

Research Briefing

By Joe Lewis
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University strike action in the UK



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Summary

Since February 2018, the [University and College Union](#) (UCU), which represents over 130,000 staff at further and higher education providers across the UK, has been coordinating industrial action in two disputes over pensions and pay and working conditions.

Why have staff been striking?

The disputes between university employers and staff that have prompted industrial action are longstanding.

The first concerns changes to the pension scheme for many university staff – the Universities Superannuation Scheme (USS) – which would mean increased contributions and reduced benefits. A parallel dispute concerns several issues related to pay and working conditions, including pay levels, gender and minority ethnic pay gaps, staff workload, and insecure contracts.

The UCU is demanding:

- A reverse to a reduction in pension benefits.
- A pay increase of at least inflation (RPI) plus 2%, or 12%, whichever is higher.
- Nationally agreed action to close gender, ethnic, and disability pay gaps.
- An agreed framework to eliminate the use of precarious contracts, such as zero-hours employment.
- Nationally agreed action to address excessive workloads and unpaid work, including addressing the impact that excessive workloads are having on workforce stress and ill-health.

In March 2022, a [report published by the UCU](#) (PDF), based on a survey of nearly 7,000 university staff at over 100 institutions, said two-thirds of respondents were likely or very likely to leave the university sector in the next five years over pension cuts and pay and working conditions.

2023 marking and assessment boycott

Having [renewed its mandate for industrial action](#), the UCU launched a consultation with its members in April 2023 on proposals put forward by employers in both the pensions and pay and working conditions disputes.

The results of the consultation were announced on 17 April 2023. Members [voted in favour of pension proposals agreed with employers](#), including a commitment from employers to prioritise the restoration of retirement benefits. However, members rejected proposals on pay and working conditions. These included a 5-8% pay award as well as talks with Acas-facilitated terms of reference on non-pay issues such as casualisation, equality pay gaps, and workloads.

On 20 April 2023, the UCU began a marking and assessment boycott in the pay and working conditions dispute (but not the pensions dispute). It has [published a list of the institutions affected](#).

In response, the Universities and Colleges Employers' Association (UCEA) has said [universities are legally entitled to withhold full pay for partial performance of employee duties](#). More than 60 employers have said [they will deduct between 50% and 100% of wages](#) from those taking part in the marking and assessment boycott.

What happens if teaching and assessment is disrupted?

Students face potential delays to undertaking progression assessments, receiving their degree results, and graduating this summer. In the case of international students, any delay might extend past a student's visa end date.

Universities must have in place measures to avoid or limit disruption caused to students by industrial action. This should include ensuring students are not disadvantaged if changes must be made to assessment. Universities have said they are making every effort to ensure all submitted work is marked, but mitigations include rescheduling assessments and assigning marks based on past performance. Many universities have published information for students on their websites explaining how they are responding to the marking and assessment boycott.

Whether students are entitled to tuition fee refunds following industrial action depends on what other actions a university has taken to minimise lost learning opportunities. Students can make any complaints to their university in the first instance. If students are not content with the outcome of a complaint, or if they believe it has been poorly handled, they can contact the relevant higher education ombuds service for their country.

Over 100,000 students from across the UK have launched a [group legal action seeking](#) compensation from UK universities over disruption caused to their studies by the Covid-19 pandemic and industrial action. On 17 July 2023, the [High Court ruled a claim against University College London could proceed](#).

1 Why have university staff been striking in recent years?

Between February 2018 and March 2020, the [University and College Union](#) (UCU), which represents over 130,000 staff at further and higher education providers across the UK, coordinated 36 days of strikes over two separate disputes.¹ The first dispute concerned a longstanding disagreement over reforms to pensions and the second covered several issues related to pay and working conditions.

Further industrial action was curtailed by the Covid-19 pandemic, but it resumed with three waves of strikes in December 2021 and between February and April 2022. Once again, the issues were pay, working conditions, and pensions. University staff went on strike for a further three days in November 2022 and 12 days in February and March 2023, before beginning a marking and assessment boycott from April 2023 over the pay and working conditions dispute.

In March 2022, a report published by the UCU, based on a survey of almost 7,000 university staff at over 100 institutions, said two-thirds of respondents were likely or very likely to leave the university sector in the next five years over pension cuts, and pay and working conditions.² A report by the Higher Education Policy Institute, published in May 2023, suggested academics do face some conditions that are less good than those in other professions, most notably in regard to the proportion of staff on temporary contracts.³ However, it also said many working conditions in higher education are relatively generous in areas like pensions, leave, sick pay, parental leave, and access to sabbaticals.

1.1 Pensions

In 2018, university staff went on strike in dispute over proposed changes to the Universities Superannuation Scheme (USS), which is the pension scheme for many university staff. For the pensions scheme dispute, the UCU

¹ The Office for National Statistics calculated the education sector accounted for 66% of the 273,000 working days lost in 2018 due to labour disputes, largely as a result of university staff strikes: OfS, [Labour disputes in the UK: 2018](#), 17 May 2019

² UCU, [UK higher education: A workforce in crisis](#) (PDF), March 2022

³ HEPI, [Comparative Study of Higher Education Academic Staff Terms and Conditions](#), May 2023

negotiates with Universities UK (UUK), the nominated formal representative for over 340 employers in the scheme.

Assessments of the pension scheme's financial health had suggested a significant shortfall between the scheme's income and commitments, and changes would be required to ensure it remained viable. The dispute centred on a proposed reduction in member benefits and increased contributions for employees and employers. There were also disagreements over the way the scheme was valued, particularly regarding a valuation done in early 2020 at the start of the pandemic, when critics argued an accurate reflection of the scheme's viability could not be established given the economic volatility at that time.

In early 2023, a [joint statement published by UCU and Universities UK](#) (PDF) said the forthcoming 2023 valuation was likely to enable an improvement in benefits and reduction in contributions.⁴

An overview of the pension scheme and its recent issues is provided by the Library briefing [Universities Superannuation Scheme](#).

1.2

Pay and working conditions

In 2019 and 2020, strikes over proposed pension reforms continued but a parallel dispute arose over several related issues dubbed the 'four fights'. This dispute concerned:

- pay offers;
- gender and minority ethnic pay gaps;
- staff workload;
- the prevalence of casual contracts across the sector (either fixed-term contracts or contracts dependent on funding).

The UCU now refers to its 'four fights' dispute as 'UCU Rising'. It has explained it chose to link the issues of pay, equality, workload, and casualisation because they have all [served to undermine working conditions for staff in recent years](#). An FAQs article published by the UCU for its members said:

The UCU rising campaign is about demanding fair treatment for staff across the higher education sector and a comprehensive remedy for the way in which your working conditions have been undermined over the past decade.

⁴ UUK and UCU, [Interim joint statement by UUK and UCU with respect to the USS dispute](#) (PDF), February 2023

The combination of pay erosion, unmanageable workloads, and the widespread use of insecure contracts has undermined professionalism and made the working environment more stressful for staff.⁵

The UCU has estimated around one-third of all academic staff are employed on fixed-term contracts, including half of teaching-only academics (44%) and over two-thirds (68%) of research-only staff.⁶ The UCU has also estimated that, since 2009, the value of pay in higher education has fallen by approximately 25% relevant to inflation.⁷

For the pay and working conditions dispute, the UCU negotiates with the [Universities and Colleges Employers Association](#) (UCEA) alongside four other higher education trade unions: UNISON, Unite, EIS in Scotland, and GMB.

Negotiations are done through the Joint Negotiating Committee for Higher Education Staff (JNCHES), which was established in 2001.⁸ UCEA member institutions decide individually whether they will participate in each negotiating round. The negotiations take place annually, between March and May.

While the collective bargaining process established by JNCHES can be in the interests of both universities (which do not need to compete to lure staff through higher pay offers) and unions (which can organise nationally to put pressure on employers), there are significant differences in the financial sustainability of universities across the sector, meaning agreed pay rises are more affordable for some than others.⁹

⁵ UCU, [FAQs: Pay and working conditions dispute](#), 19 October 2021

⁶ UCU, [Precarious work in higher education: Insecure contracts and how they have changed over time](#) (PDF), updated October 2021.

