equality, diversity and inclusion in all aspects of your work”. As outlined above, such EDI Support Duties are very likely to be unlawful.

AFFS wrote to Oxford about its concerns. We received what appeared to be a disingenuous and complacent response which did not address our concerns and indicated a possible carelessness about this likely compliance failure. AFFS have sent a [formal letter reiterating its concerns](#) and recommending an independent review of Oxford’s policies, but has not yet received a response.¹⁹

We will be pursuing this further, and are likely to report Oxford’s failures to the OfS.

Like a minority of other universities, the University refused to respond to our FOI Request citing cost limit concerns under relevant legislation. We are disappointed by this response and will raise this with Oxford’s senior leadership.

Queen Mary University of London

Requires EDI Support Evidence	Imposes EDI Support Duties
Y	Y

An advertisement for a role in the Queen Mary’s School of Mathematics contained:

¹⁹ <https://affs.uk/wp-content/uploads/2025/02/OPEN-LETTER-Oxford-EDI-Job-Applications-FINAL-26.02.25.pdf>

- requirements for the applicants to show “Commitment to promoting equality, diversity and inclusion”; and
- a duty to “Espouse and enhance equality, diversity and inclusion”.

As with some other universities, while the advertisement did not specifically include a requirement for the submission of specified EDI Support Evidence, it was written in a manner so as to effectively require some form of demonstrated commitment to EDI in job applications.

AFFS wrote to Queen Mary’s with our concern, and we received a prompt response saying that it was going to amend the advertisement and inform applicants and the selection panel of this change. True to their word, requirements which previously required commitment or support for EDI were changed to non-political commitments, for example “Enhance and support an inclusive working environment, fostering good relations between all members of the School, Faculty and wider University” and “Ensure that the School’s culture aligns with Queen Mary’s core values with an emphasis on citizenship”. These are improvements that appear to avoid pressuring employees to conform to any politically charged agendas or values. We commend Queen Mary on this prompt action.

Sheffield University

Requires EDI Support Evidence	Imposes EDI Support Duties
N	Y

AFFS found advertisements which informed applicants to positions at Sheffield that, were they to be successful in their application, they would be responsible for “furthering the University’s equality, diversity, and inclusion objectives” or “proactively supporting equality, diversity and inclusion activities”.

AFFS’s wrote to Sheffield, citing its concerns about these potential EDI Support Duties, but has not received a response. We will be pursuing this.

Southampton University

Requires EDI Support Evidence	Imposes EDI Support Duties
Y	Y

Advertisements for roles in the School of Electronics and Computer Science include requirements for candidates to demonstrate their commitment towards EDI. For example, one advertisement’s stated “essential criteria” included that applicants were judged against their “understanding of the importance and application of [...] and Equality, Diversity and Inclusion (EDI) practices in research”. While there was no specific requirement to include EDI Support Evidence as such, the advertisement clearly stated that applicants would be assessed in the context of these requirements. This would be discriminatory against candidates who did not supply appropriate evidence, and highly likely to be non-compliant.

Elsewhere, the “Expected Behaviours” required by Southampton’s School of Health Sciences includes that applicants would be expected ‘to apply and actively promote equality, diversity and inclusion principles to the responsibilities of the role’. This is an EDI Support Duty.

AFFS wrote to Southampton and received confirmation of receipt informing us that they would be responding in full “in due course”. AFFS subsequently sent a [formal letter](#) to the University. Southampton’s response was somewhat peculiar, failing to address our concerns properly and claiming that the advertisements we cited “do not provide an indicator of a lack of University-wide policy on protecting freedom of speech”. AFFS will be monitoring

Southampton's advertisements and, as it appears to be wilfully ignoring warnings of unlawfulness, reporting any further serious non-compliance to the OfS.

University College London

Requires EDI Support Evidence	Imposes EDI Support Duties
N	Y

A number of advertisements contained requirements in the "Duties and Responsibilities" section, to the effect that successful applicants would be expected to "contribute to addressing equality, diversity and inclusion issues at UCL" or "actively follow and promote all UCL policies including those on Equality, Diversity and Inclusion".

UCL acknowledged a letter from us, but we have not seen any changes or received any further correspondence from them.

UCL's response to our FOI request also revealed some interesting contradictions: while they claimed that UCL "do[es] not have standardised job descriptions or standardised criteria", the guidance they provide to their staff includes a job description template and some example descriptions as well a requirement for all advertisement to be "sent to the HR Business Partner for evaluation". Unfortunately, UCL failed to provide access to both the template and the guidance they give to the "HR Business Partner", so we are unable to determine how they balance freedom of speech obligations in this process.

We will be following up.

