



House of Commons
Petitions Committee

The impact of Covid-19 on university students: Government Response to the Committee's Second Report

Third Special Report of Session
2019–21

*Ordered by the House of Commons
to be printed 15 September 2020*

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Third Special Report

On 13 July 2020 the Petitions Committee published its Second Report of Session 2019–21, [The impact of Covid-19 on university students](#), (HC 527). The Government's response was received on 11 September 2020 and is appended to this report.

In the Government's Response the Committee's recommendations are shown in **bold** type, and the Government's responses are shown in plain type.

Appendix: Government Response

Introduction

The Government welcomes the Committee's report. This has been a difficult and uncertain time for university students. Since the beginning of the pandemic, the Government has expected higher education providers to continue delivering a high-quality academic experience and help students to achieve qualifications that they and employers value. We have worked with the sector to make sure all reasonable efforts have been made to enable students to continue their studies. There have been some fantastic and innovative examples of high-quality online learning being delivered by providers across the country.

The higher education system is built on the independence and autonomy of universities and other higher education providers. They are responsible for setting their own fees for the tuition they provide. In deciding whether to continue charging full fees during a pandemic, it is right that they should ensure that they can deliver courses which are fit for purpose and help students progress their qualifications. The Government and the Office for Students (OfS) expect universities to continue delivering a high-quality academic experience. It should be noted that it is an OfS registration condition that providers must deliver well designed courses which provide a high-quality academic experience for all students and enable a student's achievement to be reliably assessed.

Students have rights and it is for them to decide how they wish to exercise them, whether through their university/provider's complaints system, the independent student complaints scheme that operates in England and Wales (the Office of the Independent Adjudicator for Higher Education (OIA)), or the courts. It is clear, however, that whether an individual student is entitled to a refund of fees will depend on the specific contractual arrangements between the student and their provider.

A range of guidance has now been published by organisations within the higher education sector aimed at helping both students and universities/providers to address the specific issues arising from COVID-19 during the 2019/20 academic year. This guidance also importantly will help students and universities/providers prepare for the challenges relating to COVID-19 which may impact on the 2020/21 academic year.

How the COVID-19 outbreak has affected university courses

1. **The Covid-19 outbreak has hugely disrupted the education of university students. A significant number of students have told us they are not receiving the standard of education that they had expected, feel they are entitled to, or which offers true value for money in light of the amount they are paying in tuition fees. Many students have experienced difficulties accessing the online content that has been made available, particularly those from disadvantaged backgrounds, and courses where students need to use university facilities have been particularly affected. We have heard from many students who feel that the way in which courses are currently being delivered does not represent value for money for the tuition fees they pay. Students have also faced a number of practical challenges as a result of the outbreak, including in many cases loss of income and difficulties with accommodation.** (Paragraph 15)

The Government is clear that, despite the significant disruption that has been experienced across the higher education sector, students deserve support and recognition for their hard work and dedication. After the outbreak began, many universities/providers moved rapidly to develop new ways of delivering courses through online teaching and alternatives to traditional end-of-course exams.

The institutional autonomy of universities/providers means they have the freedom to determine the way their courses are taught, supervised, and assessed. Those providers that are registered with the OfS, the higher education regulator in England, must ensure that all students, from admission through to completion, have the support they need to succeed in and benefit from higher education. The Government expects quality and academic standards to be maintained and the OfS has made it clear that all registered providers must continue to comply with the registration conditions relating to quality and standards. These set out requirements to ensure that courses are high quality, students are supported and achieve good outcomes, and standards are protected.

The OfS has published information and guidance for universities/providers and students, and the Quality Assurance Agency for Higher Education (QAA) has also published a series of guides to support universities/providers to secure academic standards and to support student achievement during the pandemic.

In relation to student accommodation, the Government urged universities and private hall providers to be fair in their decisions about rent charges for the summer term. A number of universities and large companies waived rents for the term or released students early from their contracts. Students who are tenants with individual private landlords could discuss the possibility of an early release from their tenancy agreement. If a student believed that their accommodation provider was treating them unfairly, they could raise a complaint under the accommodation codes of practice, if the provider is a code member. The codes can be found at: <https://www.thesac.org.uk/>, <https://www.unipol.org.uk/the-code/how-to-complain> and <https://www.rla.org.uk/about/nrla-code-of-practice.shtml>.

