

Research Briefing

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University Strikes FAQs



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Summary

Background

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. 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 pensions, pay, and working conditions.

When and where are staff striking?

In July 2022, the UCU confirmed it would ballot all higher education members for potential strike action in November 2022, with further votes planned for industrial action that would potentially take place in spring 2023.

For the first time in these disputes, the ballots were aggregated, which 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.

- 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 to take action short of a strike in both ballots.

Strike action will take place on Thursday 24 November, Friday 25 November, and Wednesday 30 November. Staff will also begin industrial action short of a strike from Wednesday 23 November.

Why are staff 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 will mean increased contributions and reduced benefits. A parallel dispute concerns several issues related to pay and working conditions. These include 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 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.

What happens if teaching is disrupted?

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.

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 should 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.

Further reading

More information on the pensions dispute is available in the Library briefing [Universities Superannuation Scheme](#).

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. Some branches of [Unison](#), another campus union, also took strike action in February and March 2022.

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

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.

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.

For the pensions scheme dispute, the UCU negotiates with Universities UK (UUK).

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.

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 (either fixed-term or contracts dependent on funding) across the sector.

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.

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.³

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). UCEA member institutions decide individually whether they will participate in each negotiating round. The negotiations take place annually, between March and May.

³ UCU, [FAQs: Pay and working conditions dispute](#), 19 October 2021.

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Why are university staff striking in November 2022?

In July 2022, the UCU confirmed it would ballot all higher education members for potential strike action in November, with further votes planned for industrial action that would potentially take place in spring 2023.⁴

For the first time in these disputes, the ballots were aggregated, which 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 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.⁵

2.1

Ballot results

Union members at 150 universities were balloted over pensions and pay and working conditions. The results were announced on 24 October 2022. More than eight in ten of those who voted said “yes” to strike action.⁶

- 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.

Strike action will take place on **Thursday 24 November, Friday 25 November, and Wednesday 30 November**. Staff will also begin industrial action short of a strike from Wednesday 23 November. This will include working to rule, 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:

⁴ UCU, [Unprecedented strike action facing universities as UCU confirms strike ballot](#), 1 July 2022.

⁵ “[Can UCU get the vote out for a sector-wide UK university strike?](#)”, Times Higher Education, 11 August 2022 (accessed on 22 November 2022).

⁶ UCU, [University staff vote for UK-wide strike action in historic ballot](#), 24 October 2022.

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.⁷

2.2 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. 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),⁸ and this will particularly effect those nearer the start of their careers.⁹

The UCU wants:

- 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”.¹⁰

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.¹¹

UUK response

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

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

⁷ UCU, [Biggest ever university strikes set to hit UK campuses over pay, conditions & pensions](#), 8 November 2022.

⁸ UCU, [FAQs – USS pensions dispute](#).

⁹ UCU, [UCU responds to new research into impact of cuts to university pensions](#), 16 June 2022.

¹⁰ UCU, [FAQs – USS pensions dispute](#).

¹¹ UCU, [‘Seize the moment’ and ‘revoke pension cuts’, vice chancellors told as trustee reveals vast improvement in scheme’s finances](#), 31 March 2022.

[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.¹²

2.3 The pay and working conditions dispute

On the pay and working conditions dispute, UCU, along with the other unions that represent university staff (UNISON, Unite, GMB, and EIS in Scotland), set out its demands to employers in March 2022.¹³ 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.¹⁴ The UCU has also estimated that, since 2009, the value of pay in higher education has fallen by approximately 25% relevant to inflation.¹⁵

UCEA response

For the pay and working conditions dispute, the UCU negotiates with the [Universities and Colleges Employers Association \(UCEA\)](#).

¹² UUK, [Universities UK \(UUK\) response to announcement of UCU strike dates](#), 8 November 2022.

¹³ [Higher Education Joint Unions' Claim 2022/23](#), March 2023.

¹⁴ UCU, [Precarious work in higher education: Insecure contracts and how they have changed over time](#) (PDF), updated October 2021.

¹⁵ UCU, [FAQS - Pay and working conditions dispute](#).

Response to UCU demands

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.¹⁶

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,¹⁷ and would support the creation of a working group to:

- Examine the intersectional data.
- 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.¹⁸

The UCEA also committed to communicating a number of expectations to its members regarding contracts but highlighted the institutional autonomy of employers in this area.¹⁹

Response to strike action

In response to UCU's planned dates of strike action, 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.²⁰

¹⁶ UCEA, [UCEA's final pay offer recognises inflationary pressures on the lower paid](#), 9 May 2022.

¹⁷ UCEA, [Taking action: Tackling the gender pay gap in higher education institutions](#), January 2019.

¹⁸ UCEA, [2022-23 New JNCHES pay round. UCEA final offer letter 9 May 2022](#).

¹⁹ UCEA, [2022-23 New JNCHES pay round. UCEA final offer letter 9 May 2022](#).

²⁰ UCEA, [UCEA's comment on UCU's plans for more strike action targeting students](#), 8 November 2022.

3 What happened during the 2021/22 strikes?

3.1 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.²¹

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](#).²²

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.²³

On 25 November, the UCU announced staff at 42 universities would be re-balloted over industrial action after some branches missed the legal turnout

²¹ UCU, [UK university staff to ballot in October over pay and pensions](#), 22 September 2021.

²² UCU, [Universities to be hit with three days of strikes in December](#), 16 November 2021.

²³ UCU, [What does 'action short of strike' mean for academic-related and professional services staff?](#), 25 November 2021.

threshold by a small margin.²⁴ The re-ballot ran from Monday 6 December until Friday 14 January and the UCU said more industrial action was likely.

3.2 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.²⁵ They said due to its timing at the beginning of the pandemic, this valuation could not have provided a representative economic picture.²⁶

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.²⁷

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 2022.²⁸

²⁴ 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.