Appendix 2 – Relevant FS Requirements

There are several sources of legal and regulatory obligations on English and Welsh universities to protect free speech. These obligations are both clear and demanding. *This document should not be taken as legal advice; AFFS strongly recommends that all UK universities consult specialist lawyers as part of an immediate overhaul of their policies to ensure compliance with the Relevant FS Requirements.*

Relevant legal and regulatory requirements

The legal and regulatory obligations of English and Welsh universities to protect freedom of speech and academic freedom are as follows.

- Section 43 of the Education Act requires a university to take “such steps as are reasonably practicable” to ensure that freedom of speech (within the law) is secured for the members, students and employees of, and visiting speakers to, the university. This is a demanding requirement, objectively worded: universities are not given any express discretion under it.
- As confirmed in recent case law, viewpoints on many areas of current controversy are protected as religious or philosophical beliefs²⁰ under the Equality Act, including so-called gender-critical views, views which challenge aspects of critical race theory and anti-Zionist beliefs. The law in this area is still evolving, and it must be highly likely that opposition to aspects of “EDI” (as a wide-ranging concept which includes contested values and views on a number of topics) is itself highly likely to be “protected” for the purposes of the Equality Act. Discrimination against and harassment of staff and students with protected viewpoints in various circumstances are unlawful.

HEPs are also, in the exercise of their functions, obliged under their Public Sector Equality Duty (“PSED”) in the Equality Act²¹ to have due regard to the need to eliminate unlawful discrimination and harassment (and other unlawful acts) under the Equality Act, including against people who hold or express a protected viewpoint, and to advance equality of opportunity between persons who share a relevant protected characteristic (e.g. a protected viewpoint) and persons who do not share it. While “have due regard” is a duty to think and give appropriate weight in context, not to act and has been described as a “process duty not an outcome duty”, it is still highly relevant in this context.

- Freedom of speech and academic freedom are also given a high level of protection under the HRA. Requiring people to state or support viewpoints they do not agree with (compelled speech) and creating a situation in which people are hesitant to say what they believe (chilling effect) are unlawful. The HRA provides for certain forms of restriction on

²⁰ See Sections 4 and 10.

²¹ Section 149.

free speech which (amongst other things) are achieving a legitimate aim and “proportionate”, including in their implementation.

- In respect only of English universities, the public interest governance principles with which HEPs are required to comply as an ongoing condition of their registration as HEPs. These are discussed in detail below.

While much that is promoted under the “EDI” flag may be uncontroversial, and in a narrow range of cases is legally necessary or justified, various highly controversial beliefs and agendas are also promoted (and indeed effectively enforced) under it, such as are associated with aspects of trans and “critical race theory” ideologies (opposition to both of which has been held to be a “protected viewpoint” for the purposes of the Equality Act). It is the effective enforcement of these agendas under the EDI banner that gives rise to compliance problems. To the extent that requiring support for EDI requires support for contested viewpoints and positions, and indeed for any agendas or programmes which are not required to be promoted by law or otherwise legally justified, severe compliance risks arise:

- there may well be reasoned and principled objections to aspects of them (or indeed to EDI as a generic concept) which will turn out to meet the test for protection under the Equality Act; and
- more widely, disadvantaging or allowing harassment of people for, and otherwise effectively suppressing, dissent from such agendas and programmes, except those which are in that narrow range of being legally justifiable (and “proportionate” for the purposes of the HRA), is an obvious potential failure under both Section 43 and HRA.

The following documents can be found on the BFSP website:²²

- BFSP’s Statement *Free speech protection at English universities: The law and requirements in practice* (the “**Principal BFSP Statement**”), which provides further detailed guidance about the relevant legal and regulatory requirements and their implications.
- The EDI Information in Recruitment Statement.²³
- BFSP’s Statement *Protected viewpoints under the Equality Act: Risks and necessary actions for employers and others* (the “**BFSP Equality Act Compliance Statement**”).

Draft OfS Guidance

Parts of the draft OfS Guidance in connection with HEFSA are relevant to the issues in hand, even though that Act has yet to come into effect. This is on the basis that such guidance in

²² <https://bfsp.uk/universities-and-free-speech>

²³ Note that the EDI Information in Recruitment Statement is written with reference to the key requirements of HEFSA, which are yet to come into effect at time of writing. However, as the Principal BFSP Statement explains, the relevant requirements in that Act and of Section 43 are very similar. The EDI Information in Recruitment Statement should therefore be taken as, subject to any qualifications it makes, an accurate statement of the law and its implications in all material respects for the purposes of the issues at hand.

various critical ways reflects both the requirements under Section 43 (because those obligations and equivalent obligations in HEFSA are very similar) and (relevantly to English universities only) what appears to be the OfS's own expectations of HEP actions for compliance. The OfS Guidance explicitly states that:

"Each provider [...] must take reasonably practicable steps to achieve the objective of securing that, where a person applies to become a member of academic staff, the person is not adversely affected in relation to the application because they have exercised their freedom within the law to question and test received wisdom, or to put forward new ideas and controversial or unpopular opinions."

