

Universities UK parliamentary briefing

Petition for debate: Creating a statutory legal duty of care for students in Higher Education

May 2023

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 the context for sector work to improve student mental health and prevent suicides and suggests where and how further work is needed.

Summary

University leaders recognise the profound impact that suicide has upon families, friends, the wider university community, as well as the petitioners' personal experience of loss.

UUK supports our members to create safe, inclusive, and healthy settings for all students. We believe that the current statutory framework for this is proportionate and practical, commensurate with our role in education settings.

We share many aims with the LEARN Network: that higher education providers should demonstrate progress against agreed sector frameworks, involve trusted contacts, learn from mistakes and, above all, act with transparency and compassion.

However, we do not believe that the proposed additional statutory duty of care would be practical or proportionate or that it would necessarily achieve those shared aims.

UUK is working closely with government on a set of interim measures - short of an additional statutory duty that would address variance and improve outcomes for all students.

The wider crisis of young adult mental health

- In 2022, 1 in 4 17-19 year olds in England were experiencing poor mental health, an increase from 1 in 10 in 2017.
- Record numbers of young adults are now being referred for NHS mental health specialist support.

Our student population

- Student Minds' research suggests that 1 in 4 students have a diagnosed mental health issue¹.
- ONS has reported that life satisfaction is significantly lower in students than in the wider population and that student mental health has been significantly impacted by the pandemic and the cost of living crisis².
- Universities are experiencing rising demand for university student support services, increased severity and complexity of presentation.
- As NHS mental health services struggle to meet wider population need, our staff are managing increasing need and risk.

Student suicide

- ONS analysis indicates that students in higher education are less likely to take their own lives in terms than their same age counterparts in the wider population³.
- Suicide is complex and multifactorial however this data suggests that the efforts made by the sector may be having a protective effect.

¹ <https://www.studentminds.org.uk/latestnews/we-need-to-do-more-to-support-student-mental-health-latest-research>

²

<https://www.ons.gov.uk/peoplepopulationandcommunity/educationandchildcare/bulletins/costoflivingandhighereducationstudentsengland/30januaryto13february2023>

³ *'The suicide rate for higher education students in the academic year ending 2020 in England and Wales was 3.0 deaths per 100,000 students (64 deaths); this is the lowest rate observed over the last four years. Between the academic year ending 2017 and the academic year ending 2020, higher education students in England and Wales had a significantly lower suicide rate compared with the general population of similar ages.'*
<https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/deaths/articles/estimating-suicideamonghighereducationstudentsenglandandwalesexperimentalstatistics/2017to2020#comparison-of-suicides-among-higher-education-students-and-general-population>

Preventing suicides

University leaders are committed to preventing student suicides. UUK's **Suicide Safer Universities**⁴, developed with Papyrus, provides the sector standard.

It has been supplemented with additional guidance on:

- When and how universities should involve **trusted contacts**⁵
- Good practice to support the mental health of students on **placements**⁶
- **Postvention**: how universities should respond when a death by suicide occurs⁷

We recently surveyed our UK membership of 140 members to ask about adoption of the main SSU and supplementary guidance⁸:

100 [71%] members responded [England 83 72%];
99% [England 99%] have adopted the main SSU guidance;
90% [England 89%] have adopted the trusted contact guidance;
94% [England 93%] the placements guidance; and
100% [England 100%] the postvention guidance.

Whole university approach

UUK has been leading a proactive approach to student mental health, developing the **whole university approach**, where all aspects of university life promote and support student and staff mental health.

Our StepChange: Mentally Healthy Universities⁹ framework, first published in 2017 and then refreshed in 2022, forms the basis of the University Mental Health Charter¹⁰, created by Student Minds, published in 2019. The Charter framework provides a set of

⁴ <https://www.universitiesuk.ac.uk/what-we-do/policy-and-research/publications/features/suicide-safer-universities>

⁵ <https://www.universitiesuk.ac.uk/what-we-do/policy-and-research/publications/features/suicide-safer-universities/sharing-information>

⁶ <https://www.universitiesuk.ac.uk/what-we-do/policy-and-research/publications/features/suicide-safer-universities/supporting-placement-students>

⁷ <https://www.universitiesuk.ac.uk/what-we-do/policy-and-research/publications/features/suicide-safer-universities/responding-suicide-advice-universities>

⁸ <https://www.universitiesuk.ac.uk/sites/default/files/uploads/Reports/Suicide-safer-survey-responses.pdf>

⁹ <https://www.universitiesuk.ac.uk/what-we-do/policy-and-research/publications/features/stepchange-mentally-healthy-universities/whole-university-approach>

¹⁰ <https://universitymentalhealthcharter.org.uk/themes/>

evidence-informed principles for universities across the UK to make mental health a university-wide priority.