⁷ UCU, [FAQS - Pay and working conditions dispute](#).

⁸ UCEA, [Collective pay negotiations](#)

⁹ HEPI blog, [To end the strikes standoff, it falls to government](#), 26 July 2023

2

2021 and 2022 strikes

2.1

December 2021 strikes

Following periods of remote learning and online teaching during lockdowns during the COVID-19 pandemic in 2020 and 2021, a degree of normality returned to university campuses from September 2021. Between October and November 2021, the UCU once again balloted its members for industrial action over pensions and pay and working conditions.

The UCU general secretary, Jo Grady, said:

University staff propped up the entire sector during the pandemic, but they are now being thanked with huge cuts to their pensions, unbearably high workloads, and another below-inflation pay offer - all whilst universities continue to generate a handsome income from tuition fees.

The truth is that very well paid university leadership, who manage institutions with bigger turnovers than top football clubs, are choosing to exploit the goodwill of staff, repeatedly refusing to address the rampant use of casualised contracts, unsafe workloads or the shocking gender and ethnicity pay gap in the sector.¹⁰

Staff at 58 universities went on strike from Wednesday 1 December to Friday 3 December. Some over both pensions and pay and working conditions, and some over just one of these disputes. A list of higher education providers where staff took industrial action in December was [published by the UCU](#).¹¹

Staff at 64 universities also began action short of a strike on Wednesday 1 December for five months. This included strictly working to contract and refusing any additional duties.¹²

On 25 November, the UCU announced staff at 42 universities would be re-balloted over industrial action after some branches missed the legal turnout threshold by a small margin.¹³ The re-ballot ran from Monday 6 December until Friday 14 January and the UCU said more industrial action was likely.

¹⁰ UCU, [UK university staff to ballot in October over pay and pensions](#), 22 September 2021

¹¹ UCU, [Universities to be hit with three days of strikes in December](#), 16 November 2021

¹² UCU, [What does 'action short of strike' mean for academic-related and professional services staff?](#), 25 November 2021

¹³ UCU, [Staff at 42 universities to be balloted for strikes](#), 25 November 2021. Following the passage of the Trade Union Act 2016, of which the majority of provisions came into force on 1 March 2017, branches now need a turnout of at least 50% to take industrial action, and a majority vote in favour.

2.2

February to April 2022 strikes

Following the December 2021 strikes, a re-ballot led to ten more universities voting to strike in 2021/22 academic year. The disputes remained the longstanding issues over pensions, pay, and working conditions.

The pension dispute

Anger over pensions was renewed following a valuation of the USS that took place in March 2020. The UCU argued plans to increase pension contributions and reduce retirement benefits are based on this “flawed” valuation.¹⁴ They said due to its timing at the beginning of the pandemic, this valuation could not have provided a representative economic picture.¹⁵

The pensions dispute is explained in an article on the higher education website Wonkhe: [Time is running out for agreement on USS](#), 2 September 2021.

Pension proposals

Universities UK, which represents the employers in the pension scheme, published a statement ahead of December’s strikes setting out why they [believed the proposed reforms were necessary and the UCU’s demands were unfeasible](#). The statement said:

The financial challenges USS faces have existed for decades and will persist unless changes are made. Interest rates have been at record low levels and people are living much longer than when the scheme was set up in the 1970s. As a result, the scheme’s liabilities are increasing at a greater rate than assets and the cost for providing future guaranteed benefits has increased significantly.¹⁶

On 26 January 2021, the [UCU submitted new pension proposals](#), which, in exchange for greater protection of retirement benefits, would involve an increase in contributions for both members and employers, as well as a new “evidence-based valuation” of the pension scheme as at 31 March 2022.¹⁷ In a [letter to the chair of the USS Joint Negotiating Committee \(PDF\)](#), which is the body that decides how the USS pension scheme is managed, the UCU general secretary, Jo Grady, said the proposals would “offer a way out that can avoid disruption across UK universities, protect scheme members and allow for a negotiated settlement.”¹⁸

¹⁴ UCU, [UK university staff to ballot in October over pay and pensions](#), 22 September 2021

¹⁵ UCU, [UK university staff to ballot in October over pay and pensions](#), 22 September 2021

¹⁶ USS Employers, [Statement from Universities UK on USS pensions](#), 30 November 2021

¹⁷ UCU, [UCU submits new pension proposals to avert UK wide strike action](#), 26 January 2021

¹⁸ [Letter to the chair of the USS Joint Negotiating Committee from Jo Grady](#), 26 January 2022

In response, a spokesperson for Universities UK said the proposed increases did “not appear to be a serious attempt to reach agreement”, and would be damaging to universities and unaffordable for many staff.¹⁹

The pay and working conditions dispute

The Universities and Colleges Employers Association (UCEA), which represents employers in pay negotiations, [expressed disappointment at the UCU’s decision to take industrial action](#). It said:

UCU members need to understand that any industrial action aimed at harming students is an unrealistic attempt to try to force all 146 employers to re-open the concluded 2021-22 national pay round and improve on an outcome that is for most of these institutions already at the very limit of what is affordable. [...]

We note UCU's campaign focuses on casual contracts and workload. We have made repeated offers of joint work in these areas for two years but UCU has rejected them. UCEA genuinely wishes to engage on these matters as far as we can at a national level, noting that they are ultimately for local negotiations.²⁰

Following the December 2021 strike action, the UCEA said the impact on universities had been “fairly low”, and the UCU would be better engaging with the next round of pay talks for 2022/23 rather than pursuing further industrial action.²¹

Strike action

Following industrial action in December 2021, staff at 68 universities went on strike in February and March 2022.

- Monday 14 to Friday 18 February: 44 universities went on strike over pensions only.
- Monday 21 to Tuesday 22 February: 68 universities went on strike over both pensions and pay and working conditions.
- Monday 28 February to Wednesday 2 March: 39 universities went on strike over pay and working conditions only.

Unison’s [members at 10 higher education providers](#) also took action over pensions and/or pay on these dates.

A third wave of strikes was announced by these 68 universities for the end of March and beginning of April. Due to term dates, the universities were split into two groups over consecutive weeks.²²

¹⁹ USS Employers, [Employer response to UCU proposal on 2020 valuation](#), 26 January 2022

²⁰ UCEA, [UCEA responds to UCU announcing strike days](#), 16 November 2021

²¹ UCEA, [UCEA response to UCU's announcement of 10 days of strikes](#), 27 January 2022

²² UCU, [Third wave of UK wide university strikes begins today with five day walkout](#), 21 March 2022

- Monday 21 to Friday 25 March: 39 universities took strike action over pensions and/or pay and working conditions.
- Monday 28 March to Friday 1 April: 29 universities took strike over pensions and/or pay and working conditions.

2.3

May to June 2022 branch-level marking and assessment boycott

Mandates for industrial action ended at most universities on 3 May 2022. On 16 March 2022, the UCU had announced it was balloting staff at 149 universities to take further industrial action over the pensions and/or pay and working conditions disputes.²³

As part of industrial action short of a strike, the UCU said preparation was also being made for a marking and assessment boycott.²⁴

The UCU had also said there [could be more strike action](#) if universities chose to deduct 100% of the pay of staff who take action short of a strike, such as not covering for absent colleagues or not rescheduling classes cancelled due to strike action.²⁵ According to the UCU, six universities had threatened to withdraw 100% of pay for staff taking part in action short of a strike, while others had said there would be partial pay reductions if staff did not fulfil their contractual duties.

