



**Permanent Secretary**

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Chair of the Education Select Committee  
Helen Hayes MP

By email: educom@parliament.uk

10 January 2025

Dear Helen,

I am writing to the Committee following its request for a response to the previous Committee's [letter](#) of 23 May 2024, on the inquiry into the impact of industrial action on university students. Robert Halfon, then Minister for Skills, Apprenticeships and Higher Education, presented evidence during the committee on 19 March 2024. I am responding on behalf of the Department for Education as Permanent Secretary.

The inquiry addressed the impact on students of industrial action in Higher Education (HE), particularly the marking and assessment boycott which ran from April to September 2023.

Although Higher Education providers are independent and government is not involved in negotiations regarding pay or workforce issues, my Department recognises that industrial action continues to cause disruption for students. We are committed to engaging closely across the sector to understand the issues staff and students face and to work together towards constructive solutions.

The Committee requested a response to the following questions, which will be addressed in turn.

**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?**

The Department does not gather information from the sector about the impact of industrial action at individual HE providers and had not been gathering this at the time the letter was sent. As discussed at the inquiry, during the national marking and assessment boycott, the Department worked closely with the Universities and Colleges Employers Association (UCEA) and the Office for Students (OfS), to understand the impact on students more clearly. Officials and the previous Minister for Skills, Apprenticeships and Higher Education also met with HE mission groups, including Universities UK and the Russell Group, to gain additional insight. We are not aware of any students still to graduate or receive a final degree classification due to the national marking and assessment boycott.

**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?**

Higher education providers continue to use a range of measures to mitigate against the impact of industrial action. During the marking and assessment boycott, HE providers worked extensively to protect the interests of students, including reallocating marking, awarding degrees based on existing marks and evidence, and withholding pay from striking staff. We are also aware that of a number of universities issued provisional results or certificates to allow students to graduate on time. In addition, universities provided direct support to affected students. UCEA worked closely with providers to understand and share the most effective measures and lessons learned from the marking and assessment boycott, and how to best plan for mitigating the impact of any future occurrences of this kind. Following the conclusion of the marking and assessment boycott, UCEA gathered extensive feedback on the lessons learned from this period of industrial action. In response to this and to insights from its 2023 membership survey, UCEA completed an extensive review of its member Guidance on Industrial Action to improve its accessibility and utility to members. A set of member guidance materials and advice has been published for members covering all aspects of managing industrial action, together with a corresponding set of comprehensive FAQs.

The OfS published guidance to students on their rights during industrial action and wrote to universities to make clear that universities must abide by the conditions of registration and ensure that they meet obligations under consumer protection law in relation to the impact of industrial action.

**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?**

The Competition and Markets Authority (CMA) has published comprehensive [guidance](#) for Higher Education providers on the application of consumer law which includes advice on complaint processes and unfair contract terms such as those aiming to limit liability in the event of industrial action.

The Office for Students (OfS) has a partnership agreement with Trading Standards to enforce infringement of consumer law in Higher Education. They have published several [case studies](#) of Trading Standards investigations and resolutions related to unfair contract terms including those that aim to limit liability in the event of industrial action.

The recent independent review of the OfS, led by Sir David Behan, recommended that OfS should have consumer enforcement powers to regulate in the interest of students. The Department is working closely with OfS to enable it to fulfil this strengthened role with regards to consumer protection.

**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?**

This government has announced that it will repeal the Strikes (Minimum Service Levels) Act 2023, and so will not be proceeding to introduce minimum service levels in HE.

**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 Department recognises that industrial action continues to cause disruption for students, many of whom have already faced significant disruption to their education over recent years.

Higher education providers are autonomous bodies; they are responsible for the decisions that they make about their operating model, day to day management and pay and provision of staff. We appreciate that some providers are making difficult decisions around staffing in order to safeguard their ongoing financial sustainability, and that this has led to ballots for industrial action at some universities, and live ballots at a number of others. We are also aware of the ongoing discussions between HE unions and UCEA in relation to the 2024/25 pay round.

The Department's priority over the coming months is to continue to build strong and constructive working relationships with representatives of both employers and staff, to better understand the issues facing the sector and to develop our plans for reform of higher education, which we will publish in summer 2025.

We will work in partnership with the sector, the Office for Students, the Department for Science, Innovation and Technology, and UK Research and Innovation over the coming months to shape the changes to government policy that will be needed to support this reform.

I hope that this letter addresses the questions raised by the Committee. If further information is required on any of the points raised above, I would of course be happy to assist.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S Acland-Hood', written in a cursive style.

**SUSAN ACLAND-HOOD  
PERMANENT SECRETARY**