How to complain about a free speech problem at an English university

Suffering persecution for your viewpoints or other restrictions on your free speech can be a horrible experience. Your (English) university or other higher education provider ("**HEP**") should have a complaints scheme, and so does the regulator, the Office for Students ("**OfS**"). Here's how you can make a complaint, and who to.

First steps

- G**ive yourself a moment to think, don't rush to react**. Think carefully about what has happened, who did it and what to do (and the extent to which you might have contributed to a problem), and consider **seeking advice from a free speech group**. If appropriate, **point out that your free speech is being suppressed** to the people who are causing you a problem, and that they are likely to be in breach of your institution's requirements. **Get a record organised**: take screenshots, gather relevant documents. Make a timeline of what has happened, with information on the key events etc.

- Consider **whether what has happened is a free speech matter**. If there is a free speech element, it can be important for the success of a complaint to have set this out clearly and early on. Note that many legitimate grievances will not involve free speech matters.

- **Do some research on your rights**. See our statement ***You are under attack for your views at your university: what to do*** for information on how to deal with attacks and other problems. **See also our statement *Know your free speech rights*** and other detailed information at BFSP's website https://bfsp.uk/universities-and-free-speech. Universities and other HEPs have duties to protect your free speech. Also available is the **OfS Guidance on free speech**, which explains your institution's duties in practice under the relevant law. Are passages relevant to your institution's actions or inaction in your case?

- Find your institution's **free speech code and anti-bullying and -harassment policies/rules** and get familiar. Do they prohibit any of the actions being taken against you?

Complaining to your institution

- **Be clear to yourself about your aims.** Most people's interest is to have their problem resolved early and satisfactorily, causing the minimum pain for and possible associated resentment from their institution. Is this you?

- If your institution has a dedicated **free speech officer** or similar, **contact them**. The person responsible for free speech may be the university secretary, chief operating officer, or other senior figure. Where appropriate, make them aware of the facts and request their action.

- **Consider an informal notification first.** Your institution may well not know anything is going wrong and will welcome the chance to sort things out before it gets formal. If this is appropriate, **report that you are being attacked for your free speech and/or anti-bullying/harassment policies/rules are being broken** to the responsible staff in your area, and if appropriate your university's senior staff with responsibilities for protecting free speech. **Warn them you may have to escalate** the matter if they fail to address the issue, including a formal complaint and bringing

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in free speech campaigns to support you. Make it clear you are aware of the OfS complaints scheme.

- **Check your institution's free speech or other complaints processes**, how the processes work and what documents/evidence are needed. Note that complaints processes are inevitably slow moving, so do not rely only on this if you need urgent action. Consider starting to prepare a complaint, and perhaps send it to the institution in draft format. This may galvanise it to act if it is being slow.

- If you have not done so already, consider **seeking advice from a free speech group**. Several will help you through what can be a complex and stressful experience. See more information below.

- Note that the **complaints process for harassment/bullying may be different from the free speech complaints process**, but both might be relevant. It is always worth making a complaint for a free speech failure, if there has been one – this would include failing to prevent or stop (and not bringing disciplinary proceedings for) harassment, bullying and other forms of persecution for your views, so both structures can frequently be relevant. It could be worth checking at the "informal" stage whether your institution will deal with both forms of complaint together, or if you will need to go through both processes. If this or other elements of the scheme are obstructive, it may be worth informing your institution of this for future complaints.

- **Prepare your complaint**, following the relevant instructions. Note that, if you complain onward to the OfS, you will need to submit information in support, so it is worth familiarising yourself with the OfS scheme, and providing the same information to your institution. **Quote** any relevant passages of the **OfS Guidance** in your complaint.

- **Lodge and pursue your complaint**. Follow up politely but persistently. **Keep a careful record**: take notes of conversations, keep copies of communications and of relevant documents.

- Once your institution **has reached its conclusion**: if it is satisfactory, do express gratitude to it for handling the issue well, and try to behave in ways that will minimise long-term discord/hostility; if the conclusion is not satisfactory, consider how disappointing it is, and whether it is worth escalating (whether you have the time and energy is a factor, as are whether your claim is material and whether it would be likely to succeed); and whether to appeal or (where available) to move straight to a complaint to the OfS.