In response, the Universities and Colleges Employers Association (UCEA) said higher education providers were “legally entitled to withhold full pay or, at their discretion, a lesser amount for partial performance of duties.”²⁶

In April 2022, UCU announced 39 institutions had met the requirements to continue strike action on the pay and conditions dispute and 41 for action short of a strike.²⁷ Staff at 24 universities also backed further strike action over the pensions dispute.²⁸ This was the lowest level of support for industrial action since the disputes began in 2018 and prompted questions about how the UCU should proceed.²⁹

It was decided eligible branches would take ten days of strike action as well as action short of a strike, including a marking and assessment boycott to

²³ UCU, [Ballots for industrial action open today at universities across the UK](#), 16 March 2022

²⁴ UCU, [Ballots for industrial action open today at universities across the UK](#), 16 March 2022

²⁵ UCU, [Staff warn rogue university bosses to prepare for more strike action over pay deductions](#), 9 February 2022

²⁶ UCEA, [UCEA response to UCU's confusion over partial performance](#), 10 February 2022

²⁷ UCU, [Four fights re-ballot results, April 2022](#)

²⁸ UCU, [Staff at 24 UK universities back further strike action in ballot over USS pension cuts](#), 12 April 2022

²⁹ “[As UK industrial disputes drag on, should union rethink tactics?](#)”, Times Higher Education, 4 May 2022 (accessed 21 November 2022)

coincide with the summer examination period.³⁰ But following feedback from branches, and with many choosing to postpone or not participate in marking and assessment boycotts, industrial action was scaled back, and decisions were devolved to the branch level.³¹

Only 19 UCU branches began the marking and assessment boycott as planned on 23 May 2022. Staff were threatened with 100% pay deductions for every day of the boycott at most of the universities involved, including Brighton, Dundee, Leeds, Sheffield, Nottingham, Westminster, Queen Mary's, and the University of the Arts London.³²

2.4 November 2022 strikes

In July 2022, the UCU confirmed it would ballot all higher education members for strike action in November of that year, with further action to take place potentially in spring 2023.³³ The ballots were held in the context of growing industrial disputes across the UK, most notably in the rail sector, as well as the rising cost of living.³⁴

For the first time in these disputes, the ballots were aggregated. This meant if the nationwide turnout exceeded 50%, and there was majority support for a “yes” vote, staff at all universities across the UK could take strike action, regardless of the results of their local branches.

The results were announced on 24 October 2022. More than eight in ten of those who voted said “yes” to strike action.³⁵

- In the pension ballot, the yes vote for strike action was 84.9% and the turnout was 60.2%.
- In the pay and working conditions ballot, the yes vote for strike action was 81.1% and the turnout was 57.8%.
- Staff also voted yes for action short of strike in both ballots.

Staff went on strike on Thursday 24 November, Friday 25 November, and Wednesday 30 November, and began industrial action short of a strike from

³⁰ [“UCU announces marking boycott and 10 days of strikes over pay”](#), Times Higher Education, 26 April 2022 (accessed 21 November 2022)

³¹ [“Strikes off and marking boycott cut back at UK universities”](#), Times Higher Education, 20 May 2022 (accessed 21 November 2022)

³² [“Most universities in marking boycott threaten to dock full pay”](#), Times Higher Education, 30 May 2022 (accessed 21 November 2022)

³³ UCU, [Unprecedented strike action facing universities as UCU confirms strike ballot](#), 1 July 2022

³⁴ [“Can UCU get the vote out for a sector-wide UK university strike?”](#), Times Higher Education, 11 August 2022 (accessed on 22 November 2022)

³⁵ UCU, [University staff vote for UK-wide strike action in historic ballot](#), 24 October 2022

Wednesday 23 November. This included refusing to make up work lost because of strike action and refusing to cover for absent colleagues.

Announcing the dates for strike action, the UCU General Secretary, Jo Grady, said:

Campuses across the UK are about to experience strike action on a scale never seen before. 70,000 staff will walk out and make clear they refuse to accept falling pay, cuts to pensions and insecure employment.

This is not a dispute about affordability - it is about choices. Vice-chancellors are choosing to pay themselves hundreds of thousands of pounds whilst forcing our members onto low paid and insecure contracts that leave some using foodbanks. They choose to hold billions in surpluses whilst slashing staff pensions.³⁶

Pension dispute

In response to the announcement of strike action in November 2022, Universities UK, which negotiates with the UCU in the pensions scheme dispute, said it was working with UCU ahead of the next valuation of the USS:

[I]n relation to the valuation itself, the current highly volatile economic climate has meant that the USS Trustee insists that it is unable to establish a long-term view of its funding position, or revise its prices, ahead of the next valuation in March 2023. In recent weeks, we have worked jointly with the USS Trustee to produce an accelerated valuation timeline, and we hope this will allow us to see sustained improvements in funding. At that point we will want to work with UCU to agree any changes as quickly as possible.

It is important to remember that USS pensions remain among the most generous in the private sector. Employer payments have risen to 21.6% of salary, which is far higher than most other schemes.³⁷

Pay and working conditions dispute

On 9 May 2022, UCEA's negotiating team wrote to higher education unions with a final offer for 2022-23 of an overall 3.18% pay uplift. This included an uplift of up to 9% for the lowest paid staff, and an uplift of 3% for staff on or above spine point 20 on the national pay scale.³⁸

In its 9 May letter, the UCEA also said it shared the commitment of the sector's trade unions to tackling gender, ethnicity, and disability pay gaps,³⁹ and would support the creation of a working group to:

- Examine the intersectional data.

³⁶ UCU, [Biggest ever university strikes set to hit UK campuses over pay, conditions & pensions](#), 8 November 2022

³⁷ UUK, [Universities UK \(UUK\) response to announcement of UCU strike dates](#), 8 November 2022

³⁸ UCEA, [UCEA's final pay offer recognises inflationary pressures on the lower paid](#), 9 May 2022

³⁹ UCEA, [Taking action: Tackling the gender pay gap in higher education institutions](#), January 2019

- Identify and promote good practice and the principles underpinning it, both within and outside of the sector.
- Make recommendations that higher education providers adopt similar practices where they are able to do so.⁴⁰

The UCEA also committed to communicating a number of expectations to its members regarding contracts and concerns about increasing casualisation, but highlighted the institutional autonomy of employers in this area.⁴¹

In response to UCU's planned dates of strike action in November 2022, UCEA's Chief Executive, Raj Jethwa, said there would be disappointment across the higher education sector with the planned industrial action. In a statement, he said:

All HE institutions fully recognise the inflationary pressures currently facing staff. While UCEA is not proposing to re-open the 2022-23 pay round, which our member HE institutions have consistently confirmed as fully concluded, we are consulting on the possibility of bringing forward the New JNCHES 2023-24 pay negotiations. UCEA's current consultation follows in-depth discussions with our members across September and October in response to cost-of-living concerns.

Any threats of industrial action will do nothing to support students, staff or the many HE institutions working hard to avoid redundancies or maintain staffing levels, having delivered the August pay uplift.

UCU needs to provide its members with a realistic and fair assessment of what is achievable before encouraging strike action directed at students once again. UCEA and its member HE institutions always seek to work with UCU and other trade unions to support staff and students and to avoid any unfair disruptive action.⁴²

⁴⁰ UCEA, [2022-23 New JNCHES pay round, UCEA final offer letter 9 May 2022](#)

⁴¹ UCEA, [2022-23 New JNCHES pay round, UCEA final offer letter 9 May 2022](#)

⁴² UCEA, [UCEA's comment on UCU's plans for more strike action targeting students](#), 8 November 2022

3 2023 strikes

Following three days of strike action in November 2022,⁴³ the UCU announced in January 2023 that more than 70,000 staff at 150 universities across the UK would strike again for 18 days between February and March over pay, working conditions, and pensions.⁴⁴ An additional date in March was later added.

This was despite further rounds of pay negotiations in December 2022 and January 2023, which saw an improved offer made by employers of at least a 5% uplift for all staff. This was rejected by the unions because it was below inflation and “does nothing for years of pay degradation”.⁴⁵

The full dates of strike action announced for February and March were:

- Week 1: 1 February
- Week 2: 9 and 10 February
- Week 3: 14, 15, and 16 February
- Week 4: 21, 22, and 23 February (suspended)
- Week 5: 27 and 28 February, 1 and 2 March (suspended)
- Week 6: 15, 16, and 17 March
- Week 7: 20, 21, and 22 March

In weeks four and five, seven strike dates were suspended to allow negotiations “to continue in a constructive environment”.⁴⁶ Industrial action resumed from 15 March.

