



## BRIEFING PAPER

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# University strikes FAQs

By Sue Hubble

## 1. Why are university lecturers striking?

University staff are striking over two issues. One is around **pay and conditions** and the other is about changes to the Universities Superannuation Scheme (USS) **pension scheme**.

Since November 2019 the University and Colleges Union (UCU) have been conducting negotiations with the Universities and Colleges Employers Association (UCEA). UCU's concerns are over excessive workloads, pay, a 15% gender pay gap, increased casualisation of the workforce and changes to pensions for staff in the Universities Superannuation Scheme (USS). The issue with pensions is that UCU members are being asked to pay **9.6% in pension contributions, up from 8%**, and the UCU wants universities to pay the full increase.

The UCEA have said that the demand for a pay rise of **more than 5% is unaffordable** when several universities are reporting deficits in their latest accounts.<sup>1</sup>

A UCU briefing, [Pre-strike negotiators' briefing for members – four fights](#) 11 February 2020, sets out the background to the dispute:

### **How long have negotiations been going on?**

The union began discussing these issues with the employers back in July 2019. However, UCEA only agreed to begin negotiating in earnest in November 2019 following the decision to vote for strike action by UCU members in 57 branches. The offer finally made by the employers in January 2020 was the product of six weeks intensive discussion of both UCEA's proposals and counter proposals made by UCU – and represents the latest of several iterations, each improved through negotiation by the union.

### **What does the union want the employers to agree to?**

The union's aim is to achieve clear and effective agreements with the employers which establish limits to casualisation, properly manage staff workload, reduce pay inequality and improve their below-inflation pay offer. We believe this would be good for staff and their employers. Importantly we expect the employers to commit to implementation agreements in order to guarantee action on any offer made.

### **What progress has been made so far?**

All the negotiators believe that substantial progress has been made. UCEA are now prepared to talk about creating positive expectations upon employers about

<sup>1</sup> ["Thousands of university workers strike across UK"](#), *The Guardian*, 20 February 2020

casualisation, pay inequality and – to a lesser extent – workload. However, three key problems remain. First, there is no formal mechanism to turn the fine words in the employers' offer into reality for staff on the ground, nor oversight of national progress towards our goals. In essence the current offer would allow existing practice to continue. Second, some of the proposed expectations themselves remain too weak, particularly about the need for all staff to have a fair and effective workload model. Third, the employers refuse to increase their overall pay offer of 1.8% even though it completely fails to address the long-term decline in staff salaries since 2010.

### **What are the negotiators' views of the latest offer from the employers?**

The negotiators' unanimous view is that the latest offer does not represent the best deal that can be achieved for UCU members.

### **Why has the union called fourteen days strike action?**

Sadly, the employers only agreed to properly discuss casualisation, workload and inequality arising from our decision to strike in November 2019. While their offer does represent progress, it is not enough, and they have now said their latest proposal is final – just as they did last May! In these circumstances the union can either accept a substandard offer and miss this historic opportunity to achieve change or we can use strike action to persuade the employers to once again re-open talks.

On 19 February 2020 Universities UK and the Universities and Colleges Employers Association (UCEA) sent an [open letter](#) to university staff to update them on progress to address concerns of university employees on pay, working conditions and pensions. Further information on progress is given on the UCEA website at [Current pay negotiations \(2019-20\)](#).

Information on the university pension scheme was given in a [PQ on 2 March 2020](#):

**Universities Superannuation Scheme:** Written question - 21335

**Olivia Blake:** 26 February 2020

To ask the Secretary of State for Education, what discussions he has had with Universities UK and the Universities Superannuation Scheme on the joint expert panel's valuation of that scheme.

**Michelle Donelan:** 2 March 2020

Universities are independent institutions and are responsible for their own decisions on employment contracts and pay and pension provision. The government has no direct role in relation to the Universities Superannuation Scheme (USS) pension, beyond regulation as applied to all work-based pension schemes by The Pensions Regulator. As government has no direct role in the management of the USS pension, we have not been involved in the substance of the negotiations in the dispute.

The department welcomes the establishment of the Joint Expert Panel and the contribution they have made in seeking to secure a long term and sustainable resolution to the USS dispute. The issues involved with the valuation of USS are complex and central to the ongoing dispute. We are unable to comment on the actuarial detail of the first report of the Joint Expert Panel (JEP 1), which made an alternative valuation to the USS pension using a different set of assumptions to the previously contested USS valuation. However, we note that after sustained negotiation the recommendations of this report were not adopted in full and that the Pensions Regulator supported this decision.

