



# Education Committee

House of Commons London SW1A 0AA

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From Mr Robin Walker MP, Chair

Luke Hall MP  
Minister for Skills, Apprenticeships and Higher Education  
Department for Education

23 May 2024

Dear Luke,

I am writing to you following the Committee's inquiry into the impact of industrial action on university students. We have addressed the letter to you as well as Susan Lapworth, Chief Executive of the Office for Students, as this subject matter spans both the remit of the Department for Education and the remit of the Office for Students. We have included a number of questions, highlighted in bold, and we would like to receive a response to all of these from both organisations, with the exception of question 4, which is addressed to the Department only.

This inquiry looked at how students in England were affected by last year's Marking and Assessment Boycott (MAB) and how universities and the Government responded. The Committee held two oral evidence sessions and received 27 pieces of written evidence.

In the first oral evidence session on 6 February 2024, the Committee heard from representatives of student unions, the National Union of Students (NUS), the Universities and Colleges Employers Association (UCEA), the University and College Union (UCU) and the Office for Students (OfS). This session focused on the impact of the MAB on students and the action taken by different bodies in response.

In the second oral evidence session on 19 March 2024, the Committee heard from representatives of Durham University, King's College London, and Queen's University Belfast, followed by the then Minister for Skills, Apprenticeships and Higher Education, the Rt Hon Robert Halfon MP, and Patrick Curry, Director of Higher Education Oversight at Department for Education. The session focused on universities' responses to the MAB and the action taken by the Department.

## **Impact on students**

The Committee heard about the impact of the MAB on various groups of students. Final year students were particularly affected, with delays to receiving final grades affecting their ability to move into employment or postgraduate education. For example, one written evidence submission described a case where a student had been given a conditional offer for a graduate scheme and had started employment in September, but this was subsequently revoked as they did not receive the grade they needed.

International students were also disproportionately affected by the boycott, as many faced additional issues with securing visas and submitting marks to their home universities. The Erasmus Student Network described students returning from a year abroad in the UK needing to retake courses in their home universities due to not receiving their marks on time. Professor Karen O'Brien, Vice-Chancellor of Durham University, expressed concern about the impact of the MAB on the UK's



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international reputation, saying that it was “inevitable that some families, when considering where to send their children, will wonder about the UK versus Canada versus Australia.”

University representatives told the Committee that they took action to support final-year and international students by communicating with employers, the Home Office, and other universities, to ensure that students were able to progress to employment or further study. The Government also put in place some welcome measures to support groups of students, including by introducing flexibility around visa requirements for the Graduate Route; relaxing requirements around Initial Teacher Training; and adjusting the application window for the Civil Service Fast Stream.

The Committee heard strong evidence about the stress and worry experienced by students as a result of the uncertainty around receiving grades. The Open University stated that the “emotional toll on students cannot be understated”, and Gareth Jones, Deputy President of the Open University Students Association, told the Committee that they had seen an increase in students with mental health and anxiety problems reaching out for support.

The Universities and Colleges Employers’ Association (UCEA) estimated that, by August 2023, around 6% of final-year students were unable to graduate or were affected in some other way, such as delayed graduation or graduating without a classification. Although this may appear to be a low percentage, in fact this represents around 30,000 students. However, this data is incomplete as only 120 institutions of the 172 represented by UCEA responded to the survey. There also does not appear to be any more recent data available, making it difficult to understand how the situation developed beyond August and whether all students have by now received their marks and been able to progress.

- 1. Could you please set out what steps you are taking to gather comprehensive data on the situation and whether you can confirm that all students have now received their marks?**

## Action taken by universities

Universities took a variety of approaches to mitigate the impacts of the strike on students. These included:

- Reallocating marking to other members of staff. This appears to have been effective in minimising the numbers of students who were faced with delays in receiving their marks in some cases; however, the Committee heard some concerns about the implications of this for the quality of the marking and feedback provided.
- Providing marks and degree classifications based on existing marks. The Committee heard that this was effective in some cases in allowing final-year students to graduate on time, although it also led to delays in graduations for students who did not have sufficient existing credits to receive a classification. We also heard some concerns about the impact on the reliability and quality of marks.
- Withholding pay of striking staff to disincentivise participation in the boycott. Some evidence suggested that universities who took this approach were less affected by the strike;



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however, the Committee also heard concerns that deductions were disproportionate and exacerbated the problem by “sow[ing] bad feeling and distrust among staff”.

Universities also offered direct support to affected students in a number of ways, such as through mental health support, regular provision of information, and offering compensation payments. These forms of support were welcome, but we also heard criticism from student representatives around poor communication or inadequate mental health support from some universities.

There does not appear to be a clear picture as to which approaches to mitigations were most or least successful, or as to the lessons universities learnt from their approaches. This information would be essential in the case of any future industrial action, to enable a swift and coherent response and to ensure universities are providing the best possible support to students.

