

Witness Name: Michelle Donelan

Statement No: 01

Exhibits: MD1/001 – MD1/154

Dated: 05 August 2025

UK COVID-19 INQUIRY

FIRST WITNESS STATEMENT OF MICHELLE DONELAN

CONTENTS

	CHAPTER	PAGE
1.	Introduction	2
2	Role and responsibilities of the Minister for Universities/Minister of State for Higher and Further Education	4
3.	Contact	6
4.	The early stages of the pandemic	10
5.	University closures and the move to remote teaching from March 2020	20
6.	Examinations	27
7.	The provision of education between September and December 2020	33
8.	Reopening universities and the return to face-to-face teaching	48
9.	Funding	71
10.	Lessons learned and recommendations	76

I, MICHELLE DONELAN, MAKE THIS STATEMENT IN RESPONSE TO THE COVID-19 INQUIRY'S RULE 9 REQUEST DATED 9 MAY 2025 ("THE RULE 9 REQUEST").

I WILL SAY AS FOLLOWS:

1. INTRODUCTION

- 1.1. I was elected Member of Parliament ("MP") for Chippenham in May 2015. In February 2020, I became Minister of State for Universities ("MoSU"). In September 2021, I was appointed Minister of State for Higher and Further Education ("MoSHFE"). From this point, I was invited to attend cabinet and became a member of the Privy Council. I remained in post as MoSHFE until the end of the Specified Period (1 January 2020 to 28 June 2022).
- 1.2. I have prepared the below statement based on my personal recollection of events. As part of this process, I have liaised with Department for Education ("DfE", "the department") officials who have provided specific factual input and supporting documentary evidence to enable me to respond as accurately as possible to the questions posed in the Rule 9 request. I understand DfE officials have searched thoroughly for any available evidence. Where there are any gaps in evidence, this is because DfE has not been able to find evidence to fill those gaps.
- 1.3. I am satisfied from the documents found and exhibited in this statement and my own recollection that this statement sets out the key events that occurred during the Specified Period to the best of my knowledge and as accurately as possible.
- 1.4. I have provided the Inquiry with all material in my possession that falls within the scope of Annex B of the Rule 9 request. I do not have copies of any relevant texts or WhatsApp messages. My main means of communication were emails, meetings and by telephone.
- 1.5. I have read the Corporate Statements relating to Higher Education ("HE") and Further Education ("FE") both dated 31 July 2025, signed by Hannah Sheehan (Exhibit MD1/001 – **INQ000588004**) and Roger Cotes (Exhibit MD1/002 – **INQ000588003**) respectively. These have assisted my recollection of events during the Specified Period and to the best of my knowledge and recollection, I agree that the information set out in those statements is accurate.

- 1.6. The questions put to me relate primarily to the HE sector, rather than FE. As I set out in my account, HE is unique in that universities are autonomous institutions. The government does not control their curriculum, assessment, or day-to-day operations.
- 1.7. I want to acknowledge all those in the HE sector whose lives were greatly impacted by the pandemic. Firstly, the students who, like the rest of the country, faced unprecedented lockdowns, and often in isolated conditions. In fact, some were living away from home for the first time. They also missed out on the 'university experience', as well as on in-person teaching during parts of the pandemic. Secondly, the university staff and leadership who had to dramatically change their teaching operations and approach almost overnight, supporting students through this period to ensure they could continue their studies.
- 1.8. Unlike in some other countries, students did graduate on time, and that is testament to the hard work and hours invested by so many in the sector. I also want to record my thanks to the officials who supported me and worked long hours as we navigated uncharted waters to do the very best we could for students and institutions.
- 1.9. Finally, I recognise the importance of this Inquiry's work and I welcome any lessons that can be learned for the future.

2. ROLE AND RESPONSIBILITIES OF THE MINISTER FOR UNIVERSITIES/MINISTER OF STATE FOR HIGHER AND FURTHER EDUCATION

- 2.1. I was appointed MoSU in February 2020. In this role, I was responsible for universities and other HE providers ("HEPs"), as well as the interests of their staff and students. HE is often referred to as third level education and normally includes undergraduate and postgraduate study.
- 2.2. Whilst DfE and the Secretary of State for Education ("SSE")/MoSU set strategic priorities for the HE sector in England, and are ultimately accountable for English HE in parliament, HEPs are autonomous, self-governing institutions, responsible for appointing and employing their own staff and setting their own policies and procedures.
- 2.3. HEPs remained autonomous throughout the pandemic and as such, made their own decisions. For example, the payment of fees for HE forms a contract between students and HEPs (making students consumers protected by consumer law). HEPs are responsible for setting the terms of their student contracts.
- 2.4. From September 2021 to July 2022, I was promoted to MoSHFE. In this role, in addition to attending cabinet, my responsibilities widened to include FE as well as HE. Also in September 2021, Alex Burghart MP was appointed junior minister responsible for Apprenticeships and Skills. He and I worked closely together in this role, and divided responsibilities for FE. The Inquiry has asked about key individuals with whom I worked and who had relevant responsibilities, a list of these is set out at Annex A.
- 2.5. FE includes any study after secondary education that's not part of HE and takes place at FE colleges and sixth-form colleges. FE courses range from basic English and maths to Higher National Diplomas ("HNDs"). As mentioned above, from September 2021, I worked closely with Alex Burghart MP to fulfil my role.
- 2.6. DfE sets policies and regulations for FE institutions ("FEIs") to ensure high standards of education and training. DfE also allocates funding and works with the Office for Standards in Education, Children's Services and Skills ("Ofsted") to monitor and evaluate the quality of education and training provided by FEIs.
- 2.7. From February 2020, I was responsible on a day-to-day basis for the COVID-19 response concerning HEPs, working for SSE, who was ultimately responsible as Secretary of State. I worked with ministers and officials both within DfE and other government departments ("OGDs"), as well as a wide range of sector stakeholders to protect and promote the interests of the HE sector. The responsibilities of DfE to the

HE sector did not change during the pandemic however, the COVID-19 response necessitated a closer than usual working between DfE and HEPs, with DfE seeking to support HEPs to remain open, reduce the transmission of COVID-19 and care for and protect students, whilst remaining financially viable.

- 2.8. As mentioned above, HEPs are autonomous; they are independent and unique institutions. HE is very different to the school system. A key feature of HE is that it is not state-run. HEPs decide what is taught, how it is taught, how and when assessments are undertaken. A really important part of my role was making representations within government in support of the HE sector and students, as well as internal and external communications to and about the HE sector. Despite HEPs' autonomy, the department had ways of influencing them. The department can refer a concern with an HEP to the Office for Students ("OfS") and the OfS has powers to impose a range of sanctions, including financial penalties, on HEPs and, in extreme cases, remove providers from the register. Specific to the pandemic response, from March 2020, the government had powers under the Coronavirus Act 2020 to direct HEPs and would consider the use of these powers, if it was deemed necessary but generally, the way the department worked with HEPs was by communicating and encouraging compliance with guidance and policy. We listened to their concerns and worked with them to support them where we could, and only on occasion, we named and shamed. The department and I worked hard to build good relationships with a variety of HE stakeholders including Vice Chancellors ("VCs") and representative bodies.
- 2.9. Education in the United Kingdom is a devolved matter. The devolved administrations ("DAs") are each responsible for their own policy and regulations.

3. CONTACT

- 3.1. During the pandemic, I worked closely and constantly with DfE officials, OGDs, for example, the Department of Health and Social Care ("DHSC"), other ministers, my counterparts from the DAs, the OfS, HEPs and other stakeholders. I attended many meetings, forums and briefings and participated in numerous telephone calls each week. It is simply not possible, for me or anyone else involved, to remember the detail of each meeting or conversation because the response to the pandemic was my primary focus for over a year and a half, however, to the best of my recollection, the key decisions I made are covered within this statement.
- 3.2. I was regularly briefed by DfE officials and this was the primary way I was kept abreast of sector response and reaction, scientific data and other information available which was relevant to HE and FE during the pandemic.
- 3.3. DfE officials were continually monitoring data relevant to education settings and as mentioned above, I was constantly briefed on data relevant to HE (and latterly, FE also). DfE officials had access to external sources of data, including the Scientific Advisory Group for Emergencies ("SAGE") and the Higher Education Statistics Agency ("HESA"). HESA is the designated data body responsible for collecting, analysing, and publishing data about HE in the UK. HESA publishes data on all aspects of the UK HE sector, including information about students (entrants, qualifiers and total numbers), staff, graduate activity and finances.
- 3.4. The data collected by HESA includes non-continuation rates for students at HEPs, showing the percentage of students who do not continue their studies after their first year, which we had access to. To get the real benefit of HE, students need to complete their qualifications. Enabling and supporting students to finish their qualification was a focus throughout the pandemic response, and something we regularly discussed. This was part of our regular dialogue with HEPs and we worked with HEPs to try and prevent students dropping out before completing their qualifications.
- 3.5. I worked with and spoke directly to No.10, Cabinet Office ("CO") and HM Treasury ("HMT") on a number of key issues, throughout the pandemic.
- 3.6. I was in regular contact with my DA counterparts and ensured that we had regular meetings whenever we were going to change our position or we became aware that they were going to change their position. We worked together to share best practice and to ensure we were as coordinated as possible. This good working relationship

was especially important in my remit because English students went to Scottish and Welsh universities and vice versa.

- 3.7. As mentioned above, I worked routinely with key stakeholders. The OfS is the HE sector's regulator and it maintains a register of regulated HEPs. It is a non-departmental public body, meaning it is accountable to parliament. The OfS sets the requirements that registered HEPs must meet for teaching quality, student outcomes, equality of access and participation, and the management, governance and financial sustainability of their institutions. The OfS also monitors the performance of HEPs, publishes data and reports, and takes action if a registered provider is failing to meet established standards. Where the OfS discovers low quality provision, it can impose a range of sanctions, including financial penalties and, in extreme cases, removing providers from the register. I had lead responsibility for oversight of the OfS during the Specified Period. The OfS receives guidance on strategic priorities from DfE but its operations are independent of government. The OfS distributes funding to HEPs on behalf of government, including capital grants to support investment in facilities, and ongoing funding to support teaching in important high-cost subjects. It also funds initiatives to address issues which affect students, such as promoting equal opportunities and student wellbeing. Part of the OfS' role is to ensure that students' consumer rights are protected, that all students understand what they can expect in terms of teaching and support, and that, if necessary, they have access to a user-friendly complaints process.
- 3.8. The OfS was a very good source of information about what was happening in the HE sector. I met with the OfS regularly throughout the pandemic, with the frequency of our meetings being determined by what was going on with the pandemic. At the height of issues, I would meet with the OfS on a daily basis, but even outside of these intense periods, I would meet with the OfS very regularly.
- 3.9. In terms of contact with universities, unions and other representative organisations, I worked hard to be contactable as well as proactive and reactive to the constantly evolving situation. I regularly worked long hours, meeting with sector representatives, or whoever I could to resolve issues that were raised with me by, for example, other MPs who had been contacted by their constituents, by the OfS, university representative bodies, HEPs, members of the public or that I saw in the media. I had good relationships with these groups and they knew, if they had a concern, who they could contact at the department. If there was an issue or policy change being considered, and there was time, I would contact a number of trusted stakeholders to

talk through potential impacts. Obviously, this had to be done carefully to avoid leaks to the media, and at times, decisions were made without my involvement and/or without time to consult more widely.

- 3.10. One of the representative bodies I was routinely in contact with was Universities UK ("UUK"). UUK is a membership and advocacy organisation for 141 universities in England, Scotland, Wales and Northern Ireland which speaks out in support of universities and the HE sector.
- 3.11. The respective roles and responsibilities of the university sector representative bodies, the OfS and the department in terms of the monitoring and assessment of HE during the pandemic were clear. There was a good working relationship and regular lines of communication between UUK and other representative bodies, the OfS and the department throughout the pandemic.
- 3.12. Also, in August 2020, I established a new HE Taskforce to help the department understand the issues and challenges that HEPs were facing and to work with them to resolve these issues. The Taskforce was attended by HE sector groups, including Universities and Colleges Admissions Service ("UCAS"), the OfS, UUK, Guild HE, the Russell Group, University Alliance, and Million Plus, as well as officials from DfE, HMT and DHSC.
- 3.13. I saw communication with HEPs and students as one of my most important roles during the pandemic. Keeping information flowing in both directions was crucial to maintaining an effective response and understanding what was going on in the sector. Big decisions were being made and we sought to communicate these clearly and quickly to give HEPs and students as much time as possible to plan for the changes. We used a variety of channels to ensure there were lines of communication between the department and HEPs and students, and we did the best we could to reach as many people as possible.
- 3.14. UUK (which describes itself as "the collective voice of universities") established a HE sector 'Task and Finish' group, made up of representatives from sector bodies and professional associations. I was kept abreast of the work of this group.
- 3.15. At times, it was difficult to communicate with students directly because the department does not hold contact details for individual students. I asked unions and other representative bodies to send messages on, but we were at their mercy as to whether they did or not. Further, we were aware that students received many emails and so these messages may have gone unread at times. I used the media, and

specifically student facing media and social media, to reach as many students as I could, and I wrote many open letters to students and I asked universities to circulate these. I wrote in tandem to HEPs, generally sharing the same information but tailored to their needs, rather than the student angle.

- 3.16. The department and I also engaged with the National Union of Students ("NUS") to support students and address key challenges posed by the pandemic. I would meet with NUS if there was a policy change or update affecting their members. I met with NUS on several occasions, for example, on 25 February 2021 to discuss priority cohorts for returning and student concerns (Exhibit MD1/003 - INQ000607576) and in June 2021 to discuss hardship funding and international students (Exhibit MD1/004 - INQ000607602).
- 3.17. I also sought to communicate directly with students, on a personal level. I undertook live Q&A sessions, for example, hosted by UCAS and the Student Room. These events gave students the chance to raise questions and voice the issues that were concerning them, and it gave me the opportunity to hear directly from the students I was representing.
- 3.18. I was also mindful of the need to communicate with parents. Whilst HE students are young adults, they are young and understandably, many were still very reliant on their parents. Whilst there was no direct route to contact parents, we used social and national media to try and communicate.
- 3.19. During the pandemic, I continued to hold my cross-party MP surgeries, giving other MPs the opportunity to meet to discuss any issue of concern raised by their constituents, for example, if they had worried parents who had contacted them.
- 3.20. I would also write "Dear Colleague" letters for other MPs and to the Lords, updating them about key HE decisions, so that if they received email enquiries, for example, from a constituent, then they would have some insight to the issue.
- 3.21. It is worth stating that, throughout the pandemic, many decisions were made centrally, rather than by DfE, SSE or me. I did not attend cabinet until September 2021. Decisions were often made quickly, reacting to the available data and scientific advice, but from my appointment as MoSU in February 2020, I believed a key part of my role was i) to advocate for the HE sector (and latterly, the FE sector) and their students, and ii) to listen to and communicate with the HE sector (and latterly, the FE sector) and their students. I did this to the best of my ability.

4. THE EARLY STAGES OF THE PANDEMIC

- 4.1. I was not appointed MoSU until 13 February 2020. From this point onwards, my focus was ensuring the interests of universities and students were being considered when decisions which may impact them were being made as well as trying to anticipate what else might impact the sector.
- 4.2. As a government, there was a quiet concern about the emerging COVID-19 situation and I was following closely what was happening in other countries and what was being reported in the media. I was regularly requesting information, for example from DHSC, and I was constantly thinking about potential ramifications for universities and their students.
- 4.3. I was not aware if there had been any relevant scenario planning that the department had done prior to the pandemic and as far as I can recall, scenario planning was never raised in conversations I was having with officials. There was no manual or blueprint for dealing with pandemics. The situation was changing rapidly and the focus was responding to what was happening.
- 4.4. The considerations for HE were different to those for other education settings for a number of reasons, including HEPs being autonomous institutions and the students being adults, living at home, in university accommodation or other private accommodation.
- 4.5. Prior to my appointment as MoSU, DfE was considering HEPs in its actions. For example, DfE had already engaged with OGDs on what was happening internationally in relation to COVID-19, specifically regarding Chinese HE students returning to the UK and UK overseas campuses in China, as well as other international HE students. DfE officials had been in touch with DHSC and the Home Office ("HO") student visa team in relation to the large number of Chinese citizens who attended HEPs in the UK. Also, by late January 2020, the department was assessing potential risks and as part of this, considering international activity (Exhibit MD1/005 - INQ000607398).
- 4.6. I am aware that at the end of January 2020, DfE officials joined a meeting between PHE and HEPs to discuss concerns around COVID-19, including transmission of Covid-19 in university settings (Exhibit MD1/006 - INQ000607400). Whilst this was before my time as MoSU, the department liaised with PHE throughout the pandemic, for example, in relation to consistency of messaging.

- 4.7. Further detail about what the department did prior to my appointment as MoSU is set out in the first corporate statement on HE signed by Hannah Sheehan dated 31 July 2025 (Exhibit MD1/001 – **INQ000588004**).