The Joint Expert Panel published a second report (JEP 2) in December 2019. JEP 2 does not offer a new scheme valuation. JEP 2 makes a series of linked recommendations covering USS governance, the valuation methodology and the way forward. This includes the establishment of a new, jointly agreed purpose statement and shared valuation principles and agreement to a more appropriate valuation methodology.

The department understands that the Pensions Regulator has indicated support for the high-level recommendations of the JEP 2 report. Universities UK, USS and the UCU

have all expressed support for the recommendations of the JEP 2 report and the opportunity it presents to resolve the ongoing dispute.

## 2. Are all universities involved?

In November 2019 staff at 57 universities and colleges took part in strikes and on Thursday 20 February 2020 staff at **74 universities** walked out at the start of 14 days of planned strike action:

Up to 50,000 lecturers, technicians, librarians and other academic and support staff at 74 universities will take part in a total of 14 days of strike action, staggered through February and March, which will potentially affect about 1.2 million students through lost lectures and tutorials. Many have expressed their support for staff, but are pushing for compensation from university managers.<sup>2</sup>

The UCEA have claimed that during the pre-Christmas strikes 29% of UCU members took strike action at affected universities, representing **just 5% of all staff**.<sup>3</sup>

The strike is discussed in a *BBC News* article, [Students hit by 14-day university staff strike](#), 20 February 2020.

## 3. What are universities doing to mitigate the action?

Universities are attempting to minimise the impact of the strikes on students - many universities have put information on the strikes on their websites and this information includes details on actions to mitigate the disruption, for example:

- University of Exeter, [Industrial Action at universities in winter 2020](#)
- Durham University, [Information for students](#)
- Loughborough University, [UCU industrial action - FAQs for students](#)

Many universities are putting **additional resources online** and **increasing student wellbeing services**. In other cases module content may be re-organised or **re-scheduled** so that priority topics are covered.

The Universities and Colleges Employers Association (UCEA) has said that the strikes would **only cause a small disruption for students**:

The Universities and Colleges Employers Association (UCEA) said on Thursday that disruption for students would be limited. They claimed that during the pre-Christmas strikes 29% of UCU members took strike action at affected universities, representing just 5% of all staff, and that early reports from this latest action suggested turnout had fallen further.

A UCEA spokesperson said: "It will take time for universities to find out exactly how many scheduled classes have not taken place on a given day. Feedback also points to mixed support and impact across the minority of UK universities affected by the strikes, and each university is of course focused on managing this period of disruption as best they can for their students."<sup>4</sup>

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<sup>2</sup> "[Thousands of university workers strike across UK](#)", *The Guardian*, 20 February 2020

<sup>3</sup> *ibid*

<sup>4</sup> "[Thousands of university workers strike across UK](#)", *The Guardian*, 20 February 2020

## 4. What do students think of the strikes?

The NUS vice-president for higher education has said that the **NUS are supporting** the strike:

As [staff at more than 70 universities walk out on strike](#), students are standing by their side. Over the coming weeks you will see us on the picket line, holding sit-ins in university buildings and campaigning for better working conditions for our educators and support staff. We know that this is not just a fight for improved pay, workload and pensions: this is a fight for our education.<sup>5</sup>

## 5. Does the Office for Students (OfS) have any role in the dispute?

The Office for Students (OfS) does not get involved in the substance of industrial disputes, but it does have a **remit to protect student's interests** and to **seek to mitigate the impact on students**.

The OfS has published a note [Guidance for students affected by industrial action](#) (17 February 2020) to provide students with advice on their rights. The webpage also states that the OfS will seek to identify providers who have failed to protect students:

Although we are unable to deal with the complaints of individual students, the OfS will seek to identify higher education providers who have failed to systematically protect the interests of students in the case of significant industrial action.

Universities and colleges have to comply with a number of conditions to register with us, and we have [published a note](#) setting out where disruption to students' studies may amount to a breach of these conditions.

We would expect to see that universities and colleges have taken all reasonable steps to reduce the impact of the strike action on teaching, learning and assessment, and have communicated clearly to students what the impact of any industrial action will be, particularly in relation to exams and assessments.