"Providers [...] should not require applicants to any academic position to commit (or give evidence of commitment) to values, beliefs or ideas, if that may disadvantage any candidate for exercising their academic freedom within the law."

*"Providers [...] should not require holders of any academic position to commit (or give evidence of commitment) to values, beliefs or ideas, if that may disadvantage them from exercising their academic freedom within the law."*²⁴

Regulatory requirements: conditions of registration for English universities: the Sussex fine

English universities are required by their conditions of registration with the OfS to have governing documents that uphold the public interest governance principles that apply to them (condition E1), and to have in place adequate and effective management and governance arrangements to operate in accordance with their governing documents and deliver those public interest governance principles in practice (condition E2). These governance principles include principles relating to taking such steps as are reasonably practicable to secure freedom of speech and ensuring academic freedom.

"Governing documents" are defined widely for these purposes and will include any of a university's policy documents which describe its objectives, values or powers.²⁵ This clearly

²⁴ Paragraphs 45, 46 and 54. And similarly in paragraph 57 in respect of promotions. The law appears to extend more widely, to all job applications, and not just to academic ones.

Indeed, the OfS Guidance even illustrates this exact scenario in Example 5, stating that: "this requirement may penalise candidates for opinions or speech that have no bearing on disciplinary competence. In these circumstances, removing this requirement before advertising is likely to have been a reasonably practicable step that University A should have taken. Withdrawing the advertisement, and re-advertising without this requirement, is likely to be a reasonably practicable step that University A should now take."

²⁵ Defined in the glossary to the conditions of registration as "Documents adopted, or that should have been adopted, by the provider that describe any of the provider's objectives or values, its powers, who has a role in decision making within the provider, how the provider takes decisions about how to exercise its functions or how it monitors their exercise. This test will be broadly rather than narrowly applied."

includes its free speech code and is highly likely to include policies which inform or relate to recruitment and selection of candidates.

To comply with condition E1, and their legal obligations, universities need to ensure that their governing documents uphold that applicants for academic (and other) positions are not selected on the basis of their commitment or support (or otherwise) to particular values, beliefs, or ideas, including ones relating to EDI, except to the extremely limited extent that this is legally justifiable as discussed elsewhere. This requires, amongst other things, that their free speech codes (save where rules for staff behaviour address this issue) are written so as to make clear that actions (including by staff) which inappropriately restrict free speech (such as addressed here) are prohibited.

If a university requires EDI Support Evidence, or discriminates between candidates based on their commitment or support as contemplated above, or imposes EDI Support Duties, then:

- it is likely not to be operating in accordance with its governing documents, if these are written so as to be compliant with condition E1 and relevant legal requirements; and
- it is highly likely not to be delivering in practice the public interest governance principles which apply to it,

and the question arises as to whether it has “adequate and effective management and governance arrangements” to operate in accordance with its governing documents and deliver the public interest governance principles: they must be at high risk of having violated condition E2.

To comply with condition E2, universities must create robust management and governance systems to protect academic freedom and freedom of speech in hiring and promotions. These systems must surely include training on the Relevant FS Requirements for those involved in the recruitment process, and appropriate systems of oversight and reporting to prevent, identify, and change non-compliant advertisements and information gathering and assessment processes.

Having adequate governance arrangements is likely to include ensuring that policies relating to hiring and promotions (and duties on staff) are reviewed and approved by the appropriate bodies, as determined by a university’s governing documents. To comply with condition E2, any such bodies should be appropriately senior and empowered, have access to sufficient free speech expertise, and express responsibilities to take free speech protection into account.

The recent breaches of the University of Sussex’s conditions of registration, and the subsequent £585,000 fine, highlight the stringency of the conditions of registration with respect to freedom of speech, and the seriousness of the OfS in enforcing these conditions.

Welsh universities will be subject to separate regulatory requirements. They will need to consider carefully whether their current practices are compliant.

Reindorf Opinion

A very relevant example of the potential legal issues that universities face by imposing requirements of the sort under discussion can be found in the detailed opinion by Akua Reindorf KC, which was commissioned by the Sex Matters campaign in response to King’s College London’s requirement that applicants for promotion demonstrate their support of

that university's "equality, diversity and inclusion ambitions".²⁶ She found that this requirement was likely to amount to indirect philosophical belief discrimination in violation of the Equality Act and also to violate Section 43.²⁷ Requirements for EDI Support Evidence, and discriminating between candidates based on such their support for EDI agendas espoused by a university, are generally likely to be unlawful for these reasons.