February 2020

- 4.8. On 17 February 2020, DfE issued guidance, *COVID-19: guidance for educational settings*, to support education settings, including HEPs, which DfE and PHE officials had worked on together (Exhibit MD1/007 - INQ000519708). The guidance provided advice on preventing the spread of infections and what actions to take if there was a suspected or confirmed COVID-19 case in a setting.
- 4.9. Also on 17 February 2020, DfE and PHE jointly published *Coronavirus: travel guidance for educational settings*, advice for educational settings and their students and staff, who were travelling or planning to travel during the COVID-19 outbreak. This included advice for students over 18 as well as specifically those on Erasmus+ exchanges (opportunities for students studying at HEPs to study or work in another European country) (Exhibit MD1/008 - INQ000607672).
- 4.10. Throughout February 2020, the department and I monitored the scientific evidence and the potential impact of COVID-19 on the education sector, including specifically in relation to HEPs.
- 4.11. The government began to prepare possible emergency legislation in response to the COVID-19 crisis, under the leadership of DHSC (this would in due course lead to the Coronavirus Act 2020). DfE officials considered the impact of taking a power to close HE settings, including the potential consequential impact on the closure of student accommodation and the resultant travel arrangements for domestic and international students. I attended various internal meetings with DfE officials and other department ministers to discuss this emergency legislation.

March 2020

- 4.12. As the situation developed, I was constantly trying to think ahead, to anticipate potential issues and consider how they would impact upon the HE sector. I was regularly briefed by DfE officials, and repeatedly talking to stakeholders, trying to identify potential issues and assess potential repercussions. Whilst I was working hard to be proactive, it was difficult to anticipate what was needed because the situation was unprecedented and was moving quickly.

- 4.13. DfE was also in touch with the HE sector via a 'Task and Finish' group established by UUK, made up of representatives from sector bodies and professional associations. DfE, alongside the HO and UK Visas and Immigration, was a member of the group and attended the inaugural meeting on 6 March 2020. The group discussed institutional planning and preparedness, including how possible restrictions could impact HEPs' ability to continue business-as-usual activity.
- 4.14. In March 2020, DfE launched the DfE Coronavirus national helpline to provide guidance on education-related questions. This was available for students, parents and education providers, including HEPs. UUK and OfS were also providing regular updates to HEPs, via newsletters and websites. I was aware HEPs with international ties were in contact with PHE to address specific issues, such as supporting students living in shared accommodation who needed to self-isolate.
- 4.15. In early March, I asked for a draft letter to be prepared to send to HEPs on COVID-19. The purpose of the letter was to remind HEPs of existing COVID-19 advice, encourage them to plan for the medium-/long-term and emphasise that DfE and I were happy to provide guidance/support where appropriate (Exhibit MD1/009 – INQ000607431). When drafting letters or other updates to the sector, where time allowed, I liaised with members from within the sector about the draft to ensure that the message was right and to try to anticipate any concerns that might arise. As things turned out, I believe this letter ended up being sent on 20 March 2020 (Exhibit MD1/010 - INQ000641603), and by then the situation had developed rapidly.
- 4.16. On 6 March 2020 DfE was commissioned by the Cabinet Secretary to provide details on DfE preparedness for COVID-19. DfE officials returned risk scenarios of the possible impacts of COVID-19 (Exhibits MD1/011 - INQ000607420 and MD1/012 - INQ000607421). These included the impact of HEP closure, including the effects on exams. In relation to the impact of HEP closures on exams, the advice noted:

"More difficult to coordinate response to moving exams and compensating students for lost contact time (as up to individual universities). But less disruption to teaching than in other sectors as better able to rely on alternative digital provision."

And:

“HEPs are not governed by the strict need for exams to be sat nationally at the same time, as with GCSEs and A-levels, so there is more flexibility around rescheduling exams should it become necessary.”

- 4.17. On 12 March 2020, DfE published new travel guidance, *COVID-19: travel guidance for the education sector*, on GOV.UK, as an update to the guidance *Coronavirus (COVID-19): guidance for educational settings* published on 17 February 2020 (Exhibit MD1/013 - INQ000519732). This provided advice to students considering travelling overseas for placements, to students already studying and working overseas, and on travel insurance.
- 4.18. On 13 March 2020, SSE approved the inclusion of a power for SSE to give a temporary closure direction to HEPs in the Bill, which after Parliamentary approval, became the Coronavirus Act 2020. The Act came into force on 25 March 2020.
- 4.19. At this time, I was meeting with the universities and HE sector bodies daily. As an example, on 16 March 2020, I attended and chaired a COVID-19 roundtable convened by UUK with HE sector representatives to discuss international students, exams and financial stability of the sector (Exhibit MD1/014 – INQ000607435). I was provided with a suggested brief for the meeting (Exhibit MD1/015 – INQ000607436), although what I said at the meeting will have differed in places from the briefing.
- 4.20. Also on 16 March 2020, DfE officials sent an action plan to SSE, me and other DfE ministers on a response to COVID-19, headed *Exams season and potential impact of coronavirus* (Exhibit MD1/016 - INQ000514566). The purpose of the note was to provide advice on contingency plans for GCSE and A/AS level exams. The advice outlined the need to consider the financial support for providers, including HEPs, which might otherwise not be viable as a result of lower demand, for example, from students delaying their start to the 2020/21 academic year. There was also an update on exams which included the implications for HE should there be any delay, though at that point exams were expected to go ahead as planned. The preference from the HE sector, if exams were delayed, was for entry dates not to slip and predicted grades be used along with other information available, such as HE admissions tests and teacher assessments.

Announcement of the first national lockdown

- 4.21. When DfE officials had started to consider the potential implications of COVID-19 for HEPs, they had identified, in discussion with the HE sector, that it would not be possible for HEPs to close entirely. This was because many students who lived on campus might not be able to return home, and there was a need for essential research projects to continue.
- 4.22. Throughout March, as concerns within government about the resilience of the NHS increased, the government started work to consider the impact the closure of education settings, including HEPs, could have in reducing the spread of the virus.
- 4.23. At a meeting on 16 March 2020, SAGE agreed that Scientific Pandemic Infections Group on Modelling ("SPI-M") should coordinate modelling on the impact school and university closures could have on NHS capacity.
- 4.24. On 16 March 2020, the Prime Minister announced, "*now is the time for everyone to stop non-essential contact and travel*".
- 4.25. SSE and DfE officials considered (over the course of 17 to 18 March 2020) whether the closure of schools should be extended to apply to all education settings (Exhibits MD1/017 – INQ000607444, MD1/018 – INQ000107247, and MD1/019 – INQ000607448). DfE officials raised within the department the main concerns for HEPs in the event of closure, namely international students, student learning, HE research, delivery of certain courses (such as healthcare courses), and institutional financial sustainability.
- 4.26. On 17 March 2020, to assist the HE sector to understand what the Prime Minister's announcement meant for it, I tweeted "*Medical and scientific guidance continues to be that universities and other educational settings should remain open unless advised otherwise by PHE. They should take sensible steps to keep students and staff safe, in line with advice from @PHE_uk*". This message was shared with OfS and UUK press offices to support on social media (Exhibit MD1/020 - INQ000607440).
- 4.27. The discussion in the emails referred to at paragraph 4.25 above noted that many universities had already communicated or were planning to run the summer term as online only, with the expectation that students would live back at home where they could. Also, around "*25% of students are daily commuters*" so would already not be

attending HE settings and an option could be for the majority of teaching to move online, and staff work from home, while keeping skeleton staff to support students in accommodation who were unable to return home (Exhibit MD1/021 – INQ000607445).

- 4.28. On the afternoon of 18 March 2020, DfE returned slides to CO for the COBR meeting that afternoon. I did not attend this meeting. These slides explained that many universities and other HEPs were already taking necessary steps to keep their staff and students safe and, where possible, keep providing education. The slides set out that DfE trusted HEPs and other institutions with students who were 18 and above to make the right decisions for them, in keeping with their autonomous status (Exhibit MD1/022 - INQ000056188).
- 4.29. COBR was held at 4 pm on 18 March 2020. I did not attend this meeting. COBR agreed that schools and other education settings (not including HEPs) would remain open to children of critical workers (Exhibit MD1/023 - INQ000107254). I was not involved in making this decision. Then, at 5 pm and 5.16 pm, the Prime Minister and SSE respectively announced the closure of schools and other education settings (not including HEPs) to the majority of students at a press conference and in parliament. During his statement to parliament, SSE expressed confidence in HEPs' VCs to make the relevant decisions for their institutions and offered DfE support to facilitate them in doing so (Exhibit MD1/024 - INQ000075716). Schools and other settings (other than HEPs) instituted partial closure on 20 March 2020.
- 4.30. On 19 March 2020 (Exhibits MD1/025 - INQ000519735 and MD1/026 – INQ000519467) and 21 March 2020 (Exhibit MD1/027 - INQ000519894) DfE guidance was published jointly with PHE. The first provided information on personal hygiene and social distancing. The second provided support for the management of young people isolating in residential educational settings, including university halls of residence. This recognised the importance of looking after students' mental health, stating, *"It is important to take care of mental as well as physical health and seek support if needed. Students can keep in touch with family and friends over the phone and on social media. There are also sources of support and information that can help, such as Every Mind Matters"*. Whilst I cannot recall specific instances, in most instances, I would promote relevant guidance to the HE sector as best I could, for example, using media and social media.

- 4.31. My priorities were HEPs and HE students and I was constantly thinking about how decisions would affect them and their education. I considered who would be impacted and how, and was conscious that students would be impacted in different ways, and some more than others. For example, I was mindful of the fact that international students might not be able to fly home, and care leavers might be left on campus alone. I was very aware some students were more vulnerable than others, that some were more limited in terms of finance, or support, and I tried to do my best for all of them, within the remit of my role and with the autonomy of universities.
- 4.32. I cannot recall the figures or where the data came from, but I do recall seeing information from DfE officials which suggested that the number of HE students without individual access to a computer and/or broadband access was higher than we had expected it to be. The logical assumption was almost all of them would have had access. Obviously, this concerned me when we were saying learning should be done online and I tried to secure more funding for these students. I remember pushing HMT for more financial support for getting HE students online but HMT was not supportive.
- 4.33. On 20 March 2020, I wrote to HEPs asking them to put in place the necessary resources to support acutely affected and vulnerable students, stressing the potential impact on students who were international, care leavers, estranged from their families, disabled, or living with people in high-risk groups. The letter also suggested frequent monitoring of PHE guidance, requested online learning be made "*as widespread as possible*" and stressed the need to develop a range of options for distance teaching and ensure students are supported where necessary. HEPs were reminded of the need to ensure practical support was available so students could access "*sufficient food and medical and cleaning supplies, along with mental health support*" (Exhibit MD1/010 – INQ000641603).
- 4.34. I wrote regularly to HEPs' VCs and to students during the pandemic. Many of these letters included information about the support available to students and reminders to HEPs of their responsibilities to students, especially in relation to their mental health. As mentioned above, I first wrote to the sector about COVID-19 on 20 March 2020 and the following was included in a Q&A section attached to the letter:

"We would expect HEPs to ensure that students continue to have access to a counsellor or mental health adviser to support their wellbeing. Online sources

are also available to support students, including that provided by the mental health charity, Mind. The NHS site also lists mental health support apps.”

- 4.35. DfE had already been monitoring the number of HEPs which had moved to online teaching, with a daily dashboard being produced (Exhibits MD1/028 – INQ000183892, MD1/029 – INQ000055918 and MD1/030 – INQ000056058).
- 4.36. Student accommodation remained open as did support functions, including libraries and student support services (Exhibit MD1/031 – INQ000056103). The position on 20 March 2020 was that approximately 125 HEPs had or were moving to online teaching, with approximately 17 HEPs continuing with normal delivery.
- 4.37. I regularly spoke to HE sector bodies to understand the issues affecting them. I would generally meet these organisations back-to-back to hear whether they were facing the same or slightly different concerns. For example, on 20 March 2020, I met with University Alliance, an organisation representing 16 leading professional and technical universities, to discuss COVID-19, how University Alliance could support the government during the crisis, and the long-term stability of the HE sector, including the autumn admissions intake and the offers for prospective students. I wanted to understand what issues their members were dealing with. I was clear that if institutions were facing extreme difficulty due to the circumstances, then this should be raised directly with me (Exhibit MD1/032 – INQ000607449).
- 4.38. The situation was moving incredibly fast and like others within government, I was trying my best to keep ahead of issues, where possible. Before we knew that universities would be closed, I asked for advice to try and get a 'head start'. I wanted to be able to navigate the emerging situation, minimising the negative impacts where possible. To this end, on the morning of 23 March 2020, I asked DfE officials to provide summary advice on student accommodation and catering, key workers in the HE sector, and the feasibility of continuity of tuition in the possible event of a "*full lockdown*" (Exhibit MD1/033 – INQ000607453).
- 4.39. Later the same day, on 23 March 2020, the Prime Minister announced the first national lockdown to slow the spread of COVID-19, and to protect the NHS's ability to cope. The Prime Minister instructed that people stay at home and only leave under limited circumstances.
- 4.40. Also on 23 March 2020, DfE asked HEPs not to change offers already made to undergraduate students, including converting conditional offers to unconditional

offers or changing entry requirements, for the next two weeks. This was to ensure stability and fairness for both students and universities. This was in response to a small number of HEPs changing a proportion of their offers to undergraduate students from 'conditional' to 'unconditional' for the 2020/21 academic year, following the government's decision on 18 March 2020 to cancel exams for GCSEs, AS and A levels and other qualifications including vocational technical qualifications. The risk of this was that it would unbalance the admissions system, with those HEPs making unconditional offers receiving a disproportionate number of students. This would affect the whole admissions 'ecosystem'. Another issue I was thinking about was the loss of international students because university finances rely heavily on international students. After the lockdown, I worked to try and attract international students back to the UK again.

- 4.41. I wanted to minimise the disruption caused by the pandemic to the extent possible. I was very concerned about the impact of the pandemic on students, in particular their future prospects and their mental health. As I said in the press release on 23 March 2020 (Exhibit MD1/034 - INQ000641627):

"We must also look out for students too, who in these uncertain times may be feeling anxious about their futures. I want to reassure students that we will provide them with the grades they need. No student should feel pressured into making a quick decision which may end up not being in their best interest."

- 4.42. Following the Prime Minister's announcement, whilst HEPs remained formally open, they moved to online learning where possible and face-to-face attendance was restricted across campuses. Some activities continued such as essential research related to the pandemic. The Minister for Science, Research and Innovation wrote to HEPs to encourage research to be continued and to say the Department for Business, Energy & Industrial Strategy ("BEIS") would support and work with the research sector on how to respond to the challenges faced (Exhibit MD1/035 – INQ000607473).
- 4.43. On 25 March 2020, the advice produced in response to my requests on 23 March 2020 was received (Exhibit MD1/036 – INQ000607454). It included advice on student accommodation and catering in a lockdown scenario, key workers / business critical staff in HE and whether a lockdown could lead to cessation of all tuition. DfE officials

explained that HEPs would have business continuity plans and could also draw on their major incident teams for support in responding to COVID-19.

- 4.44. On 26 March 2020, I sent another letter to HEPs, providing information on actions to take in response to the national lockdown announcement (Exhibits MD1/037 – INQ000607457 and MD1/038 - INQ000641604). I wanted to make sure that students and HEPs had specific guidance to help provide some clarity, in what was an uncertain time. The letter covered a broad range of issues and set out that students should remain where they were and stay indoors to reduce the transmission of COVID-19 and help protect the NHS. It emphasised the importance of mental health services at HEPs, the continuation of maintenance payments from the Student Loans Company ("SLC") for the final term, HO's extension of visas for international students, and the availability of government schemes to support staff at HEPs and those students in paid employment. The advice for students to stay in their current accommodation, be that at home or student halls, was checked with PHE to ensure it was in line with current guidance and cleared by No.10 (Exhibit MD1/039 – INQ000607452).
- 4.45. I regularly spoke to HE stakeholders and would frequently speak directly to university VCs to discuss matters of concern or to give them the opportunity to raise any matters they had with me. As an example of this, on 26 March 2020, I spoke to the VCs of the Universities of Cambridge and Oxford about students remaining on site (Exhibit MD1/040 - INQ000607459). Both VCs confirmed vital work on single cell sequencing, therapies, vaccines and testing was continuing. Both VCs confirmed they "*were very supportive of HMG messaging and assistance*". Their biggest concern was financial difficulties, which I understood.

5. UNIVERSITY CLOSURES AND THE MOVE TO REMOTE TEACHING FROM MARCH 2020

- 5.1. On 30 March 2020, the Prime Minister's Office asked DfE officials to work with BEIS and HMT to provide advice for the Prime Minister on "*The emerging consequences of Covid-19 on the HE sector and its students*" and what the potential options were to mitigate the impact (Exhibit MD1/041 - INQ000607460).
- 5.2. My usual way of working was that I asked to see any relevant advice that went to No.10, and where I felt necessary, I would comment on it. However, things were moving very quickly at this point in time and, with the passage of time, I cannot recall if I commented on this advice or not.
- 5.3. On 2 April 2020, DfE officials shared this advice (Exhibit MD1/042 – INQ000607462) with the Prime Minister's Office. This advice acknowledged "*the impact is extremely uncertain at this stage, and highly dependent on the extent to which lockdown measures both domestically and internationally extend into the start of the next academic year, as well as the behavioural responses of providers and potential students*". It noted the sector would likely face considerable financial impact and there were concerns with the stability of the admissions system as a result of the uncertain outlook. The advice confirmed the department wanted "*to announce, next week, a further package of measures that would help stabilise the sector*", including an approach to clearing and support for university finances.