Universities and colleges should also make clear how certain groups of students, e.g. international students, will be affected and what mitigations will be put in place for them. They should also make clear to students who to contact if they wish to discuss the impact of the industrial action on them and get advice.

Nicola Dandridge, Chief Executive of the OfS, outlined the role of the body during the strikes in an article on the Wonkhe website, [OfS: our role during the industrial action](#), 21 February 2020.

## 6. What should students do if their teaching is disrupted?

The [OfS guidance](#) states that students who have had, or will have their studies, assessments or other services disrupted, should contact their university or college in the first instance.

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<sup>5</sup> ["As students, we support our striking lecturers in their fight for education"](#), *The Guardian*, 20

Where lost teaching has had an impact on assessments or other work students may be able to submit a claim for this to be taken into account as part of their university's **mitigating or extenuating circumstances process**.

Students who are not satisfied with their university's response may be able to **make a complaint** through their universities complaints processes and if they remain unsatisfied they may be able to escalate their complaint to the [Office of the Independent Adjudicator](#).

## 7. Can students claim compensation for lost teaching?

Information in a PQ on 5 March 2020 set out the forms of redress that might be available to students:

**Students: Compensation:** Written question - 21388

**Alex Sobel:** 26 February 2020

To ask the Secretary of State for Education, what steps his Department is taking to encourage universities to financially compensate students affected by industrial action.

**Michelle Donelan:** 5 March 2020

We expect Higher Education Providers to consider their obligations under consumer law and students' consumer rights carefully, including during industrial action. This includes ensuring that a range of appropriate remedies and mitigations are available, which may include financial compensation, to prevent and minimise the effects of any strike action upon their students

The Office for Students, the regulator for higher education in England, has issued guidance for students affected by industrial action. It encourages students to discuss with their university or college whether it is possible to make up for any lost teaching, and whether any other loss of services and support can be rearranged to minimise the disruption that students have experienced. Where lost teaching has had an impact on assessments or other work that has had to be submitted, students may be able to submit a claim for this to be considered as part of the university's mitigating or extenuating circumstances process.

If the issue is not satisfactorily resolved, students can complain through the university's complaints process; if they are unhappy with the outcome, students have the right to make a complaint to the Office of the Independent Adjudicator for Higher Education (OIA). The OIA has also published guidance on its website about its approach to complaints by students affected by the industrial action.

Universities UK (UUK) has given students advice on what they should do if they are dissatisfied:

"Universities understand that missed teaching time is unsettling and will try to ensure that students do not miss out by providing replacement teaching and learning resources. If students feel these are inadequate, they should take this up with their university in the first instance.

"If they are not satisfied with the response they can complain to the relevant ombudsman for their country and they could be entitled to financial compensation if reasonable alternative arrangements were not put in place."<sup>6</sup>

A few students have in past cases received financial compensation when universities failed to make up for teaching hours lost during strikes.<sup>7</sup>

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<sup>6</sup> "[University strikes: Students demand compensation for second wave of cancelled lectures](#)", *The Independent*, 7 February 2020

<sup>7</sup> "[UK universities told to compensate students over campus strikes](#), *The Guardian*, 14 May 2019

**Staff who take part in industrial action will not be entitled to pay** for strike days and some universities have said that the funding saved in this way will be used to benefit students.<sup>8</sup>

## 8. Will students still be able to graduate this year?

An article in [Wales Online](#) discussed a leaked email in which the president of Cardiff University's Student's Union speculated about students at Cardiff University possibly being at risk of not being able to complete their academic year due to work missed during the strike.

However an [open letter](#) from the Vice-Chancellor of Cardiff University to students on 19 February 2020 said that the university was taking steps to mitigate disruption caused by the strikes and that **enabling students to graduate was a priority**:

Please be reassured that we have clear processes in place to manage any variations to assessment, and to ensure that examination boards can take the impact of industrial action into account, while maintaining our academic standards.

[...]

In relation to graduation, you may have seen recent media coverage which suggested that strike action could mean that some students may not be able to graduate.

I want to be absolutely clear: my intention is to ensure that all students will be able to meet their learning outcomes and will be able to graduate as expected. That is and will remain my priority.

Universities' strike information webpages set out policies on final degree assessment.

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<sup>8</sup> Loughborough University, [UCU industrial action - FAQs for students](#)

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