



FOR IMMEDIATE RELEASE

6th March 2023

Government must provide a legal duty of care to students

The government responded to our petition by stating that a ‘general’ duty of care exists in higher education. The fact is that there is no legal duty of care in any format and this statement is misleading and creates confusion.

There are 3 issues: the lack of clarity on the duty of care staff have to students; no parity with staff who do have a legal duty of care; and the refusal by government to create a legal duty of care for students despite the student mental health crisis.

If there was a statutory duty legislated by Parliament or a common law duty based on judicial decisions, we would be able to see these laws, but we can’t, they don’t exist. In 2022, Bristol University argued successfully in Court that it had no duty of care to its students.

In 2018 Student Minds revealed in a report written by Dr Nicola Byrom of Kings College London, that duty of care was not understood in universities, causing stress to staff and leaving students at risk. Since then, between 400-500 students have died by suicide. In addition, annually, 3.2% of students attempt suicide, 6.2% plan suicide and 25% of students have suicidal ideation. We all agree that there is a student mental health crisis and action needs to be taken.

There is a reason why employees, government officials and university sector staff are covered by a legal duty of care: society demands it. There is no reason why university students should not be similarly protected. In a truly ‘big society’ there should be such parity.

We agree with the government on the need for a duty of care to ‘deliver educational and pastoral services’ and ‘not to cause harm to their students through their own actions’. The standard should meet the guidance in the University Mental Health Charter and ensure that reasonable steps are taken to consider mental health to protect the health, safety and welfare of all students. The existence of a duty of care to students has been recently tested and dismissed in the Bristol Courts. Until we have a legal duty of care, until there is clarity to staff on what that means, and until all universities are working to the same standard, we should not assume we can trust our universities with our students.

Please contact us at: admin@TheLearnNetwork.org.uk