Requiring demonstrations of support for particular external campaigns groups is also a common occurrence, and was found to be problematic in the KCL case and is likely to be so in other universities' cases as well.²⁸

Dandridge review: EDI as a source of free speech problems, institutional neutrality

The Dandridge Review, mentioned elsewhere, is a report, published in September 2024, of an independent review which was commissioned by the Open University following its failure to manage disputes and prevent unlawful harassment of Professor Jo Phoenix because of her gender-critical views.²⁹ Dame Nicola Dandridge is a former Chief Executive of the OfS, Universities UK and the Equality Challenge Unit.³⁰

Some key relevant findings of the Dandridge Review were that there was a culture at the Open University that there were "right" ways of viewing things, which can lead to dissenting views being suppressed and individuals self-censoring (fear was referred to by several witnesses) and an imbalance between EDI and free speech requirements. The Dandridge Review cited numerous ways in which EDI requirements and agendas cause problems for free speech. This is, in AFFS' experience, a widespread problem. All universities need to work to ensure that the promotion and implementation of EDI agendas does not unlawfully affect free speech.

The Dandridge Review also recommended an "underpinning principle" of institutional neutrality in relation to contentious issues. AFFS has urged for some time that institutional neutrality is the only effective way to avoid legal and compliance failures such as

²⁶ <https://sex-matters.org/wp-content/uploads/2024/04/KCL-advice-for-publication.pdf>

²⁷ As Ms Reindorf explained, it is "likely to be unlawful for KCL to place a requirement upon applicants for promotion that they demonstrate their support of the university's "equality, diversity and inclusion ambitions". She also opined that "[...] this requirement, when analysed in its context, amounts to indirect philosophical belief discrimination contrary to ss.10 and 19 of the [Equality Act] against potential applicants who hold gender critical beliefs. [...] the requirement may amount to a breach of [Section 43]." (From paragraphs 3.1 and 3.2.)

²⁸ Paragraphs 71.2.C and 75-77.

²⁹ <https://www.open.ac.uk/blogs/news/wp-content/uploads/2024/10/Independent-Review-N-Dandridge-09.09.24.pdf>

³⁰ See BFSP's detailed analysis of the Dandridge Review at <https://bfsp.uk/wp-content/uploads/2025/02/The-Dandridge-Review-re-the-Open-University-Jo-Phoenix.pdf>

discrimination and harassment as a result of taking sides in contested issues. We, along with other free speech campaigners, have written to all universities, urging them to introduce this.³¹

Universities' own free speech codes

Universities will also be at high risk of violating their own free speech codes (if those are compliantly written) if they do not protect the expression of all lawful viewpoints about publicly debated issues. Requiring EDI Support Evidence, discriminating between candidates on the basis of their levels of support for EDI, and imposing EDI Support Duties all appear to be obvious failures to do just that. Condition of registration E1 is likely to require that universities' free speech codes, as governing documents, are (save where rules for staff behaviour address this issue) written so as to make clear that actions (including by staff) which inappropriately restrict free speech (such as mentioned above) are prohibited.

Implications in respect of requiring EDI support in job applications

A university requiring EDI Support Evidence inherently makes clear that the university applies considerations relating to compliance with EDI expectations in the selection process (i.e. discriminating between candidates depending on their levels of compliance): why else would it be seeking this information? This raises freedom of speech concerns, and (unless legally justified as discussed below) is, or is highly likely to be, unlawful and contrary to regulatory requirements as well as the university's own free speech code, for the following reasons.

Discrimination in the selection process unlawful: treating an applicant negatively in a job application/assessment process because that person holds particular viewpoints, or lawfully dissents from or does not demonstrate sufficient support for aspects of the EDI agendas or programmes or values, beliefs or ideas being promoted by the relevant university ("**Relevant Agendas and Values**"), will be highly likely to be contrary to:

- the primary free speech protection obligations under Section 43³²;
- the HEP's duty or need to comply with the Equality Act and its PSED in respect of applicants with viewpoints which count as "protected" under the Equality Act, depending on the relevant detailed circumstances and unless there are other overriding factors; and/or
- the HRA,

and (in the case of English universities) will create a significant risk of constituting a failure to comply with conditions of registration E1 and/or E2 as discussed elsewhere.

³¹ The letter can be found at <https://bfsp.uk/universities-and-free-speech>

³² This is expressly stated in OfS Guidance paragraphs 45 and 57: while this is stated there to apply in respect of applicants for academic positions only, the obligations apply more widely, in respect of all applicants.