Support is available where students face financial hardship and struggle to pay their rent. Students should speak to their landlord, in the first instance, if they think they will have difficulty meeting a rental payment, and in this unique context tenants and landlords were encouraged to work together to put in place a rent payment scheme. In addition,

many universities/providers have hardship funds to support students in times of need, including emergencies. The expectation is that where any student requires additional support, providers will support them through their own hardship funds.

The Government has worked closely with the OfS to enable universities/providers to draw upon existing funding to increase hardship funds and support disadvantaged students impacted by COVID-19. As a result, universities/providers were able to use the funding, worth around £23 million per month for April to July this year and £256 million for the academic year 2020/21 starting from August, towards student hardship funds.

2. We have heard evidence that universities, lecturers and support staff have made tremendous efforts to continue to deliver university courses in uniquely challenging circumstances, and some students have continued to receive an excellent education. In at least some cases universities have been able to provide courses in a way that students believe is good value for money. We do not therefore believe that there should be a universal refund or reimbursement of tuition fees to all university students.
(Paragraph 16)

The Government welcomes the Committee's finding that there should not be a universal refund of tuition fees to all students. The Government is grateful for the tremendous effort made by universities and the dedication and commitment of staff to continue to deliver higher education and support to students during these unprecedented times. There are some excellent and innovative examples of high-quality online learning, and the sector is working hard in preparation for the new academic year.

Examples include providers with 30,000 students managing to transfer to online provision within 24 hours, including lecture, seminar and tutorial delivery, and all student support for wellbeing and mental health, including counselling, Cognitive Behavioural Therapy and crisis support.

More widely, after the lockdown measures closed secondary schools, there was an urgent need to move academic support for affected A level students online. As a result, certain providers made video lectures and other materials publicly available online for Maths, Physics and Chemistry students and these were shared extensively with schools and students through university outreach links. Related to this, many providers will also support students to catch up on any curriculum essentials that students may have missed due to the current crisis and not completing their prior studies.

Other providers are offering an extended and enhanced welcome and induction programme this year. This is to help students settle into university life. Some providers intend to supply students with washable face masks in welcome packs, while all providers will give clear guidance on the COVID-secure measures being taken in their teaching spaces, libraries, study spaces and labs for the safety of students and staff.

Refunding tuition fees

3. **Students have a right to seek a refund or to repeat part of their course if the service provided by their university is substandard, but the exact circumstances in which students should expect to receive a refund or be able to repeat part of their course are not clear. Furthermore, given the scale of the disruption that has been caused by Covid-19—in addition to the strikes earlier in the year—and the numbers of students who may feel they are entitled to some form of reimbursement, it is not acceptable to expect individual students to seek satisfaction through existing complaints procedures or the courts. A new process needs to be put in place to consider complaints arising from Covid-19, and other out-of-the-ordinary events that affect the courses of large numbers of students, including large-scale strikes. *The Government should work with the Office for Students and Office of the Independent Adjudicator for Higher Education to produce guidance on the circumstances in which university students are likely to be entitled to seek a refund or to repeat part of their course, and to establish a new system which enables all students to easily seek a full or partial refund of their tuition fees, or to repeat part of their course, based on an independent and objective assessment of the quality of education they have received over the academic year.* (Paragraph 23)**

The Government is clear that students have rights under consumer law and has set out the process they should follow if they have been dissatisfied with their provider's response to COVID-19.

The Government agrees with the Committee's view that the exact circumstances in which a student might receive redress are not clear. This is because the question of whether an individual student is entitled to redress will depend in part on the specific contractual arrangements between them and their provider. It will also depend on the student's individual circumstances, given that the move to online tuition will have been different for students on different courses and at different universities. The result is that each student's situation is unique, and each case will depend on particular facts.

Guidance has recently been published to aid students and providers in dealing with issues relating specifically to how students can take forward their concerns if they are not satisfied with their provider's response to COVID-19. This is available on the websites of the OfS, OIA and the QAA. The Competition and Markets Authority (CMA) has also published guidance on consumer contracts, cancellation and refunds affected by the coronavirus outbreak. This sets out the CMA's view on how the law operates to help consumers understand their rights and help businesses treat their customers fairly.

