Universities UK parliamentary briefing
Petition for debate: Creating a statutory legal duty of care for students in Higher Education

April 2023

Introduction

This briefing outlines Universities UK's (UUK's) position on creating an additional statutory duty of care for students in higher education settings. It sets out sector progress on improving student mental health and suicide prevention and suggests where and how further work is needed.

Summary

Universities prioritise the mental health of students and staff and are particularly focused on preventing student suicide. Every life lost to suicide is a tragedy and our universities are committed to working with bereaved families to learn from these deaths.

Record numbers of children and young adults are now being referred for NHS mental health specialist support and this is also reflected in growing need among university students. Student Minds' research confirms that 1 in 4 students have a diagnosed mental health issue with one third recording poor wellbeing[1]. Although universities are devoting considerable resource to supporting students' mental health and increasing their work with local NHS partners, their primary role is as educators of a community of adult learners. For this reason, and others highlighted in this briefing, we do not believe the proposed additional statutory duty of care, beyond the existing duties that already apply to universities, would be practical, proportionate, or the best approach to supporting students.

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[1] Student Minds 2023 https://www.studentminds.org.uk/latestnews/we-need-to-do-more-to-support-student-mental-health-latest-research

UUK is supporting our members to create safe, inclusive, and healthy settings for students and staff. This requires embedding mental health across everything universities do, emphasising the importance of open conversations and co-production, promoting awareness and disclosure, and taking sustained action on prevention. It also means sharing information to enable early intervention, as well as providing appropriate support and clear pathways into and out of statutory care. We have several ongoing areas of focus, outlined below.

Taking a whole-university approach to mental health and wellbeing

We believe all UK universities should make mental health a strategic priority. Universities should be places that promote mental health and wellbeing and enable all students and staff to reach their potential. We can achieve this by adopting a whole university approach. This means that all aspects of university life promote and support student and staff mental health.

UUK's 'StepChange: Mentally Healthy Universities' framework was first published in 2017 and then refreshed in 2022[2]. The framework requires universities to think across the multiple determinants of mental health and wellbeing, across transitions – from school and college and into work – and across systems such as partnerships with the NHS and public health.

The framework forms the basis of the University Mental Health Charter, created by Student Minds, in partnership with leading higher education bodies, including UUK and thousands of staff and students. Published in 2019, the Charter framework provides a set of evidence-informed principles to support universities across the UK in making mental health a university-wide priority[3].

It provides universities with a framework to help measure impact and effectiveness as progress is made, and it will continue to develop and improve as more universities apply for the charter. Central to the charter is collaboration and continuous improvement, designed to explore all parts of a university's interaction with students.

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[2] https://www.universitiesuk.ac.uk/what-we-do/policy-and-research/publications/features/stepchange-mentally-healthy-universities/whole-university-approach
[3] https://universitymentalhealthcharter.org.uk/themes/

Over 60 universities have signed the Charter and five universities[4] have been awarded Charter status.

Mental Health Leadership Tool

Building on this work, we have co-created a mental health leadership tool[5]. We have collaborated with 12 university vice-chancellors and The Watson Practice to design and create a practical and flexible toolkit for leaders. Our aim is to open up conversations on mental health and wellbeing as a personal and strategic priority for universities.

NHS-university partnerships

We are also supporting the development of effective NHS-university partnerships[6]. These are critical to ensuring students can access the care they need should they experience mental health difficulties and that their experience of that care is coordinated across all touchpoints whether through university-provided student mental health advisers and counsellors or university GP surgeries, IAPT talking therapies, Accident & Emergency or specialist care.

Creating suicide-safer universities

Preventing student deaths by suicide is a priority for our sector. Our universities are doing their best to learn from each tragic event and to make improvements. Our guidance on postvention[7] strongly encourages universities to learn from each death by carrying out real-time reviews and we are working with the Department of Education and OHID [the Office for Health Improvement and Disparities] so that this learning can be shared safely across the sector.

UUK's guidance on 'Suicide-safer universities'[8], first published in 2018, is supporting universities to prevent student suicides. The guidance includes advice on developing a strategy focused specifically on suicide prevention, covering the following areas:

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[4] https://universitymentalhealthcharter.org.uk/award-holders/
[5] https://www.universitiesuk.ac.uk/topics/health-and-wellbeing/mental-health-leadership-tool
[6] https://www.universitiesuk.ac.uk/what-we-do/policy-and-research/publications/features/stepchange-mentally-healthy-universities/working-nhs
[7] https://www.universitiesuk.ac.uk/sites/default/files/uploads/Reports/postvention-main-guidance.pdf
[8] https://www.universitiesuk.ac.uk/what-we-do/policy-and-research/publications/features/suicide-safer-universities

- steps to prevent student suicide
- intervening when students get into difficulties
- best practice for responding to student suicides
- case studies on approaches to suicide prevention through partnership working
- checklist highlighting steps university leaders can take to make their communities safe

In 2022, UUK published further guidance on particular areas:

- supporting students on placement[9]
- sharing information[10]
- responding to a suicide[11]

A UUK member survey conducted in 2022 indicated that around 90% of respondents had used this guidance to develop their own suicide prevention strategy. This includes all UUK members based in Wales. Scotland's universities are also deeply involved in the development of suicide-safer strategies and action plans, using UUK's Suicide-Safer Universities Framework. Many now have stand-alone strategies in place. Others are working through the Framework, towards new or refreshed strategies, or have this action planned as part of a wider and coordinated review of their institution's mental health strategy[12].

