



Michelle Donelan MP
Minister of State for Universities

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11th June 2021

Dear Harriet,

Thank you for your letter dated 20 May on behalf of the Joint Committee of Human Rights (JCHR) about the return of students in May and the concerns and questions raised about their rights during the pandemic. I will endeavour to answer the questions you have raised in turn.

As I am sure you can appreciate this has been an unprecedented global public health emergency that has affected everyone in the country and every sector of education and employment. The measures that we have taken have been proportionate and designed to safeguard students' continued education and welfare as best we could whilst also seeking to reduce public health risks.

We recognise that students have had a difficult and uncertain time. However, we have worked with the sector to protect the education, health and wellbeing of students and staff throughout this time. We have issued guidance on reopening campuses and buildings to help the sector continue students' education in as safe a way as possible. We have routinely updated this guidance since June 2020 to support the reopening of campuses to students.

We recognised the pressure on some students by providing £85m extra hardship funding in 2020/21 academic year, this was on top of the £256m government funded student premium funding already available to HE providers to draw on towards student hardship funds for this academic year 2020/21.

Alongside this and in recognition of the need for additional support for student mental health and wellbeing, I have written to Vice Chancellors on numerous occasions, outlining that student welfare, particularly mental health support, should remain a priority and I have convened a working group of representatives from the HE and health sectors to specifically address the current and pressing issues that students are facing during the pandemic.

We have also worked with the Office for Students (OfS) to launch the online mental health platform [Student Space](#), worth up to £3m, in addition to the £15m we have asked them to allocate to student mental health initiatives next year.

We have ensured that specific exceptions were made to enable students to return home during university vacations, despite general restrictions on travel and household mixing. Our guidance asked HE providers to support students to return to campus where necessary for welfare reasons and to access study spaces, when most students were advised to remain at home and travel was restricted.

We have worked closely with the sector on the implementation of our HE COVID plans, and I have personally written directly to students on numerous occasions to keep them informed of developments.

As we look ahead, we will draw upon experience to date, apply lessons we have learnt and provide clear timely advice and guidance to support the return of students in autumn. The rights of students are very much at the forefront of our thinking alongside their welfare and education. The introduction of the Freedom of Speech Bill as part of the Queens Speech, I believe, is evidence of this and our determination to uphold the rights of students.

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?

From June 2020, we routinely issued guidance to the sector with advice on what measures they should put in place to continue to operate through the pandemic whilst minimising the risk to students and staff. As autonomous institutions, we expect universities and other providers of higher education to identify and put in place appropriate plans, in line with this guidance and any other relevant government guidance, based on their individual circumstances.

We asked HE providers to develop outbreak management plans and share and agree these with their local Directors of Public Health. These plans are to be kept under review and updated when necessary.

We have been very clear with the sector that they should prioritise the welfare of students and should conduct regular welfare checks, a point the OfS had also emphasised. This is particularly important for self-isolating students and I very much welcomed the action by UUK to develop their [checklist for supporting students](#). This is an incredibly helpful resource for universities to engage with when considering the needs of self-isolating students.

Where support has not been forthcoming or to the standard we expect, I have [publicly challenged](#) this behaviour and wrote to the sector in similar terms.

Furthermore and as I set above, I have personally called upon on universities to prioritise mental health and wellbeing of students during the pandemic. I have done this on numerous occasions and will continue to engage the sector on this important issue. The support in place via [Student Space](#) and the additional £15m which we have asked the OFS to allocate for initiatives next year, is a demonstration of our commitment to students and their mental health during this pandemic.

We have also set out our expectation that HE providers should continue to have particular consideration and due regard to their legal responsibilities, including under the Health and Safety at Work Act 1974 and the Equality Act 2010, and to comply with those obligations. Under no circumstances would we expect HE providers to put in place measures which contravene or undermine the human rights of any student.

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?

It is for universities as autonomous institutions to decide on the best course of action based on local circumstances and informed by expert advice and government guidance.

As part of our guidance, we advised universities to work with their local Director of Public Health and track and trace teams to seek their advice on who should be asked to self-isolate in the event of an outbreak. This approach would form part of the outbreak plan the university had developed. At no point should restrictions have been put in place on students not required to self-isolate.