- 5.4. The advice also made reference to:

"Ensuring that quality of teaching is maintained for students given the move to online delivery, as well as making sure that students get professional certification where expected. OfS will be providing further guidance and models to the sector."

- 5.5. As mentioned above, the department's advice stated that one of its objectives was to make sure that high quality teaching and research continued, and that might require targeted support. The OfS also has responsibilities to promote quality and value for money in the provision of HE. Personally, I was very keen to ensure that any measures put in place as part of the government's response to the pandemic had as little detrimental impact as possible on the quality of teaching that students received. Whilst, inevitably, there would be impacts on students, if universities could ensure that they received as high-quality tuition as possible, even if that was delivered

remotely, this would help ensure that students received the best value for money they could from their education provider, bearing in mind the restrictions. During my regular contact with HEPs and their VCs, I made it clear that it was our expectation that a good quality education was provided and providers had to do what they could to make this happen.

- 5.6. Tuition fees and value for money was one of the key issues which was constantly being raised by students and their parents and often picked up by the media. This continued throughout the pandemic, and there was a lot of negative media reporting about students not getting the quality of HE provision that they should have been, for the fees they were paying. The fees payable and any refunds were for the universities to determine, as autonomous institutions, and the OfS, as HEPs' regulator was responsible for ensuring quality of provision. However, the department and I felt that an important part of our job was to make sure students were getting a quality education, good value for money, and what they were paying was as fair as possible. Government sets a maximum fee, but there is no minimum. My view was that if a university was going to charge the maximum fee, it had to be able to justify it was value for money. Whilst this message was regularly repeated to HEPs, part of this involved us highlighting matters to HMT where we could and working to get as much financial support as possible. If we had specific concerns about the quality of HE provision, we would flag these with the OfS. Universities turned to online provision almost overnight involving a massive change and there were many examples of fantastic and innovative learning – some of which were incorporated in addition to face-to-face teaching after the pandemic. However, there were some examples which hit the headlines and appeared to be letting students down – these tarnished the good work happening elsewhere. Whenever I was alerted to these cases I would refer them to the OfS and sometimes call the VC to understand what was happening and highlight I was concerned. I also actively promoted the complaints process and the Office of the Independent Adjudicator for HE ("OIA") for students to use and for universities to be aware that the process was being promoted and they needed to prioritise quality and value for money.
- 5.7. There was also a great deal of understandable frustration and upset from students that they did not get the university experience they had paid for and expected.
- 5.8. On 17 April 2020, DfE published guidance (Exhibit MD1/043 - INQ000519766) about access to the business support schemes announced by HMT and how they applied to the education sector. This stated the department's aim was for HEPs to continue to

deliver HE provision and support the needs of students, both on and off campus. The guidance noted:

“We will work with HE providers to help them access the range of measures on offer to:

- support financial viability and sustainability*
- safeguard jobs (including those staff on casual, hourly paid or fixed-term contracts)*

We have confirmed that the Student Loans Company is planning to make Term 3 tuition fee payments as scheduled.

We expect that in most circumstances, HE providers will be able to continue paying their staff as usual because HE delivery has largely moved online, and staff are maintaining key services, including those for students remaining on campus.”

- 5.9. The guidance also set out details of the Coronavirus Business Interruption Loan Schemes ("CLBILS"), the COVID-19 Corporate Financing Facility ("CCFF") and the Coronavirus Job Retention Scheme ("CJRS").
- 5.10. On 18 April 2020, I sent a further letter to HEPs that set out details around DfE's work with UCAS, the UK's shared admissions service for HE, the OfS and sector representatives in order to try to provide some stability for the sector and support students. The letter emphasised the department's position around how HEPs should make offers to prospective students, as DfE had already set out in its press notice of 23 March 2020, as well as referring to the guidance about access to the business support schemes (Exhibit MD1/044 - INQ000607464).
- 5.11. On 4 May 2020, DfE announced a suite of measures to support the sector and stabilise university admissions (Exhibits MD1/045 - INQ000607466 and MD1/046 - INQ000245884). I was involved in developing these measures with SSE and negotiating them with HMT, as well as signing off the communications about them. A key part of this was the introduction by the department of Student Number Controls ("SNCs"), a temporary measure designed to prevent aggressive recruitment practices by some HEPs seeking to fill the places that would not be filled by overseas students in 2020/21. It was also confirmed that HEPs could apply for government support

schemes (estimated by the OfS to be worth £700 million to the sector), as well as the SLC bringing forward tuition fee payments to help providers (an estimated £2.6 billion in payments). Another measure announced was that Science Minister, Amanda Solloway, and I would lead a joint DfE/BEIS Ministerial Taskforce on university research sustainability to ensure the future of the UK's university research capability.

- 5.12. In terms of university assessment and exams, as explained above, HEPs had more flexibility as to when and how their exams were taken. As autonomous institutions, they were responsible for assessing their students in a way that would meet the criteria of any relevant professional bodies and enable their students to progress to the following year or graduate. HEPs had to follow the relevant guidance in place at the time, for example, social distancing, and so the department and I had to ensure guidance answered any questions HEPs might have about exams. If guidance from other departments raised questions in the HE sector, the department and I would seek clarification from, for example, PHE or DHSC.
- 5.13. On 21 May 2020, DfE published guidance for students and HEPs. This explained that HEPs should assist students in collecting their belongings left in student accommodation and provided advice for students on leaving student accommodation to return to an alternative residence (Exhibit MD1/047 - INQ000607476). A message from me about leaving student accommodation was uploaded to The Education Hub, a site for parents, pupils, education professionals and the media to inform about the education system.
- 5.14. On 3 June 2020, the main piece of guidance for the sector, *Higher education: reopening buildings and campuses*, was published. This guidance was updated throughout the pandemic following its publication, providing the sector with ongoing guidance based on scientific advice and government measures at the time (Exhibit MD1/048 - INQ000497888).
- 5.15. On 12 June 2020, DfE officials sent SSE and me a submission, seeking our agreement on plans for “a full return” to HEPs in the autumn term of 2020 (Exhibit MD1/049 - INQ000607499). This was sent up alongside similar submissions from DfE officials covering the full reopening of all other education settings, including early years, schools and FE. The advice relating to HEPs set out key impacts, considerations and potential options for the HE sector in the context of two scenarios, recognising there was still uncertainty surrounding transmission rates which prevented making definite plans. These scenarios were designed to enable us to

consider potential options, which ultimately would depend on what the scientific position was at the relevant time. The first scenario was around a full return of students to HEPs. This assumed that non-pharmaceutical interventions ("NPIs") were relaxed and campuses were open to students and staff, but HEPs were offering a blend of face-to-face and online learning. The second, fall-back, scenario was around campuses being open but with more emphasis on online teaching wherever possible and safe distancing, meaning that capacity of teaching spaces was much reduced.

- 5.16. On 13 June 2020, DfE was commissioned by CO to draft a paper on key milestones in education settings for a Prime Minister-chaired Covid Strategy meeting, to take place on 19 June 2020. SSE's office commissioned DfE officials to draft this paper, and it was sent to CO on 17 June 2020 (Exhibits MD1/050 - INQ000607492 and MD1/051 - INQ000263377).
- 5.17. The paper covered the preparation for the reopening of education settings in the autumn term. It set out the department's ambitions in planning for a full return of pupils and students to education settings in September 2020 and set out two scenarios, which it asked the meeting to agree to. The first scenario was around a full return of pupils and students to education settings in September 2020, the second around a partial return. For HE, the paper reflected the 12 June 2020 submission. Under the full return scenario, HE campuses would be open to staff and students, with teaching carried out through a blend of online and face-to-face provision and HEPs continuing to adopt a combined model of learning, in the short term at least. Under the second, fall-back scenario, students would return to university accommodation but with social distancing measures in place and with online learning as the primary teaching delivery method. The paper set out that DfE was discussing with SAGE subgroups and PHE how to assess the extent of health risks and how that would inform changes that were required to allow a full return.
- 5.18. On 17 June 2020, I made a speech at the Higher Education Policy Institute ("HEPI") annual conference (Exhibit MD1/052 – INQ000607726). I recognised the sector's achievement, noting "*Universities didn't close and students will graduate as planned and new students will start university this year.*" In my speech, I stressed the importance of communicating, confirming "*We will continue to work closely with the sector in putting the policy into practice*". It was really important to me, as I said in my speech, that students continued to receive a high-quality education. I "*was pleased to read HEPI's own survey that many providers have been pretty successful in meeting*

their students' academic needs. Students felt that overall, academic experience was better than expected, and that contact hours had actually increased. They were also doing more assignments, getting more feedback and were feeling more supported in their independent study".

- 5.19. As an issue I felt very strongly about, in my speech, I covered available and new mental health support for HE students, reminding attendees that students have access to a range of mental health and welfare support services. This included a reminder that hardship funding was available. I announced the launch of Student Space, a key new online resource that would provide a variety of mental health and welfare support services. I also used the speech to again set out to HEPs their responsibility to students, including in relation to student mental health.
- 5.20. On 22 June 2020, SSE's office responded to the 12 June 2020 submission with comments from SSE and other ministers, including me, as well as Special Advisers ("SpAds"). This set out my view that DfE should work on the basis of a lead option that universities would open as fully as possible to the extent compatible with PHE advice. This was likely to mean a mix of blended and face-to-face teaching, but that as much face-to-face teaching should be done as was compatible with the central health guidance (Exhibit MD1/053 - INQ000607495). As recorded, I was calling for getting clarity from PHE on students travelling back to universities en-mass and the associated transport issues, and forming new households, either in halls or private accommodation. As part of these discussions, as was usual practice, we had access to and took into account the available scientific data, including daily transmission rates.
- 5.21. On 16 July 2020, DfE presented a paper to Covid O that recommended that government should encourage and enable HEPs *"to reopen as fully as possible in September, but the decision on whether and how to reopen should remain with providers as autonomous institutions"* and that clear guidance should be published (Exhibit MD1/054 - INQ000607656). At this point, DfE officials were already tracking HEPs' plans for September, with analysis showing that 85% of providers who had responded to one survey were planning to offer both face-to-face and online provision (Exhibit MD1/055 - INQ000607668).
- 5.22. Also on 16 July 2020, DfE announced the Higher Education Restructuring Regime ("HERR") to support HEPs in England facing financial difficulties as a result of COVID-19. Funding was subject to strict conditions and assessed on a case-by-case

basis. The scheme was designed as a safety net, for those in real need. Only three HEPs applied to the scheme; one was successful and received £7.3 million in the form of a repayable loan. The scheme closed to new applicants on 31 December 2021 and was withdrawn on 13 April 2022 (Exhibits MD1/056 – INQ000607708 and MD1/057 – INQ000641606).

- 5.23. A Covid O meeting was scheduled for 21 July 2020 (Exhibit MD1/058 - INQ000624419). The agenda covered school contingency planning, school transport and HE provision for September 2020. Covid O met on 22 July 2020 (Exhibit MD1/059 - INQ000624420). I cannot recall if I attended this meeting but I usually attended the Covid O meetings relevant to HE and participated where appropriate. The agreed actions included:

"10. DfE, with the support of SAGE, to develop and publish guidance for the HE sector (no later than 28 August) ahead of the reopening of the sector as fully as possible in September.

11. DfE to test distance learning contingency plans in the Higher Education setting.

12. COVID Taskforce to schedule a further update on Higher Education to be brought to the Committee in late August or early September, to take an update on preparedness before the new academic year begins."

- 5.24. In terms of decisions made at the Covid O meeting, *"The Committee agreed with DfE's plan for implementing additional Higher Education Guidance but requested a review meeting be held by early September to take stock of the latest situation in the Higher Education setting".*

6. EXAMINATIONS

- 6.1. No exams took place in summer 2020 due to COVID-19. To enable students to receive qualifications, it was announced that students who were due to sit A level, AS level or GCSE exams would instead receive a grade from a standardisation model developed by Ofqual. I had no involvement in developing this model or the grade awarding process.
- 6.2. On 13 August 2020, A-level grades were announced and there was considerable concern about the use of Ofqual's algorithms. As a result, on 17 August 2020, Ofqual confirmed that all students would be awarded a Centre Assessed Grade ("CAG"), submitted by their school or college, unless it was lower than their calculated grade, in which case the calculated grade would stand.
- 6.3. I was not involved in the algorithms devised by Ofqual or the decision to use them. My involvement was dealing with the fallout as a result of the decision to use CAGs. As more students secured their HE places, there were pressures, including cost pressures, for HEPs because of the need for more staff, accommodation and facilities.
- 6.4. As the CAGs were generally higher than the grades which would have been awarded had exams taken place, more students than expected met the terms of their HE offers. Generally, when HEPs make an offer of a place to a prospective student and the offer is accepted, a contract is formed between the HEP and the student, with the HEP usually being obliged to admit the student on the relevant course of study if the entry requirements are met and the student enrolls. This meant that some HEPs were left with more students than they had planned for and they had places for.
- 6.5. I was concerned that students could be rejected from universities that they would have been accepted by, had they had the opportunity to sit their exams as usual, either because their CAGs could have been lower than the grades they may have achieved or because there were not enough places available because more students had achieved their grade offers. I felt very strongly about the need to support students through this process and I recognised the importance of how the university they attended could determine their futures, not just what they studied and achieved but also including where they lived and who they met. I also recognised the stress and uncertainty the situation was causing, not just for the students but for their families as well.

- 6.6. On 17 August 2020, I worked with others within the department to ensure that we had developed a stakeholder engagement plan to communicate the decision to use CAGs. I spoke to as many HEPs, representative bodies and other stakeholders as I could, including at the HE Taskforce (see paragraph 6.10 below), about increasing places, the need to communicate with private housing providers and other measures the department could consider to help the situation. I was determined to do what I could to help HEPs and students, especially because I felt they were only in the situation they were in because of the decisions to use Ofqual's algorithms and then reverting to CAGs.
- 6.7. The department learned the use of the algorithm developed by Ofqual to moderate grades was unfair. The algorithm relied on historical data from schools, which led to significant downgrades for many students. Also, the algorithm did not consider individual student performance adequately, resulting in grades that did not truly represent the students' abilities. It would have been grossly unfair to proceed using the model developed by Ofqual. Despite the disruption caused to the HE sector, I supported the move to CAGs as it was the fairest thing to do.
- 6.8. Also on 17 August 2020, DfE officials discussed with HMT officials the cost implications for HEPs (Exhibit MD1/060 - INQ000607508) and sent a detailed note to No.10 setting out the implications of the move to CAGs for HE and FE (Exhibits MD1/061 - INQ000514534 and MD1/062 - INQ000514535). Included in this note was the department's rationale for removing the SNCs which had been introduced by the department in May 2020 to stabilise the sector. They had been successful in stabilising the sector when they were introduced earlier in the year and brought an end to the aggressive recruitment practices that they had been intended to prevent however, they were no longer needed and were potentially a blocker in enabling as many students as possible to gain their university places. I wanted to ensure providers were not constrained or penalised for doing this because of SNCs.
- 6.9. Following the announcement about using CAGs, I was acutely aware of the turmoil students and HEPs were in. My team and I worked incredibly hard at this time to try and mitigate the fallout from the grade award process and we really wanted to help students proceed with their future plans as best we could, recognising what an important time in their lives this was. One thing I did was establish a taskforce to bring key stakeholders together.
- 6.10. On 18 August 2020, I chaired the first meeting of a new HE Taskforce, set up by DfE to help the department understand the issues and challenges that HEPs were facing

and to work with them to resolve these issues. The HE Taskforce was attended by HE sector groups, including UCAS, the OfS, UUK, Guild HE, the Russell Group, University Alliance, and Million Plus, as well as officials from DfE, HMT and DHSC. This was a very difficult time for HEPs and prospective students. I was extremely aware that both faced great uncertainty. HEPs were worried about student numbers and their financial viability and students, the majority being only 18 years old, faced considerable stress at what is already a very important time in their lives. My team and I, along with the newly formed HE Taskforce, worked tirelessly to try and support HEPs and students through this time by providing clarity and certainty, ensuring their concerns were listened to and where possible, acted upon. I committed to holding an HE Taskforce meeting every day during this time to resolve the issues. It was very important to me that we worked with universities to help them to help students secure their first choice of university (Exhibit MD1/063 - INQ000514536). I sought agreement from sector representatives to commit to a consistent approach, which would provide students with greater clarity (Exhibit MD1/064 – INQ000607510).

- 6.11. Initially, the HE Taskforce focussed on CAGs and the impact on HEPs. As time progressed, it moved on to considering other issues affecting the HE sector.
- 6.12. I worked relentlessly with HEPs and others to increase the numbers of students for the September 2020 intake. We reviewed the data which told us where the bottlenecks were, primarily, which course/universities were most oversubscribed, and using this information, I rang universities and spoke to private housing providers to see if we could remove blockers, for example, a lack of suitable facilities or accommodation, and offer support which might facilitate more places.
- 6.13. On 19 August 2020, I was involved with the HE Taskforce that helped broker the agreement that HEPs would honour all offers to students who met their conditions for starting HE in the 2020/21 academic year, wherever possible. As mentioned above, I worked with colleagues across government to secure an agreement to remove the cap on numbers. It was agreed that if maximum capacity was reached, an alternative course or a deferred place would be offered. I also secured agreement that the government would lift the caps on domestic medicine, dentistry and veterinary science, which had been introduced in previous years to ensure teaching, learning and assessment standards were maintained, as well as ensuring there were enough placements for students. By negotiating with HMT, I got agreement that extra teaching grant funding would be provided by the government to increase capacity in medical, nursing, science, technology, engineering and mathematics ("STEM") and

other high-cost subjects. I also set out the process for applying for student finance, for those who had not already done so.