Seeking EDI Support Evidence unlawful: the only purpose of seeking information about compliance and/or demonstrated active commitment to Relevant Agendas and Values would be to provide information for an assessment process in order to put the relevant university or its relevant staff in a position to discriminate – whether deliberately or unconsciously – against applicants with the “wrong” views. Further, the practical effect of requiring EDI Support Evidence will, in many cases, be either to compel applicants to profess their agreement with the Relevant Agendas and Values (as to which, see further below) or face being treated less favourably than other candidates. Requiring EDI Support Evidence as part of a job application or promotion process must therefore be highly likely to be contrary to:

- the university’s primary obligations under Section 43³³;
- the university’s duty or need to secure compliance with the Equality Act and its PSED in respect of applicants with viewpoints which count as “protected” under the Equality Act, depending on the relevant detailed circumstances and unless there are other overriding factors; and
- the HRA,

and (in the case of English universities) will create a significant risk of constituting a failure to comply with conditions of registration E1 and/or E2 as discussed elsewhere.

Compelled thinking/speech and chilling effect: more widely, these and other actions can create a situation where people who seek (or are likely to seek) jobs or promotions at a university believe that, in order not to impair their career prospects, they need to demonstrate their agreement with (or, at the least, visibly not to dissent from), or even be seen to promote actively, Relevant Agendas and Values regardless of their own actual views about such agendas, causes or values. Such a situation both pressurises people into publicly aligning with particular agendas, values, beliefs and ideas (often referred to as “compelled” thinking or speech), and reduces people’s willingness to hold or express certain viewpoints and thus creates a “chilling effect” on people’s freedom of thought and speech. This is highly likely to be:

- contrary to the primary requirements under Section 43;
- unlawful under the Equality Act to the extent that this counts as suppressing (as in discriminating against, or harassing (i.e. creating a hostile environment for) people with) viewpoints which count as protected characteristics; and likely, depending on the detailed circumstances, to be contrary to its PSED in respect of people with such viewpoints³⁴; and
- contrary to the HRA as a result of this “compelled thinking” or “chilling effect”,

³³ This is expressly stated in OfS Guidance paragraphs 46 and 54 and Examples 5 and 9: while these focus on academic staff, similar protections should apply in respect of all applicants.

³⁴ See recent cases under the Equality Act discussed in the BFSP Equality Act Compliance Statement, the *Meade* case in particular.

and (in the case of English universities) will create a significant risk of constituting a failure to comply with conditions of registration E1 and/or E2 as discussed elsewhere.

Contrary to the OfS Guidance: given that the OfS Guidance specifically addresses this area, this is strong evidence that requiring EDI Support Evidence (and discriminating on the basis of information received) would be in breach of Section 43 as well as highly likely to be contrary to the OfS's regulatory expectations as regards English universities.

Legally justified exceptions: The EDI Information in Recruitment Statement contains information on certain special situations, and on the narrow range of cases in which seeking information on EDI or applying criteria in respect of compliance with EDI agendas can be legally justified. Note that, in practice, this category is likely to be very small.

Implications in respect of EDI Support Duties

It is obvious that, in principle, requiring people to promote and support Relevant Agendas and Values with which they disagree is contrary to principles of free speech, and to the Relevant FS Requirements in particular. As discussed above, while much that is promoted under the "EDI" flag may be uncontroversial, various highly controversial beliefs and agendas are also promoted (and indeed effectively enforced) under it. This is highly likely to be unlawful in applicable circumstances.

The exception to this is the narrow range of EDI Support Duties which are legally justified. To the extent that underlying EDI policies are legally justified, then the need to give them effect can override relevant legal requirements for free speech protection. It can be appropriate to require employees to support, promote, implement and enforce legally justified policies, to the extent that this is related to the nature of their responsibilities.

Legally justified policies are those which:

- are required by (or necessary to secure compliance with) applicable laws and satisfy a "proportionality" test for the purposes of the HRA, provided that such laws are themselves compliant with the HRA and applied compliantly (in particular, proportionately) through the relevant policies; and
- while one cannot point to a specific law under which they are justifiable, address legitimate concerns, are "proportionate" for the purposes of, and are otherwise compliant with the HRA. It is, however, likely to be a challenge to show that restrictions which go beyond what is legally required, so are effectively voluntary, are proportionate. This is because of the very high importance accorded to free speech in the academic context under the HRA and the fact that it is firmly established that protected speech includes the freedom to offend, shock and disturb.

The range of the policies that are legally justified is narrow and mainly relates to things like preventing discrimination and harassment under the Equality Act and anti-bullying and anti-

harassment rules which go beyond the strict terms of the Equality Act but are carefully constructed to be “proportionate” and otherwise compliant for the purposes of the HRA.³⁵

The great majority of what is advanced under the EDI banner goes beyond what is legally justified, so is effectively voluntary, so EDI Support Duties in respect of them will be contrary to the requirements for free speech protection. See the EDI Information in Recruitment Statement for further information on what will count as legally justified.

