

London Higher's response to the Department for Education's consultation on Minimum Service Levels in education

General section

1. Do you agree or disagree that an education MSL should apply consistently across England, Scotland, and Wales?

No preference.

An education MSL should consider that some providers work across more than one home nation having campuses in, for example, Scotland and England. Therefore, any MSL would need to both appreciate regional differences in HE while ensuring organisations and staff didn't have conflicting responsibilities.

2. Do you agree with the settings proposed to be in and out of scope?

Disagree.

There was a strong consensus from the London Higher membership that minimum service levels should not apply to higher education. While all were concerned about the impacts of strikes and were committed to reducing the impacts on students wherever possible, there was a widespread feeling that minimum service levels were very unlikely to help achieve this in higher education.

Some members raised concerns that universities were very unlikely to apply minimum service levels as this could be seen as an escalation in industrial action, potentially harming relationships with unions and prolonging industrial action. There was also a concern that the differences in the way HEIs contract with students, meant that they already had a range of service levels that needed to be met. Students in turn had recourse against the university through bodies such as: the Office for the Independent Adjudicator (OIA); the Office for Students (OfS); and the Competition and Markets Authority, if said service levels were not maintained.

3. Do you agree with the design principles for the MSL?

Disagree.

Our members had concerns about the design principles around remote education in a higher education setting. Given the format of most teaching and learning in HE, members felt that a requirement to have education continue as far as possible during strike action was not feasible as this would amount to simply not having the strikes.

4. Do you agree with the approach to remote education?

Disagree.

The idea that teaching could be moved online seemed impractical to members, as those on strike are often the only possible people able to give instruction in a specific area, particularly in areas where teaching is highly specialised. Many classes, such as labs, are also not practical to deliver outside of the specific spaces in which they take place. This measure seems more appropriate for schools, and so members hope that such expectations are understood as being unreasonable for universities to comply with.

5. What are the challenges around delivering remote education on strike days?

As above: the personnel who are on strike are often the only possible people able to give instruction in a specific area, particularly in areas where teaching is highly specialised. Many classes, such as labs, are also not practical to deliver outside of the specific spaces in which they take place. Additional logistical challenges such as timetabling, preparing IT and communication to students, all at short notice, would make this measure impractical.

An MSL in higher education (HE specific section)

65. We are seeking views to form a better understanding of the impact of industrial action in the last academic year on universities, students, and the wider community. For now, we are interested in views on what form an MSL could take in the higher education sector. If we pursue plans to lay regulations for higher education, we will consider whether to undertake further consultation on detailed MSL proposals for HE.

Strike action

26. Which groups of staff went on strike in your university? Please mark all that apply

- Academic staff
- Technical staff
- Professional staff
- Administrative staff

There were strikes including all the staff groups listed, but most staff participating in industrial action were academics. Some members had quite different distributions of staff off while others were impacted by strikes by NHS staff as well, due to some staff on NHS contracts having teaching responsibilities.

27. What was the impact in your university?

- Moderate impact

28. What impact did strike action have on your university?

- Cancelled lectures or seminars
- Lectures or seminars moved online

29. Did industrial action impact people outside of your university (e.g. suppliers, subcontractors, local businesses)?

- Yes (please specify which groups)

Some local business will have been impacted by reduced student attendance and some events involving external organisations were likely impacted, but the extent of the impact was likely very limited.

30. Did the strike action impact some students more than others? If so, which students and why was this?

- Yes (please specify)

Students on specific courses were more likely to be impacted due to a higher proportion of staff in certain subjects striking. Arts, humanities and social sciences were more likely to be impacted. It is possible that some groups for whom attendance is particularly important, for instance students who are otherwise socially isolated, might have been impacted more severely, but there was limited evidence of this, particularly given the strikes did not last a particularly long time.

31. Did this strike action lead to recruitment issues for local employers, particularly the recruitment of critical workers?

- Unsure

There was limited evidence of this, but it is reasonable to assume that some minor impact was felt in areas where students' degree results were delayed due to the marking and assessment boycott. There was some evidence of students being impacted – including when taking up further study, such as courses that fed into critical worker professions, e.g. graduate entry medicine.

32. Are there any exams and assessments which must take place on specific days and cannot be moved?

How were these affected by strikes and what was the impact on students and providers?

No

N/A

33. Were there any attempts by striking staff to make up learning lost because of strike action?

- Yes, through online learning or during office hours
- Yes, through independent learning
- Yes, other (please specify)

Staff made a substantial effort to help students catch up in certain institutions and areas, although this was not consistent across the sector. Unions encourage staff not to put up learning materials that would substitute for teaching so as not to undermine the value of the industrial action.

34. Are there subjects which have particular requirements which were more affected than others by strike action, e.g. medicine which requires minimum contact hours? If so, which subjects and why were they more affected?

While there will necessarily be variation in impact by subject, the length of the current strikes meant that there was no hugely differing impact for students, although there will likely have been a few cases at specific providers where subject-specific impacts were significantly more severe.

35. What was your experience of the marking and assessment boycott?

- Severe disruption to me/my university

36. What impact did the marking and assessment boycott have on you and your university?

- Results weren't received on time and I/students were unable to progress in education/employment as planned.

37. What impact did the marking and assessment boycott have on the reputation of the UK's higher education offer domestically and internationally?

- A negative impact

Although not a measurably large impact (data showing this may have appeared in NSS data, however the most recent collection preceded the boycott) there were widespread reports of disgruntled students and parents. Reputational damage was likely limited to these groups however, as the impacts outside of universities and over the long term were minimal. There were some concerns about reputational impact, but currently this assertion was largely based on anecdotal evidence..

38. Did the marking and assessment boycott impact people outside your university e.g. suppliers, sub-contractors, local businesses?

If people outside of your university were affected by the marking and assessment boycott, please provide further information (e.g. local businesses unable to recruit when they usually would, or unable to honour an employment offer that was subject to graduation).

- Unsure

A few organisations may have had some delays in hiring new staff, and some universities had delays in accepting students onto their courses because of delays in results, but this was thought to be fairly minimal and localised.

N/A

39. Did the marking and assessment boycott lead to recruitment issues for local employers, particularly the recruitment of critical workers?

- Unsure

There is limited evidence of impact, although there were a few anecdotal reports of delays for some students getting jobs.

40. What sort of minimum service level do you think would have the most impact in mitigating the most adverse effects of strike action in higher education? For example should this focus on:

- final year students
- students which are studying subjects that lead to critical worker professions

While members were sceptical of the impact of any minimum service levels on, HE, the biggest impacts were often felt by students in their final year, leading to some cascading impacts for recruitment into graduate programmes. Members were clear that they thought minimum service levels were likely to complicate the picture by adding another layer of bureaucracy to existing and well-established mechanisms to mitigate the impact of strikes.

41. For universities, what actions do you take to help mitigate the impact of strike action on students, your university and more widely where you consider relevant?

How effective have the actions that you have taken been?

- Other (please specify)

| | Very effective | Effective | Unsure | Not very effective | Very ineffective |
|---|-----------------------|----------------------------------|----------------------------------|----------------------------------|-----------------------|
| Online teaching | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| Hiring additional external resource to cover temporary gaps | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Other | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |

42. Other than an MSL, what other options could the government consider to mitigate the impact of strike action in higher education? Please provide details.

Members did not think there was much the government could do in terms of mitigating strike impact but did suggest that increased funding pressures on institutions is the underlying cause of much of the disruption. Without a sustainable funding model in place, it is likely that ongoing tension over staff pay will lead to more action from sector trade unions.