Complaining to the OfS about a free speech failure

- The OfS complaints scheme is available for members of staff and "members" of an institution, and visiting speakers. Students are not able to complain to the OfS, and have a separate scheme available, provided by the Office of the Independent Adjudicator, although it is thought not to be very satisfactory. The Committee for Academic Freedom has prepared a quick to use, online tool to assist you in determining whether you may be eligible to make a complaint to the OfS.

- See information on the OfS scheme, including how to complain, in the Appendix. If you have not done so before, we recommend that you **seek advice from a free speech group** about this.

- A complaint will take your time and may have negative consequences for your institution. The OfS will dismiss what it considers to be frivolous or vexations complaints. We therefore recommend that you only complain to the OfS if there have been real failures with your institution's process or it failed to deliver a fair outcome in a material way.

- Assuming that your institution has a complaints or similar internal review process (as it should do), a complaint to the OfS is not allowed until your institution has confirmed that that process has been completed, or, if earlier, once 90 days have elapsed since that process began.

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Organisations which can support you

- Various free speech organisations will help you if you have a free speech problem, including in making a complaint to your institution and the OfS.
- **Academics and students:** Contact your local branch of **Academics for Academic Freedom** and/or the **Committee for Academic Freedom**, whichever you are a member of.
- **All staff and students:** Inform **Alumni for Free Speech** briefly at info@affs.uk if you are not contacting AFAF or CAF. And contact the **Free Speech Union**, if you are a member.

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Appendix – OfS complaints scheme: some relevant information

The details of the **OfS scheme** can be found here: https://www.officeforstudents.org.uk/for-providers/freedom-of-speech/free-speech-complaints-scheme-rules/. Information on how to complain can be found here: https://www.officeforstudents.org.uk/for-providers/freedom-of-speech/free-speech-complaints/how-to-make-a-free-speech-complaint/.

The OfS complaints scheme relates to possible failures to comply with the duty on HEPs to secure free speech under the Higher Education and Research Act 2017 ("**Secure Duty**"); it is not available for a failure to give satisfaction under a harassment/bullying complaints process, except where the complaint in question concerns freedom of speech. It is available for members of staff and "members" of an institution, and visiting speakers. The OfS scheme includes the following important provisions.

- A complaint must claim: that the person making the complaint has suffered adverse consequences (which need not be financial) as a result of action or inaction of an HEP; and that(or it must give rise to a question as to whether) the action or inaction was a breach of the HEP's Secure Duty.
- There is a 12 month time limit for making a complaint (from the last occurrence of the matter being complained about). The scheme is also not retrospective: events before the start of the scheme (1 September 2026) cannot be the subject of a complaint.
- The OfS will not review a free speech complaint if it appears that proceedings relating to the same subject matter are being, or have been, dealt with by a court or tribunal (for instance a claim under the Equality Act).
- Anonymous complaints are not allowed, but complainants are allowed to appoint a representative to correspond on their behalf.
- Where your institution has a disciplinary, complaints, appeals, grievance or similar internal review process, a complaint is not allowed until your institution has confirmed that that process has been completed, or, if earlier, once 90 days have elapsed since that process began.
- Frivolous or vexations complaints will be dismissed.
- Once it has reviewed a complaint, the OfS will determine that the complaint is:
    - **justified**, if it is more likely than not that the HEP breached its Secure Duty, and more likely than not that you suffered non-trivial adverse consequences;
    - **partially justified**, if it is more likely than not that the HEP breached its Secure duty, and more likely than not that you did not suffer non-trivial adverse consequences;
    - **not justified**, if it is more likely than not that the HEP did not breach its Secure Duty.
- If the OfS decides that a complaint is **justified or partly justified**, it may make a recommendation to your institution, which may be that your institution: does anything that is specified in the recommendation, which may include the payment of sums specified in the recommendation; or refrains from doing anything specified in the recommendation.

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