3.1 The disputes

The pensions dispute

In April 2022, changes to the Universities Superannuation Scheme (USS), the pension scheme for many employees in higher education, came into effect.

⁴³ UCU, [Biggest ever university strike begins in fight over pay, pensions & conditions](#), 23 November 2022

⁴⁴ UCU, [Universities to be hit with 18 days of strike action before April](#), 12 January 2023

⁴⁵ UCU, [Employers fall well short with new offer](#), 26 January 2023

⁴⁶ UCU, [UCU Rising: strike paused, campaign continues](#), 17 February 2023

The UCU has argued these changes will “drastically” reduce the level of guaranteed retirement income provided to USS members for their future service (benefits already built up will not change),⁴⁷ and this will particularly effect those nearer the start of their careers.⁴⁸

For the pensions scheme dispute, the UCU negotiates with Universities UK (UUK), which represents 340 USS employers.

The UCU called for:

- Employers to reverse the changes made to the pension scheme and to put pressure on USS to restore benefits to 2021 levels as soon as possible.
- Employers to put pressure on USS to ensure the next and all subsequent valuations of the financial health of the scheme are “evidence-based and are moderately prudent”.⁴⁹

The UCU has long argued the valuation of the scheme in March 2020, which prompted the changes, was flawed. It has also pointed to recent improvements in the scheme’s finances and argued the changes can no longer be justified.⁵⁰

UUK response

On 25 January 2023, in response to the UCU’s announcement of strike days in February and March, Universities UK said it was “disappointed” to see more industrial action planned. It also said the changes made to pensions in April 2022 were necessary to put the scheme on a “more sustainable footing”, but that it had been working with the UCU on assessing how the next valuation should be carried out.⁵¹

A spokesperson for Universities UK said:

We share the goal of a secure, valuable, and affordable retirement income for university staff – it is only through their work that universities are able to carry out their world-leading teaching and research. We continue to meet regularly with union and USS representatives and are already working with UCU ahead of the next valuation which is due to start in March.

Only around one in ten of those in the USS pension scheme voted to take strike action and it is important to remember that USS pensions remain among the most generous in the private sector. Employer payments have risen to 21.6% of salary, which is far higher than most other schemes. It is also important to remember the significant financial pressures facing universities, something

⁴⁷ UCU, [FAQs – USS pensions dispute](#)

⁴⁸ UCU, [UCU responds to new research into impact of cuts to university pensions](#), 16 June 2022

⁴⁹ UCU, [FAQs – USS pensions dispute](#)

⁵⁰ UCU, [‘Seize the moment’ and ‘revoke pension cuts’, vice chancellors told as trustee reveals vast improvement in scheme’s finances](#), 31 March 2022

⁵¹ USS Employers, Announcement of UCU strike days, 25 January 2023

likely to worsen with high inflation and a fee freeze which has been in place since 2017.⁵²

The pay and working conditions dispute

On the pay and working conditions dispute, UCU, along with the other UK unions that represent university staff (UNISON, Unite, GMB, and EIS in Scotland), set out its demands to employers in March 2022.⁵³ The unions asked for:

- A pay increase of at least inflation (RPI) plus 2%, or 12%, whichever is higher.
- Nationally agreed action to close gender, ethnic, and disability pay gaps.
- An agreed framework to eliminate precarious employment practices by universities.
- Nationally agreed action to address excessive workloads and unpaid work, to include addressing the impact that excessive workloads are having on workforce stress and ill-health.

The UCU has estimated around one-third of all academic staff are employed on fixed-term contracts, including half of teaching-only academics (44%) and over two-thirds (68%) of research-only staff.⁵⁴ The UCU has also estimated that, since 2009, the value of pay in higher education has fallen by approximately 25% relevant to inflation.⁵⁵

UCEA response

For the pay and working conditions dispute, the joint university unions (UCU, Unison, Unite, GMB, and EIS) negotiate with the [Universities and Colleges Employers Association](#) (UCEA).

Following three days of strike action in November 2022, the unions met with the UCEA in three meetings in December 2022 and January 2023 to discuss pay and working conditions.⁵⁶

A jointly agreed statement published prior to this round of meetings said:

Whilst employers view the 2022-23 round as closed, employers also recognise that the unions do not regard the 2022-23 round as concluded and would want

⁵² USS Employers, Announcement of UCU strike days, 25 January 2023

⁵³ [Higher Education Joint Unions' Claim 2022/23](#), March 2023

⁵⁴ UCU, [Precarious work in higher education: Insecure contracts and how they have changed over time](#) (PDF), updated October 2021

⁵⁵ UCU, [FAQS - Pay and working conditions dispute](#)

⁵⁶ UCU, [UCU statement on pay negotiations](#), 2 December 2022; UCEA, [Agreed early process for the 2023-24 New JNCHES pay round](#), 7 December 2022

any settlement of 2023-24 to take account of this. The employers agreed to consider this as part of the 2023-24 pay round.

In these meetings all parties will strive to achieve a conclusion to the 2023-24 pay round, and commit to a number of meetings for further negotiation, in relation to the other aspects of the unions' claim.⁵⁷

During these meetings, the UCEA made a “full and final pay offer” of between 5% and 8%, which it described as the highest pay uplift in nearly 20 years.⁵⁸ Part of the uplift would be brought forward and paid in February 2023, with the rest from August.

The unions rejected the offer, saying it was well below inflation and “does nothing for years of pay degradation.”⁵⁹ The UCU also said no further offers on the issues of casualisation, workload, and equality pay gaps were made.

A joint statement released by the unions on 26 January 2023 said:

1. We were disappointed by employers continuing to insist on a real-terms pay cut for 2023/4 which fails to address the 2022/23 dispute.
2. We looked to employers to make an inflation-based offer backdated to August 22 as well as a commitment to resolve pay-related issues.
3. University workers have suffered year-on-year pay cuts and this offer fails to offer any improvement.
4. We remain committed to a negotiated settlement.

We reject any attempt by employers to divide university workers and we will continue to work together to put pressure on employers to address the crisis in the sector. We agreed that to not make an offer that meets inflation to those university workers at the bottom end of the pay spine is particularly egregious while believing that all university workers are suffering year-on-year pay cuts. To do this, employers must increase the total amount of funding being provided for the pay of university workers.⁶⁰

3.2 Pause in strike action

On 17 February 2023, [the UCU announced it would pause strike action](#) due to take place between 21 February and 2 March to “create a period of calm” and allow negotiations “to continue in a constructive environment”.⁶¹

In the pensions dispute, a [joint statement published by UCU and Universities UK](#) (PDF) said “the forthcoming 2023 valuation [of the scheme] is likely to

⁵⁷ UCEA, [Agreed early process for the 2023-24 New JNCHES pay round](#), 7 December 2022.

⁵⁸ UCEA, [UCEA's full and final pay offer now needs to be considered by all](#), 26 January 2023.

⁵⁹ UCU, [Employers fall well short with new offer](#), 26 January 2023.

⁶⁰ UCU, [Employers fall well short with new offer](#), 26 January 2023.

⁶¹ UCU, [UCU Rising: strike paused, campaign continues](#), 17 February 2023.

reveal a high probability of being able to improve benefits and reduce contributions.”⁶²

The UCU also said there had been progress in the pay and working conditions negotiations, with new “time limited negotiations” established to seek agreements on:

- tackling casualisation
- improving work life balance and reducing workloads
- addressing equality pay gaps.⁶³

On pay, however, the UCEA said a “[pay impasse, rather than an agreement](#)” had been reached,⁶⁴ and that it had no ability to improve upon the 2023-24 pay award of between 5% and 8% which was imposed from February 2023.⁶⁵

Despite talks facilitated by the Advisory, Conciliation and Arbitration Service (Acas) on the terms of reference for pay, workload, contract types, and pay gaps negotiations, strike action resumed between 15 March and 22 March. The UCU also continued with its [ballot to renew the mandate for strike action](#).