Students may be entitled to refunds from certain accommodation providers depending on the terms of their contract and their particular circumstances.

Despite the complexities of individual student experiences and contractual arrangements, it is a clear expectation of both consumer law and OfS registration conditions that providers have accessible complaints processes. The Government has been clear that it expects providers to continue to operate their complaints processes transparently during the pandemic. Providers could do more to make students aware of complaints processes, how to access them and what the process entails.

The Consumer Benefit Forum, made up of representatives of the Department for Education, CMA, OfS and OIA, already meets on a regular basis to consider emerging issues of mutual interest in the higher education sector. In addition, the Department for Education has set up a working group with the OIA, CMA, OfS, Universities UK (UUK) and the National Union of Students (NUS) to consider whether the range of existing guidance can be brought together to help students and providers understand this complex area. The group will also consider whether additional guidance for students and providers is needed, and how the understanding of providers' consumer law obligations can be further supported.

The OIA is currently developing a bespoke approach to handling complaints made by very large groups of students. These might arise from events that cause widespread disruption in the higher education sector, such as the pandemic or industrial action, or events causing significant disruption at a single provider affecting several hundred or more students, such as a large course or campus closure, or market exit. The approach would involve looking at large group complaints collectively rather than focusing on individual aspects. It would be designed specifically to promote speed and efficiency whilst maintaining basic principles of fairness. The intention would be to use this approach if indications are that a large number of students intend to progress complaints about disruption caused by COVID-19.

However, due to the individualised nature of student contracts and student circumstances, a new centralised system to support students seeking tuition fee refunds is not a preferred option at this time. Any such system would risk depriving institutions of the opportunity for early resolution of complaints with students, in situations where remedies other than refunds would be more helpful or beneficial to a student.

Any centralised system would also be unlikely to be able to sufficiently take into account the circumstances an individual student has faced without detailed input from their institution, thereby replicating the first step in the established process for complaints – students in England and Wales first follow their institutional complaints process, and if they are not satisfied with the outcome can take their complaint forward to the OIA.

4. While it appears that to date relatively few students have raised formal complaints with their universities or taken individual action to seek a refund of their tuition fees, many students are not happy with how university courses are being delivered. It is essential that all students are made aware of their rights, and how to raise a complaint and seek a refund if they are not satisfied with the education they are receiving. *The Government should work with universities and the Office for Students to ensure that all students are advised of their consumer rights and are given clear guidance on how to avail themselves of these if they feel their university has failed to provide an adequate standard of education. This should include details of how to access any new system which is developed in response to our previous recommendation.* (Paragraph 24)

The Government is working closely with Universities UK (UUK) and the National Union of Students (NUS) to understand the numbers of students who are making formal complaints to their providers about their educational experience during the summer term. Minister Donelan has met with NUS regularly since the start of the pandemic to ensure that the Government is able to respond to concerns raised by students and learn from their experience to improve future arrangements.

We agree that students should be aware of their rights and how to make a complaint where they are not satisfied. The Government is working closely with external stakeholders including UUK, NUS, OfS, CMA and OIA to explore existing communications channels and how these could be used to improve students' understanding of their consumer rights.

The Government is committed to ensuring that our higher education system is consistently providing high quality academic experiences for students. More must be done to ensure that students know their rights and can play an active part in holding their provider to account, to ensure that they are receiving the value for money which should be expected of our world-leading universities. All universities and other higher education providers registered with the OfS are already required by a registration condition to co-operate with the requirements of the student complaints scheme run by the OIA, including the subscription requirements, and to make students aware of their ability to use the scheme.