We have not reviewed the relevant universities’ detailed EDI policies and requirements to establish whether EDI Support Duties in respect of them are legally or regulatorily compliant. It is, however, likely that many of them are not compliant as a result of the nature of most universities’ EDI related policies, either because they extend significantly beyond what is required by relevant law or because their detailed wording is inconsistent with it.³⁶

Unlawfulness in advertising EDI Support Duties

If it is indeed the case that relevant EDI Support Duties are non-compliant, as contemplated above, then there is a high risk that publicising them in job advertisements will also be non-compliant, not least in that it will be unjustifiably creating a situation which will give rise to compelled speech or thought, or a chilling effect for people who do not necessarily agree with all of the agendas being promoted, as discussed above. This is:

- likely to be contrary to the primary requirements under Section 43;
- likely to be unlawful under the Equality Act to the extent that this counts as suppressing (as in discriminating against, or harassing (i.e. creating a hostile environment for) people with) viewpoints which count as protected characteristics; and likely, depending on the detailed circumstances, to be contrary to its PSED in respect of people with such viewpoints;³⁷ and
- potentially contrary to the HRA as a result of it creating compelled thinking or speech or a chilling effect as discussed above,

and will create a significant risk of constituting a failure to comply with their conditions of registration as discussed elsewhere.

³⁵ So as to qualify for protection from liability for employee actions under Section 109(4) of the Equality Act.

³⁶ In a fascinating study, CAF found that 29 other universities had at least one of the policy elements (derived from a template created by the Equality Challenge Unit, a predecessor of Advance HE) which, with related governance failures, were non-compliant with Sussex’s conditions of registration and caused its recent record fine from the OfS; these policies appeared to AFFS to be unlawful as well as regulatorily non-compliant. See CAF’s study: <https://afcomm.org.uk/2025/03/28/will-british-universities-learn-from-the-mistakes-of-sussex/>

³⁷ See recent cases under the Equality Act discussed in the BFSP Equality Act Compliance Statement.

Appendix 3 – Reviews of further universities as to their requirements

AFFS's open-source research has been extended, where possible given the availability or access to job advertisements, to all members in England and Wales of the Russell Group and Universities UK.

Out of the 122 such members of Universities UK, 21 are also members of the Russell Group, and so have already been reviewed above, and 14 did not have any vacancies for academic positions at the time of our research or had so few current that they probably did not present a reliable picture. Of the 87 remaining universities which AFFS reviewed, we found that:

- **One** appeared to require EDI Support Evidence.
- **34** appeared to impose EDI Support Duties.
- **15** may have been unlawfully imposing EDI Support Duties, depending on the content of their University EDI Policies (which AFFS was unable to check). See more below.
- **37** appeared to be compliant (to the extent of the information available to us).

This research is inevitably less thorough than our research about the Russell Group members, due, in part, to limited time and resources. In particular, no FOI Requests were sent out to Universities UK members, so AFFS' researchers were only able to review what was available online. As a result, we do not have information on underlying policies and processes. Given that the information gained from the FOI process was important in unearthing issues at Russell Group universities, we are inclined to conclude that the true offending rate among Universities UK members is, in reality, higher than appears only from open sources.

While it appears that there is a lower non-compliance rate in these universities than within the Russell Group, this may well be related to this disparity in the research undertaken in respect of these two groups. We have not attempted to explore whether there are other reasons for this apparently lower non-compliance rate. In any event, the data we have been able to collect for Universities UK members is only intended to provide context and as further evidence that the issues we describe in this report are extensive and wide-ranging.³⁸

15 of these universities are noted in the table below as being "at risk" in respect of EDI Support Duties. In these cases, applicants are expected to comply with the university's policies on EDI. Where such duties relate to universities' policies on EDI, they are likely to be narrower in their scope than requiring support for less-defined concepts of "EDI". If so, they can, in certain circumstances, be legally justified as explained in Appendix 2. However, free speech campaigners' experience has been that many universities have policies about EDI matters that (whether because they extend significantly beyond what is required by relevant law or because they are worded inconsistently with it) operate as to restrict free speech in non-compliant ways: indeed, three universities in this group have policies which include

³⁸ We state for clarity that, as with the Russell Group, we do not intend to imply that Universities UK is itself acting inconsistently good free speech protection; our concern is with the universities which are its members.

provisions which have already been identified as non-compliant by the OfS.³⁹ Requiring employees to comply with non-compliant policies must itself be non-compliant. AFFS has, however, not been in a position to review relevant policies to verify whether they are legally and regulatorily compliant. We therefore limit our comments to registering that they are (based on information so far available) “at risk” of serious non-compliance depending on the contents of those policies. We that hope that this report will spur the relevant universities to ensure that they are compliant in this regard.