- 6.14. As I said in the press release at the time, I was acutely aware that it was an incredibly difficult time for students and I wanted to do what I could to make sure all those who planned to, were able to move on to HE (Exhibit MD1/065 - INQ000514698).
- 6.15. For those students who had not planned to defer but had been offered a deferred place, I worked with officials and OGDs to develop and flag options which would add value in their deferred year. I had the idea to create this 'package' with the goal of giving these students opportunities to gain new skills, undertake work placements in the public, private and voluntary sectors, undertake additional learning and support their career development. The package also included free courses and access to careers advice (Exhibit MD1/066 – INQ000624431).
- 6.16. Maintaining good communications with HEPs and students was essential to managing the pandemic response and I was constantly reflecting on how best to communicate with HEPs and students. On 20 August 2020, I wrote to HE students, via UCAS, setting out the process they should follow if they were still seeking a place at university, or if their course was full (Exhibits MD1/067 - INQ000514541 and MD1/068 - INQ000514542). In my letter, I explained that students should speak to their preferred university to see what options were available.
- 6.17. Also on 20 August 2020, I wrote to all HEP VCs to provide reassurance and explain the department wanted to work with HEPs to build capacity in the HE system (Exhibits MD1/069 - INQ000514544 and MD1/070 - INQ000514545). I also explained the establishment of the HE Taskforce and confirmed that it would meet daily. In my letter, I said:

"I know, having spoken to a great deal of providers and sector bodies over the last 48 hours, that you plan to be as flexible as possible and that we all agree that providers should:

- 1. Honour all offers accepted to date.*

2. Honour all offers made and met through the new arrangements for both firm and insurance offers where students would like to take them, wherever this is possible”

- 6.18. There were approximately 15,000 students who had not originally been given a place at their firm (first) choice of university but, following the change to CAGs, became eligible for a place.
- 6.19. During the latter half of August 2020, the department and I worked extremely hard, along with the HE sector, to reduce the number of students who had not been able to secure a place. This was the main focus of the HE Taskforce at this time. I recognised that HEPs and students faced these difficulties as a result of decisions to use the algorithm and I strongly believed the department and I had a duty to do what it could to help maximise opportunities for those affected by the situation. We worked intensively to achieve this.
- 6.20. DfE monitored the numbers of school and college pupils who had secured a university place in 2020/21 or deferred to 2021/22 for the remainder of August 2020 and into September 2020. In any cycle there are a number of unplaced students in early September. Some hold out for a better offer, some decide not to go to university in that academic year, and some find a job or an apprenticeship instead. A number of courses have additional requirements beyond A level grades, such as a satisfactory Disclosure and Barring Service check, and some applicants have to wait for those before being formally admitted. This is a complex and dynamic system in which both institutions and individuals make multiple, connected choices, and do not need to report all of them through UCAS. According to UCAS data from 2006 to 2024, the percentage of applicants not accepted at the end of the admissions cycle ranges from 21.1% to 29.4% with an average of 24.8%. The figure in 2020 (21.1%) is the lowest in the date range available (Exhibit MD1/071 – INQ000607756).
- 6.21. By 4 September 2020, 87% of the students estimated to be eligible for their firm choice and not originally given a place at their firm choice before the introduction of CAGs, had been placed either at their firm choice, insurance choice, or another comparable HEP. 3% were placed at a lower tariff provider (a provider that typically admits students with lower average UCAS points) compared with their original firm choice. Fewer than 10% of the 15,000 students remained unplaced (Exhibit MD1/072 – INQ000607755).

6.22. DfE also monitored the impact of individual and institutional behaviour on different types of HEP. Because more students met the terms of their offer, high tariff providers took more students than usual. This had a knock-on impact on medium tariff providers which lost students to high tariff providers and took students who might otherwise have attended low tariff providers. According to UCAS data, acceptances in 2020 were up 29,235 (5.4%) compared to 2019. These increases varied by tariff group of providers with greater increases at high tariff providers (13.2%) and a smaller increase for medium (3.7%) and low (1.1%) tariff providers (Exhibit MD1/071 – INQ000607756).

7. THE PROVISION OF EDUCATION BETWEEN SEPTEMBER AND DECEMBER 2020

- 7.1. During late August and early September 2020, I was aware that HE was discussed by SAGE in relation to re-opening plans. I was briefed in relation to anything relevant to HE and this would form part of the evidence base I used to inform my actions and decisions. For example, the paper, *Principles for Managing SARS-CoV-2 Transmission Associated with Higher Education*, was endorsed by SAGE on 3 September 2020. It (Exhibit MD1/073 - INQ000607711) noted:

“There is a significant risk that HE could amplify local and national transmission, and this requires national oversight.

All HE institutions should expect to have cases of COVID-19 and it is highly likely that some HE providers and relevant local health agencies will have to manage the consequences of a significant outbreak either directly associated with their setting or within their local community or region (high confidence).

There is no strong evidence that those in HE demographics in general play a smaller role in transmission than adults in the general population (medium confidence). Evidence suggests there are a higher proportion of asymptomatic cases among younger age groups, meaning that cases and outbreaks are likely to be harder to detect among student populations (high confidence).

There is evidence of physical and mental health impacts from missing or limited access to education and from the reduced social interaction and support that can arise from remote learning. Although direct evidence in HE is more limited than in schools, survey evidence related to COVID-19 indicates disruption to research and learning, lower wellbeing and increased mental distress (low confidence).”

- 7.2. On 3 September 2020, DfE officials produced a paper, *HE Re-opening Update for COVID-O*, about the reopening of HEPs to face-to-face teaching in autumn 2020 (Exhibit MD1/074 - INQ000090217). The document explained the department's objective was *"to secure as full a university experience as possible, with the vital community and personal support, while making sure that it is safe for students, staff and local communities"*. It was important to me that students attending university were able to have as close to a normal university life as possible, without putting the students or others at risk. The paper for COVID-O set out actions the department

was taking including updating guidance, working with DHSC Test and Trace on a testing regime for HE, ensuring outbreak management plans were in place, and monitoring universities' readiness to open. Covid O was invited to agree the approach.

- 7.3. On 10 September 2020, I announced the updating of guidance for HEPs ahead of reopening to face-to-face teaching in September 2020, based on the latest SAGE advice, and outlined that "*...the SAGE group has made clear that teaching in person is important and fully online provision would have an impact on students' mental health. Where practical work occurs in close contact like medicine, dentistry and performing arts, universities should follow advice for the relevant professional environment*" (Exhibit MD1/075 - INQ000546774).
- 7.4. Students started at and returned to universities and other HEPs. HEPs took steps to make campuses as safe as possible, including through enhanced cleaning measures, social distancing on campuses and changes to timetables to stagger and manage attendance on site.
- 7.5. Following the return of students to HEPs in September 2020, DfE prioritised establishing COVID-19 testing within HEPs. Testing was seen as vital to enable HEPs to offer face-to face teaching, so that outbreaks could be identified early and appropriate action taken.
- 7.6. During September 2020, I was heavily involved in increasing HEPs' testing capabilities. DfE worked with DHSC to assess the access HE campuses had to testing provision, ensuring additional testing facilities were made available. To do this, DfE and DHSC evaluated and mapped the local test sites to see whether HEPs had a test site within a 1.5 or 3 mile radius. In terms of my personal involvement, I liaised with DHSC ministers and had regular meetings on this issue. At the time, securing additional testing for the HE sector was one of my top priorities. DHSC had a lot of competing priorities and so I had to help drive this forward.
- 7.7. On 17 September 2020, SSE wrote to the Secretary of State for Health and Social Care ("SSHSC") on the prioritisation of COVID-19 testing in education settings, advising he wanted to see the education workforce and HEP students prioritised.
- 7.8. On 29 September 2020, SSE made a statement in the House of Commons on the return of students to HEPs (Exhibit MD1/076 - INQ000607665). In advance of his statement, we were aware there were anxieties about the impact safety measures

would have on the Christmas holidays and SSE's statement confirmed we would *"work with universities to make sure that all students are supported to return home safely and spend Christmas"*.

7.9. In September 2020, I commissioned DfE officials to provide advice on convening a taskforce to address mental health issues in HE. On 1 October 2020, after considering options, I approved this work going ahead and terms of reference and membership of the taskforce were agreed (Exhibit MD1/077 – INQ000607529). DfE's HE Mental Health and Wellbeing Taskforce, which came into being in October 2020, was established as a short-term sub-group of the DfE HE Taskforce that I had already set up in August 2020. The HE Mental Health and Wellbeing Taskforce would:

7.9.1. Seek direct feedback from sector and student representatives on how they were managing mental health and wellbeing;

7.9.2. Understand any systemic barriers that were getting in the way of good support to students including whether there were any students/groups that may have been particularly affected by mental health concerns at the time;

7.9.3. Discuss issues relating to hardship/finances where they intersected with mental health and wellbeing; and

7.9.4. Provide a forum for the HE sector to work closely together with health sector colleagues on the key challenges.

7.10. Membership of the Mental Health and Wellbeing Taskforce was made up of HE sector organisations such as UUK, Million Plus, University Alliance and the Russell Group, as well as officials from DfE, DHSC, PHE, NHS England and the OfS. The Mental Health and Wellbeing Taskforce met for the first time on 22 October 2020 (Exhibit MD1/078 – INQ000607671), chaired by me, and then met regularly until late spring 2021.

7.11. Areas discussed by the Mental Health and Wellbeing Taskforce included:

7.11.1. Updates from providers on what they were doing around mental health services, as well as the situations they were facing;

7.11.2. Monitoring and addressing the demand for mental health services; and

- 7.11.3. Discussions around the most pressing issues, including feedback from Student Minds on what they were seeing from students contacting Student Space and feedback from AMOSSHE (Student Services Organisation) on trying to balance managing whole population wellbeing with enhanced support for more acute cases.
- 7.12. On 15 October 2020, DfE published guidance recommending a tiered approach in HE (Exhibit MD1/079 - INQ000519798). We recognised that whilst online learning was a highly effective part of the learning experience, many courses, including medicine and dentistry, as well as the creative arts, require an element of in-person teaching. These students needed to be able to, for example, examine a patient or practice dancing in a group. Some learning just could not be done online. Tiers enabled a balance of face-to-face and online learning, within the context of the COVID-19 risks.
- 7.13. Along with testing and data collection, I was focussed on establishing a 'student travel window' to allow students to be able to return home for Christmas. This was something I felt very strongly about because I was hugely conscious of the fact many students had been living away from home, often isolated, through some very difficult times, and it was essential for their mental health and well-being that they be allowed to return home to their families for Christmas.
- 7.14. On 15 October 2020, I was given advice from DfE officials on current plans for end of term guidance for HEPs (Exhibit MD1/080 – INQ000607531). This advice was then discussed at Covid O on 22 October 2020.
- 7.15. I wanted a more accurate picture of HE-specific data. I felt there was a lot of speculation in the media and students were getting blamed for transmission, without the data being available to back this up. I wanted to have a better handle on the relevant data, specific to HE, to be able to respond to the speculation, but also to better support HEPs and students.
- 7.16. Following the return of HE students, I directed the OfS to begin this data-gathering process and throughout autumn 2020, DfE officials and I worked with the OfS to set up a COVID-19 data reporting tool for HEPs, in line with data collection happening in other sectors, such as Children's Social Care and wider government reporting on COVID-19 rates. There were specific challenges in collection of data on infection rates in HE, including, for example, that GP registration is not consistent: students

may remain registered with their home GP, or register with one in their university area, which may lead to an inaccurate picture of where infections actually were. The HE reporting tool went live on 16 October 2020 (Exhibit MD1/081 – INQ000607530). I had concerns that universities may still fail to send in their data and suggested strengthening the wording of the letter sent to HEPs to encourage compliance. On 16 October 2020, the OfS wrote to HEPs about data collection. The OfS took this opportunity to remind HEPs, "*compliance with public health measures should not lead to poor quality teaching and learning*", which was something we had discussed regularly. The letter also stated, the OfS "*will be looking at notifications we receive, monitoring available data that may indicate changes in student continuation, and undertaking additional polling to understand students' views of the digital learning available to them*". HEPs were initially asked to submit COVID-19 case rates on a daily basis as well as collecting additional data throughout the pandemic in response to what was happening at the time (Exhibits MD1/082 – INQ000624421, and MD1/083 – INQ000624424).

- 7.17. There was evidence in September and October 2020 that COVID-19 was most prevalent in 17 to 21 year olds and it was suggested university students were to blame. It was not possible to isolate HE students within this data but there was discussion of a possible correlation, in that at and after the time students returned to HEPs in September 2020 there was an increase in the virus. This was set out in slides provided by DfE officials to me on 17 October 2020 (Exhibit MD1/084 - INQ000607533), which note:

"The majority of 18-24 year olds are not in Higher Education, so these rates should not be solely attributed to universities. The rise in cases amongst this group does pre-date the return of universities, but significant increases in cases broadly coincides with the dates of universities reopening."

- 7.18. The high cases among young adults and older teenagers in September 2020 followed a summer with more relaxed rules around social mixing, including the Eat Out to Help Out scheme, which ran from 3 to 31 August 2020, and occurred in a context where respiratory viruses generally tended to grow over autumn and into winter. This made it particularly difficult to assess the impact HE students had on the transmission of COVID-19.
- 7.19. During this time, many universities had adapted well to being able to deliver blended and digital offerings in an innovative way. As previously mentioned, I was concerned

that sometimes the quality was not what it should be and such instances then tarnished the reputation of many universities and the hard work of the academic staff that were trying their very best in very difficult situations.

- 7.20. During October 2020, DfE was working on the return of students in January 2021, after the Christmas break. DfE officials provided me slides on 17 October 2020 (Exhibit MD1/084 - INQ000607533). These slides showed some of the many considerations which were being assessed by the department, including:

“CROSS-BORDER RESTRICTIONS: Students travelling across national borders could be subject to different, and possibly contradictory measures if travelling between two nations.

TRAVEL: Many students would normally travel home on public transport, possibly increasing the risk to the wider population. Not all students will have access to private transport, and some families may not be able to collect students if it also leads to the family member collecting them being required to self-isolate.

VULNERABLE FAMILIES: Not all students may wish to take the risk to return home for Christmas to vulnerable families, and may wish to stay on campus, or take preventative measures (e.g. self-isolation) at university before returning home.

INTERNATIONAL STUDENTS: Due to travel restrictions/quarantine requirements, it may not be possible for all students to return home.

WELLBEING: Universities are not equipped to support high numbers of students self-isolating, both in practical terms (e.g. food) and in providing mental health support.”

- 7.21. On 19 October 2020, pilots of mass asymptomatic testing, including plans for testing in HEPs, began. DfE worked with DHSC to deliver the roll out of mass asymptomatic testing in HEPs in November 2020, and I worked closely with DfE (and DHSC) providing guidance on what HEPs needed to do to enable testing. I was committed to ensuring that students were able to continue their education as normally as possible and that they were able to return home safely at the end of term for a Christmas break.

- 7.22. The issue of HE students travelling home for Christmas was later discussed at Covid O meeting on 22 October (Exhibit MD1/085 - INQ000090174), which I attended and presented at. I explained that the government had pledged to allow students to go home at Christmas, and that universities would need time to prepare for a hard stop in teaching, earlier than usual before Christmas. I also said that the approach taken in England needed to fit with the DAs. I said that *"Mass testing was the best answer to the problem and to reducing risk, but it was important not to over-promise and was logistically difficult to deliver"*. I also said that *"Mass testing was also a solution to support the safe return of universities in January"*. I set out the proposal was for universities to stop teaching on 8 December 2020 to provide time for students to self-isolate before Christmas, if needed. Specific concerns were discussed, including mental health considerations for students, many of whom had already completed periods of isolation. The meeting minutes confirm the DAs *"had had good conversations on this topic"* with me, *"and were keen to continue to work collaboratively to come to a UK-wide consistent approach"*. As set out in my speaking notes, (Exhibit MD1/086 - INQ000624422), I agreed that it *"would be easiest if the student solution was part of wider winter solution for whole country – but cannot afford to wait as universities need to plan"*. I was focussed on looking out for the interests for HEPs and their students and wanted to make sure I was doing what I could to enable them to plan and operate as best they could, given the national picture.
- 7.23. This was not the only issue I worked closely with the DAs on. I spoke with my counterparts regularly and whenever there was a policy change or an announcement, we would discuss this with them. We shared best practice and information with them.
- 7.24. On 26 October 2020, I agreed the advice of DfE officials in relation to plans for managing the end of the winter term in HE (Exhibit MD1/087 - INQ000607538). I agreed all universities should be asked to move all teaching online by 8 December 2020. As part of my feedback, following review of the advice agreed, I suggested that this be staggered in the case of large universities or where there were more than one university in a city to make travel more manageable. I also wanted to make it clear that if universities did not follow the guidance on moving online by 8 December 2020, the government would invoke the Coronavirus Act 2020. I also pointed out that the guidance needed a clear policy on what an English student studying in a high tier Scottish or Welsh equivalent area was to do.