This means improving the **support** available to students but also addressing the **determinants** of student wellbeing including those aspects of the **academic process** that might impact on wellbeing – assessment, fitness to study, dismissal.

The Charter is a quality improvement process not a tick box exercise. Currently over 60 HEPs have met the threshold to join the Charter and 5 have been awarded Charter status¹¹.

UUK fully supports the work of Student Minds, encourages all of our members to join the Charter and asks government to make a realistic assessment of the Charter's capacity to deliver this ambition.

Partnership with NHS

Despite the fact that student mental health was signalled as a shared priority in the NHS Long Term Plan¹², students continue to experience gaps between university support services and NHS mental health care¹³.

UUK has worked with NHS England and the Office for Students to support the development of effective NHS-university partnerships¹⁴, in particular, community mental health teams to ensure students can access the care they need and that their experience of that care is coordinated across all touchpoints. Clearly universities can not do this alone. Concerted action and further support is required from government and NHS.

¹¹ <https://universitymentalhealthcharter.org.uk/award-holders/>

¹² <https://www.longtermplan.nhs.uk/online-version/chapter-3-further-progress-on-care-quality-and-outcomes/a-strong-start-in-life-for-children-and-young-people/children-and-young-peoples-mental-health-services/>

¹³ <https://www.universitiesuk.ac.uk/what-we-do/policy-and-research/publications/features/stepchange-mentally-healthy-universities/working-nhs>

¹⁴ <https://www.universitiesuk.ac.uk/what-we-do/policy-and-research/publications/features/stepchange-mentally-healthy-universities/working-nhs>

Mental Health Leadership Tool

Recognising the importance of leadership to drive and sustain change, UUK has co-created a mental health leadership tool¹⁵, in collaboration with 12 university vice-chancellors and [The Watson Practice](#). The aim is to open up conversations on mental health and wellbeing as a personal and strategic priority for universities.

Our position on an additional duty of care

Universities already have a general duty of care to their students - not to cause harm by careless acts or omissions – commensurate with their role and capabilities as settings for adult education. They also have further legal duties relating to contract, health and safety, human rights, and equalities legislation¹⁶.

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 suicide, 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.

There have been suggestions that there should be 'parity' with schools or workplaces are misplaced. Universities are not *in loco parentis* nor do they have safeguarding responsibilities in a way that school staff do.

¹⁵ <https://www.universitiesuk.ac.uk/topics/health-and-wellbeing/mental-health-leadership-tool>

¹⁶ <https://www.shma.co.uk/our-thoughts/student-suicide-why-new-laws-are-not-the-answer/>

The contractual relationship between employer and employee is well-described yet workplace deaths by suicide are regarded as too complex and multifactorial to be reported to the Health & Safety Executive.

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 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 become cautious to take on and manage any level of risk and will therefore be reluctant to provide inclusive learning and opportunities for students who may experience mental health difficulties.

Achieving shared aims

University leaders share many of the aims of the LEARN Network:

- to create safe, inclusive, and healthy settings for students
- to involve trusted contacts
- to be accountable for and to learn from our mistakes.
- to act with transparency and compassion.

Although we do not agree that an additional statutory duty is the best way to achieve these aims, universities need to show that they are implementing good practice and to demonstrate progress against agreed frameworks including the Student Minds University Mental Health Charter and UUK's Suicide Safer Universities guidance.

There are many examples of excellent practice and innovation across our universities. However, we need to build on these and accelerate progress across the sector to improve outcomes for all students. We offer that this is a shared responsibility across education settings, the NHS and families and trusted contacts, always keeping students at the centre of decisions about their care.

UUK will continue to work with the government, and its student support champion Professor Edward Peck, and will support interim proposals short of an additional statutory duty to ensure improvements in student mental health outcomes and safety.

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.

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