5. If a university has failed to provide the education a student has paid for, the student is entitled to a refund from that university. However, given the likely impact of Covid-19 on universities—which could cost them around £2.5 billion in fees and teaching grant income alone—there is a risk that a large number of students requesting and being entitled to a refund could have a serious and detrimental effect on the sustainability of the higher education sector. That is not, however, a reason to prevent students from receiving any refunds to which they are entitled. (Paragraph 30)

Whether a student is entitled to a refund of their tuition fees will depend on a range of factors, including the individual contractual agreement between the student and their provider. The Government has acted to help higher education providers manage the financial impacts of COVID-19. We have confirmed that universities and other higher education providers are eligible to apply for government-backed loans and financing packages. The OfS estimates that these schemes could be worth at least £700m to the sector, depending on eligibility and take-up. We also published further guidance about how providers can access the Coronavirus Job Retention Scheme to safeguard staff jobs, in particular stating that any grant from the scheme should not duplicate other sources of public funding where these are being maintained, such as home student tuition fees.

On top of this, in May we announced a package of measures which combine different ways to give further support to universities and other higher education providers at this time of financial pressure. We are pulling forward an estimated £2.6bn worth of forecast tuition fee payments to ease cashflow pressure this autumn. We are also bringing forward Quality-related Research funding for providers in England in the current academic year by £100m. We expect access to the business support schemes and the reprofiling of public funding should be sufficient to help stabilise most providers' finances, and that should certainly be the first port of call for providers.

Building on the stabilisation package and access to business support schemes, the Department for Business, Energy and Industrial Strategy announced in June a further package of support to universities and other research institutions to enable them to continue their research and innovation activities. This includes £280 million of government funding as well as a package of low-interest loans with long pay-back periods, supplemented by a small amount of government grants. In sharing responsibility for the future of science and

research with our world-leading university system, the Government will cover up to 80% of a university's income losses from international students for the 2020/21 academic year, up to the value of their non-publicly funded research activity.

On 16 July, the Secretary of State for Education also announced details of a restructuring regime for higher education providers in England. It will review providers' circumstances and assess the need for restructuring and financial support. We will only intervene where we find there is a case to do so, and as a last resort. The regime is not a guarantee that no organisation will fail. We will consider providers on a case-by-case basis to ensure there is a robust value for money case for intervention.

6. The Government has put in place unprecedented financial support measures to respond to Covid-19, paying the salaries of hundreds of thousands of employees nationally, and funding grants and loans for a huge number of businesses and industries. These are exceptional actions, in exceptional circumstances. *Given the importance of the higher education sector to the UK economy, and the exceptional circumstances facing both universities and university students, the Government should consider providing additional funding to universities to enable them to pay any refunds university students are entitled to as a result of the Covid-19 outbreak. The Government could also consider alternative means for reimbursing students, where an independent process has found that they are entitled to a refund, such as reducing student loans of students who are entitled to a refund.* (Paragraph 31)

As the Committee has noted, the Government has provided unprecedented financial support during COVID-19. We are, however, clear that whether an individual student is entitled to a refund of fees will depend on the specific contractual arrangements between the student and their provider.

It is a matter for providers to determine whether a refund is appropriate and, if so, how such refunds should be paid. In other situations, including compensation paid in response to complaints arising from industrial action at universities, this has taken place via direct refund. Any refund is a matter for providers, so the Government is not considering writing off or reducing tuition fee loans.

As set out above, the Government announced a stabilisation package in May and a restructuring regime in July to support the sector through this unprecedented period.

7. While it is too early to know what effect the Covid-19 outbreak will have on university courses in the next academic year, there will not be a return to business as usual. We hope that all universities will be able to effectively deliver every university course to the standard that students are entitled, but if this is not the case students whose courses are affected by the Covid-19 outbreak in the next academic year should have the same easily accessible recourse to seek a refund or to repeat part of their course that we have recommended should apply to students in the current academic year. *Any new arrangements that are put in place to better enable students to access refunds for tuition fees, where they believe they are not receiving the education they are entitled to, should be available to all students whose courses are affected by the Covid-19 outbreak in future academic years.* (Paragraph 34)

We expect that higher education providers will be open for the autumn term, with a blend of online teaching and in-person tuition that they consider appropriate and which is in line with public health guidance. To help providers make informed decisions about their provision, in ways which minimise the risk to staff and students, the Government has issued updated guidance on 10th September for providers on reopening campuses and buildings: <https://www.gov.uk/government/publications/higher-education-reopening-buildings-and-campuses/higher-education-reopening-buildings-and-campuses>.