- 7.25. DfE officials sent a briefing to SSE on 30 October 2020, ahead of a Cabinet meeting, which noted that the scientific evidence was unclear on the role of educational settings in transmission, particularly regarding older pupils and students. The briefing flagged that SAGE had not yet come to an updated consensus view on this.
- 7.26. DfE officials prepared a Covid O briefing note dated 30 October 2020 (Exhibit MD1/088 - INQ000624423). The note referred to the close working between DfE, DHSC and others. The note recognises that a wider cross-government Christmas strategy had not yet been agreed. The department's objective was to allow all students to go home, if they chose to do so, and it was, at this stage, proposing:
- 7.26.1. Having a single, simple narrative, that everyone is allowed to go home; and
- 7.26.2. Asking universities to develop a plan for getting their students home safely – *"This could include: whether and how they could offer mass testing, to inform student decision making about the risks of returning; supporting a staggered departure from university to avoid pressure on public transport systems and/or crowded end of term departure; and clear guidance on end of term activities to avoid large-scale events that risk increasing transmission ahead of the return home"*.
- 7.27. New national restrictions were announced on 2 November 2020 (the second national lockdown), in place from 5 November 2020. On 2 November 2020, I sent a letter to HE students studying at HEPs outlining that they should remain in their current home for a 4-week period, from 5 November 2020 until 2 December 2020 (Exhibit MD1/089 - INQ000641598). To support students and HEPs navigate the new restrictions, guidance was published on 3 November 2020, *Higher education: new national restrictions guidance*, alongside the HE operational guidance on GOV.UK (Exhibits MD1/090 - INQ000607546, MD1/091 – INQ000607675 and MD1/092 - INQ000519799).
- 7.28. Whenever there was an incident in the media, or someone raised a specific concern about, for example, student welfare, the department and I would try and investigate it and see if there was anything we could do to improve the situation. The department had or could access all the VCs telephone numbers and I would ring them directly; there was a very collaborative spirit, with everyone working to do their best for students and the sector. By way of example, I was made aware of an incident in which barriers were erected at the halls of residence at the University of Manchester

on 5 November 2020. I spoke with the VC of the University of Manchester, who was a member of the HE Taskforce as representative of HEPs and so we spoke regularly anyway, later on the same day to discuss the incident, which arose from a breakdown in communication. Following the meeting I had with the VC of the University of Manchester, I instructed DfE officials to remain in close contact with the university and asked Minister Malthouse (Minister for Crime and Policing, February 2020 to July 2022) to speak to the Greater Manchester Police about the issues the university was facing. On 6 November 2020, DfE officials met with representatives of the University of Manchester who confirmed the removal of the barriers and that additional security had been deployed instead. This is just one example of how the department and I worked to support the sector as best we could.

- 7.29. To the best of my recollection, the RAG rating referred to the email on 5 November 2020 (Exhibit MD1/093 - INQ000075769) related to the prioritisation and targeting of universities for testing. Whilst all students were to be tested before travelling home, different universities presented different risks and so we wanted to ensure we focused support resource where it was more needed. For example, for some universities, the vast majority of students relocate there, whereas for others, their students are mainly commuters.
- 7.30. On 7 November 2020, I sent a letter and briefing pack to all HEPs' VCs on the roll out of asymptomatic testing, gathering initial thoughts ahead of question and answer sessions for HEP leaders on 9 and 10 November 2020 (Exhibits MD1/094 - INQ000497685 and MD1/095 - INQ000497687). In my letter, I sought to reassure HEPs that we would, as soon as possible, work with them to establish mass testing on their campuses. In my letter, I explained the need to target the roll out based on a range of factors including local prevalence rates, whether testing is available already and the percentage of high-risk students in each institution.
- 7.31. As set out above, the department and I had been working hard to enable university students to travel home to spend Christmas with their families. Many students, who were mostly living independently for the first time, had been isolated at university and it was so important me that they were able to return home to their loved ones for Christmas. I felt it was essential for their mental health, and that we had to come up with a safe way to allow them home. We were also conscious that whatever scheme was devised, it had to be workable for HEPs.

- 7.32. On 11 November 2020, the government published guidance for students to travel home at the end of term. I announced that HEP students travelling home at the end of the autumn term should test prior to travelling, with guidance released alongside the announcement (Exhibits MD1/096 - INQ000075697, MD1/097 - INQ000519801 and MD1/098 - INQ000075698).
- 7.33. As announced on 11 November 2020, a 'student travel window' was to be in place between 3 December 2020 and 9 December 2020, following the 4-week period of national restrictions, in order to reduce social contact and likelihood of transmission. I did the morning media round and pushed this message in the media and social media, for example, commenting in the government press release:

"We know this Christmas will feel different, and following this incredibly difficult year we are delivering on our commitment to get students back to their loved ones as safely as possible for the holidays.

We have worked really hard to find a way to do this for students, while limiting the risk of transmission. Now it is vital they follow these measures to protect their families and communities, and for universities to make sure students have all the wellbeing support they need, especially those who stay on campus over the break."

- 7.34. My messaging was addressed to both students and the general public. We needed to communicate to students what was expected of them, for example, the testing and the dates of the travel window (and that they were not to go whenever they wanted to), and also to the public to reassure them that the plans were to allow students to travel in a safe, sensible way. Deputy Chief Medical Officer ("DCMO"), Dr Jenny Harries, was also quoted in the government press release, pushing the same messaging as I was.
- 7.35. As far as I recall, a few HEPs raised initial concerns with the requirement to take teaching online by 9 December 2020, but we talked through the plans with them and explained why it was so important to get students home for Christmas. Universities understood what we were trying to achieve and supported the plan. I do not recall any resistance to the plans.
- 7.36. As set out in the guidance (Exhibit MD1/097 - INQ000519801), healthcare students on placements were considered to be essential workers and therefore remain on placement until the end of term. They were then able to travel home, following public

health guidance. The reason for this exemption was that these placement students not only needed to complete their qualification, but they were supporting the NHS frontline at a critical time and so we worked with DHSC to agree a solution that worked for both departments.

- 7.37. Also set out in the guidance, we worked with the DAs to ensure all students could travel home. We wanted to keep the guidance as fair and as simple as possible.
- 7.38. I was conscious of the needs of students remaining on campus or in student accommodation over the Christmas holiday, as noted in my feedback to DfE officials' advice (Exhibit MD1/087 - INQ000607538). They may have been more vulnerable, for example, a care leaver or an international student far from home. As set out in the guidance, universities were asked to provide practical support to students remaining on campus. The guidance stated, "*Universities should ensure they are properly cared for and can access affordable food, medical and cleaning supplies if needed*".
- 7.39. The guidance confirmed DfE worked with the OfS, "*to clarify that providers were able to use existing funds, worth around £23 million per month for April to July this year and £256 million for Academic Year 2020/21, towards hardship support*".
- 7.40. Universities were asked to move learning online by 9 December 2020 so students could continue their education while also having the option to return home to study from there. Students were expected to test before travel and on arrival at home. The specific dates of the 'student travel window' ensured that students who tested positive before leaving their HEP could complete a period of isolation and still travel home in time for Christmas, and that if a student tested positive on returning home and needed to self-isolate, they too would have completed that period before Christmas.
- 7.41. I wrote to HEPs' VCs on 2 December 2020 to emphasise that testing was at the heart of the government's plans to return all students back to university in the new year (Exhibit MD1/099 - INQ000624425). The letter stated:

"As you know the spring term start dates are naturally staggered but this staggering is much more compressed than at the start of the autumn term so we are asking you to plan for students to return over a longer, five-week period. This will enable universities and higher education providers to test every student upon return.

The return of students to campus should commence from 4th January and start with students on practical courses and placements. This has three primary purposes:

- 1. To provide more time and capacity for universities in partnership with NHS Test and Trace to continue their rapid work to roll out Asymptomatic Test Sites within university campuses;*
- 2. To help manage the flow of students so that as many students and staff as possible can be tested immediately upon arrival at university; and*
- 3. To help ensure that students who have practical/assessment elements to their learning in the early part of the term can physically return to campus."*

- 7.42. I do not recall any issues with the roll-out or take-up of testing for students prior to travelling home. However, I wanted to ensure that universities continued to play their part in encouraging their students to be tested. On 18 December 2020, I wrote to all HEPs' VCs to thank them for their work setting up testing facilities and to set out the department's priorities for the new year (Exhibits MD1/100 – INQ000607558 and MD1/101 – INQ000607560). I emphasised the importance of testing, explaining that *"there is a clear expectation that every student should be tested"* to help prevent outbreaks. I stressed:

"I am strongly urging every institution to submit once a day the number of cases that they have and the number of students self-isolating to the OFS including nil returns."

- 7.43. Data reporting was paused over the Christmas period, from 16 December 2020 until the start of the new term but in my letter of 18 December 2020, I asked for this reporting to continue from January 2021. This allowed DfE to establish an accurate picture of the ongoing situation. My letter also stated that even during the reporting pause, if there was an outbreak amongst staff or students who have remained at their term-time address, this should be emailed to the department, confirming the dates and number of positive cases.

- 7.44. On 28 December 2020, in light of a rise in COVID-19 cases across parts of England, a Covid O meeting was scheduled to discuss whether there was a need to take further steps to reduce transmission in education and childcare settings. In preparation for this, DfE officials were asked provided options to SSE on how to

reduce transmission amongst children and young people, including in HE (Exhibit MD1/102 - INQ000075682).

- 7.45. Whilst the ideal situation would, of course, have been for all students to benefit from a return to in-person teaching, decisions had to be made in light of the scientific evidence and the government's wider strategy. This is reflected in the advice, which states:

“Keeping education settings open remains a top priority. There continues to be clear, conclusive evidence on the damage to children and young people’s learning, development, mental health and wellbeing of missing education, as well as economic impacts. This means we must only consider closing education settings or restricting attendance as a last resort. Government should continue to look to ensure wider restrictions to other sectors of the economy and society are implemented and enforced first.”

- 7.46. The advice recommended that the first phase of returning students to HEPs should be restricted to students studying medicine, dentistry, nursing, subjects allied to medicine, veterinary science, education and social work, and courses which required professional, statutory and regulatory body assessments and/or mandatory activity which were scheduled for January 2021, and which could not be rescheduled. This list of courses had been agreed with HEPs as they were essential to maintain the pipeline of key workers.

- 7.47. As stated in the advice:

“These are the courses that we agreed with the sector should continue face to face beyond 9 December because they are essential to maintain the pipeline of key workers. In addition, we propose to permit the return of a limited number of students who are required to take mandatory, externally assessed exams in order to complete their qualification, where these cannot be rescheduled.”

- 7.48. These courses were prioritised because, after discussions with the sector, including HEPs, it was agreed that they had the most pressing requirements for a face-to-face element, and also, that should these students miss out on in-person learning, they would risk not being able to graduate on time and proceed with their learning, and this would have a knock-on effect to future cohorts. I did have concerns about the impact continued remote learning could have on students on practical and technical courses

other than those prioritised, but I felt that the list agreed reflected the views of the sector as a whole at a time when difficult decisions had to be made. The list was not simply produced by the department; it was the output of many discussions with the HE Taskforce, individual universities, accreditation bodies and the wider sector. We listened to stakeholders' views and concerns and the list reflected the best position it could, in the circumstances.

- 7.49. On 29 December 2020, SSE, along with senior officials from DfE including me, met with DHSC, PHE, the Joint Biosecurity Centre ("JBC"), NHS Test and Trace, CO and the DCMO. It was agreed that the first phase of HE students returning to face-to-face teaching (those within the practical student cohort) should be reduced from 40% (all practical courses) to 20% (the specific priority courses listed above), following an increase of COVID-19 cases due to the Alpha variant of COVID-19, and that the return timetable for all other students would be reviewed on 18 January 2021 (Exhibit MD1/103 - INQ000075506).
- 7.50. On 30 December 2020, the Prime Minister and SSE announced that HEPs had been asked to reduce the numbers of students returning to campus on 4 January 2021.
- 7.51. Following this announcement, on 30 December 2020, I sent a letter to HEPs (Exhibit MD1/104 – INQ000641608) confirming the restriction of students returning from 4 January 2021. I was very aware that the announcement would cause difficulties and uncertainty for HEPs and their students and I wanted to do what I could to address any concerns that I was able to. As was always the case where there was a change in policy, the HE Taskforce met more regularly and I made many calls to HEPs' VCs to offer support and answer any questions where I could. I was in regular contact with the HE sector and tried to help them navigate through this difficult time.
- 7.52. In my letter, I also asked HEPs to ensure "*students who have remained at university or who have compelling reasons to return are given appropriate support and access to study space*". I confirmed researchers and research students should work from home where they could, but those who required access to specialist facilities for their work should be allowed access. I explained that all other courses should continue to be offered online from the beginning of term because it was important that the impact of the restrictions on the students' learning was minimised as much as it possibly could be. The letter confirmed the department's intention that all students arriving

back on campus from 4 January 2021 were to be tested on arrival and to minimise social contact until a negative test result was confirmed.

- 7.53. On 31 December 2020, I wrote to students to confirm the plans for returning in January 2021 (Exhibit MD1/105 – INQ000607562). I sought to reassure students, as best I could, and I explained that I expected high quality online learning to continue and that I was *"in the process of setting up meetings with the different Professional Statutory and Regulatory bodies so that we can work with them to ensure all courses lead to those vital qualifications"*. As the situation remained unclear because it was dependent on the transmission rates and other scientific evidence, I explained that the government's plan was to allow a staggered return to university from the week commencing 25 January 2021, at the earliest.
- 7.54. Concerns about students graduating on time and with qualifications equal in quality and substance to other cohorts were discussed at the HE Taskforce and I spoke to several professional accreditation boards. I wanted to make sure we did what we could to enable students to graduate fairly and on time. I was very mindful of students in this cohort not being at a disadvantage because their qualifications were considered to be less than those in other years.

8. REOPENING UNIVERSITIES AND THE RETURN TO FACE-TO-FACE TEACHING

- 8.1. As explained above, the department had been working on the return of students to face-to-face learning in January 2021 since October 2020. In its letter dated 16 October 2020 (see paragraph 7.16 above), the OfS told HEPs, *"We therefore intend to take an approach that minimises burden and will not be requiring any additional information from you in relation to compliance with our conditions of registration unless we identify concerns that our guidance has not been followed. If we contact you to discuss the steps you have taken, we intend to use these conversations to seek assurances that students will continue to receive high quality teaching and learning."*
- 8.2. On 4 January 2021, there was a Cabinet decision to impose a national lockdown. The government asked to delay the return of HE students to university until at least mid-February 2021, except for those on priority courses. Those on priority courses returning were required to be tested on return or to self-isolate for 10 days upon return. The decision to delay the return of HE students to university until at least mid-February 2021 was made by No.10 but I was aware that it was made, conscious of the competing priorities of the need to bring down infection rates and the rights and needs of students.
- 8.3. Despite the restrictions, the department could not decide to refund tuition fees. This was a decision for individual HEPs. Similarly, accommodation was provided by universities or private providers. The department and I were conscious that some students were getting into debt and some were paying double rent, at university and at home to their parents. I felt the government should be doing more to help students financially, but HMT was not persuaded. Throughout the pandemic response, including at this time, I was very mindful of the impact on students' 'university experience', which included mental health, as well as quality, quantity and effectiveness of learning. We did not want students' education to suffer more than necessary. Equally, the department and I always tried to consider how best to support more vulnerable students. For example, the mental health of students during this challenging period was something I was particularly passionate about; I wrote to VCs about it on a regular basis and ensured it was factored into decision-making (see paragraphs 4.33, 4.44, 5.19, 7.9, 7.10).

8.4. On 6 January 2020, DfE officials prepared advice for SSE, covering many of the factors the department and I were concerned about (Exhibit MD1/106 - INQ000075521).

8.5. The advice noted:

“Learning outcomes – there are a number of practical courses that are not on the exempt list but do have practical elements to their courses. A prolonged delay to returning in person is likely to have an impact on the learning outcomes of the course and potentially, the viability of graduation. We will prioritise these courses returning in the next phase. For courses where professional accreditation is required, officials will investigate with PSRBs whether any adjustments or extra provision can be made. For the remaining practical courses, we will explore with the sector what additional mitigations can be put in place, for example the possibility of extending the term to make up the lost time.

Refunds – there are a number of calls for both tuition and accommodation refunds. £20m has been made available for hardship funding in addition to the £256m already available. Officials will liaise with HMT on whether any additional funding can be made for those facing costs e.g. for students no longer being able to access part-time work to supplement living costs or by incurring additional costs as a result of paying for accommodation at university and at home. Assessments will also be made on the potential impact on the financial health of institutions themselves, although this is not expected to be critical or widespread for many providers, and OfS analysis has highlighted that the sector is in fairly positive financial health given the severity of the national situation.

Mental health – a number of survey sources have highlighted the worsening mental health and wellbeing of students. A prolonged delay is likely to impact this negatively, especially for those who have a challenging non-term time environment and those who have returned to university but will have limited access to services and social engagements. Extra funding has been provided to support the online mental health advice and guidance platform Student Space. Providers are also offering pastoral and mental health support at an institutional level and DHSC colleagues are developing a comprehensive campaign on mental health support.