Some universities required candidates to show evidence of their membership of the Advance HE Fellowship Scheme. AFFS is not familiar with this scheme, so is not able to comment on the extent to which it requires levels of compliance with or support for or training on aspects of EDI concepts, agendas or programmes. However, as mentioned above, a predecessor organisation of Advance HE was responsible for a policy template which, when used, was the basis of the fine levied upon Sussex University by the OfS. This is an indication that free speech compliance has not in the past been appropriately implemented within Advance HE (as incorporating its predecessor organisations).⁴⁰ Although, at this stage, we do not have enough information to form a conclusion, given that this is the case, it may be that achieving Advance HE Fellowship involves displaying attitudes to EDI or other matters which, if required by a university, would be at high risk of being contrary to the Relevant FS Requirements.⁴¹ What is so far known, though, raises serious potential concerns about universities requiring employees or applicants to join the Fellowship Scheme or give information on their Fellowship status, implying for instance that it is necessary or positive for recruitment or promotion. It will be essential for the relevant universities to be confident that, if necessary after taking on specialist advice, their doing so will not lead to legal or regulatory failures on their part.⁴²

³⁹ See the CAF study mentioned above for an example of how many universities’ policies can be non-compliant: in the cases which CAF was reviewing, by having policies parts of which were identical to parts of the policy which caused the recent fine on the University of Sussex. Anglia Ruskin, Chichester, and Manchester Metropolitan universities all require candidates to comply with their internal EDI policies and were all confirmed by CAF to “*have trans-inclusion policies mirroring one or more of the offending elements from Sussex*”. <https://afcomm.org.uk/2025/03/28/will-british-universities-learn-from-the-mistakes-of-sussex/>

⁴⁰ *Ibid.* and <https://afcomm.org.uk/2025/04/03/foi-process-reveals-influence-of-stonewall-and-advance-he-at-kings-college-london/>

⁴¹ Note that training etc in relations to EDI agendas and the like which are legally justified, as discussed elsewhere, can itself be justifiable in the context of the Relevant FS Requirements.

⁴² It is important to note that AFFS does not believe that Advance HE is itself acting unlawfully by providing this scheme, although issues under the Equality Act cannot be ruled out in certain circumstances and, as advisers to universities, Advance HE will have an effective duty to ensure that its Fellowship and other courses and training do not put its clients in breach of the Relevant FS Requirements.

We will be writing to these further potentially non-compliant universities, enclosing a copy of this report and indicating that we have found apparent compliance failures, or circumstances which may be causing risks of such failures. We hope that the information in this report will encourage all universities to review their relevant policies and processes urgently. We will be reviewing universities' compliance from Autumn 2025, and will be reporting significant continuing failures to the OfS.

The table below contains a summary of the results of our research in this respect. Further details are available to universities if they wish; AFFS is keen to support universities which are looking to ensure they are compliantly upholding free speech and academic freedom.

Detailed information on broader university compliance

University	Requires EDI Support Evidence	Imposes EDI Support Duties	Notes
Aberystwyth University	No	No	
Anglia Ruskin University	No	At risk	Requires commitment to University's EDI Policy, which could contain provisions which do not comply with Relevant FS Requirements
Aston University	No	Yes	EDI Support Duty in job advertisement
Bath Spa University	No	No	
University of Bath	No	No	
University of Bedfordshire	No	No	
Birkbeck, University of London	No	Yes	EDI Support Duty in job advertisement
Birmingham City University	Yes	No	Advertisement specifically requires candidates to demonstrate "Commitment to a strong and robust inclusion, equality and diversity agenda" in their application
Bishop Grosseteste University	No	No	
University of Bolton	No	Yes	EDI Support Duty in job advertisement
Bournemouth University	No	No	
University of Bradford	No	Yes	EDI Support Duty in job advertisement
University of Brighton	No	At risk	Requires commitment to University's EDI Policy, which could contain provisions which do not comply with Relevant FS Requirements
Brunel University London	No	No	Serious concerns regarding application's requiring candidates to submit their "Advance HE Status" as part of the application
University of Buckingham	No	No	
Buckinghamshire New University	No	No	
Canterbury Christ Church University	No	No	
Cardiff Metropolitan University	No	Yes	EDI Support Duty in job advertisement