²⁵ UCU, [UK university staff to ballot in October over pay and pensions](#), 22 September 2021.

²⁶ UCU, [UK university staff to ballot in October over pay and pensions](#), 22 September 2021.

²⁷ USS Employers, [Statement from Universities UK on USS pensions](#), 30 November 2021.

²⁸ UCU, [UCU submits new pension proposals to avert UK wide strike action](#), 26 January 2021.

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.”²⁹

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.³⁰

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.³¹

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.³²

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.

²⁹ [Letter to the chair of the USS Joint Negotiating Committee from Jo Grady](#), 26 January 2022.

³⁰ USS Employers, [Employer response to UCU proposal on 2020 valuation](#), 26 January 2022.

³¹ UCEA, [UCEA responds to UCU announcing strike days](#), 16 November 2021.

³² UCEA, [UCEA response to UCU's announcement of 10 days of strikes](#), 27 January 2022.

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.³³

- 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.

3.3 May to June 2022: 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.³⁴

As part of industrial action short of a strike, the UCU said preparation was also being made for a marking and assessment boycott.³⁵

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.³⁶ 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.”³⁷

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.³⁸ Staff at 24 universities also backed further strike action

³³ UCU, [Third wave of UK wide university strikes begins today with five day walkout](#), 21 March 2022.

³⁴ UCU, [Ballots for industrial action open today at universities across the UK](#), 16 March 2022.

³⁵ UCU, [Ballots for industrial action open today at universities across the UK](#), 16 March 2022.

³⁶ UCU, [Staff warn rogue university bosses to prepare for more strike action over pay deductions](#), 9 February 2022.

³⁷ UCEA, [UCEA response to UCU's confusion over partial performance](#), 10 February 2022.

³⁸ UCU, [Four fights re-ballot results, April 2022](#).

over the pensions dispute.³⁹ 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.⁴⁰

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 coincide with the summer examination period.⁴¹ 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.⁴²

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.⁴³

³⁹ UCU, [Staff at 24 UK universities back further strike action in ballot over USS pension cuts](#), 12 April 2022.

⁴⁰ [“As UK industrial disputes drag on, should union rethink tactics?”](#), Times Higher Education, 4 May 2022 (accessed 21 November 2022).

⁴¹ [“UCU announces marking boycott and 10 days of strikes over pay”](#), Times Higher Education, 26 April 2022 (accessed 21 November 2022).

⁴² [“Strikes off and marking boycott cut back at UK universities”](#), Times Higher Education, 20 May 2022 (accessed 21 November 2022).

⁴³ [“Most universities in marking boycott threaten to dock full pay”](#), Times Higher Education, 30 May 2022 (accessed 21 November 2022).

4 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.⁴⁴

During days when industrial action is taking place, teaching and supervision 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.

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](#)

⁴⁴ UCU, [HE Disputes FAQs](#),

5 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](#).⁴⁵ On 1 December 2021, she 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 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.⁴⁶

5.1 Guidance for universities and students

The OfS has 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.⁴⁷

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;

⁴⁵ “[OfS: our role during the industrial action](#)”, Wonkhe, 21 February 2020 (accessed 25 November 2021).

⁴⁶ OfS, [OfS responds to industrial action](#), 1 December 2021.

⁴⁷ OfS, [Briefing note: Disruption to students caused by industrial action](#), 11 November 2021.

- and how students can complain if they are unhappy about the impact of industrial action on their studies.⁴⁸

⁴⁸ OfS, [Student guide to industrial action](#), 9 November 2021.

6

What do students think 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.⁴⁹

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.⁵⁰

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.⁵¹

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](#).⁵² During the February 2022 industrial action, students at SOAS occupied management offices in support of the strikes,⁵³ while students elsewhere expressed frustration at the disruption.⁵⁴

⁴⁹ NUS, [NUS response to UCU announcement on industrial action over pensions](#), 5 November 2021.

⁵⁰ UCL Students' Union, [A letter to our academic community](#), October 2021.

⁵¹ NUS, [Student views on UCU strikes revealed by NUS](#), 16 November 2021.

⁵² ["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).

⁵³ ["More than 30 students occupy SOAS building in solidarity with UCU strikes"](#), The UCL Tab, 25 February 2022 (accessed 18 November 2022).

⁵⁴ ["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).

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:

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.⁵⁵

⁵⁵ UCU, [Biggest ever university strikes set to hit UK campuses over pay, conditions & pensions](#), 8 November 2022.

7 What can students do if their teaching is disrupted?

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

7.1 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.

7.2 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.

7.3 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 explains how it handles complaints arising from [“significant disruption”](#).

[including industrial action](#), on its website.⁵⁶ It has also published [guidance for students at universities where industrial action is taking place](#).⁵⁷

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, it will recommend a course of action to the university for resolving the issue.

⁵⁶ Office of the Independent Adjudicator, [Handling complaints arising from significant disruption](#).

⁵⁷ Office of the Independent Adjudicator, [Industrial action - FAQ for students](#).

8

Can students claim refunds for lost teaching?

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.⁵⁸

[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.⁵⁹ 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.⁶⁰

On 19 April 2021, the OIA announced the introduction of new rules to streamline the Large Groups Complaints process to better manage similar complaints from large groups of students from a single higher education

⁵⁸ Office of the Independent Adjudicator, [Industrial action - FAQ for students](#).

⁵⁹ Office of the Independent Adjudicator, [Case summaries](#).

⁶⁰ [PQ 21388 \[Students: Compensation\], 5 March 2020](#).

provider.⁶¹ 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.

⁶¹ Office of the Independent Adjudicator, [OIA introduces new Rules for Large Group Complaints](#), 19 April 2021.

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