Risk of drop-outs – the longer a delay to a return, the higher the risk of student engagement dropping. This will have knock on consequences on future intakes for providers, as well as future demand for student finance and more broadly financial sustainability of providers.”

8.6. An Equality Impact Assessment ("EIA"), *Limiting attendance at schools and Further and Higher Education providers*, was prepared in January 2021 by DfE officials (Exhibit MD1/107 - INQ000075520). The EIA recognised:

“The decision to limit attendance at education settings will have a disparate negative impact on some pupils and students due to time out of face-to-face education, although this will be mitigated by the provision of remote education. However due to the severe rise in COVID-19 cases and subsequent impact on NHS, this decision to limit attendance at education settings is justified given the broader positive impacts that will occur as a result of breaking chains of transmission between those attending education settings, their contacts and the local community. Importantly any restrictions will be kept under review and will be lifted as soon as the public health and scientific advice says it is appropriate to do so.

A number of survey sources have highlighted the worsening mental health and wellbeing of university students whose student experience and pastoral care has been significantly affected by COVID restrictions and will continue to be so for this term. A prolonged delay is likely to impact this negatively, especially for those who have a challenging non-term time environment and those who have returned to university but will have limited access to services and social engagements. The department has provided £3m to support the expansion of the mental health platform Student Space and DHSC colleagues are assessing what additional provision can be put in place. The guidance for students makes clear that students with particular needs to return before the commencement of in-person teaching, including for mental and physical health reasons, should be supported to do so.

In addition, for many parents/guardians there will be an extra burden/cost of university students having to remain at their non-term time address at least until mid-February (and potentially longer). This might have an impact on family resources and on mental health and wellbeing for some. Officials are assessing what extra support can be provided.”

- 8.7. On 7 January 2021, DfE published guidance, *Students returning to, and starting higher education in Spring Term 2021*, advising HEPs to ask students not to return to campus until at least mid-February 2021 (Exhibit MD1/108 – INQ000607566). I was involved with getting the guidance signed off and wanted to ensure that it was consistent with the DHSC position (Exhibit MD1/109 - INQ000607565). The guidance asked HEPs to provide online tuition, with the exception of students on specific priority courses (Exhibits MD1/110 - INQ000075673, MD1/107 - INQ000075520 and MD1/106 - INQ000075521). I believe I would have seen all relevant advice during the period; I note I am not on the copy/recipient list of this submission. I believe this to be a drafting error. I would have seen this (and all other relevant) advice during the period.
- 8.8. On 25 January 2021, twice weekly testing was introduced at HEPs and, after low uptake in the first week, a number of focus groups with various HEPs, students and sector representatives were set up with the aim of driving up participation rates.
- 8.9. As part of the return of students in January 2021, DfE began working with HEPs to monitor how many students were studying through blended or online learning, as well as occupancy rates on campuses. The quality of teaching students were receiving, including the means it was delivered, was important to me and I was kept informed of this information. Monitoring during January and February 2021 showed a gradual increase in the number of students returning to university accommodation. On 3 February 2021, providers also reported that 17% of students were in blended learning (i.e. a combination of online and face-to-face) and 83% were in online learning.
- 8.10. One of my priorities throughout the pandemic was the mental health and well-being of students, especially given their age profile and that many of them had been living on their own in student accommodation, for the first time in their lives. As part of this focus, in January 2021, SSE announced a new Mental Health in Education Action Group (“MHiEAG”) would be set up. I worked with other ministers and DfE officials to agree the remit and make-up of the group, and DfE announced the details on 9 March 2021 (Exhibit MD1/111 - INQ000514688). I was keen that anyone struggling with their mental health got the support they needed and that the right support was in place. As the group's launch press statement, I stated:

“It is vital that students get the help they need

- for those struggling with their mental health, there is support out there through Public Health England's Every Mind Matters campaign, and students can also access targeted support through our Student Space platform."

- 8.11. I led MHiEAG, along with the Minister for Children and Families, and it included ministers from OGDs and representatives of mental health charities, as well as the government's youth ambassador. The group was intended to drive action on mental health support for all young people and staff in education, from nurseries to universities. The primary objective of MHiEAG was to develop strategies to support mental wellbeing during remote learning, the return to full-time education, and transitions between educational stages in September 2021. The work of the HE Mental Health and Wellbeing Taskforce, which I had initiated, fed into discussions within MHiEAG. In relation to all children and young people, MHiEAG considered ways to improve training and where to focus investment. Support to universities was specifically included in these discussions and because of my role as MoSU, were of particular relevance to me. During its life, MHiEAG produced a range of new resources to support mental health and wellbeing recovery (Exhibits MD1/112 – INQ000542885 and MD1/113 – INQ000624432). I do not recall any specific challenges MHiEAG encountered.
- 8.12. At Education Gold on 11 February 2021, a meeting organised and run by the CO's COVID-19 Taskforce, it was agreed that students on priority practical HE courses, who were at risk of being unable to complete their courses, would return to campus between 8 and 21 March 2021 so face-to-face teaching could resume. I was involved in approving the slides for this meeting (Exhibits MD1/114 – INQ000075534 and MD1/115 - INQ000075537) and, to the best of my recollection, attended the meeting. As stated in the slides, the department's "*main priority is to ensure that all students can achieve their learning outcomes*". Other concerns included that:

"There will also be additional costs for both HEIs and students to extend term/ teaching in order to deliver learning outcomes. For those students who do not return there are issues related to accommodation costs and the wider student experience/ mental health."

- 8.13. On 12 February 2021, DfE officials prepared a submission in relation to improving the uptake of testing in HE. I gave my feedback on this submission on 17 February 2021 (Exhibit MD1/116 - INQ000497747). I said that:

"We should be doing more to underline our expectation that unis do all they can to encourage take-up. Rather than holding them to a % target – which is difficult due to our poor grasp of the data, as well as potentially scary to some institutions – we should let them know that we will be actively monitoring those with lower uptake and will work out a plan with them (including partnering institutions) to drive this upwards."

- 8.14. I was keen that the department did what it could to underline its expectation that universities do all they could to encourage take-up of testing. Testing was important because it gave DfE the evidence base needed to make informed decisions and it would help restore public confidence in university students continuing their education. Data could help persuade the government to allow the rest of them back to university, if there was regular testing and this was not showing mass outbreaks. I said the department would actively monitor those with lower uptake and would work out a plan with them (including partnering institutions) to drive testing rates (Exhibit MD1/116 - INQ000497747). Between 18 February 2021 and 24 February 2021, 54,048 lateral flow device ("LFD") tests had been taken in HE (Exhibit MD1/117 - INQ000607736).
- 8.15. On 17 February 2021, I was briefed about the return of HE students following a meeting between SSE and the Prime Minister (Exhibit MD1/118 - INQ000607568). I agreed with their position that setting a review date for non-practical students was difficult, without knowing the timings of the easing of other restrictions. I wanted as many students as possible to go back, as soon as it was safe for them to do so. My view was a review point around Easter would be fine but I noted that if more and more sectors reopened, then HE students should be allowed to return. I was also concerned that with the likely return of final year practical students and with the guidance to test twice weekly, smaller HEPs or those with a large number of practical students, may find the testing demand a challenge. To deal with this, I asked DfE officials to draw up a list of HEPs with the highest number of practical students and any HEPs who had concerns over twice weekly testing and to arrange a roundtable for me to attend on 19 February 2021. At the same meeting, on 17 February 2021, I flagged my concern about the more limited opportunities available for graduating students because of a *"tough labour market, lack of internship opps, and general lack of confidence"*. I asked for DfE officials to *"engage OGD's early. Particularly important to flag the workforce angle with BEIS and DWP"*.

- 8.16. On 22 February 2021, I wrote to students to update them about the announcement by the Prime Minister on the roadmap to reopening education settings (Exhibit MD1/119 - INQ000641601). In my letter, I stated:

“We are now allowing providers to invite those of you on practical and creative courses who need access to specialist equipment and facilities (including creative arts subjects) back to in-person teaching and learning from 8 March. If you are not in this group, the Government will review the options for the timing of your return by the end of the Easter holidays. This review will take account of the latest data and will be a key part of the wider roadmap steps. We will give you at least a week’s notice ahead of any further reopening.”

- 8.17. In the letter, I also flagged the importance of following government guidance, the need to follow their HEP's testing programme and that HEPs had been asked to ensure support was in place for certain groups of students including those requiring help with their mental health and international students.
- 8.18. On 25 February 2021, SSE and Ofqual announced that students in England would receive A level grades determined by teachers – teacher assessed grades (“TAGs”). However, I, and others within DfE, remained concerned around oversubscription on competitive courses, particularly medicine and dentistry which were subject to number caps and had already filled some places with students who had deferred from the previous year. In part, this concern stemmed from the fact that TAGs were an unknown method and it was likely that grades would be higher than in an exam scenario. I had already begun engaging with the universities that offered medicine and dentistry.
- 8.19. In early March 2021, and continuing throughout March and early April 2021, DfE reviewed the data and options for the timing of the wider return of HE students. We considered three return dates (12 April 2021, 17 May 2021 or 21 June 2021) based on four criteria: public health; economic and financial; educational recovery and wellbeing; and legal and reputational. DfE worked closely with HMT, CO and the Scientific Pandemic Infections Group on Modelling (“SPI-M”) and SAGE secretariats to fully represent all evidence (Exhibits MD1/120 - INQ000607579 and MD1/121 - INQ000607577). We were all mindful of the fact that the later the return date, the less time would be remaining in the academic year and that towards the end of the academic year, timetabled teaching was often scaled back and many university

courses would have some form of assessment. However, I was still very keen to ensure the return of HE students as soon as possible, and before the summer holidays, to ensure any in-person time could be used as effectively as possible.

- 8.20. On 25 March 2021, I discussed with DfE officials that the April date was unlikely to be agreed due to the potential transmission risk (Exhibit MD1/122 - INQ000607582). A full return in April was deemed not to be viable due to the wider epidemiological landscape and risks, a full return in May would balance health, education, and economic implications, while a full return in June would only affect a small number of students, with many having already graduated or left their term-time accommodations. I agreed DfE should aim for full HE reopening to be included in Step 3 of the COVID-19 roadmap (17 May 2021) and for this to be communicated by Easter. I indicated to DfE officials that I wanted them to work on additional support for ongoing hardship because I was concerned about the impact of the restrictions on students' finances, for example, students could not work a part-time job in their university area to make money and some students were paying double rent. I also asked DfE officials to push for an in-depth discussion at the next meeting about a graduate support package. I also urged universities and private landlords to review their accommodation policies to ensure that they were fair, clear and had the interests of students at heart.
- 8.21. On 30 March 2021, SSE agreed with the approach and on 7 April 2021, colleagues across government agreed to recommend a return from 17 May 2021. I was uncomfortable with this decision because I wanted HE students to go back to university as soon as possible, but the May date was the consensus.
- 8.22. On 13 April 2021, I announced that all remaining HE students would return to campuses no earlier than 17 May 2021, in accordance with Step 3 of the government's roadmap.
- 8.23. On 13 April 2021, I engaged the HE Taskforce immediately to discuss the full return to university. I also met with key stakeholders and spoke to HEP VCs as soon as I could, as I always did when there was an announcement affecting them, to understand their thoughts and see if I could alleviate any concerns. I wrote to HEPs to thank them for their continued hard work and to update them following the government's announcement (Exhibit MD1/123 - INQ000607590). I informed HEPs about a further £15 million the government had agreed to make available for HEPs to address student hardship. A key message in my letter to HEPs was the importance

of student well-being and mental health, setting out the efforts being made to support these issues. I reiterated the importance of following the testing programme and ended the letter by asking HEPs to get in touch if there was anything further the department could do to support them.

- 8.24. Also on 13 April 2021, I wrote to students (Exhibit MD1/124 - INQ000641602) confirming the details of the government's Step 3 announcement. Again, I focussed on the support in place for mental health issues and explained that steps were being taken to mitigate the impact the restrictions had on students, for example, investment in work coaches and the careers service. I stressed the need to follow the testing programme to keep everyone as safe as possible.
- 8.25. The number of students in face-to-face learning continued to gradually increase and on 29 April 2021, HEPs reported that for the start of the upcoming spring term they were expecting 75% of students to be in online learning, 21% to be in blended learning (i.e. a combination of face-to-face and online) and 5% to be in placements (Exhibit MD1/125 – INQ000607592).
- 8.26. Along with working towards the return of students to campus, I was concerned that ongoing media stories were degrading HE students' degrees and I wanted to take steps to mitigate this. I wanted to make sure employers did not undervalue the current students' degrees, which would have a knock-on impact on their future employment prospects. I had raised these concerns previously, for example, at the meeting on 17 February 2021, referring to the opportunities graduates would have due to the disruption caused to their learning. To address these concerns, the department prepared the *Graduate employment and skills guide*, in order to support students. This was a joint publication with the OfS "*designed to help final year students and recent graduates by signposting to a range of public, private and voluntary sector opportunities, to help build employability skills, gain work experience or enter the labour market. The guide also links to further study options and resources on graduate mental health and wellbeing*" (Exhibit MD1/126 - INQ000607598).
- 8.27. The guide was a graduate support package aimed at addressing the following risks: qualifications from that year being seen as less credible, graduates lacking the right skills for employment, and the lack of opportunities available for graduates to add experience to their CV. I also used social media and media opportunities to talk up

the quality of the qualifications HE students were getting to counter any negative stereotyping which could result from the negative comments.

- 8.28. On 6 May 2021, I wrote to the Chair of the Domestic and Economy Implementation Committee at HMT, to inform the Committee of the publication of the *Graduate Employment and Skills Guide* on Monday 10 May 2021 (Exhibit MD1/127 - INQ000624426). As explained in my letter, I was very aware that "2021 graduates will have had fewer opportunities to gain work experience (fewer internships, placements, part time jobs), and participate in extra-curricular activities, experiences that traditionally help students develop employability skills". I also explained that:

"The DfE is working closely with the Quality Assurance Agency (QAA), professional bodies and the Office for Students (OfS) to ensure students continue to leave university with qualifications that have real value, reflect their hard work and allow people to progress. Our message to employers and the Higher Education Sector is that standards have been maintained and that the qualifications awarded will be of the same academic standard as in previous years. This student cohort has responded to the pandemic with formidable resilience and motivation and has shown a clear ability to adapt and learn at pace. As a result of online learning and teaching, these students have also developed excellent digital and remote working skills and will be well equipped for future ways of working.

Many HE providers have also developed new and innovative ways to support final year students and recent graduates as they take their next steps. The Department for Education has worked with Universities UK, the Association of Graduate Careers Advisory Services (AGCAS), the Institute of Student Employers, the OfS and across the sector to understand what more we can do to support graduates who are looking to enter the labour market or continue their studies at this challenging time. As a result, we have developed the Graduate Employment and Skills Guide which aims to signpost graduates to public, private and voluntary sector opportunities, to help them build employability skills and gain work experience or enter the labour market."

- 8.29. On 10 May 2021, I wrote again to HEPs (Exhibit MD1/128 - INQ000607597). I confirmed there would no longer be any restrictions on the in-person teaching of students on non-practical courses. I also wrote to students confirming the same

(Exhibit MD1/129 - INQ000607596). Once again, I reminded HEPs and students about the importance of testing, as well as the careers support available.

- 8.30. I was conscious that by this point in the academic year, many universities would have entered periods of assessment and that opportunities for timetabled in-person teaching may be limited for the rest of this academic year. However, I was mindful of the wider impact of the restrictions which had been in place and I hoped the remaining time could be used to mitigate some of these. In writing to HEPs (and a similar message was included to students also) I said:

"I hope that this easing of restrictions will provide a chance for students to get involved in cocurricular and other on-campus activities before the end of term and enable them to have the option of engaging with their academic tutors in-person. This could include in-person career support, society events as well as other social student experiences that have had to remain remote up until now."

- 8.31. From 17 May 2021, the country moved on to Step 3 of the government's roadmap and further restrictions were lifted. All university students who had not returned to campus and in-person teaching were able to do so. Where social distancing or good ventilation was difficult to maintain, students could use face coverings as part of their wider COVID-secure measures. Students did not have to use face coverings where this would impact on the ability to take part in exercise or strenuous activity. Regular testing was encouraged (and free). Once HE students returned to their term-time household, they were not to return to their family or another household where this did not comply with wider social contact limits or an exception to those limits did not apply (for example, if they need to move home temporarily because of physical or mental ill-health). This information was communicated to HEPs and students, for example, in the DfE's blog, The Education Hub (Exhibit MD1/130 – INQ000624430).
- 8.32. On 21 May 2021, I was provided with a note relating to oversubscription. I was concerned that some students would lose the opportunity to study the course of their choice at the university of their choice because of an increase in students meeting the terms of their university offers but there being a limited number of places available (Exhibit MD1/131 - INQ000607731). Whilst there is always a small risk of oversubscription, this year HEPs were facing the uncertainty caused by TAGs, a new grade-award system. Oversubscription formed part of the department's planning for a variety of scenarios that could arise in the weeks and months leading up to results

being announced in August 2021. This issue provides a clear illustration of how DfE was not able to operate independently and make all the decisions relating to HE. There was a need for government departments to work together, in this instance, HMT, DHSC and DfE, as well as the DAs. The note explained that:

“The issues we experienced this week with DHSC confirming the medical and dental caps with HMT are likely to have a knock-on consequence for our contingency planning for unexpected increases in students meeting the terms of their offer this summer. HMT are seeking cast-iron assurances DHSC will not request the cap is lifted again in 2022/23 and therefore DHSC will not seek further increases in funding. We understand this will be agreed by DHSC, and providers continue to be advised to be conservative in their offer making in light of the unknown element of potential grade inflation.

