

Protecting the interests of students during industrial action

1. The Office for Students (OfS) is the independent regulator for higher education in England. Our role is to protect students' interests and ensure they are treated fairly. Understanding the impact of industrial action on students and publishing expectations for universities and colleges is one of the ways we do this in practice. We are sharing this document with universities and colleges now to explain what we learned from students and institutions about recent industrial action and to ensure our expectations are clear in advance of any future disruption.
2. We do not intervene in industrial disputes between higher education providers and their staff. But as we seek to protect students' interests, we are concerned about the impact of industrial action, such as strikes and marking and assessment boycotts.¹ These can significantly disrupt students' academic experience, progression through their course and ability to achieve their qualifications.
3. Our concerns about the disruption that industrial action can cause students prompted us to commission research to better understand how recent industrial action affected them.² The research suggests that industrial action has affected students in a variety of ways, including schedule changes, lecture cancellations, reduced contact hours with lecturers, and delays in getting their grades and feedback. Students reported not being taught or assessed on sections of their syllabus. Some felt that this lowered the perceived value of their degrees. Delayed degree awarding affected progression to postgraduate study and employment, and international students' visa statuses, contributing to stress and worsening mental health. These consequences for students varied between institutions, including because of varying levels of preparedness. They concern us given our objective is to ensure students are treated fairly and their interests protected.
4. We recognise the challenges for institutions in these circumstances and we know that colleagues across the higher education sector have continued to work hard to avoid disruption for students. The first priority for providers should be to deliver the education that students were promised, as planned. Students are best served when they receive teaching and timely feedback, and benefit from rigorous assessment and awarding mechanisms. In previous boycotts, we have seen some institutions successfully implement contingency plans, ensuring assessments could proceed. Others have not managed to maintain timely provision of education and other services that students have a right to expect. In these circumstances we have seen institutions provide support to their students, and sometimes compensation as a last resort.

¹ In this note, we use 'boycotts' as shorthand for 'marking and assessment boycotts'.

² See OfS, 'Marking and assessment boycotts' (Student insight report), and YouGov, 'Marking and assessment boycott: Topline findings' at OfS, '[Marking and assessment boycotts: Student insight report](#)'.

5. Responses have therefore not been consistent across the sector and we remain concerned about the impact of future industrial action, either for the sector as a whole or at individual providers.
6. Students have been consistently clear that the best outcome is that they receive the education they have been promised. Where industrial action affects that education, we want students to have confidence that their provider will prioritise students' academic experience, be transparent about how it will deal with any disruption and be proactive in addressing any issues. And we want a greater degree of consistency for students studying at different providers when their education is not delivered as they had expected. For example, only 46 per cent of students whose course was affected told us that they were offered some kind of alternative or financial compensation in response to the disruption they experienced.³
7. To help address these issues, we are setting clear expectations for providers in relation to the potential impact of industrial action on students, so all students receive appropriate support, regardless of their institution or course of study. In doing so, we are seeking to respond to feedback from institutions asking for clearer and more proactive communication about our regulatory expectations in the event of a future boycott.

Our expectations

8. Below, we set out six expectations for providers before, during, and after industrial action, with a view to protecting students' interests and making sure their education is delivered wherever possible. These often repeat existing guidance and are consistent with our established regulatory requirements. They also reflect where we have seen providers successfully protect students' interests during previous action.⁴
9. We expect providers to:
 - a. **Ensure their contracts do not include terms that incorrectly limit liability to students** during periods of action by their own staff or in other circumstances that could be within the provider's control. We have published examples of contractual terms that inappropriately limit liability as part of our work with National Trading Standards.⁵ Providers should remove any such limitations in their student contracts and inform current and prospective students of these changes. Providers should not rely on these limitations as a justification for failing to deliver services during periods of industrial action, and they should be removed to comply with consumer protection law.
 - b. **Develop effective contingency plans** to minimise disruption to students during periods of industrial action. It is clearly beneficial for students and providers to have plans in place that

³ YouGov, 'Marking and assessment boycott: Topline findings' at OfS, '[Marking and assessment boycotts: Student insight report](#)'.