Our position on creating an additional duty of care for students in higher education

We acknowledge the profound impact that a student's death has upon their family, friends and wider university community and are aware that there are individuals among the petitioners who have personal experience of these tragic events. University leaders recognise the sensitivity of this issue, the tragedy of young lives lost through suicide, and the need to act with empathy, fairness, transparency and compassion.

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[9] https://www.universitiesuk.ac.uk/what-we-do/policy-and-research/publications/features/suicide-safer-universities/supporting-placement-students
[10] https://www.universitiesuk.ac.uk/what-we-do/policy-and-research/publications/features/suicide-safer-universities/sharing-information
[11] https://www.universitiesuk.ac.uk/what-we-do/policy-and-research/publications/features/suicide-safer-universities/responding-suicide-advice-universities
[12] https://www.universities-scotland.ac.uk/publications/suicide-safer-universities-in-scotland/

We believe it is essential that universities continue to develop policy and practice that is designed to prevent avoidable deaths through suicide. However, despite considerable effort and investment from universities, our members have seen increasing numbers of students accessing their mental health and/or counselling services. As well as the increase in frequency, they report seeing an increase in the complexity of what individuals who access their services are presenting with. Universities simply cannot manage this increase in need on their own. Concerted action and further support is required from the Government and NHS.

Universities already have a general duty of care to their students - not to cause harm by careless acts or omissions - corresponding to their role and capabilities as settings for adult education. They also have further legal duties relating to contract, health and safety, human rights, the safeguarding of vulnerable adults and equalities legislation[13].

Given the size, diversity, and dispersal of student populations, we believe that these existing duties provide a proportionate and practical regulatory framework for student safety and health. We do not believe a further statutory duty would be the best approach to improve outcomes for students.

Higher education providers exercise limited control over students' wider lives. These are large populations – some UK providers may have up to 50,000 students registered. They are adults, with around one third of them classed as mature students. The majority live outside the university - around 25% of students commute from home, 40% live in privately rented houses or flats, 20% in private purpose-built student accommodation and 15% in university halls of residence.

If the proposed additional statutory duty is to prevent self-harm, this would only really be feasible under different conditions of control such as a custodial, health care or military setting. Imposing such an approach within a university setting would therefore be disproportionate and inappropriate.

Our universities also have concerns about whether the imposition of an additional statutory duty is the right approach to achieve the wider improvements that petitioners seek. In particular, the whole university approach to create safe, inclusive, and healthy settings for students. We question whether a compliance-led approach will drive the cultural changes needed to promote awareness and disclosure, open

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[13] https://www.shma.co.uk/our-thoughts/student-suicide-why-new-laws-are-not-the-answer/

conversations, and co-production – all of which are needed to act on prevention and early intervention.

Finally, we are concerned about unintended consequences, in particular, that universities will be cautious in taking on any level of risk and will therefore be reluctant to provide inclusive learning and opportunities for students who may experience mental health difficulties.

Our universities are committed to demonstrating and highlighting improvement against the frameworks set out by the University Mental Health Charter and Suicide Safer Universities. There are examples of best practice and innovation across our universities. However, we need to build on this and accelerate progress across the sector.

UUK will continue to work with the government, and its student support champion Professor Edward Peck, on proposals to ensure improvements in staff and student mental health outcomes and safety.

<u>Petition calling for rules regarding suicide of higher education students</u>

We are aware of a <u>separate petition calling for changes</u> which seek to enable prospective students and their families to review suicide rates as part of the decision-making process when choosing a university.

The petition calls for:

1. Coroners to inform universities when the suicide of an enrolled student is registered and universities to publish annually the suicide rate of enrolled students

Our position is that it is ultimately for the coroner to determine and record the cause of death and those decisions are in the public domain. It would be inappropriate for universities to set up a parallel reporting system or any kind of league table of student deaths.

We support better use of this coronial information and more proactive follow-up on coroner's findings to prevent future deaths as recommended in our guidance on 'postvention' in partnership with PAPYRUS and the Samaritans, which asks universities to conduct critical incident reviews of all student deaths, to understand likely cause

and to learn from each event[14]. The guidance specifically encourages the involvement of those most affected including bereaved families and friends.

2. New powers to place universities into 'special measures' where suicide rates exceed that of the national average.

A report published by the Office for National Statistics (ONS) on Suicides in England and Wales, shows that the overall suicide rate in the general population is significantly higher (12.5 deaths per 100,000 general population) compared with students (3.9 deaths per 100,000 students or 64 deaths in total) for the academic year ending 2017 to academic year ending 2020[15]. Any single student death by suicide would therefore exceed a suggested national average among university students.

Moreover, during this period, higher education students in England and Wales had a significantly lower suicide rate compared with the general population of similar ages. When compared with the general population, the suicide rate for higher education students among those aged 20 years and under and those aged 21 to 24 years showed the biggest difference, with the rate in the general population being 2.7 times higher than that in students.

We recognise that each suicide is not merely a statistic but a tragedy that everyone would wish to prevent, which is why our universities have put so much effort into supporting student mental health and suicide prevention and postvention.

About Universities UK

Universities UK is the collective voice of 140 universities in England, Scotland, Wales and Northern Ireland. Our mission is to create the conditions for UK universities to be the best in the world, maximising their positive impact locally, nationally and globally.

For more information, please contact Methela Haque, Political Affairs Manager on Methela.haque@universitiesuk.ac.uk

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[14] https://www.universitiesuk.ac.uk/sites/default/files/uploads/Reports/postvention-main-guidance.pdf
[15] https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/deaths/articles/estimatings uicideamonghighereducationstudentsenglandandwalesexperimentalstatistics/2017to2020#comparison-of-suicides-among-higher-education-students-and-general-population