HMT may well have hardened their stance against us asking for additional funding this summer to accommodate additional students (as we did last year in securing the additional £10m recurrent and £10m capital funding). This increases the importance of providers continuing to be conservative in their offer making, such that they can operate within their funding package. However, we do not want to give any public messages about this, as could risk stoking further grade inflation in advance of teachers submitting their grades by 18 June (or soon after).”

- 8.33. The proportion of HE students in face-to-face study (including students on placement) continued to increase in the summer term 2021. The proportions of students occupying provider-maintained and private halls fell during the Easter break (although the small size of the decrease suggested most students present chose to remain in their term-time accommodation) but had increased by 2 June 2021 to the highest level reported during the pandemic period, with 77% of students estimated to be resident in their term time accommodation. On 2 June 2021, DfE estimated that the proportion of students with an element of face-to-face learning was 39%, of which 6% were on placement (Exhibit MD1/132 – INQ000607599).
- 8.34. On 15 June 2021, I wrote to all HEPs to update them about the testing programme and confirmed that it would be extended to at least 31 July 2021, saying (Exhibit MD1/133 - INQ000497863):

“We continue to work towards defeating the virus and the easing of the remaining restrictions so that as higher education providers, following Step 4 of the roadmap, you can design your provision based on the best teaching and learning approaches, with no restrictions on in person provision. Alongside this, the HE testing programme will be extended until at least 31 July 2021. This will enable those HE providers who wish to continue to offer regular asymptomatic LFD testing to students and staff via either on-site testing facilities or home testing, to continue to do so.”

- 8.35. In my letter, I also confirmed testing arrangements for August and September 2021 were being considered for those students and staff at HEPs over the summer.
- 8.36. On 24 June 2021, DHSC agreed for testing in HE settings to continue over summer 2021. It was then agreed by Covid O on 2 July 2021 that all students returning in autumn 2021 would be expected to take two LFD tests, three to four days apart, as soon as possible, until the end of September 2021. At that point it was expected that vaccinated individuals would not be required to test asymptotically from September 2021 onwards, so staff at HEPs would likely not need to be part of the HEP asymptomatic testing programme for the next academic year.
- 8.37. On 28 June 2021, I chaired a HE Suicide Prevention roundtable meeting, attended by the OfS, UUK, HE sector organisations, HEPs and charities, as well as bereaved families. This meeting recognised that the COVID-19 period had been a uniquely difficult time for students. In bringing together charities, experts and bereaved families, it aimed to look at the additional practical steps HEPs could take to prevent student suicide and improve the government’s understanding and response to this issue. Following the meeting, actions included that I would write to VCs to outline expectations in relation to their role in suicide prevention and that the OfS would coordinate a set of case studies and resources to support the Suicide Safer Universities Framework (Exhibits MD1/134 – INQ000607608 and MD1/135 - INQ000624428).
- 8.38. From early July 2021, DfE and I worked with Ofqual and UCAS to put in place a data sharing agreement so that Ofqual could share data on TAGs then, rather than just before grades were awarded in August, as would normally happen (Exhibits MD1/136 - INQ000607612, MD1/137 - INQ000607609 and MD1/138 - INQ000607607). Ofqual agreed to allow DfE to see a list of providers and courses that were oversubscribed based on actual pupil grades and offers. This was a novel

idea which I had; I was trying to proactively address the issue of oversubscription. It was exceptional for the department to be able to share the data at this point in time, but it was agreed to enable HEPs to have more time to plan how to accommodate students.

8.39. On 23 July 2021, UCAS shared their data on the number of students who had met the terms of their firm offer by provider. In a worst-case scenario, where all firm offers converted into acceptances (i.e. where all students accepted their firm choice and none deferred), a number of HEPs would be oversubscribed, including in medicine and dentistry. We were given this early data from UCAS on condition it was only shared with a very limited number of people, to help them anticipate how many places they would likely need to find.

8.40. On 27 July 2021, I met with DfE senior officials and SSE to discuss concerns about oversubscription (Exhibit MD1/139 - INQ000607627). As set out above, I was concerned about HEPs being oversubscribed and so SSE and I asked DfE officials to develop a package that included:

8.40.1. An uplift in the Strategic Priorities Grant ("SPG") (a government funding stream designed to support universities in covering the costs of teaching higher-cost subjects and specific projects) for medical school places;

8.40.2. Lifting the current medical and dental school caps; and

8.40.3. Introducing a financial support package for HEPs to help them manage and incentivise deferrals for medicine and other capital-intensive subjects.

8.41. Following further work, on 30 July 2021, DfE officials shared a note with No.10, *Higher Education Admissions: Operational Plan*, setting out the different work strands and options around how to address oversubscription, including potential costs (Exhibits MD1/140 - INQ000607613 and MD1/141 – INQ000607628). The note was premised on there being "*a high likelihood of pressure on HE admissions across a range of subjects, particularly medicine and dentistry, based on new analysis that compares grades and offers this year to last year.*" As recorded in the note, I had already "*engaged with high-risk universities' VCs and admissions staff to assess preparedness*". DfE was already working closely with DHSC and others to assess the scale of medicine and dentistry oversubscription and develop mitigations and there were ongoing discussions with universities on their preparedness to address and accommodate over-subscription.

- 8.42. The Operational Plan included a section on communications which confirmed, *"In the run up to results day comms will continue to work on supportive messaging and reassurance around capacity directly to students via stakeholder channels."* The communication plan for A level results day included, amongst other things:
- 8.42.1. On 4 August 2021, *"Op ed from Minister Donelan which reiterates the messages from the Education Secretary's letter with reassurance"*;
- 8.42.2. On 5 August 2021, *"MD Live Q&A Session with "What I wish I'd known at University" (WIWIKAU) directly addressing concerns of the Year 12/13 parent body. WIWIKAU is an online parent community with 13k members"*; and
- 8.42.3. On 9 August 2021, *"Minister Donelan will be attending a UCAS Facebook live event with students"*.
- 8.43. It was usual for the MoSU to hold these events annually, around results time, but it felt especially important to have good lines of communication with students during the pandemic response.
- 8.44. On 3 August 2021, SSE met with the Prime Minister to discuss exams and oversubscription. The readout from this meeting included that the Prime Minister (Exhibit MD1/142 – INQ000607633):
- 8.44.1. Welcomed agreement for DfE to fund an increase of up to £10 million to the SPG to incentivise HEPs to take on more students this year (I had worked hard, corresponding directly with No.10, to secure this because I was desperately keen to avoid the problems we had had the previous year with finding places);
- 8.44.2. Agreed that DfE should use a brokerage fund to move as many students as possible from oversubscribed to undersubscribed medical and dentistry courses;
- 8.44.3. Agreed that the government should lift the cap on medical school places in academic year 21/22 as much as possible; and
- 8.44.4. Agreed that medical and dental schools should absorb deferred places in academic year 22/23.

- 8.45. On 6 August 2021, I wrote to heads of medical and dental schools about institutional growth limits and funding (Exhibit MD1/143 - INQ000607636). In my letter, I explained that:
- 8.45.1. The government had adjusted the cap on medical and dental school places;
- 8.45.2. Medical and dental schools with unfilled places should consider not drawing from their waiting lists until 8:30 am on 17 August 2021 and instead support the government's brokerage programme to offer places to students that had met the conditions of their offer and held a firm or insurance offer and could not yet be accommodated;
- 8.45.3. DfE proposed to support students who wished to change by offering £10,000 funding to do so, with government contributing 65% of the cost and the oversubscribed institution providing 35%; and
- 8.45.4. The government would provide up to £10 million of additional funding for the SPG through the OfS. The government had asked the OfS to prioritise supporting medicine, dentistry, veterinary sciences, nursing and other healthcare courses, as well as laboratory-based subjects.
- 8.46. In addition to writing, I met with the HE Taskforce and spoke to various VCs to explain the changes and understand any issues HEPs may have. The previous year had been chaotic following the release of A level results and I wanted to ensure this year was a far smoother process. Further, I was mindful of the fact that the decision to use TAGs was a government decision and there was no historical TAG data set available to assist HEPs with their predictions and so I felt we had a responsibility to support HEPs and students through the process.
- 8.47. During the run up to A level results publication, I personally spoke to each medical school at least twice to see what steps could be taken to ease the oversubscriptions. I spoke to them initially, once we had an indication what the TAG results curve looked like because I wanted to make sure they recognised there was an issue to be managed because some were confident that they were not going to be oversubscribed.
- 8.48. On 10 August 2021, students received their A level grades. With the two adjustments that the government made to the caps on medical and dental school places in May and August 2021, this saw the cap raised to over 9,000 for medicine and dentistry

students for the 2021/22 intake (Exhibits MD1/144 – INQ000624433 and MD1/145 – INQ000624427). Further, the DfE's brokerage scheme incentivised more than 80 students to move from oversubscribed providers into schools with capacity.

- 8.49. DfE officials monitored figures daily to ensure HEPs were actively managing student numbers and where concerns arose, the department would try to assist in resolving them. As mentioned above, I also spoke to stakeholders, including HEPs' VCs, to encourage them to do what they could to support students and to help them overcome obstacles where I could. For example, there was a concern that Queen Mary University of London was not managing brokerage and deferrals effectively (Exhibit MD1/146 - INQ000607733) and so I reached out directly to see how we could help improve the situation. DfE slides from 12 August 2021 record that:

“QMUL have had limited success with brokerage and deferrals to date. Not confident that they are sufficiently taking ownership of their challenge. We are pursuing a meeting with MD to encourage them to increase their deferral offer and speaking at official level throughout 13/08.”

- 8.50. This is just one example of my personal involvement to try and resolve issues efficiently, by speaking to those who had the power to make a difference. Some universities were able to increase their capacity more easily than others, for example, some might have fewer resource or accommodation restrictions. Where the place availability and the students did not match up, we had the brokerage scheme to offer financial incentives to match up. Part of what I did was speak to the HEPs about expanding places as much as they could, deferring students and encouraging them to use the brokerage scheme.
- 8.51. DfE continued to undertake detailed daily monitoring in the days and weeks immediately following the publication of A level grades, across all courses. DfE officials met with CO Economic and Domestic Affairs Secretariat (“EDS”) colleagues daily across this period, to report on progress made.
- 8.52. On 12 August 2021, the update from DfE to EDS noted that 2021 had been a record year for HE admissions, not just in terms of the number of applications, but also in terms of those who had been accepted onto university courses (Exhibits MD1/147 – INQ000607637 and MD1/148 – INQ000607639).
- 8.53. On 23 August 2021, I received an email from Derek Thomas MP. I no longer have access to the email itself and cannot recall the precise details of the concerns he

raised, but from my response (set out at paragraph 8.55 below) it is clear that he had had a concern raised with him by a constituent in relation to the quality of HE being provided. I was made aware of concerns about the provision of HE and whether students were receiving the standard of education to which they were entitled by emails such as this one and the media reporting students were not getting any or enough in-person teaching. Where concerns were raised with me and I had the details of the specific university and course, I would take steps to deal with it, for example, by referring the matter on to the OfS or contacting the university to understand the specific situation. After the restrictions had been lifted, there was a patchwork of HE provision with many universities providing face-to-face teaching but others having certain courses which continued entirely online.

- 8.54. I was actively encouraging face-to-face teaching in all of my speeches and my media interviews. We were making it clear that quality of teaching was very important. I also recall meeting with the University and College Union to discuss the return to face-to-face teaching at the end of the summer term. My view was, at this point in time, there were no restrictions on the rest of the economy and HE students had paid for a quality education and that is what they should get. As mentioned above, universities had to move to online teaching very quickly and whilst they worked hard to do so in difficult circumstances, as time went on and the country adapted to the changes resulting from the pandemic, the expectations were that HEPs should also have adapted and be able to provide decent teaching, dependant on the restrictions at the time. With restrictions removed, students and parents rightly expected HEPs to return to in-person teaching promptly. I felt it was very unfair on students who were not getting the type of teaching that they signed up for when restrictions on in-person teaching had been lifted. It was the minority of universities/courses resistant to the return but stories picked up by the media were tarnishing the reputation and the great work that the majority of universities were doing. This was one of my frustrations throughout the pandemic, the fact that individual examples of bad practice tarnished the good practice
- 8.55. On 26 August 2021, I replied to the email referred to above at paragraph 8.53 (Exhibit MD1/154 - INQ000485123). From before this point in time, I was aware that restrictions imposed to manage the pandemic had an impact upon HE students' university experience, and that everybody's experience and situation was different. The department and I had worked hard to anticipate issues that would arise and take steps to mitigate them where we could. In response to this concern, I wrote back and

explained that the government had made its expectations clear, that *"universities should maintain the quality and quantity of tuition and seek to ensure that all students, regardless of their background, have the resources to study remotely"*. I also responded to the concern as below:

8.55.1. As from 17 May 2021, HE students had been able to return to campus in accordance with Step 3 of the government's road map.

8.55.2. From 19 July 2021, the country had moved to Step 4 of the government's road map and there were no restrictions imposed on HEPs as a result of the pandemic.

8.55.3. Universities are autonomous institutions and are responsible for determining their own learning approach, including digital learning opportunities, as well as setting their own fees (subject to a government-imposed maximum).

8.55.4. The OfS required HEPs to provide a high-quality academic experience for all students.

8.55.5. Where HE students had concerns about the value for money they were receiving, they should raise their concerns with the university. If their concerns were unresolved, students in England and Wales could raise their concerns with the OIA.

8.55.6. The government had made available an additional £85 million of student hardship funding in the 2020/21 academic year, in addition to the £256 million of Student Premium funding.

8.56. In September 2021, DfE officials began to plan for the 2021/2022 academic year on the basis that no further raising of caps would take place (Exhibit MD1/149 – INQ000607645).

8.57. I asked DfE officials to work up plans alongside Department for Transport ("DfT") and PHE that could be implemented at short notice to enable students to return home in the event of a widespread lockdown during term time. On 8 September 2021, I was briefed in relation to transport plans *"that can be implemented rapidly to enable HE students to return home in the event of a new widely spread variant of concern leading to a national lockdown"*. The briefing provided the following update:

"A webinar was held 5 August about HE preparedness for Autumn and we have since asked all higher education providers (HEPs) to send their outbreak management/contingency plans to their local Directors of Public Health, copying in DfE, by 30 September. We are working with the sector to capture and share good practice in relation to key outbreak management issues such as communications, accommodation, ventilation and mental health. We are also working with regional health colleagues to develop an outbreak alert mechanism through which regional health leads can advise us of HE outbreaks and how these are being tackled. Alongside this we will continue to review weekly NHS Test & Trace HE staff and student case data and will ask HEPs to report to us through the OfS reporting tool on students' vaccination status and set-up of pop-up vaccination sites, students self-isolating, accommodation occupancy and testing uptake."

- 8.58. On 29 October 2021, I wrote to HEPs (Exhibit MD1/150 - INQ000624429). I was still hearing concerns about a lack of a full return to in-person teaching and I was frustrated that some HEPs were not reverting to pre-COVID-19 ways as quickly as they should, once restrictions were lifted. In my letter, I made clear the expectation that *"students returning to university can now expect to benefit from in-person teaching, learning and student support – as well as the extracurricular activities that enrich university life"*. I reminded HEPs that:

"The Government has now lifted the restrictions on in-person teaching so HE providers should not be limiting face-to-face learning, or other activities, based on COVID-19 restrictions. As a Government, we have been clear in our view that where blended learning is used, it should enhance students' academic experience by making learning more accessible for students, including those who cannot yet attend face-to-face lectures, and freeing up in-person teaching for higher-quality, interactive sessions."

- 8.59. The expectation to provide an in-person experience did not just apply to teaching and I made it clear that there were other elements of the university experience that required face-to-face interaction, for example, welfare support and careers fairs. I recognised that many universities had already implemented a significant return to in-person teaching, but I expressed my concern that too many students were dissatisfied that they were not getting the experience they deserved. I made it clear:

“Online learning should not be used to cut costs and should not reduce the quality of your offer. If employed, online learning should enhance the teaching experience and should never be contrary to the programme pledged to students – who after all are consumers, with consumer rights.”