⁶² UUK and UCU, [Interim joint statement by UUK and UCU with respect to the USS dispute](#) (PDF), February 2023

⁶³ UCU, [UCU Rising: strike paused, campaign continues](#), 17 February 2023

⁶⁴ UCEA, [UCEA and TUs conclude the 2023-24 pay round Dispute Resolution Procedure over pay](#), 17 February 2023

⁶⁵ UCEA, [Statement from the UCEA Board on the 2023-24 pay uplift and the Acas terms of reference](#), 23 March 2023

4

2023 marking and assessment boycott

On 3 April 2023, the UCU announced the results of its ballot to renew the mandate for industrial action:

- In the pay and working condition ballot, the yes vote for strike action was 85.6% and the turnout was 56.4%.
- In the pension ballot, the yes vote for strike action was 89% and the turnout was 58.4%.

In both disputes, members also voted for action short of strike.⁶⁶

In early April 2023, the UCU launched a consultation exercise with members on proposals put forward by employers in both disputes. This was a two-week electronic consultation, involving over 35,000 UCU members. They voted on whether to proceed with further negotiations over proposals agreed with employers, or to pursue further industrial action in the form of a marking and assessment boycott.⁶⁷

The results of the consultation were announced on 17 April 2023. Members voted in favour of pension proposals agreed with employers, including a commitment from employers to prioritise the restoration of retirement benefits. However, members rejected proposals on pay and working conditions. These included the 5-8% pay award as well as talks with Acas-facilitated terms of reference on non-pay issues such as casualisation, equality pay gaps, and workloads.⁶⁸

This meant a marking and assessment boycott began on 20 April 2023 in the pay and working conditions dispute (but not the pensions dispute). The boycott covers all marking and assessment processes that contribute to summative assessment decisions for students/learners. This includes final assessment, such as graduation and completion, and interim assessment, such as progression decisions. It also includes things like exam invigilation and processing marks.

The UCU [published a list of the institutions affected](#). Its general secretary, Jo Grady, said:

Ample opportunity has been given for employers to improve their offer in the pay & conditions dispute, but they have refused and now a historic marking

⁶⁶ UCU, [University staff renew strike mandate with historic ballot result](#), 3 April 2023

⁶⁷ UCU, [Notice served for marking boycott at 150 UK universities](#), 5 April 2023

⁶⁸ UCU, [UCU declares 'historic victory' as members vote to move forward with university pension proposals](#), 17 April 2023

and assessment boycott will begin at 145 universities. Staff have been crystal clear that they are worth more than what has been put on the table and now bosses need to wake up and prevent widespread disruption hitting graduations.⁶⁹

This boycott will continue until either the disputes are settled, or the end of the industrial action ballot mandate is reached (30 September). This mandate could be renewed further through another ballot.

The UCU has published a [series of FAQs with more information](#).⁷⁰

4.1

Response to the boycott

UCEA response

In response to UCU's ballot outcome confirming the marking assessment boycott in the pay and working conditions dispute, the Universities and Colleges Employers' Association's (UCEA) Chief Executive, Raj Jethwa, said his organisation remained committed to working with the trade unions on the implementation of the Acas-facilitated terms of reference on non-pay issues, provided no industrial action took place during these talks.

On 15 May 2023, he said if the UCEA had not heard back “positively” by 18 May 2023, it would consider the terms of reference for the talks to have lapsed.⁷¹ On the 2023/24 pay deal, UCEA's Chief Executive said university employers had compromised despite the financial uncertainty of many institutions. He said:

Recognising the current cost of living pressures facing staff, UCEA, representing 144 participating employers, agreed with UCU and the other four trade unions to bring forward the 2023-24 pay talks. This resulted in a final pay award of between 8% and 5% from August 2023 with almost half of this paid from February, some six months in advance of the usual pay uplift date. Despite the financial pressures facing the sector, this pay award is comparable to settlements in the wider economy.

Most HE institutions continue to face considerable financial uncertainty, with many posting deficits. Home student tuition fees have been frozen until at least 2025 and many HE institutions are also looking at substantial increases in employer contributions in the Teachers' Pension Scheme.⁷²

The UCEA has also said universities are legally entitled to withhold full pay for partial performance of employee duties, such as refusing to undertake marking and assessment.⁷³ More than 60 employers have said they will deduct between 50% and 100% of wages from those taking part in the

⁶⁹ UCU, [Marking and assessment boycott to hit 145 UK universities from tomorrow](#), 19 April 2023

⁷⁰ UCU, [Marking and assessment boycott FAQs](#)

⁷¹ UCEA, [UCU's MAB impact limited but HE institutions prioritise protecting their students](#), 15 May 2023

⁷² UCEA, [UCEA response to UCU's latest ballot outcome](#), 17 April 2023

⁷³ UCEA, [HE institutions have a duty to protect their students during the MAB](#), 21 April 2023

marking and assessment boycott.⁷⁴ This prompted local strike action at a number of universities, with staff describing the pay deductions as “wildly disproportionate”.⁷⁵

Government response

On 15 May 2023, an early day motion in the House of Commons called on the UCEA to “withdraw the instruction to vice chancellors to implement punitive pay deductions” and called on the government “to demand employers resolve the dispute”.⁷⁶

In June 2023, the Minister for Skills, Apprenticeships and Higher Education, Robert Halfon, met with the UCEA, Universities UK (UUK), and the Russell Group to understand the impact of the boycott on students and what mitigating actions higher education providers were taking to protect students’ interests. He also wrote to the Russell Group and UUK to encourage them to do everything in their power to protect the interests of their students.⁷⁷

The UK Government has suspended the requirement for students on initial teacher training courses to have their degree confirmed prior to starting,⁷⁸ and said it is exercising “operational discretion” to provide flexibilities for international students where their permission to remain in the UK is about to expire and they are hoping to apply for a graduate visa.⁷⁹

Talks to end the boycott

On 11 July 2023, the UCEA announced it was terminating the membership of Queen’s University Belfast with the association for three years after it made an agreement on pay with the local UCU branch outside of the collective pay arrangements.⁸⁰

It has been suggested the prospect of more local deals being agreed between individual universities and staff would be damaging to both the UCEA and UCU, because of the way it would undermine the approaches of both sides to the dispute and the respective benefits of collective bargaining.⁸¹

⁷⁴ [“UCU faces ‘ultimate test’ as v-cs seek to blunt marking boycott”](#), Times Higher Education, 27 April 2023 (accessed 19 May 2023)

⁷⁵ Times Higher Education, [UCU meets pay deduction threats with further strikes](#), 9 June 2023

⁷⁶ [EDM1164 \[University and College Union marking boycott\] 15 May 2023](#)

⁷⁷ [PQ193680 \[Universities: Strikes\] 20 July 2023](#)

⁷⁸ Department for Education blog, [UCU marking and assessment boycott and teacher training: what you need to know](#), 14 June 2023

⁷⁹ UK Council for International Student Affairs, [Graduate route applications and the marking boycott: Home Office updates ‘discretionary arrangement’](#), 7 July 2023

⁸⁰ UCEA, [UCEA statement on QUB membership](#), 11 July 2023

⁸¹ Times Higher Education, [Prospect of more local deals deepens fractures in UK pay dispute](#), 3 July 2023

On 14 July 2023, the UCU and UCEA published a joint statement that said “exploratory talks” about resuming negotiations to end the marking and assessment boycott had taken place and were “constructive”.⁸² The statement said:

Today’s exploratory talks between UCEA, UCU and the other joint unions’ side secretary were constructive, although there is still significant ground to be covered. We have explored obstacles to resuming negotiations and bringing an end to the Marking and Assessment Boycott, with both sides recognising the complexity of the issues.

Both sides welcomed the positive tone of the discussion and have identified dates for further urgent talks. Further discussion will also take place with the Joint HE Trade Unions to consider the scope and remit of a review of sector finances.⁸³

Further talks took place in July and August 2023.

4.2 Impact on students

As a result of the boycott, students face potential delays to undertaking progression assessments, receiving their degree results, and graduating.⁸⁴

These delays might have implications for job offers and places on postgraduate courses that are dependent on a student achieving a certain degree classification. For international students, there have also been concerns some will be unable to apply for a graduate visa because of the normal requirement for applicants to be able to confirm they successfully completed their studies.