University of Central Lancashire	No	At risk	Requires commitment to University's EDI Policy, which could contain provisions which do not comply with Relevant FS Requirements
University of Chester	No	At risk	Requires commitment to University's EDI Policy, which could contain provisions which do not comply with Relevant FS Requirements
University of Chichester	No	At risk	Requires commitment to University's EDI Policy, which could contain provisions which do not comply with Relevant FS Requirements
Courtauld Institute of Art	No	At risk	Requires commitment to University's EDI Policy, which could contain provisions which do not comply with Relevant FS Requirements
Coventry University	No	No	
Cranfield University	No	No	
University of Cumbria	No	No	
De Montfort University	No	No	
University of Derby	No	Yes	"Essential Criteria" includes "Fellowship of Advance HE", and requires commitment to University Policy on EDI
University of East Anglia	No	Yes	EDI Support Duty in job advertisement
University of East London	No	Yes	EDI Support Duty in job advertisement
Edge Hill University	No	Yes	EDI Support Duty in job advertisement
University of Essex	No	At risk	Requires commitment to University's EDI Policy, which could contain provisions which do not comply with Relevant FS Requirements
Falmouth University	No	At risk	Requires commitment to University's EDI Policy, which could contain provisions which do not comply with Relevant FS Requirements
University of Gloucestershire	No	No	
Goldsmiths, University of London	No	At risk	Requires commitment to University's EDI Policy, which could contain provisions which do not comply with Relevant FS Requirements
University of Greenwich	No	At risk	Requires commitment to University's EDI Policy, which could contain provisions which do not comply with Relevant FS Requirements
Guildhall School of Music and Drama	No	No	
University of Hertfordshire	No	No	
University of Huddersfield	No	Yes	EDI Support Duty in job advertisement
University of Hull	No	Yes	EDI Support Duty in job advertisement
Keele University	No	Yes	EDI Support Duty in job advertisement
University of Kent	No	Yes	EDI Support Duty in job advertisement
Kingston University	No	No	
Lancaster University	No	Yes	EDI Support Duty in job advertisement
Leeds Beckett University	No	No	
University of Leicester	No	Yes	EDI Support Duty in job advertisement

University of Lincoln	No	No	Specific requirement to uphold academic freedom!
Liverpool Hope University	No	Yes	EDI Support Duty in job advertisement
Liverpool John Moores University	No	At risk	Requires commitment to University's EDI Policy, which could contain provisions which do not comply with Relevant FS Requirements
London School of Hygiene and Tropical Medicine	No	No	
University of London	No	No	
Loughborough University	No	Yes	EDI Support Duty in job advertisement
Manchester Metropolitan University	No	At risk	Requires commitment to University's EDI Policy, which could contain provisions which do not comply with Relevant FS Requirements
Middlesex University	No	Yes	EDI Support Duty in job advertisement
University of Northampton	No	Yes	EDI Support Duty in job advertisement
Northumbria University	No	No	
Nottingham Trent University	No	No	
Oxford Brookes University	No	Yes	Fellowship of the HEA listed as "Desirable Relevant Experience"
Plymouth Marjon University	No	Yes	EDI Support Duty in job advertisement
Portsmouth University	No	At risk	Requires commitment to University's EDI Policy, which could contain provisions which do not comply with Relevant FS Requirements
University of Reading	No	No	
University of Roehampton	No	No	
Royal College of Music	No	Yes	EDI Support Duty in job advertisement
Royal Holloway, University of London	No	Yes	EDI Support Duty in job advertisement
University of Salford	No	Yes	EDI Support Duty in job advertisement
Sheffield Hallam University	No	No	
SOAS University of London	No	No	
Solent University	No	No	
University of South Wales	No	Yes	EDI Support Duty in job advertisement
St George's, University of London	No	Yes	EDI Support Duty in job advertisement
St Mary's University, Twickenham	No	Yes	EDI Support Duty in job advertisement
University of Suffolk	No	Yes	EDI Support Duty in job advertisement
University of Sunderland	No	At risk	Requires commitment to University's EDI Policy, which could contain provisions which do not comply with Relevant FS Requirements
University of Surrey	No	No	

University of Sussex	No	No	
Swansea University	No	Yes	EDI Support Duty in job advertisement
University of the Arts London	No	Yes	EDI Support Duty in job advertisement
The Open University	No	Yes	EDI Support Duty in job advertisement
The Royal Veterinary College	No	No	
University of the West of England	No	No	
Trinity Laban Conservatoire of Music and Dance	No	Yes	EDI Support Duty in job advertisement
University of Wales Trinity Saint David	No	No	
University of West London	No	No	
University of Westminster	No	No	
University of Winchester	No	At risk	Requires commitment to University's EDI Policy, which could contain provisions which do not comply with Relevant FS Requirements
University of Worcester	No	Yes	EDI Support Duty in job advertisement
Wrexham University	No	No	
York St John University	No	Yes	EDI Support Duty in job advertisement