We keep our guidance under constant review so that it reflects the latest clinical advice from SAGE. The guidance coheres with and sits alongside all other relevant guidance, including sector-based guidance where appropriate.

The Government announced on 6 July 2020 that maximum fees in academic year 2021/22 would remain at £9,250 for a standard full-time course, the fourth year in succession that maximum fees have been frozen.

As outlined above, the Government is working with stakeholders to take forward the recommendations made by the Committee, and any actions taken will apply to students in the 2020/21 academic year.

8. University students whose courses have been affected by Covid-19, particularly those in their final year, are understandably concerned about the impact the disruption to their courses could have on their futures. We welcome the Government's acknowledgment of these concerns, and its plans to look at the overall range of support offered to graduates who are looking to enter the labour market or continue their studies at this challenging time. *As part of its work to consider support offered to graduates entering the labour market, the Government should consider making additional funding available to students who might want to extend their education—either by retaking part of their course or taking additional courses—after the outbreak, and to provide ongoing employment advice and support beyond graduation in what is likely to be an extremely challenging employment market.* (Paragraph 37)

The Government recognises that a number of students graduating in 2020 will face challenges gaining employment due to the adverse impact on the UK labour market and economy, during the COVID-19 recovery period. We have put unprecedented measures in place to mitigate the impact of COVID-19 on our economy as far as possible, by providing extensive support to protect businesses and jobs, through the furlough scheme, grants, loans and tax cuts, which has protected thousands of businesses and millions of people. Reopening sectors of the economy safely is key to protecting jobs—and seeing shops and other businesses safely reopening from 15 June—is an important part of that.

The Recruitment and Employment Federation has found an increase in the confidence of bosses to start hiring again, and we are doing all we can to help people find new roles if they have sadly lost their jobs or are at the start of their career journey. Our nationwide network of Work Coaches is supporting jobseekers and matching them with employers who are recruiting.

The Government is investing in careers support to help people get into work. As part of the Government's plan for jobs announced on 8 July, we confirmed a scaling up of the National Careers Service to respond to the anticipated increase in demand for impartial careers information advice and guidance, by investing an additional £32m up to March

2022. This investment will provide individual careers advice for 270,000 more people whose jobs or learning have been affected by COVID-19. The service has introduced a range of new initiatives to continue to support all customers, working with a wide range of partners to offer careers guidance activities designed to support employers, furloughed workers, graduates, students, those who have recently lost their jobs and anyone whose career path has been impacted by COVID-19.

Many universities/providers have developed new and innovative ways to support students and graduates who are looking to continue their studies or to prepare for employment. The Department for Education is working with UUK, OfS and the sector to identify and help publicise the range of support offered to graduates who are looking to enter the labour market or continue their studies at this challenging time.

If providers are unable to facilitate good online tuition, they should seek to avoid charging students for any additional terms they may need to undergo as a consequence—avoiding effectively charging them twice. Full-time undergraduate students qualify for fee loans for each year of their course plus one additional year if needed, less any years of previous study. In addition, students may qualify for a further year of fee loan support where they need to repeat a year for compelling personal reasons, including when these compelling personal reasons arise as result of COVID-19. Full-time students attending a repeat year of study may also qualify for loans for living costs for their repeat year.

Government will also be adding additional courses to the Skills Toolkit covering digital, numeracy and employability skills. This new content will include a number of courses to develop 'work readiness' skills that employers report they value in their new recruits. The government will introduce a new Kickstart Scheme to fund the direct creation of high-quality jobs for young people at the highest risk of long-term unemployment. It will give young people the chance to build their confidence and skills in the workplace, and to gain experience that will improve their chances of going on to find long-term, sustainable work.

Whilst many graduates may be keen to get on the career ladder, the Department for Education has set up a working group with the OIA, CMA, OfS, UUK and NUS to consider whether the range of existing guidance can be brought together to help students and providers in relation to postgraduate study opportunities and whether any additional guidance is needed. A recent Prospects study suggests that around 47% of final year students are currently considering postgraduate study. To help with course fees and living costs, funding for postgraduate study through loans, studentships, bursaries and grants is available.