The impact of the boycott on students was widely covered in the media. See, for example:

- [“UK university marking strike leaves thousands of students stuck in limbo”](#), Reuters, 27 July 2023
- [“Student unrest mounts amid UK marking boycott”](#), 17 July 2023
- [“University marking boycott: How are students being impacted - and will they still get their degrees?”](#), Sky News, 14 July 2023
- [“Third of UK final-year students face grades delay due to marking boycott”](#), The Guardian, 24 June 2023

⁸² UCU, [Joint statement from UCU & UCEA on today’s talks](#), 14 July 2023; UCEA, [Joint statement on 14 July 2023](#), 14 July 2023

⁸³ UCU, [Joint statement from UCU & UCEA on today’s talks](#), 14 July 2023; UCEA, [Joint statement on 14 July 2023](#), 14 July 2023

⁸⁴ [“Exam marking boycott by UK university staff could hit graduations this summer”](#), The Guardian, 18 April 2023

Progression and graduation

On 23 June 2023, the UCEA published a statement that said the impact of the marking and assessment boycott had been “limited”. This was based on a poll of just under half (49%) of higher education providers targeted by the boycott, in which 71% said “less than 2% of students will be unable to graduate this summer”.⁸⁵ A further poll on Wednesday 26 July covered 59% of providers, and found over 80% had ‘less than 10%’ of academic staff partaking in the boycott and 67% said all students were able to graduate as normal.⁸⁶

However, while students may have been able to graduate, many would not have known their final result due to work being unmarked.⁸⁷ At the University of Edinburgh, for example, 27% of final year students (around 1600 students) had not received a final decision on their degree outcome by the time graduations commenced.⁸⁸ Students were told they could take part in the graduation ceremony, but may be found to be ineligible for a degree award once final marks were awarded after the boycott had ended.⁸⁹

Universities are autonomous institutions and so the approach to awarding degrees and graduations has not been the same, which has meant the consequences for students have varied across the UK.

- The University of Manchester said it would give degree classifications to undergraduate students with marks in at least two-thirds of their final-year modules, but no one would receive a lower degree classification when all final marks were submitted, unless there were specific circumstances, such as academic malpractice.⁹⁰
- At the University of Cambridge, “celebratory events” will take place instead of graduations, with over 50% of undergraduates and 90% of postgraduates potentially unable to graduate as normal because of the boycott.⁹¹
- At the University of Nottingham, students affected by the boycott were able to choose to accept a final mark and degree classification based on work that had been marked, and graduate as normal in July, or choose to wait for all their work to be marked to receive their degree

⁸⁵ UCEA, [UCU's limited MAB impact little comfort to some students](#), 23 June 2023

⁸⁶ UCEA, [An update on UCU's MAB sector wide impact](#), 28 July 2023

⁸⁷ [“Fears graduates may never get degree grades amid university marking boycott”](#), Sky News, 24 June 2023

⁸⁸ University of Edinburgh, [An update on the marking and assessment boycott](#), 24 July 2023

⁸⁹ [“Third of UK final-year students face grades delay due to marking boycott”](#), The Guardian, 24 June 2023

⁹⁰ [“Third of UK final-year students face grades delay due to marking boycott”](#), The Guardian, 24 June 2023

⁹¹ University of Cambridge, [Marking and Assessment Boycott: an update from the Acting Vice-Chancellor](#), 16 June 2023

classification.⁹² If students chose to wait, they could graduate in July without receiving a degree certificate or attend a later graduation ceremony.

Students in earlier years were also affected by the boycott, with many progressing from one year to the next without having all their work marked. Some students were left not knowing whether they could progress, whether they needed to do summer resits, or whether they had the required grades to join particular modules or study abroad programmes.

At the University of Nottingham, like their final-year peers, students in earlier years could also choose whether to accept final marks for the year based on work that had been assessed or wait for all their work to be marked. However, the university said students who chose to wait may not be able to register for their next year in September and so would lose access to student finance. A statement on the university's website said:

If you decide not to accept your derived or part-for-whole marks, this may mean that you will not have your marks in time to progress to your next year of study. You may not be able to re-register in September, and you may lose access to grant and loan funding.⁹³

International students

International students have been particularly affected by the marking and assessment boycott because any delay to receiving their final results might extend past their visa end date. This could have implications for their ability to apply for a post-study graduate visa, because a student must have successfully completed their course and be in the UK to apply.

In an attempt to address this issue, the Home Office is allowing some flexibility in the visa system so applicants for a graduate visa will have eight weeks to receive their results and confirm successful completion. Students who might have to wait longer than eight weeks can apply to extend their current visa while they wait, without having to meet the normal academic progression requirements.

Guidance issued to universities by the Home Office in June 2023 said:

1. UKVI [UK Visas and Immigration] will consider exercising discretion and will hold Graduate route applications made before the applicant's results have been received, provided that the results are received within 8 weeks of the application being made.
2. Students who do not know when they will receive their results due to the boycott will be able to apply to extend their permission whilst they wait for their results. They will be exceptionally exempt from meeting the academic

⁹² University of Nottingham, [Marking and assessment boycott – how your marks, progression and graduation could be affected](#), 13 June 2023

⁹³ University of Nottingham, [Marking and assessment boycott – how your marks, progression and graduation could be affected](#), 13 June 2023

progression requirements. Sponsors should include a note on the Conformation of Acceptance for Studies (CAS) that the extension is due to the marking boycott.⁹⁴

However, a number of issues remain. It costs £490 to extend a student visa,⁹⁵ and UK Visas and Immigration (UKVI) is not waiving this fee for international students affected by the marking and assessment boycott, nor are universities routinely offering to cover the charge.

Moreover, the discretionary arrangement does not apply to students completing their courses and wishing to stay in the UK for further study. These individuals will need to extend their student visa but will have to meet the academic progression requirements. For those students who do not have a final degree classification because of the marking boycott, they may be awarded a “highly likely to complete” letter by their university. However, it has been reported some universities have been reluctant to issue these letters due to fears about academic integrity,⁹⁶ while others have received legal advice saying they should not issue such a letter without a meeting of the exam board.⁹⁷

The other option for students in this position is to return to their home country and apply for another student visa from there.

Mitigating the impact of the boycott

Universities must have in place measures to avoid or limit disruption caused to students by industrial action, including marking and assessment boycotts. This should include ensuring students are not disadvantaged if changes must be made to assessment.

Universities have said they are making every effort to ensure all submitted work is marked, but mitigations include:

- rescheduling assessments
- drafting in additional markers, such as doctoral students
- assigning marks using past assessment performance and marks already achieved
- providing a provisional award and delaying a final degree classification

Many universities have published information for students on their websites explaining how they are responding to the marking and assessment boycott. An article on the higher education website Wonkhe argues students have a

⁹⁴ UK Council for International Student Affairs, [Graduate route applications and the marking boycott: Home Office updates 'discretionary arrangement'](#), 7 July 2023

⁹⁵ GOV.UK, [Student visa: Extend your visa](#)

⁹⁶ “[International students bear brunt of marking crisis](#)”, Times Higher Education, 17 July 2023

⁹⁷ “[Some international students are squeezed in the mess of the marking boycott](#)”, Wonkhe, 17 July 2023

right to mitigations that are “legal, academically sound and meet their learning needs”, as well as a right to redress if these standards are not met, but states guidance from regulators and ombuds services in this area is currently lacking.⁹⁸

The Institute of Student Employers has recommended employers that make offers conditional on a student’s final degree classification consider the difficult situation students affected by the boycott may be in and contact the relevant institution’s career service if there is a concern.⁹⁹

The Department for Education has said universities and school-led teacher training providers will be able to recruit trainees whose degree status has not yet been confirmed because they have been impacted by the boycott.¹⁰⁰ Students would then be expected to prove their degree prior to completing their teacher training.

⁹⁸ “[What are students’ rights over MAB mitigations?](#)”, Wonkhe, 21 June 2023

⁹⁹ Institute of Student Employers, [What the university marking boycott means for employers and graduates](#), 15 June 2023

¹⁰⁰ Department for Education blog, [UCU marking and assessment boycott and teacher training: what you need to know](#), 14 June 2023

5

How do universities respond to industrial action?