- 8.60. As explained in my letter of 29 October 2021, in the latest Student Covid Insight Survey from the Office for National Statistics on, the majority (90%) of students said they had already been vaccinated against COVID-19 at least once and that cases in HE settings remained low.
- 8.61. Plans for COVID-19 testing in educational settings, including HEPs, over Christmas 2021, were announced on 26 November 2021 in the DfE daily sector bulletin.
- 8.62. In addition, HE operational guidance was updated throughout this period, to reflect the changes in government policy at the time. This included responding to the introduction of Plan B of the winter plan in December 2021, the guidance advising providers to continue with face-to-face teaching and learning, recommending the use of face-coverings, and noting the importance of the outbreak management plans and the participation in mass testing and vaccination programmes.
- 8.63. On 8 February 2022, DfE published a blog (Exhibit MD1/112 - INQ000542885) titled *What we are doing to improve the mental health of children and young people*, announcing the publication of the 2020/21 State of the Nation report (Exhibit MD1/151 - INQ000542827). The report focused on trends in mental health and wellbeing recovery over the course of the academic year 2020/21 for those aged 5 to 24. The data presented in the report suggested that children and young people's subjective wellbeing showed signs of recovery in 2021, following a small reduction in 2020. However, among the subgroups included for analysis, older respondents were more likely to indicate poorer outcomes than younger respondents on a range of the outcomes across domains. The blog confirmed that the mental health platform 'Student Space' would receive more funding to run until the end of the academic year, noting:

“Student Space offers higher education students a range of mental health and wellbeing services, such one-to-one support through a mix of counselling, email and phone helpline support in addition to key information and advice.”

- 8.64. On 21 February 2022, education and childcare settings, including HEPs, were informed of the end of regular asymptomatic testing in mainstream settings, again via the daily sector bulletin.
- 8.65. In February 2022, I replied to another question from Derek Thomas MP, about the provision of face-to-face lectures and seminars (Exhibit MD1/152 - INQ000485116). I replied, pointing out that, "*there are no COVID-19 restrictions that apply to higher education (HE) and providers should ensure that they are delivering the full programme of face-to-face teaching and learning that they were providing before the COVID-19 outbreak*" (Exhibit MD1/153 – INQ000624434). I referred to the letter I had written to HEPs on 29 October 2021 (Exhibit MD1/150 - INQ000624429), making it clear "*that we expect them to be offering a high-quality face-to-face student experience*". As I explained in my response, I was regularly speaking to VCs "*to ensure they are offering students the amount of in-person teaching they should expect*". I reiterated that if students had concerns about the delivery of their teaching, they should first raise them with their HEP and if their concerns remain unresolved, they could ask the OIA to consider their complaint after completing the university complaints process. As explained above, most HEPs had returned to in-person teaching without issue but there were isolated instances of courses which were not offering adequate face-to-face teaching. This is the issue I was referring to when I spoke of a "*stubborn minority*" of universities who had not restored face-to-face tuition for students on GB News. I used this terminology because, by this stage, it was about trying to get those remaining universities to offer the education and experience that students had paid for and deserved. Where I was made aware of these instances, I would speak to the relevant VC to identify the issue and make it clear that we were aware and were asking for them to get back to face-to-face teaching, I then would refer the concern to the OfS. Ultimately, HEPs are autonomous institutions, responsible for determining their own content and delivery, with the OfS acting as their regulator, but the department and I did what we could to encourage and support providers to give students the service we felt they were entitled to. I also named examples of good practice as an incentive and way of doing reverse name and shaming.
- 8.66. DfE also updated guidance in response to the government's plan for 'living with Covid' in February 2022, highlighting the importance of providers continuing with face-to-face teaching and learning and noting that face coverings were no longer advised but that providers should continue to conduct risk assessments including

ensuring spaces were well-ventilated and had contingency/outbreak management plans still in place.

- 8.67. The HE COVID-19 operational guidance was withdrawn on 1 April 2022, replaced by broader DfE guidance on emergency planning and by UK Health Security Agency (“UKHSA”) guidance on health protection in education and childcare settings.

9. FUNDING

- 9.1. Throughout the pandemic, funding was something that I factored into each step of the response. At times I would speak the Chief Secretary to the Treasury ("CST"), officials in HMT or No.10 directly about funding issues. I was concerned about student funding and the fairness to students whose learning had been so disrupted.
- 9.2. In my role as MoSU and latterly as MoSHFE, I was responsible for HEPs and FEIs, including the interests of their staff and students. This was my focus during the government's pandemic response, and I sought to advocate for their interests, including in relation to funding from HMT. I was always aware that HMT was trying to balance many additional demands for public funds and could not agree to all requests for additional funding. Whilst I would have liked more, I understood the reasons not all requests were approved.
- 9.3. Universities are autonomous institutions, and they manage their own finances. Whilst the government provided various packages of financial support, the department and I were also strongly advising HEPs that they had to use some of their own funds to manage mental health and prioritise student hardship. Many already had great hardship funds in place.
- 9.4. Starting in March 2020, DfE funded the development of new and innovative practice through the OfS Challenge Competitions, with HEPs able to use this funding to take forward work around improving student mental health. For example, funded by the OfS Challenge Competition, the University of Liverpool developed an immersive virtual reality environment to deliver remote peer and tutor support to health students on placement.
- 9.5. On 17 June 2020, in my speech at the HEPI annual conference, I reminded attendees that hardship funding was available, with HEPs able to draw upon grant funding aimed at access and provision, worth up to £23 million per month from April to July 2020. The equivalent amount for academic year 2020/21, which I did not mention in the speech, was up to £256 million.
- 9.6. On 16 July 2020, DfE announced the HERR, a temporary scheme to respond to the unprecedented financial pressures caused by COVID-19. The HERR could provide support for HEPs in England registered with the OfS in the approved (fee cap) category, meaning they charged eligible students up to the higher statutory fee limit and they received direct grant funding. The support was in order to protect the welfare of current students and the HEP. Eligible HEPs had to be facing financial

difficulties as a result of COVID-19. There were a lot of pressures on universities' finances, not least because of the impact of there being fewer international students (and it being unknown if they could return after the summer).

- 9.7. The overarching principles of the HERR were that DfE would only intervene if:
- 9.7.1. There was a clear economic and value for money case for intervention;
- 9.7.2. The problems were related to COVID-19; and
- 9.7.3. The failure of the HEP would cause significant harm to the national or local economy or society (for example, this could be the loss of high-quality research or teaching provision, a disruption to COVID-19 research or healthcare provision or overall disruption to policy objectives including a significant impact on outcomes for students).
- 9.8. On 10 August 2020, Student Space (an online mental health and welfare resource) was launched, led by Student Minds. DfE funded Student Space with £3 million via the OfS.
- 9.9. As detailed above, on 17 August 2020, Ofqual's board took the decision to revert to CAGs, which meant that more students than expected met the terms of their HE offers. This created cost pressures for the government because more student loans were needed, and cost pressures for HEPs because of the need for more staff, accommodation and facilities. I felt this situation was as a result of government actions and so we owed a duty to students and HEPs, politically and morally, to do our best to mitigate the fallout from the decision to revert to CAGs. I wanted to deal with the situation as promptly and as well as we could, because that was the right thing to do, and that required funding.
- 9.10. On 17 August 2020, DfE officials discussed the cost implications with HMT officials (Exhibit MD1/060 - INQ000607508), specifically *"about needing their approval for the lifting of SNCs"*. SNCs limit the number of full-time and sandwich home and EU new entrants that HEPs can recruit.
- 9.11. On 17 August 2020, DfE officials sent a detailed note to No.10 setting out the implications of the move to CAGs for HE and FE (Exhibits MD1/061 - INQ000514534 and MD1/062 - INQ000514535). As its introduction, the note stated:

"1. A decision to use CAGs to award A levels will represent overall grade inflation of around 12% (up from 2% in the algorithm driven system where 40% students previously having had their results standardised down). This

note set out that the significant implications for HE admissions, capacity and finances, as well as the student number controls policy. It is likely to be strongly criticised by the sector for which it will create significant instability, and it is likely many providers will look to minimise disruptions as much as possible (and offer deferrals rather than revise offers already made). There are also a number of legal considerations to take into account – including the risks of various legal challenges against various parties.

2. There are also more minor implications for Further Education and vocational and technical implications, which also relate to how this decision affects GCSE results.”

- 9.12. The funding secured included capital funding, to help HEPs fund, for example, expansion. This was to help encourage HEPs to take in more students.
- 9.13. On 18 August 2020, I chaired the first meeting of the DfE HE Taskforce (Exhibit MD1/063 - INQ000514536). DfE set up this taskforce to ensure a close working relationship and facilitate communication with HEPs. Representatives from HMT attended the taskforce.
- 9.14. Following the government and the HE Taskforce's decision on 19 August 2020 that HEPs would honour all offers across courses to students who met their conditions for the 2019/20 academic year wherever possible, as covered in my press release, extra teaching grant funding was provided by the government to increase capacity in medical, nursing, STEM and other high-cost subjects (Exhibit MD1/065 - INQ000514698).
- 9.15. On 31 December 2020, in my letter to students, I recognised the importance of funding concerns and the potential hardships faced by some students. I wrote:

“We recognise that in these exceptional circumstances some students may face financial hardship. We have worked with the Office for Students to clarify that providers are able to use existing funds, worth around £256 million for academic year 2020/21, towards hardship support. The Government is making available up to a further £20m on a one-off basis to support those that need it most, particularly disadvantaged students. The funding will be distributed by the Office for Students to universities, who will have flexibility in how they distribute the funding to students in a way that will best prioritise those in greatest need. The funding can be distributed to a wide population of students, including postgraduates (whether taught or research) and

international students. You will be able to apply for this through the usual routes for your university hardship funding.”

- 9.16. Similarly, DfE worked closely with HMT in early 2021 in preparation for the easing of restrictions and return to more face-to-face provision. At the same time, I was concerned about oversubscription for places at HEPs in September 2021 and along with other DfE ministers and officials, I worked with DHSC, HMT and No.10 to agree that the cap on numbers would also be raised for the 2020/2021 cohort, before returning to normal for 2021/2022. As addressed in more detail above, throughout summer 2021, DfE officials continued to work with HMT on the potential costs to government of the September 2021 intake and how this funding would be provided. Initially, HMT did not want to provide additional funding. However, I worked directly with No.10 to persuade the government we needed to pay to support additional students as the situation largely arose from the decision to use TAGs and I felt the students were going through a hard enough time and they should be supported as best we could.
- 9.17. Some HEPs provide accommodation for students and some students live in other third-party accommodation. However, DfE has no role in the provision of student residential accommodation, nor a remit to intervene. I did try and encourage as many universities and student accommodation providers to give refunds where they could. I met with student accommodation providers in order to discuss the situation and persuade them to provide refunds where possible, but they are private entities, who were also facing uncertain times, and responsible for their own financial decisions. Whilst the department could make recommendations or encourage refunds, it was not able to compel accommodation providers to give refunds. In terms of the government funding refunds, this was not a decision I had the authority to make; it was an HMT decision. I wanted some more money from HMT to help deal with the situation as some students were paying double accommodation bills and getting into debt over accommodation they were not able to live in.
- 9.18. Similarly, in relation to tuition fees, refunds would have come from universities and other HEPs, rather from DfE or the public purse. I was aware that refunding tuition fees would have put a considerable strain on HEPs' finances. My view was that where HEPs were providing good quality learning, whether remote/online or otherwise, then there was less justification for refunds. However, the case for refunds was stronger if students were receiving poor quality teaching. My focus was on supporting HEPs to provide high quality education as best they could, as well as

making sure students were aware of the complaints process and how to raise their concerns with the OIA.

- 9.19. In relation to value for money, I took opportunities to inform students and others how to complain if they felt they were not getting value for money. For example, in my letter dated 26 August 2021 (Exhibit MD1/154 - INQ000485123), I explained that where HE students had concerns about the value for money they were receiving, they should raise their concerns with the university. If their concerns were unresolved, students in England and Wales could raise their concerns with the OIA.

10. LESSONS LEARNED AND RECOMMENDATIONS

- 10.1. Post-pandemic, steps have been taken to help those impacted by the measures put in place. In terms of HE, I spoke to HEPs and professional accreditation bodies about post-pandemic recovery a lot, to ensure the students could graduate on time and proceed with their learning, with their qualifications being recognised as being of equal value to other cohorts. HEPs themselves have taken steps to support students, for example, by providing additional career support. HEPs also had to factor in the fact that incoming students had done their GCSEs and A levels during the pandemic and they had to ensure additional support was in place to allow for any lost learning. The department and I worked with HEPs in this process, to flag issues, offer support and encourage good communication throughout the sector to address these concerns.
- 10.2. However, it is important to recognise that unlike other educational settings, universities are autonomous institutions and make their own decisions about their offering. Following the restrictions being lifted, I thought some universities were slow to return to face-to-face teaching, as explained above, which meant some students lost more face-to-face teaching than they might have done. All universities took different approaches but they were very aware of what students had missed and there were some fantastic examples of supporting students. At the very beginning of the pandemic there were concerns that students were going to have to repeat a year. HEPs and the department and I worked hard to make sure that this was not necessary, but I recognise that whilst students were able to graduate with their intended qualifications, they had lost out of a lot of the 'university experience'.
- 10.3. The corporate statement on HE, signed by Hannah Sheehan dated 31 July 2025 (Exhibit MD1/001 – INQ000588004), sets out in detail about what the department did in relation to monitoring and assessing the impact of COVID-19 on HE students. As noted in that statement, students graduating during the pandemic period had broadly similar outcomes to those who graduated before the pandemic, in terms of their progression into professional employment or further education. However, whilst qualifications are obviously important, university is often about the wider experience, which was affected for students during the pandemic.
- 10.4. At the start of the pandemic, there was limited data available to the department to help shape decisions, primarily because of the autonomous status of HEPs. Monitoring the number of HEPs which had moved to online teaching and collecting

data from testing had to be introduced, but in a future pandemic, this would be far easier to start up.

- 10.5. Similarly, lessons were learned as the pandemic progressed and this learning would be helpful in a future pandemic. For example, the handling of A level results was far better in 2021 than it was in 2020. Whilst I played no role in developing the algorithms devised by Ofqual or the decision to use them, it would be remiss of me not to acknowledge the problems they caused. I was heavily involved in dealing with the aftermath of the 2020 A level results and saw the distress they caused. In 2021, the admissions process was far more positive for all involved. This was not just because of the decision to use TAGs but also because issues identified from 2020 were planned for and the whole process was smoother.
- 10.6. I think there was confusion, at times, over the role government could play in terms of universities and other HEPs. As autonomous institutions, DfE did not have the ability to stipulate, for example the way hybrid learning should operate or whether students should be given refunds for accommodation. This confusion led to frustration.
- 10.7. The pandemic developed very quickly and there was always a need to be reactive to the scientific data and other factors, which meant decisions often had to be made quickly. Whilst there was an obvious need to ensure all relevant stakeholders had been consulted and to ensure consistency, there were times when the levels of bureaucracy and sign-offs required meant that communications did not go out as quickly as they should have done.
- 10.8. Stepping back and just looking at the timeline of what happened, the decisions may seem illogical in that students were encouraged to go to university in September 2020, but then were subject to a series of restrictions, allowed to go home for Christmas, but then not allowed back in January 2021. However, the goal at every step of the way was to try and get students to university and live the most normal university lives they could. We were trying our hardest to minimise the impact COVID-19 had on their learning and personal journeys, and as part of this, we were doing our best to anticipate potential challenges. It was not possible to make decisions concerning HEPs and their students without considering wider society.
- 10.9. With hindsight, it could be argued that students should not have returned to university in September 2020 given the level of restrictions that were introduced. By returning to university, many students were isolated in small rooms, living away from home for the first time, and I do not underestimate how lonely and difficult this was for them.

We were trying very hard to minimise the disruption to their education and their lives as young adults, we had to be reactive, dealing with the emerging scientific position and available data, as well as working alongside OGDs with, at times, competing priorities. In the event of a future pandemic, I think the impact of restrictions and the toll on mental health and wellbeing needs to be weighted more in the judgement making process regarding restrictions/ lockdowns.

- 10.10. Many officials in the department with key roles worked incredibly hard during the pandemic and risked burnout as a result. For many, the intensity continued for a long time. In the early days, it was not foreseen that the response to the pandemic would last over two years and had this been anticipated, teams could have been restructured so that the workload was more evenly spread. People could have been better supported, to reduce the number of people working excessive hours, whilst they too might have had pressures in their personal lives caused by the pandemic.

ANNEX A

The key officials and advisors that I relied on for day-to-day advice during the pandemic were:

- Rt Hon Gavin Williamson MP, Secretary of State for Education;
- Rt Sir Nick Gibb, Minister of State for Schools
- Rt Hon Vicky Ford, Parliamentary Under-Secretary of State for Children and Families
- Iain Mansfield, Special Advisor
- Susan Acland-Hood, Permanent Secretary for Department for Education
- Paul Kett, Director General for Higher and Further Education;
- Julia Kinniburgh, who was the Director General of DfE's COVID-19 Response and Recovery Group from December 2020;
- Hannah Sheehan was the Director, Higher Education COVID-19 Response from October 2020 until April 2022;
- Ian Coates was the Director of Higher Education Policy from April 2020 to April 2021;
- Anne Spinali was the Deputy Director for Higher Education Strategy and Financial Sustainability from May 2020 to September 2020. Anne was then Director of Higher Education from September 2020 to June 2023;
- Emma Davies was Deputy Director for Higher Education COVID response;
- Claire Marchant was CEO of UCAS;
- Nicola Dandridge was CEO of the OfS, she was succeeded by Susan Lapworth in 2022. Susan was Director of Regulation at OfS prior to her appointment as CEO.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a verified by a statement of truth without an honest belief of its truth.

Signature:

Personal Data

Dated: 07 August 2025