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12 June 2023

Dear [name of AO]

Marking and assessment boycott 2023

I am writing about the ongoing national marking and assessment boycott which commenced in April 2023 and may continue until 30 September 2023, the last date of the current University College Union (UCU) mandate for industrial action. We understand that your institution is currently subject to this action.

The OfS does not take sides in any industrial dispute and we do not want to make it any more difficult for you to resolve the current issues with your staff. However, I know you will understand that we do have responsibilities in relation to the interests of students during any period of industrial action and that we are therefore monitoring the situation through our normal regulatory mechanisms. Like you, we are conscious that many students have faced significant difficulties over the last few years and it is important that their interests are prioritised at this point of the academic year, particularly for those looking towards graduation and future career opportunities.

We know that many institutions will have put arrangements in place to avoid the current action having an adverse impact on students. We would welcome hearing from you where this is the case so that we have a full picture of the steps institutions are taking and can reflect this in any response we provide to enquiries about the situation.

Where the industrial action is having, or is likely to have, an adverse impact on your ability to complete marking and assessment to the timetable students expect, we would be extremely concerned about the possible impact of this on students.

Our previous [briefing note](#) outlines the conditions of registration that are likely to be particularly relevant and should be carefully considered during periods of industrial action. I'm sure you are also aware of your obligations to students under consumer protection law and that you will have implemented measures designed to ensure students are appropriately supported throughout this period and receive timely information about the impact of any disruption on their studies and the options available to them. The Competition and Markets Authority has recently re-issued its advice

to higher education providers to help them understand their responsibilities under consumer protection law.¹ It describes the action that higher education providers should take from page 15 onwards, as well as action that students, consumer law enforcers, or others could take if a provider does not appear to be complying with the law.

We expect that providers affected by the ongoing marking and assessment boycott will be working to ensure that:

- Students are not disadvantaged.
- Students can graduate or progress on time where this is appropriate in academic terms.
- Any degree awarded accurately reflects a students' academic achievement.

If you are not confident you can secure these outcomes we expect there to be proactive engagement with the students directly affected to ensure they understand when they will receive assessment outcomes and are informed of the full range of options available to them. This includes their rights under consumer protection law and their right to complain to the Office of the Independent Adjudicator if they are dissatisfied with the outcomes of any internal complaints processes.

We would also like to remind you of our reportable event requirements as set out in Regulatory advice 16.² If you consider that you need to submit a reportable event to the OfS in relation to industrial action, please clearly explain the steps that you are taking to minimise the impact on students. We often find that there is limited information included in reportable events despite the fact that when we ask for further information, many providers will already have reasonable plans in place.

In the context of the current industrial action we are likely to consider that a decision to award degrees at a materially later date than originally planned, or to award unclassified, rather than classified, degrees, would need to be reported to us.

If you have any further questions about this letter or whether you need to report a matter to us, please contact us on 0117 931 7305 or regulation@officeforstudents.org.uk.

Yours sincerely



David Smy
Director of Monitoring and Intervention

¹ Available at [Higher education: consumer law advice for providers - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/higher-education-consumer-law-advice-for-providers)

² Available at [Regulatory advice 16: Reportable events \(officeforstudentsorg.uk\)](https://www.officeforstudents.org.uk/regulatory-advice-16-reportable-events)