Universities should tell students if staff might be involved in industrial action, but staff who choose to strike, or take action short of a strike, have no obligation to inform their employer or students of their intention beforehand.

During days when industrial action is taking place, teaching, supervision, and assessment might be affected for students, as well as possibly IT provision and access to libraries and laboratories. The impact will vary across universities and, depending on which members of staff are taking action, possibly also faculties and departments. It will also vary depending on the type of industrial action being undertaken, for example whether staff are striking or boycotting marking and assessment.

Universities are expected to take steps to avoid or limit disruption to students. This might include making up for any lost teaching or learning time and ensuring students are not disadvantaged if changes must be made to assessments. Universities are also expected to communicate regularly with their students to ensure they understand the impact the disruption will have on studies and the steps they will take to mitigate this impact.

Many universities will put information on their website explaining the reason for industrial action, setting out their response, and signposting guidance for their students. For example:

- University of Durham, [Industrial action at Durham](#)
- University of Edinburgh, [Industrial action](#)
- Queen's University Belfast, [Information in relation to Industrial Action](#)

6

Student views of industrial action

In response to the UCU's plans for industrial action in December 2021, the then-National Union of Students (NUS) Vice-President for Higher Education, Hillary Gyebi-Ababio, said the NUS stood in solidarity with staff who had voted in favour of industrial action. She said:

We don't win a new vision for education by allowing senior managers to pit students and staff against one another. Staff working conditions are our learning conditions, and we must stand together if we are to realise a system that is truly student-centered and democratised. Our fights are inherently linked. UUK and UCEA must return to negotiations if we want to see a resolution to these disputes, and disruption minimised for students.¹⁰¹

However, the students' unions of University College London and King's College London both said they did not support the industrial action that took place in late 2021. They argued [students should not have to endure further disruption](#) following two years of national lockdowns, a lack of in-person teaching, and diminished student experience. Instead, the UCL students' union [called for the UCU to consider other ways of settling the dispute](#) which would not compromise student education, and urged employers to co-operate with trade unions.¹⁰²

In November 2021, the NUS said a survey it carried out as part of its monthly student opinion tracker revealed [73% of students supported staff taking industrial action](#), while 9% did not.¹⁰³

The views of some students at the University of Sheffield and Sheffield Hallam on the December 2021 strike action were included in an article [published by the Sheffield Tab](#).¹⁰⁴ During the February 2022 industrial action, students at SOAS occupied management offices in support of the strikes,¹⁰⁵ while students elsewhere expressed frustration at the disruption.¹⁰⁶

Ahead of the November 2022 strikes, the NUS Vice-President for Higher Education, Chloe Field, said students supported staff in their attempts to achieve better pay and conditions. She said:

¹⁰¹ NUS, [NUS response to UCU announcement on industrial action over pensions](#), 5 November 2021

¹⁰² UCL Students' Union, [A letter to our academic community](#), October 2021

¹⁰³ NUS, [Student views on UCU strikes revealed by NUS](#), 16 November 2021

¹⁰⁴ ["It will disrupt our learning once again": How students really feel about the upcoming December strikes](#)", The Sheffield Tab, 23 November 2021 (accessed 26 November 2021)

¹⁰⁵ ["More than 30 students occupy SOAS building in solidarity with UCU strikes"](#), The UCL Tab, 25 February 2022 (accessed 18 November 2022)

¹⁰⁶ ["UoN strikes: It's not our fault, so why are we the ones being punished?"](#), The Nottingham Tab, 28 February 2022 (accessed 18 November 2022)

Students stand in solidarity with the 70,000 university staff across the UK who will strike later this month. Staff teaching conditions are students' learning conditions, and we must fight together for a fairer, healthier education system for everyone who works and studies. [...]

The struggles we face as students are inextricably linked to the reasons that staff are striking. High rents, astronomical international student fees, and cuts to maintenance support have happened for the same reasons that staff are suffering under huge workloads - the failed marketisation of the sector which has put profit above staff and student well-being.¹⁰⁷

6.1 Marking and assessment boycott

Following the announcement of the 2023 marking and assessment boycott, the reaction of students was again mixed.

Students described the stress and anxiety that accompanied the uncertainty around their final assessments and whether they would be able to graduate as planned. Some also described feeling “disheartened” about lengthy dissertations potentially not being marked,¹⁰⁸ and expressed concern about their job prospects.¹⁰⁹ However, students also said they were sympathetic to university staff and instead frustrated with university management over the ongoing dispute and how they have responded to the boycott.

Following votes at the University of Bath’s Students’ Union and the Open University’s Students Association, both organisations said they did not support the UCU’s marking and assessment boycott because of the impact it would have on their members.¹¹⁰ Conversely, Stirling Students’ Union reaffirmed its support for staff involved in the marking and assessment boycott and said it was “proud” to stand with the UCU and university staff members taking industrial action.¹¹¹

The student publication The Tab has surveyed students on their support for recent industrial action. These surveys cannot be considered reliable because of their methodology (a poll on Instagram), but they suggest students are less supportive of the marking boycott compared to the strike action that took place earlier in 2023.¹¹²

¹⁰⁷ UCU, [Biggest ever university strikes set to hit UK campuses over pay, conditions & pensions](#), 8 November 2022.

¹⁰⁸ “[‘I have zero job prospects now’: students react to the marking boycott](#)”, Dazed, 16 May 2023

¹⁰⁹ “[‘University marking boycott response an absolute disgrace, say students’](#)”, BBC News, 12 May 2023

¹¹⁰ University of Bath SU, [SU Response to the Marking and Assessment Boycott](#), 25 April 2023; OU Students Association, [Association Leaders stand against UCU marking and assessment boycott](#), 16 May 2023

¹¹¹ Stirling Students’ Union, [Union update on UCU action](#), 4 May 2023

¹¹² “[‘I’m gutted’: Students speak out as marking boycott leaves them in limbo](#)”, The Tab, 19 May 2023; “[70 per cent of university students support the UCU lecturer strikes](#)”, The Tab, 9 February 2023

7 What can students do if their education is disrupted?

7.1 Complaints process

There is generally a three-step process to resolve issues if students are unhappy about the impact of industrial action on their studies.

Contacting the university/college

In the first instance, students are expected to contact their university or college to raise concerns about lost teaching or services. The appropriate staff members to contact should be clearly signposted by higher education providers, but a students' union or other representative body may also be able to provide advice.

Making a formal complaint to the university/college

If students are still dissatisfied, they can make a formal complaint. Higher education providers are expected to provide clear information on how to navigate their complaints processes, and this information will usually be found on the provider's website. Students' unions will often also provide support in such situations.

Contacting the relevant ombuds service

If students are not content with the outcome of a complaint, or if they believe it has been poorly handled, they can contact the relevant higher education ombuds service for their country. Students will generally be expected to have exhausted their university's internal complaints procedures first.

In England and Wales, the independent student complaints ombuds service for higher education is the Office of the Independent Adjudicator (OIA). The OIA has a [briefing note detailing how it will consider complaints arising from staff strikes](#) and also a general [FAQ article for students at universities where industrial action is taking place](#).¹¹³

¹¹³ Office of the Independent Adjudicator, [OIA briefing note: complaints arising from strike action](#), 20 March 2018; Office of the Independent Adjudicator, [Industrial action - FAQ for students](#)

In Northern Ireland, the ombuds service for higher education is the [Northern Ireland Public Services Ombudsman \(NIPSO\)](#). In Scotland, it is the [Scottish Public Services Ombudsman \(SPSO\)](#).

If the ombuds service believes a student's complaint is justified, they will recommend a course of action to the university for resolving the issue.

7.2 Can students claim refunds for lost teaching or delayed assessment?

The Office of the Independent Adjudicator (OIA), the independent student complaints ombuds service for higher education in England and Wales, has made it clear that whether students are entitled to tuition fee refunds following industrial action depends on what other actions a university has taken to minimise lost learning opportunities:

Your provider may do several things to try to ensure that you are not disadvantaged because of industrial action. They may be able to re-schedule missed teaching or offer a different way to deliver the content. Providers may also take the industrial action into account when deciding how to carry out assessments. You might not be entitled to a financial remedy if the provider is able to take steps to put things right another way.