Importantly, and via our guidance, letters to Vice Chancellors and regular discussions at the HE taskforce we impressed the need to support self-isolating students and make sure they are well looked after during their self-isolation period. We also sign posted in our guidance the [UUK checklist](#) for supporting student who are self-isolating and highlighted that some students may be eligible for a one-off payment of £500 through the NHS Test and Trace Support Payment scheme, if they are required to self-isolate.

It is vitally important that universities continue to make sure that students feel as supported as possible should they have to self-isolate. This robust package of support should include mental health and wellbeing support, daily communications and ensuring students have access to suitable free or affordable food.

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?

We recognise the pandemic has had a profound impact on students and we will continue to mitigate against the impact of the virus and work to ensure they can continue to receive the world class education they deserve.

We review all our measures and will continue to encourage universities to work closely with local partners on managing plans in the event of an outbreak.

Universities working in collaboration with their local public health teams, including the local Director of Public Health have continuously updated their outbreak management plans based on lessons learned. We welcome this, and we have not seen significant outbreaks or widespread requirement for self-isolation associated with HE settings, even when we were seeing a rise in case numbers in the general population.

Ahead of the return of the final group of students in May, Directors of Public Health were asked to confirm that they were content with universities' COVID secure measures and outbreak plans. We also worked with the Cabinet Office task force and Directors of Public Health to review preparedness in a number of universities, including those who had experienced significant outbreaks and widespread self-isolation.

Finally, our guidance always included advice on staff and student welfare and a reminder to set out the steps they have taken to reduce risks to students and staff in their working or student environment, in accordance with government guidance. Importantly, at no point in our guidance have we advised universities to extend restrictions for self-isolating students to other students not required to self-isolate. We expect universities to follow public health advice in this regard, and continue to work with their local public health teams.

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?

As set out in the [COVID-19 Coronavirus restrictions: what you can and cannot do - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/covid-19-coronavirus-restrictions-what-you-can-and-cannot-do) the police can legally take action, including issuing fines (fixed penalty notices) if restrictions on meetings in larger groups are breached. This applies equally to all groups and individuals not just students.

In our guidance we emphasised the importance of following national restrictions particularly restrictions applied to social gatherings. We set out clearly that there are legal limits on social contacts in England and in general, HE providers and students should apply and follow the current regulations on social contact as set out in law. These limits are expected to change when we move to Step 4 of the Roadmap, which will not take place before the 21 June.

We also asked universities to ensure that students are aware of their designated 'household', particularly if they live within large scale student accommodation.

We are clear, just as universities have been, that failure to comply with the law can result in a fine (fixed penalty notices). Any changes to the law on this matter will be reflected in our HE guidance.

In respect of universities issuing fines, as autonomous bodies, universities have a range of sanctions they can draw upon and use if needed. In such circumstances we would ask that any fines are considered as a last resort and that the university has clearly communicated to students the risk and potential penalties they may incur.

How are you working with universities, local authorities, students, and their representative bodies to learn from the pandemic and to plan for future situations?

Recognising the importance of sector engagement and developing a joined-up approach, I have regularly met with universities and sector bodies throughout the pandemic. I have also set up a Higher Education Task Force, involving representatives from across government and the higher education sector, which meets regularly to explore the challenges currently facing the sector as it continues to deal with the effects of the Covid-19 crisis.

The group has provided crucial advice and direction since its inception, and we will continue to work through it to develop our plans and inform our guidance to the sector as we prepare for the return of students in the autumn. We will also continue to work more broadly with other interested groups (including unions, other student representative bodies and local authorities) in developing our plans.

We expect to issue updated HE guidance shortly which will be informed by the latest public health advice and findings of the social distancing review.

I hope this response is helpful, please do not hesitate to contact me if you require further information or would like to discuss these important matters in person.

Yours sincerely,

A handwritten signature in black ink, reading "Michelle Donelan". The signature is written in a cursive style with a large, sweeping flourish at the end.

Michelle Donelan MP
Minister of State for Universities