⁴ Our expectations set out in this regulatory statement are without prejudice to the need for providers to comply with consumer protection law. In other words, these expectations should not prevent institutions from meeting their consumer law obligations.

⁵ See OfS, '[Consumer rights case studies](#)'.

are actionable, timely and considerate of all students' needs, and that safeguard the credibility and integrity of qualifications awarded during periods of disruption.

- c. **Prioritise the delivery of education when implementing contingency plans** – in the first place, avoiding any impact on students; where this cannot be done, mitigating the impact on students through delivery of education with as few changes as possible; where this cannot be done, timely repeat performance of any missed or significantly disrupted teaching, assessment, or other promised aspects of students' experience. For example, in a marking and assessment boycott, students are best served by having their work assessed, with marks and feedback provided when and as planned; institutions should seek to achieve this outcome through their contingency plan.
- d. **Pay fair compensation to students** where contingency plans fail to deliver teaching, assessment, or other promised aspects of students' experience or to recognise the difficulties students have experienced. During the 2023 boycott, many providers made compensation payments to students for the disruption they experienced. However, we know that this approach was not taken consistently across the sector, leading to varying levels of support for students and perceptions of unfairness. To make sure all students are treated fairly when contingency plans cannot ensure the timely delivery of their education, providers should pay appropriate compensation, including in the following circumstances:
 - i. Missed teaching that has not been repeated or replaced in a timely manner.
 - ii. Materially delayed or absent assessment marking and feedback.
 - iii. Materially delayed progression decisions or awarding of qualifications, particularly where this has an impact on offers for jobs or further study, or on visa applications or status.
- e. **Communicate clearly with students and ensure timely support is provided** so they are not left to navigate disruptions alone. This should include transparent and accessible information about rescheduled teaching or assessment, or refunds and compensation. Providers should proactively identify those eligible for compensation to avoid the need for students themselves to submit claims. We have seen institutions doing this effectively during recent industrial action. Students should be made aware that accepting a refund or compensation payment does not normally limit their rights to use a provider's internal complaints process. They should also be told about their right to escalate complaints or issues to the Office of the Independent Adjudicator for Higher Education, which offers an independent and impartial review process that is free for students to use.
- f. **Submit reportable events about industrial action** to the OfS in accordance with our established regulatory requirements.⁶

⁶ Available at OfS, [Regulatory advice 16: Reportable events](#).

What will the OfS do?

10. We are sharing these expectations to ensure all providers take appropriate action to support students and treat them fairly in the event of disruption; we know many have done so in previous periods of industrial action. We hope that all institutions will meet these expectations.
11. We will continue to monitor the impact of any future industrial action on students, and evaluate intelligence about the approaches different providers take, for example to supporting and compensating students in different circumstances. We will engage with individual providers on these issues as a routine part of our monitoring activities.
12. We would expect to continue to refer any potentially unfair terms we identify in student contracts to National Trading Standards.⁷
13. We plan to share these expectations with students in the event of future sector-wide industrial action, emphasising the priority we place on the delivery of their education. We will continue to gather student feedback and insight, to understand the impact of any industrial action and any regulatory interventions we make.
14. More widely, the new OfS strategy we are proposing to pursue from 2025 to 2030 would see us take forward the recommendations in the recent OfS public bodies review to improve transparency for students about their contractual relationship with their university or college, including through development of a model contract.⁸
15. Our role is to protect students' interests and ensure they are treated fairly. Institutions have, in many cases, done this well during previous periods of industrial action. By publishing this statement, we aim to create greater regulatory clarity, ultimately leading to a more consistent approach across the sector and better protection for students.

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⁷ See OfS, [Consumer rights case studies](#).

⁸ See Department for Education, [Fit for the future: Independent review of the Office for Students](#).