Your provider might offer you a financial remedy, particularly if it is unable to take any other action to put the situation right.¹¹⁴

[Case summaries available on the OIA website](#) reveal some universities have been instructed to award students financial compensation for not sufficiently minimising disruption caused by previous industrial action.¹¹⁵ When assessing the level of financial compensation, the OIA considers the notional cost of the teaching hours missed alongside the responsibilities of universities to provide and maintain buildings, IT and library facilities, and student support and administrative services.

During industrial action in 2020, the then-Higher and Further Education Minister, Michelle Donelan, said the Government expected financial compensation to be a possible option for mitigating the impact of industrial action on students. She said:

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.¹¹⁶

¹¹⁴ Office of the Independent Adjudicator, [Industrial action - FAQ for students](#)

¹¹⁵ Office of the Independent Adjudicator, [Case summaries](#)

¹¹⁶ [PQ 21388 \[Students: Compensation\], 5 March 2020](#)

On 19 April 2021, the OIA announced the introduction of new rules to streamline the Large Groups Complaints process to manage similar complaints from large groups of students from a single higher education provider better.¹¹⁷ This will allow for complaints to be considered collectively and for individual complaints to be added to a larger group. The OIA hopes it will allow for complaints to be handled more efficiently while maintaining fairness.

An [article in Wonkhe from June 2023](#) discusses whether students might be entitled to refunds through consumer law as a result of the marking and assessment boycott.¹¹⁸ It calls for more clarity from both consumer and higher education regulators about whether providers can limit their liability to disruption cause by industrial disputes, and, if not, whether tuition fee reductions or damages are in order.

In response to the 2023 marking and assessment boycott, the University of Manchester awarded any student who experienced a delay in receiving their degree award beyond the date of their graduation ceremony £500.¹¹⁹ If the delay was resolved before ceremonies begin on 11 July, students received a payment of £150.

7.3 Does the Office for Students have any role in disputes?

The Office for Students (OfS) is the regulator of higher education in England. It does not get involved in industrial disputes, nor comment on their substance, but its remit to protect students' interests and uphold standards remains during periods of industrial action. The OfS will closely monitor universities to ensure they continue to meet their [conditions of registration](#) (and are thus eligible to receive public funding) and obligations under consumer protection law.

Prior to the commencement of strikes at a number of universities in 2020, the then-chief executive of the OfS, Nicola Dandridge, [set out the role of the regulator during industrial action in an article on the Wonkhe website](#).¹²⁰

On 1 December 2021, Nicola Dandridge made it clear the OfS was concerned about the potential impact of further industrial action on students, saying:

Universities are subject to consumer protection law, and they should consider how they will make up for any disruption caused by industrial action. This might include rescheduling any teaching which is missed, delivering course

¹¹⁷ Office of the Independent Adjudicator, [OIA introduces new Rules for Large Group Complaints](#), 19 April 2021

¹¹⁸ "[Does the MAB mean students can claim a refund?](#)", Wonkhe, 19 June 2023

¹¹⁹ University of Manchester, [Delayed Award Payment FAQs](#), July 2023

¹²⁰ "[OfS: our role during the industrial action](#)", Wonkhe, 21 February 2020 (accessed 25 November 2021)

topics in a different way or considering whether partial refunds of tuition fees are appropriate. Students should not be disadvantaged academically because of any disruption.¹²¹

In November 2022, the OfS produced a briefing for higher education providers to [explain its approach to the impact of disruption caused by industrial action](#) on students. The briefing highlights existing regulatory requirements and summarises the obligations of higher education providers under consumer protection law.¹²²

The OfS also has a [guide for students whose studies might be disrupted](#) by industrial action. This provides advice on:

- what the OfS does to protect student interests when industrial action occurs;
- what students can expect from their higher education provider;
- the rights of students under consumer protection law;
- and how students can complain if they are unhappy about the impact of industrial action on their studies.¹²³

In June 2023, the Office for Students wrote to higher education providers in England to outline its expectations for the protection of student interests during the marking and assessment boycott.¹²⁴

7.4 Legal action

Over 100,000 students from across the UK have launched a group legal action seeking compensation from UK universities over disruption caused to their studies by the Covid-19 pandemic and industrial action. Through the Student Group Claim website, students have instructed law firms Marcus Parker and Asserson on a no-win, no-fee basis.¹²⁵

The first claim has been brought against University College London (UCL), which is the biggest provider of higher education in the UK after the Open University.

Alongside the claim against UCL, similar claims are being prepared against more than 100 other UK universities. In October 2022, 17 other universities were sent Letters Before Action (the first step that must be taken before any legal claim is launched), including the London School of Economics (LSE),

¹²¹ OfS, [OfS responds to industrial action](#), 1 December 2021.

¹²² OfS, [Briefing note: Disruption to students caused by industrial action](#), November 2022

¹²³ OfS, [Student guide to industrial action](#), 9 November 2021

¹²⁴ OfS, [Marking and assessment boycott 2023, letter to higher education providers](#), 16 June 2023

¹²⁵ [Student Group Claim, FAQs](#)

King's College London, Imperial College London and the Universities of Manchester, Leeds, Birmingham, Warwick and Cardiff.

The claimants are not arguing they should be fully reimbursed for their fees, but that since courses were not delivered to the standard they were promised, students should only be required to pay tuition fees that reflect the value of the services they received.¹²⁶

University College London hearing

The initial hearing in the High Court on whether the claim against UCL could proceed was delayed from February until late May 2023.

When it was heard, the lawyers representing the students argued UCL breached its contract with students by failing to provide in-person tuition and access to campus facilities between 2017 and 2022 on days when teaching was disrupted by industrial action and/or the Covid-19 pandemic.

Lawyers for UCL argued rather than a legal hearing, students should instead be expected to first go through the university's own internal complaints procedure, and if they are not satisfied with that, they should appeal to the Office of the Independent Adjudicator (OIA). The lawyers also argued the claims against UCL needed more detail and were too abstract given the differences across students in courses, academic years, contracts, and the effects of industrial action and the pandemic they experienced.

Judgment

On 17 July 2023, the High Court ruled the claim against UCL could proceed, and it was not necessary for the students to complain to UCL first and subsequently the OIA.¹²⁷ The judge accepted some of the concerns raised by the students and their legal team about the OIA scheme were valid, for example, whether the OIA is able to make determinations on legal issues, such as exemption clauses in contracts and students' rights as consumers.

However, the judge also expressed a preference for the claim to be settled out of court, without the need for a trial, and so paused the claim for eight months. The judge said either side could ask the court to reduce this period to four months in certain circumstances.

Student Group Claim said if a satisfactory financial settlement could not be reached outside of the court process, it [would continue with its legal claim and proceed to trial](#).

¹²⁶ Ryan Dunleavy, a Partner at law firm Harcus Parker, has explained the student group claim on the Wonkhe website: "[Pandemic surpluses should mean Covid compensation](#)", Wonkhe, 3 February 2023.

¹²⁷ [Hamon & Others v University College London \[2023\] EWHC 1812 \(KB\) \(17 July 2023\)](#) The case is discussed on the Wonkhe website: "[Students can go to court over Covid refunds after all. What happens next?](#)", Wonkhe, 17 July 2023.

UCL published a statement in support of the existing complaints procedures, namely its own internal processes and the OIA. The statement said:

We respect the right of our students to complain and seek redress if they feel that they have not received the support they expected from us. That is why we have a well-established and free complaints procedure. We believe the Group Litigation Order is unnecessary and premature as our easily accessible process is the most efficient and swiftest way for our students to resolve any issues with us.

This gives students the option of complaining to the Office of the Independent Adjudicator for Higher Education, if they are not satisfied with our response. This is the appointed Alternative Dispute Resolution (ADR) service for dealing with student complaints, with powers to recommend that UCL make awards of compensation to affected students where appropriate, and this is also free to use.¹²⁸

¹²⁸ UCL, [UCL statement in response to Student Group Claim hearing at the High Court](#), 24 May 2023

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