- 2. Could you please set out what steps you are taking to assess the different approaches taken by universities and the effectiveness of various approaches taken to mitigate the impacts of the industrial action on students, and how this will inform the response to any future strike action?**

## The role of the Office for Students

The Committee heard about the action taken by the Office for Students (OfS) in response to the MAB. David Smy, Deputy Director of Enabling Regulation at the OfS, stated that the OfS wrote to providers setting out the main areas of focus and the expectations of universities, and explained that they engaged more with providers experiencing particular problems. University representatives said that the communication and guidance from the OfS had been helpful, in particular through reinforcing the guiding principles universities should adhere to, and in demonstrating to staff and students that they had the backing of the OfS in their response to the boycott.

However, the Committee also heard suggestions that the OfS could have played a greater role in responding to the boycott. Professor Karen O’Brien, Vice-Chancellor of Durham University, said that she would have “welcomed a more proactive response from the OfS” in terms of sharing information and providing guidance, and Joe Hill, Education Officer at University of Birmingham Guild of Students, said that the OfS did not have “particular presence or standing in the minds of students”. In particular, there were suggestions that the OfS could play a role in setting out emergency regulations to reduce the variation in approaches used by universities. Professor Karen O’Brien said:

*You are hearing quite a diversity of responses based on quite a diversity of regulations and assessment patterns. I think there could be a role for the OfS in looking more prospectively at what we do in emergencies because clearly industrial action is one kind of emergency, but we all know that there are other kinds of emergencies that come along. I would be quite happy for them to play that role, and that is a legitimate role for the OfS.*

The Committee also heard that from several witnesses that there is a lack of clarity around consumer protection law for students and how this is enforced. Jim Dickinson, Associate Editor at WonkHE, suggested that this lack of clarity led to “providers being able to impose either unsuitable



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mitigations or delays - prolonging and intensifying the impacts on students as a result”, and suggested that the Government should work with the CMA and OfS to clarify students’ rights in the event of a marking boycott. David Smy told the Committee that this was a “live question” that the OfS was currently considering.

The then Minister, the Rt Hon Robert Halfon MP, highlighted that the OfS is currently undergoing a review led by Sir David Behan as part of the Public Bodies Review Programme. The review is looking at how the OfS is meeting its requirements in terms of efficacy, governance, accountability and efficiency, and is due to report in May. We look forward to seeing the results of this and hope that issues relating to the OfS’s response to industrial action are included in the review.

- 3. Could you please set out the current situation regarding students’ rights under consumer protection law in the event of industrial action and the steps you are taking to clarify this and to improve enforcement? Could you also clarify whether the OfS’s response to industrial action will be included in the current review led by Sir David Behan, and if not, what action you will take to improve this?**

## Minimum service levels

The Committee heard many concerns about the proposals to introduce minimum service levels (MSLs) to higher education. Senior representatives of universities expressed concerns as to how a minimum standard could be set without compromising on the quality and integrity of the degrees and the student experience. Professor Adam Fagan, Vice President (Education & Student Success) at King’s College London, said:

*If we set a minimum standard, I think the risk is with what we are taking out if the minimum standard is just the marking of work. It is the feedback, the additional learning environments [...] I think we need to be very careful about where we set that bar, because if it is about lost learning—we do not accept partial performance by staff. A degree is more than simply the hours spent in a lecture hall or the assessment that you deliver.*

Raj Jethwa, Chief Executive of UCEA, said that he understood where the proposals were coming from, but expressed concerns that they “may put institutions in a very invidious situation whereby they feel that they have to make use of this particular proposal, when the effect might actually be to damage local industrial relations”.

The Committee was also told that MSLs would be ineffective in resolving the fundamental causes of industrial action. Representatives of student unions said that MSLs would “undermine the rights of those who want to take part in industrial action” and that the focus should be on resolving the root causes of the dispute around pay and working conditions. Jo Grady, General Secretary of UCU, said that MSLs were “destined to be futile if we do not address the issues that make people leave the sector.” Written evidence also expressed concerns as to how MSLs would interact with consumer protection law.



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The then Minister stated that the Department was “considering the response” to the consultation on MSLS and has “not yet made any final decisions”. He acknowledged that it was a “very complex area” and that the Department may need to consult on it further if necessary.

- 4. We look forward to seeing further details on the Department’s proposals to introduce minimum service levels in higher education. Could you please set out how the proposals will address the concerns we have heard during this inquiry, in particular how MSLS will interact with consumer law and how minimum standards will take into account the full breadth of the experience which universities offer?**

## Preparation for future industrial action

Although there is currently no further industrial action planned this year, disputes over pay and working conditions are still ongoing and there is therefore a risk that a similar situation may occur in the future. Jo Grady, General Secretary of the UCU, told the Committee that she had “not really seen much evidence that we could not end up in a situation like this again”. The then Minister told us that he would be writing to universities about their contingency planning and would continue to have discussions with the university sector. This is welcome, but the Department must also provide more clarity around its own contingency planning and demonstrate that it is prepared to respond swiftly and effectively.

- 5. Could you please set out your proposals for the action you will take in the case of future strike action and the impact this will have?**

The Committee looks forward to a response.

Yours sincerely,

**Mr Robin Walker MP**  
**Chair of the Education Committee**