



Joint Committee on Human Rights

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From Rt Hon Harriet Harman MP, Chair

Michelle Donelan MP

Minister of State for Universities

Department of Education

20 May 2021

By email.

Dear Michelle,

I am writing on behalf of the Joint Committee of Human Rights (JCHR) about the return of students to campuses this month. Over the course of our inquiries into human rights and the Government's response to covid-19, evidence to our inquiry, coupled with events which were reported in the media, have led us to believe students' human rights were not adequately considered, and may have been breached, over the past year. We are keen to learn more about what happened in order to learn lessons for the future.

In particular, our concern is that students' right to respect for private and family life under Article 8 of the European Convention on Human Rights (ECHR) may have been violated due to the excessive actions taken in enforcing lockdown restrictions. Indeed, certain examples have been so severe that students' right to liberty under Article 5 ECHR may even have been engaged, as well as raising wider safety concerns. For example, after the outbreak of covid-19 in student accommodation blocks at Manchester Metropolitan University last year,¹ students claim to have been prevented from leaving their homes by security, without warning. At Manchester University there were reports of fences being erected around two halls of residence blocking entry and exit points.² There were also reports of fire exits being tied shut with cable ties at Nottingham University and Leeds Beckett University.³

Statistics published on the use of fixed-penalty notices issued under Coronavirus regulations show that younger people have been more likely to be issued fines under those laws. Fines payable have ranged from £200 for infractions such as failure to wear a face-mask, up to £10,000 for organising a large gathering of more than 30 people.

¹ Manchester Evening News, [How Manchester Metropolitan University went from huge student parties to lockdown in two weeks](#), 28/09/20

² BBC, [New lockdown: Manchester University students pull down campus fences](#), 06/11/20

³ BBC, [Warning over student halls fire exit breaches](#), 01/10/20

These fines are not means tested at the point of issue, and there is no route of appeal available other than non-payment and prosecution in court, risking criminal records in the process.

In our recent report on *The Government response to covid-19: fixed penalty notices* we questioned whether a fixed £10,000 penalty was proportionate in particular for those with more limited financial means such as students. We also argued that the disproportionate use of FPNs seemed likely to engage the principle of non-discrimination in the enjoyment of other human rights (Article 14 ECHR).

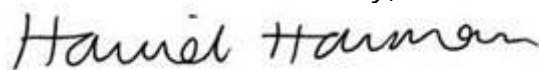
Students have also been subject to fines issued by universities under their own internal rules. There are reports that universities fined students approximately £170,000 in the first weeks of the 2020/21 academic year for breaching rules on mandatory face coverings, household mixing and social distancing.⁴ At Nottingham university, the individual fines issued were up to £1,500 and, by 12 November 2020, the total amount of university fines issued to students exceeded the amount of Fixed Penalty Notices (FPNs) issued by the police to Nottingham's student population in the same period.

As the Minister responsible for universities in England, we would like you to address our concerns by answering the following questions:

- What advice have you provided to universities and local authorities about how they can ensure they do not disproportionately interfere with student's human rights when trying to identify, contain and prevent an outbreak?
- When universities and local authorities acted to "lock down" halls of residence, were students who were not required to isolate under Coronavirus regulations prevented from leaving their halls? What advice did you give to universities and local authorities, if any, about restricting the movement of students?
- In light of the experience of students during the pandemic to date, and the actions of universities and local authorities during the last academic year, what has the Department done to ensure that students' human rights are fully respected as students return once again to campuses?
- How are you working with the Home Office and universities to ensure that students who have been issued fines by universities and/or the police are not disproportionately financially affected?
- How are you working with universities, local authorities, students, and their representative bodies to learn from the pandemic and to plan for future situations?

I would be grateful for a response to this letter by [two weeks after receipt]

Yours sincerely,



Rt Hon Harriet Harman QC MP
Chair of the Joint Committee on Human Rights

⁴ The Guardian, [UK universities fine students £170,000 for Covid rule breaches](#), 29/11/20